



REPUBLIKA SLOVENIJA

GENERALNI SEKRETARIAT VLADE

In accordance with Article 42 of Rules of Procedure of the Government of the Republic of Slovenia (Uradni list RS /Official Gazette of the Republic of Slovenia nos. 43/01, 23/02 - as amended, 54/03, 103/03, 114/04 and 26/06), the Secretariat-General of the Government of the Republic of Slovenia issues the following

INSTRUCTIONS
for the preparation of the work programme of the Government of the Republic of Slovenia

Article 1
(Scope of instructions)

These instructions shall regulate the preparation and contents of annual work programmes of the Government of the Republic of Slovenia as an instrument of planning the drafting of acts, implementing regulations of the Government and implementing regulations of the ministries (hereinafter referred to as "work programme").

The work programme shall be used in the planning of legally binding instruments, legally non-binding instruments and instruments of ratification by means of the application Register of Regulations of the Republic of Slovenia (hereinafter referred to as "RRS").

Article 2
(Legally binding instruments)

Legally binding instruments are national regulations which the Government or the ministers and government agencies are bound to prepare subject to obligations arising from legal instruments of the European Union, national regulations, decisions of the Constitutional Court of the Republic of Slovenia or international treaties (hereinafter referred to as "legal instruments").

Legal instruments and obligations arising therefrom shall be entered in RRS by the Government Office for Legislation (hereinafter referred to as "Government Office for Legislation").

Simultaneously with the entry from the preceding paragraph, the Government Office for Legislation shall designate the ministry or government agency which is responsible for individual legal instruments.

Pursuant to the normative obligation arising from a legal instrument, the Government Office for Legislation shall enter in RRS a general formulation of a national regulation (e.g. regulation transposing a directive, rule implementing a regulation, rule for harmonization with the decision of the Constitutional Court of the Republic of Slovenia), establish a link between the general formulation of the national regulation to the legal instrument which imposes the obligation to adopt the national regulation, and fix the deadline for adoption of the regulation.

The ministries and government agencies shall be notified of the entry of the legal instrument from the second paragraph of this Article and of the information from the third and the fourth paragraphs of this Article automatically through RRS.

If the entry of the information referred to in the third and the fourth paragraphs of this Article is not opposed by a ministry or a government agency within 14 days from entry thereof, it shall be deemed that they agree with the assignment of competence and with the obligation to adopt the national regulation and with the time limits set for its adoption. The ministry or government agency shall replace the general formulation of the regulation with a regulation title and shall enter in RRS all the information required for the proposed regulation within the same time limit.

The information may be displayed and the general formulation of individual regulations may be replaced by the ministries and government agencies as of the date of entry in RRS.

Regulation titles replacing the general regulation formulations shall be shown in RRS automatically among the obligations to supplement the work programme.

Article 3 (Legally non-binding instruments)

Legally non-binding instruments are national regulations whose adoption is not required by obligations arising from legal instruments.

The ministries and government agencies shall enter the information about legally non-binding instruments to be prepared in the following year in RRS not later than by the first Monday in December of the current year or within other deadlines to be determined by the Secretary-General of the Government for each individual year.

The ministries or government agencies shall enter in RRS all the information required for the proposed regulation together with the reasons justifying the proposed regularisation.

Article 4 (Instruments of ratification)

The Ministry of Foreign Affairs shall enter all information on instruments of ratification in RRS in cooperation with the competent ministries and government agencies not later than by the first Monday in December of the current year or within other deadlines to be determined by the Secretary-General of the Government for each individual year.

The Ministry of Foreign Affairs shall enter in RRS all the information required for the proposed regulation together with the reasons justifying the proposed regularisation. If the deadline for adoption of regulations cannot be determined, the projected date of adoption shall be entered instead.

Article 5 (Adoption and modification of the work programme)

The Secretariat-General of the Government of the Republic of Slovenia shall draw up a proposal of the work programme of the Government on the basis of data entered in RRS and shall submit it to the Government for discussion prior to the beginning of the year for which it is adopted.

The Secretariat-General of the Government of the Republic of Slovenia shall, normally every three months, propose to the Government an amendment to the valid work programme and shall enter the adopted modifications to the valid work programme on the basis of RRS entries of legally binding instruments whose preparation or adoption are proposed or are obligatory during the current year.

The Government shall decide on modifications to the valid work programme relating to legally non-binding instruments and instruments of ratification normally at the end of the first half of the year on the basis of reasoned proposals by ministries and government agencies. Proposals and substantiations by ministries and government agencies and adopted amendments to the valid work programme shall be entered in RRS by the Secretariat-General of the Government of the Republic of Slovenia.

Article 6 (Inclusion of regulations in the work programme)

The heading "Short document summary" of the letter accompanying the government documents proposing the discussion of a regulation shall also provide the information about the inclusion of the regulation in the work programme and the envisaged time limit for adoption by the Government. If one act combines several instruments proposed by the work programme, the EVA code of all instruments combined in this way shall be provided.

If the regulation is not included in the work programme of the Government, the explanation of the document shall provide an additional statement of grounds for the

adoption of the regulation as well as the reasons for its non-inclusion in the work programme.

Article 7

(Reporting on the implementation of the work programme)

The Secretariat-General of the Government of the Republic of Slovenia shall report on the implementation of the work programme by using the information from RRS.

Article 8

(Reporting on legal instruments of the European Union)

The Government Office for Legislation shall report on legal instruments of the European Union and on the implementation of obligations arising therefrom by using the information from RRS.

Article 9

(Unperformed part of the work programme)

The Government Office for Legislation shall transfer the proposed legally binding instruments which are not prepared or adopted by the end of the annual work programme period to the work programme for the following year by stipulating the shortest possible time limits for preparation and adoption.

The proposed legally non-binding instruments and instruments of ratification which are not prepared or adopted by the end of the annual work programme period shall be transferred to the work programme for the following year only if so provided by the ministries and government agencies.

Article 10

(Technical instructions)

Technical instructions and data entry support shall be provided by the Government Office for Legislation.

Article 11

(Special provision)

Legal instruments from which normative obligations may be derived shall also include judgements of the Court of Justice of the European Communities and of the Court of First Instance (hereinafter referred to as "EC judgements"). EC judgements shall not form a part of RRS information system; however, the ministries and government agencies shall take them into account in the planning of regulations.

Article 12
(Transitional provisions)

The provisions of the fourth and eighth paragraphs of Article 2 of these Instructions shall apply from 1 January 2007.

Prior to the application of the provisions from the preceding paragraph, the ministries and government agencies shall enter the information about legally binding instruments to be prepared in the following year in RRS, not later than by the first Monday in December of the current year or within other deadlines to be determined by the Secretary-General of the Government for each individual year. The ministries or government agencies shall enter in RRS all the information required for the proposed regulation.

Article 13
(Termination)

Instructions for Preparation of the Work Programme of the Government of the Republic of Slovenia no. 00404 of 25 November 2005 shall cease to apply from the date of entry into force of these Instructions.

Article 14
(Final provision)

These Instructions shall enter into force on the date following their publication in the information system of the Government.

No.: 00404-3/2006
Ljubljana, 26 October 2006

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SECRETARY-GENERAL OF
THE GOVERNMENT
OF THE REPUBLIC OF
SLOVENIA

Explanatory notes

Re: Article 1

The purpose of these instructions is lay down the procedure of preparation and contents of annual work programmes of the Government of the Republic of Slovenia as an instrument of planning the drafting of acts, implementing regulations of the Government and implementing regulations of the ministries (hereinafter referred to as "work programme"). The contents of the work programme are determined on the basis of entries effected by means of the application Register of Regulations of the Republic of Slovenia (hereinafter referred to as "RRS").

The RRS is thus used in the planning of three sets of instruments: legally binding instruments, legally non-binding instruments and instruments of ratification.

Re: Article 2

According to these Instructions, legally binding instruments are national regulations which the Government or the ministers and government agencies are bound to prepare subject to obligations arising from legal instruments of the European Union, national regulations, decisions of the Constitutional Court of the Republic of Slovenia or international treaties (hereinafter referred to as "legal instruments").

For the purpose of a timely and efficient planning of national regulations due to be adopted in order to comply with the obligations arising from the above-mentioned legal instruments, such legal instruments and obligations arising therefrom are entered in RRS by the Government Office for Legislation (hereinafter referred to as "Government Office for Legislation"). Data entry in RRS requires an analysis of these legal instruments, which comprises several stages.

The first stage consists of an examination of all required information with regard to all newly adopted legal instruments and their wordings. The information about newly adopted legal instruments are normally obtained from the Official Gazette of the Republic of Slovenia (*Uradni list Republike Slovenije*) and from the Official Journal of the European Union, of which the contents are followed on a regular basis. The Government Office for Legislation also analyses the contents of legal instruments, which is important particularly for the appointment of the authority of the Republic of Slovenia responsible for transposing the directive, harmonisation or implementation of decisions or other legal instruments of the European Union, harmonisation with decisions of the Constitutional Court of the Republic of Slovenia, etc. In the assessment of the contents of legal instruments, the Government Office for Legislation considers whether and how these instruments interfere with the existing legal instruments. If the newly adopted legal instrument is an amendment, the competence is generally assigned in accordance with the assignment of responsibility for the underlying legal instrument. In the event of entirely new legal instruments that are not amendments to individual existing instruments, the assignment of competence must also take into account the information about sectoral authorities which participated in the process of adopting this legal act (by means of EU Portal) and the constitutional and legal order of the Republic of

Slovenia in addition to the instrument contents. The competence is also assigned in accordance with the transitional and final provisions of hierarchically superordinated national regulations and on the basis of the operative part of the decision of the Constitutional Court of the Republic of Slovenia.

In this respect, it should be pointed out that only legal instruments of the European Union published in L series of the Official Journal of the European Union are entered in RRS. Notwithstanding the foregoing, the Government Office for Legislation performs no entry of information relating to agreements concluded between the European Union and third countries, agreements between the European Union and candidate countries, decisions of the Joint Committee of the European Economic Area, some types of information, decisions of the Political and Security Committee, decisions of the EFTA Supervisory Authority, rules of the United Nations Economic Commission for Europe since this might result in a duplication of the entire L series of the Official Journal of the European Union, which is generally available on EUR-Lex web pages. Finally, the purpose of RRS entries is to ensure a timely planning and adoption of all national regulations which are urgently needed for harmonising the national legal order of the Republic of Slovenia with the *acquis communautaire*. Legal instruments of the European Union whose publication in the Official Journal of the European Union is compulsory, but the Government Office for Legislation assesses that they are not relevant to the legal order of the Republic of Slovenia are nonetheless entered in RRS; however, with the indication "instrument not relevant to the Republic of Slovenia".

The Government Office for Legislation shall, in addition to the competent authority, also enter in RRS other time limits and obligations which arise from the legal instrument and have to be met by the Republic of Slovenia.

Pursuant to the normative obligation arising from a legal instrument, the Government Office for Legislation enters in RRS a general formulation of a national regulation (e.g. regulation transposing a directive, rule implementing a regulation, rule for harmonization with the decision of the Constitutional Court of the Republic of Slovenia). It also establishes a link between the general formulation of the national regulation to the legal instrument which imposes the obligation to adopt the national regulation, and fixes the deadline for adoption of the regulation.

The Government Office for Legislation has established within RRS a system that notifies the competent ministries and government agencies automatically and promptly of all newly adopted legal instruments as soon as they have been entered in RRS. In this respect, the Instructions provide that the ministries and government agencies must be notified of the entry of a legal instrument and of the information referred to in the third and fourth paragraphs of Article 2 of the Instructions automatically through RRS.

Since the information may be displayed and the general formulation of individual regulations may be replaced as of the date of entry in RRS, the ministries and government agencies are able to respond and submit their comments on the assignment of competences and regulatory obligations.

If a ministry or a government agency do not oppose the data referred to in the third and the fourth paragraphs of Article 2 of the Instructions within 14 days of their entry, they are deemed to accept the assignment of competence, the obligation to adopt national regulation and the time limits laid down for its adoption. Since the replacement of general formulation is also allowed as of the date of entry in RRS, a ministry or a government agency must replace the general formulation of the regulation with the title of the regulation and enter in RRS all the information required for the proposed regulation within the same time limit, i.e. within 14 days from the date of entry.

Legal instruments of the European Union in particular lay down increasingly shorter time limits for the fulfilment of obligations imposed by them (e.g. the deadline for transposition of a directive). As a result, a Member State thus has increasingly less time available for its active, particularly normative action after the publication of a legal instrument. It is also assumed that representatives of a Member State involved in the decision-making procedure on the level of the European Union, and thus participating in the formulation of the contents of legal instruments, are acquainted with the decision-making process and legal consequences arising from a newly adopted legal instrument. The establishing the position of the Republic of Slovenia in respect of a legal instrument which is in the process of adoption requires an assessment of the impact of such legal instrument on the legislation of the Republic of Slovenia. In view of the foregoing and in order to enable the ministries or government agencies to take their positions regarding the normative obligation in the shortest possible time and thus timely plan the preparation and adoption of national regulations, a 14 days' deadline for replacement of the general formulation has been determined. A sufficiently early identification of the required amendments to legislation allows the ministries or government agencies more time for substantive work on issues relating to legislation.

All regulation titles by which the ministries and government agencies will replace the general regulation formulations will be shown in RRS automatically among the obligations to supplement the work programme.

Re: Article 3

The Instructions also regulate the planning of legally non-binding instruments, i.e. national regulations whose adoption is not required by obligations arising from legal acts referred to in the first paragraph of Article 2 of the Instructions. The entry of legally non-binding instruments scheduled for adoption in the following year must be effected not later than by the first Monday in December of the current year or within other deadlines to be determined by the Secretary-General of the Government for each individual year. The ministries or government agencies enter in RRS all the information required for the proposed regulation together with the reasons justifying the proposed regularization.

Re: Article 4

The Ministry of Foreign Affairs enters all information on instruments of ratification in RRS in cooperation with the competent ministries and government agencies not later than by the first Monday in December of the current year or within other deadlines to

be determined by the Secretary-General of the Government for each individual year. The Ministry of Foreign Affairs enters in RRS all the information required for the proposed regulation together with the reasons justifying the proposed regularisation. If the deadline for adoption of regulations cannot be determined, the projected date of adoption shall be entered instead.

Re: Article 5

The Secretariat-General of the Government of the Republic of Slovenia draws up a proposal of the work programme of the Government on the basis of data entered in RRS and submits it to the Government for discussion prior to the beginning of the year for which it is adopted.

The Secretariat-General of the Government of the Republic of Slovenia proposes to the Government normally every three months an amendment to the valid work programme and enters the adopted modifications to the valid work programme on the basis of RRS entries of legally binding instruments whose preparation or adoption are proposed or are obligatory during the current year.

The Government decides on modifications to the valid work programme relating to legally non-binding instruments and instruments of ratification normally at the end of the first half of the year on the basis of reasoned proposals by ministries and government agencies. Proposals and substantiations by ministries and government agencies and adopted amendments to the valid work programme are entered in RRS by the Secretariat-General of the Government of the Republic of Slovenia.

Re: Article 6

According to the Instructions, the heading "Short document summary" of the letter accompanying the government documents proposing the discussion of a regulation also provides the information about the inclusion of the regulation in the work programme and the envisaged time limit for adoption by the Government. If one instrument combines several instruments proposed by the work programme, the EVA code of all instruments combined in this way needs to be provided.

If the regulation is not included in the work programme of the Government, the explanation of the document should provide an additional statement of grounds for the adoption of the regulation as well as the reasons for its non-inclusion in the work programme.

Re: Article 7

The Secretariat-General of the Government of the Republic of Slovenia reports on the implementation of the work programme by using the information from RRS.

Re: Article 8

The Instructions also provide reporting on legal instruments of the European Union. According to the past experience, the Republic of Slovenia has violated the European Union law particularly due to delays in adopting national regulations and

consequently due to non-notification or late notification of such regulations. The Government Office for Legislation will use the RRS information to report on this subject and thus provide the Government of the Republic of Slovenia with an overview of the compliance with the obligations arising from legal instruments of the European Union.

Re: Article 9

For the unperformed part of the work programme the Instructions provide that the Government Office for Legislation should transfer all the proposed legally binding instruments which are not prepared or adopted by the end of the annual work programme period to the work programme for the following year by stipulating the shortest possible time limits for their preparation and adoption. The unperformed legally non-binding instruments and instruments of ratification will be transferred to the work programme for the following year only if so provided by the ministries and government agencies.

Re: Article 10

The technical aspect of data entry in RRS will be laid down by technical instructions to be drawn up by the Government Office for Legislation.

Re: Article 11

According to the special provision the ministries and government agencies should also consider judgements of the Court of First Instance and of the Court of Justice of the European Communities (hereinafter referred to as EC judgements) in the planning of regulations. Since EC judgements currently do not constitute a part of the information system and the related data entry is, therefore, not being provided, their monitoring is left to the ministries and government agencies until further notice.

Re: Article 12

Transitional provisions of the Instructions define the entry into force of the provisions relating to the drawing up and replacement of general formulations of the regulations. In view of the need for technical adjustment of RRS it is provided that the provisions of the fourth and the seventh paragraphs of Article 2 of the Instructions are to be applied as of 1 January 2007. Prior to the application of these provisions the ministries and government agencies enter the information about legally binding instruments to be prepared in the following year in RRS, not later than by the first Monday in December of the current year or within other deadlines to be determined by the Secretary-General of the Government for each individual year. It means that entries of all legally binding instruments scheduled to be adopted during the following year should be made directly by ministries and government agencies. The ministries or government agencies should enter in RRS all the information required for the proposed regulation.

Re: Article 13

According to this provision, Instructions for Preparation of the Work Programme of the Government of the Republic of Slovenia no. 00404 of 25 November 2005 shall cease to apply from the date of entry into force of these Instructions.

Re: Article 14

This Article lays down the effective date of these Instructions. These Instructions will enter into force on the date following their publication in the information system of the Government.