

Opozorilo: Besedilo osnovnega predpisa

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ZAKON

O ZAPOSLOVANJU, SAMOZAPOSLOVANJU IN DELU TUJCEV (ZZSDT)

I. poglavje

SPLOŠNE DOLOČBE

1. člen (vsebina zakona)

S tem zakonom se določajo pogoji za zaposlovanje, samozaposlovanje in delo tujcev ter s tem povezane naloge Republike Slovenije za urejanje in zaščito trga dela.

2. člen (naloge Republike Slovenije)

(1) Republika Slovenija sklepa mednarodne pogodbe, s katerimi določa pogoje za zaposlovanje, samozaposlovanje in delo tujcev, ter sprejema ukrepe za zaščito domačega trga dela, določene s tem zakonom.

EMPLOYMENT, SELF-EMPLOYMENT AND WORK OF FOREIGNERS ACT (ZZSDT)

Chapter I

GENERAL PROVISIONS

Article 1 (Subject)

This Act lays down the conditions for the employment, self-employment and work of foreigners and the related tasks of the Republic of Slovenia in regulating and protecting the labour market.

Article 2 (Tasks of the Republic of Slovenia)

(1) The Republic of Slovenia shall conclude international agreements by which it defines the conditions for the employment, self-employment and work of foreigners and shall adopt measures defined by this Act to protect its labour market.

(2) V skladu z mednarodnimi pogodbami, ki zavezujejo Republiko Slovenijo ter urejajo prosto gibanje delavcev in prosto izvajanje storitev med državami članicami Evropske unije (v nadaljnjem besedilu: EU), Evropskega gospodarskega prostora (v nadaljnjem besedilu: EGP) in Švicarske konfederacije, lahko Vlada Republike Slovenije (v nadaljnjem besedilu: vlada) predlaga Državnemu zboru Republike Slovenije uvedbo in ukinitve ukrepov, ki jih omogočajo mednarodne pogodbe (prehodno obdobje ali varnostna klavzula).

3. člen (predpisi Evropske unije)

S tem zakonom se v pravni red Republike Slovenije delno prenašajo naslednje direktive Evropske unije:

- Direktiva Evropskega parlamenta in Sveta 96/71/ES z dne 16. decembra 1996 o napotitvi delavcev na delo v okviru opravljanja storitev (UL L št. 18 z dne 21. 1. 1997, str. 1);
- Direktiva Sveta 2001/55/ES z dne 20. julija 2001 o najnižjih standardih za dodelitev začasne zaščite v primeru množičnega prihoda razseljenih oseb in o ukrepih za uravnoteženje prizadevanj in posledic za države članice pri sprejemanju takšnih oseb (UL L št. 212 z dne 7. 8. 2001, str. 12);
- Direktiva Sveta 2003/86/ES z dne 22. septembra 2003 o pravici do združitve družine (UL L št. 251 z dne 3. 10. 2003, str. 12);
- Direktiva Sveta 2003/109/ES z dne 25. novembra 2003 o statusu državljanov tretjih držav, ki so rezidenti za daljši čas (UL L št. 16 z dne 23. 1. 2004, str. 44), zadnjič spremenjena z Direktivo Evropskega parlamenta in Sveta 2011/51/EU z dne 11. maja 2011 o spremembah Direktive Sveta 2003/109/ES, da se razširi njeno področje uporabe na upravičence do mednarodne zaščite (UL L št. 132 z dne 19. 5. 2011, str. 1);
- Direktiva Evropskega parlamenta in Sveta 2004/38/ES z dne 29. aprila 2004 o pravici državljanov Unije in njihovih družinskih članov do prostega gibanja in prebivanja na ozemlju držav članic, ki spreminja Uredbo (EGS) št. 1612/68 in razveljavlja direktive 64/221/EGS, 68/360/EGS, 72/194/EGS, 73/148/EGS, 75/34/EGS, 75/35/EGS, 90/364/EGS, 90/365/EGS in 93/96/EGS (UL L št. 158 z

(2) In accordance with international agreements binding on the Republic of Slovenia and governing the free movement of workers and the provision of services between the Member States of the European Union (hereinafter: the EU), the states of the European Economic Area (hereinafter: the EEA), and the Swiss Confederation, the Government of the Republic of Slovenia (hereinafter: the Government) proposes that the National Assembly of the Republic of Slovenia introduce and eliminate measures as provided for by international agreements (e.g. transitional periods or protection clauses).

Article 3 (European Union law)

This Act shall partly transpose the following European Union Directives into the legislation of the Republic of Slovenia:

- Directive 96/71/EC of the European Parliament and of the Council of 16 December 1996 concerning the posting of workers in the framework of the provision of services (OJ L no. 18, 21 January 1997, p. 1);
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof (OJ L no. 212, 7 August 2001, p. 12);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L no. 251, 3 October 2003, p. 12);
- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23 January 2004, p. 44), last amended by Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection (OJ L 132, 19 May 2011, p. 1);
- Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC

- dne 30. 4. 2004, str. 77);
- Direktiva Sveta 2004/81/ES z dne 29. aprila 2004 o dovoljenju za prebivanje, izdanem prebivalcem tretjih držav, ki so žrtve nedovoljene trgovine z ljudmi ali so bili predmet dejanj omogočanja nezakonitega priseljevanja, ki sodelujejo s pristojnimi organi (UL L št. 261 z dne 6. 8. 2004, str. 19);
 - Direktiva Sveta 2004/114/ES z dne 13. decembra 2004 o pogojih za sprejem državljanov tretjih držav za namene študija, izmenjav učencev, neplačanega usposabljanja ali prostovoljnega dela (UL L št. 375 z dne 23. 12. 2004, str. 12);
 - Direktiva Sveta 2005/71/ES z dne 12. oktobra 2005 o posebnem postopku za dovolitev vstopa državljanov tretjih držav za namene znanstvenega raziskovanja (UL L št. 289 z dne 3. 11. 2005, str. 15);
 - Direktiva Sveta 2009/50/ES z dne 25. maja 2009 o pogojih za vstop in prebivanje državljanov tretjih držav za namene visokokvalificirane zaposlitve (UL L št. 155 z dne 18. 6. 2009, str. 17);
 - Direktiva Evropskega parlamenta in Sveta 2009/52/ES z dne 18. junija 2009 o minimalnih standardih glede sankcij in ukrepov zoper delodajalce nezakonito prebivajočih državljanov tretjih držav (UL L št. 168 z dne 30. 6. 2009, str. 24);
 - Direktiva Evropskega parlamenta in Sveta 2011/95/EU z dne 13. decembra 2011 o standardih glede pogojev, ki jih morajo izpolnjevati državljani tretjih držav ali osebe brez državljanstva, da so upravičeni do mednarodne zaščite, glede enotnega statusa beguncev ali oseb, upravičenih do subsidiarne zaščite, in glede vsebine te zaščite (UL L št. 337 z dne 20. 12. 2011, str. 9);
 - Direktiva Evropskega parlamenta in Sveta 2011/98/EU z dne 13. decembra 2011 o enotnem postopku obravnavanja vloge za enotno dovoljenje za državljane tretjih držav za prebivanje in delo na ozemlju države članice ter o skupnem nizu pravic za delavce iz tretjih držav, ki zakonito prebivajo v državi članici (UL L št. 343, 23. 12. 2011, str. 1);
 - Direktiva Evropskega parlamenta in Sveta 2013/33/EU z dne 26. junija 2013 o standardih za sprejem prosilcev za mednarodno zaščito (UL L št. 180 z dne 29. 6. 2013, str. 96).

4. člen (opredelitev pojmov)

Za potrebe tega zakona posamezni pojmi pomenijo:

- (OJ L 158, 30 April 2004, p. 77);
- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (OJ L no. 261, 6 August 2004, p. 19);
 - Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L no. 375, 23 December 2004, p. 12);
 - Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L no. 289, 3 November 2005, p. 15);
 - Council Directive 2004/114/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L no. 155, 18 June 2009, p. 17);
 - Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L no. 168, 30 June 2009, p. 24);
 - Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (OJ L no. 337, 20 December 2011, p. 9);
 - Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L no. 343, 23 December 2011, p. 1);
 - Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (OJ L no. 180, 29 June 2013, p. 96).

Article 4 (Definitions)

For the purposes of this Act, the following definitions shall

1. delodajalec ali delodajalka (v nadaljnjem besedilu: delodajalec): pravna oseba ali posameznik, registriran za opravljanje dejavnosti oziroma vpisan v register kmetijskih gospodarstev v Republiki Sloveniji, ter drug subjekt, določen z zakonom, ki ureja delovna razmerja, ki zaposluje tujca na podlagi pogodbe o zaposlitvi;
2. enotno dovoljenje: enotno dovoljenje za prebivanje in delo, ki ga v skladu z zakonom, ki ureja vstop in prebivanje tujcev, izda pristojni organ in ki tujcu omogoča, da vstopi, prebiva in dela v Republiki Sloveniji;
3. kapitalska povezanost: za kapitalsko povezani gospodarski družbi se štejeta gospodarski družbi, ki sta v večinski lasti iste gospodarske družbe, ali gospodarski družbi, med katerima ima ena neposredno ali posredno prevladujoč vpliv v drugi zaradi njenega lastništva, finančne udeležbe v njej ali pravil upravljanja. Prevladujoč vpliv obstaja, ko ima ena gospodarska družba neposredno ali posredno glede na drugo gospodarsko družbo večino njenega vpisanega kapitala, nadzor nad večino glasov, povezanih z delnicami, ki jih je izdala, ali lahko imenuje več kot polovico članov njenega upravnega, vodstvenega ali nadzornega organa;
4. modra karta EU: dovoljenje za začasno prebivanje zaradi visokokvalificirane zaposlitve, ki se izda v skladu z zakonom, ki ureja vstop in prebivanje tujcev, in ki njenemu imetniku omogoča, da vstopi, prebiva in se zaposli v Republiki Sloveniji;
5. napoteni delavec ali napotena delavka (v nadaljnjem besedilu: napoteni delavec): tujec ali tujka, ki na podlagi pogodbe o zaposlitvi pri delodajalcu s sedežem ali prebivališčem izven Republike Slovenije začasno opravlja delo v Republiki Sloveniji;
6. naročnik dela: pravna oseba ali posameznik, registriran za opravljanje dejavnosti oziroma vpisan v register kmetijskih gospodarstev v Republiki Sloveniji, za katerega bo tujec opravljal določeno delo na podlagi sklenjene pogodbe civilnega prava;
7. pisna odobritev: odločba, ki jo v skladu z zakonom, ki ureja vstop in prebivanje tujcev, izda pristojni organ in ki tujcu omogoča, da v času veljavnosti enotnega dovoljenja ali modre karte EU zamenja delovno mesto pri istem delodajalcu, zamenja delodajalca ali se zaposli pri dveh ali več delodajalcih ali sklene novo pogodbo civilnega prava za opravljanje dela;
8. soglasje: potrdilo o izpolnjevanju pogojev, določenih s tem zakonom, ki ga na zahtevo organa, pristojnega po zakonu, ki ureja vstop in

apply:

1. 'employer' shall mean a legal entity or an individual registered to pursue an activity, or entered in the Register of Agricultural Holdings of the Republic of Slovenia, or any other entity defined by the act governing labour relations that employs a foreigner on the basis of an employment contract;
2. 'single permit' shall mean a combined residence and work permit, issued by a competent authority pursuant to the act governing the entry and residence of foreigners, allowing a foreigner to enter, reside and work in the Republic of Slovenia;
3. 'capital ties' shall be deemed to exist between companies under the majority ownership of one company or between companies when one company, directly or indirectly, exercises a controlling influence over the other on the basis of its ownership, equity holding therein, or management rules. A controlling influence shall be deemed to exist where one company holds a direct or indirect majority of another company's subscribed capital, holds the majority of the voting rights of shares it issued, or has the right to appoint more than half of another company's administrative, managerial or supervisory board members;
4. 'EU Blue Card' shall mean a temporary residence permit, for the purpose of highly qualified employment, issued in accordance with the law governing the entry and residence of foreigners that allows the holder to enter, reside and take up employment in the Republic of Slovenia;
5. 'posted worker' shall mean a foreigner temporarily carrying out work in the Republic of Slovenia on the basis of an employment contract with an employer established or residing outside the Republic of Slovenia;
6. 'hirer' shall mean a legal entity or an individual registered to pursue an activity or entered in the Register of Agricultural Holdings of the Republic of Slovenia for whom a foreigner is to carry out specific work on the basis of a concluded civil law contract;
7. 'written authorisation' shall mean a decision issued by a competent authority pursuant to the act governing the entry and residence of foreigners that allows a foreigner to change jobs within the same employer, to change employers, to take up employment with two or more employers or to conclude a new civil law contract for work during the period of validity of a single permit or an EU Blue Card;
8. 'consent' shall mean a certificate of compliance with the conditions provided by this Act granted, at the request of the authority competent

prebivanje tujcev, poda Zavod Republike Slovenije za zaposlovanje (v nadaljnjem besedilu: zavod) k enotnemu dovoljenju, modri karti EU ali pisni odobritvi, za določen namen zaposlitve ali dela;

9. tretja država: vsaka država, ki ni članica EU, EGP ali ni Švicarska konfederacija;
10. tujec ali tujka (v nadaljnjem besedilu: tujec): oseba, ki nima državljanstva Republike Slovenije;
11. tuji delodajalec ali tuja delodajalka (v nadaljnjem besedilu: tuji delodajalec): pravna oseba ali posameznik, ki je registriran za opravljanje dejavnosti in ima prebivališče ali sedež v tretji državi, ki zaposluje tujca na podlagi pogodbe o zaposlitvi;
12. zastopnik ali zastopnica (v nadaljnjem besedilu: zastopnik): državljan tretje države, ki je vpisan v ustrezen register kot oseba, pooblaščen za zastopanje.

5. člen

(uporaba zakona)

(1) Določbe tega zakona veljajo za vse tujce, razen če ta zakon ali mednarodna pogodba, ki zavezuje Republiko Slovenijo, določa drugače.

(2) Določbe tega zakona se ne uporabljajo za tujce, ki:

1. so po mednarodnem pravu upravičeni do privilegijev in imunitete ter razpolagajo s posebnim dokumentom, ki ga izda ali evidentira pristojno ministrstvo za zunanje zadeve;
2. opravljajo delo na podlagi ustreznih sporazumov z mednarodnimi organizacijami, sporazumov med pristojnimi institucijami ali v okviru mednarodnih projektov o strokovno tehnični pomoči, izobraževanju, izpopolnjevanju ali raziskovanju;
3. so tuji dopisniki, akreditirani v Republiki Sloveniji in drugi dopisniki in poročevalci za tuje medije, v času izvajanja dejavnosti obveščanja;
4. opravljajo duhovniški poklic ali redovniško dejavnost v okviru registrirane verske skupnosti in tujce, ki organizirajo oziroma vodijo karitativno in humanitarno dejavnost v okviru priznane humanitarne organizacije ali registrirane verske skupnosti;
5. na podlagi pogodbe z ministrstvom, pristojnim za obrambo, ali

under the act governing the entry and residence of foreigners, by the Employment Service of the Republic of Slovenia (hereinafter: the Employment Service) with regard to a single permit, an EU Blue Card or a written authorisation for a particular purpose of employment or work;

9. 'third country' shall mean any country other than an EU Member State, an EEA state or the Swiss Confederation.
10. 'foreigner' shall mean a person who is not a citizen of the Republic of Slovenia;
11. 'foreign employer' shall mean a legal entity or an individual registered to pursue an activity and residing or established in a third country that employs a foreigner on the basis of an employment contract;
12. 'representative' shall mean a third-country national entered in the relevant register as a person authorised to provide representation.

Article 5

(Scope)

(1) The provisions of this Act shall apply to all foreigners unless otherwise provided by this Act or an international treaty binding on the Republic of Slovenia.

(2) The provisions of this Article shall not apply to a foreigner:

1. entitled to privileges and immunities under international law holding a specific document to that effect issued or registered by the competent ministry for foreign affairs;
2. carrying out work on the basis of relevant agreements with international organisations, agreements between competent institutions or within international projects relating to expert technical assistance, education, training or research;
3. engaged as a foreign correspondent accredited to the Republic of Slovenia and other correspondents and reporters for foreign media in performing journalistic activities;
4. engaged as a priest, nun or monk within a registered religious community and a foreigner who organises or runs charitable and humanitarian activities in the framework of a recognised humanitarian organisation or a registered religious community;
5. engaged under a contract with the ministry responsible for defence or

ministrstvom, pristojnim za notranje zadeve, opravljajo storitve za potrebe obrambe in varnosti države, in osebe, ki se strokovno izpopolnjujejo na teh področjih;

6. izvajajo interventne storitve v primerih, ko je treba nemudoma zagotoviti storitve tuje pravne osebe ali ustrezno usposobljenega tujca zaradi reševanja življenj, ukrepov, potrebnih za preprečitev ogrožanja zdravja prebivalstva, ali zaradi odprave ali preprečitve gospodarske škode, ki je posledica naravne nesreče;
7. so člani posadke ladij, posadke letal ali opravljajo prevoze v cestnem ali železniškem prometu in so zaposleni pri tujem delodajalcu;
8. so v skladu z zakonom vpisani v sodni register v Republiki Sloveniji kot ustanovitelji, družbeniki ali člani nadzornih svetov gospodarskih družb za opravljanje dela v tej funkciji in obenem niso vpisani v sodni register kot zastopniki;
9. v Republiki Sloveniji ne pridobivajo dohodka in neposredno ne opravljajo prodaje ali storitev, temveč zgolj sodelujejo na poslovnih sestankih, vzpostavljajo poslovne stike, vključno s pogajanjem v zvezi z opravljanjem storitev ali dejavnosti, tudi tistih v zvezi s pripravami na tržno prisotnost tujega delodajalca v Republiki Sloveniji. Tovrstne aktivnosti v državi so časovno omejene na 90 dni v šestih mesecih, šteto od dneva prvega vstopa tujca v Republiko Slovenijo;
10. kot predavatelji sodelujejo na organiziranih strokovnih srečanjih, predstavljajo znanstvene dosežke ali občasno sodelujejo pri njihovem izvajanju, tujce, ki so njihovo spremljevalno tehnično osebje, ter tujce, ki opravljajo začasno raziskovalno delo (sobotno leto);
11. osebno opravljajo storitve na področju kulture kot udeleženci kulturnih delavnic, srečanj, kolonij ali drugih kulturnih dogodkov ali kot poročevalci o njih; kot sodelavci, ustvarjalci in poustvarjalci s področja glasbene, glasbeno-scenske, plesne in baletne, literarne, fotografske, video in filmske umetnosti, umetnosti elektronskih medijev, vizualne umetnosti, arhitekture in oblikovanja, intermedijske umetnosti, uprizoritvene umetnosti, področja varovanja kulturne dediščine, knjižničarstva in arhivistike, ter tujce, ki so spremljajoče instruktažno, poročevalsko, organizacijsko in tehnično osebje;
12. sodelujejo na športnih in šahovskih prireditvah;
13. v Republiki Sloveniji opravljajo raziskovalno delo na podlagi sporazuma o gostovanju z raziskovalno organizacijo iz Republike Slovenije, tujce, ki v Republiki Sloveniji izvajajo program

the ministry responsible for internal affairs to provide services required for the defence and security of the state and persons in professional training in these areas;

6. providing interventions where the urgent services of a foreign legal entity or appropriately trained foreigner are required to save lives or implement measures to prevent population health risks or to remedy or prevent damage to the economy caused by natural disasters;
7. employed by a foreign employer and engaged as a member of the crew of a ship or aircraft or in road or railway transport;
8. registered, in accordance with the law, in the court register of the Republic of Slovenia as a founder, company member or member of the supervisory board of a company to carry out work in such position and not registered in the Court Register as a representative;
9. not generating income in the Republic of Slovenia and not carrying out direct sales or providing services, who only participates in business meetings, establishes business contacts, including negotiations regarding the provision of services or activities, as well as those services and activities that relate to a foreign employer's preparations for establishing a market presence in the Republic of Slovenia. These activities in the territory of the state shall be limited to 90 days within the six-month period following the foreigner's first entry into the Republic of Slovenia;
10. participating as a lecturer in organised expert meetings, presenting scientific achievements or occasionally participating in the implementation thereof, or a foreigner who is a member of the associated technical personnel, or a foreigner temporarily carrying out research work (during a sabbatical year);
11. personally providing services in the cultural sector as a participant in art workshops, meetings, colonies or other cultural events or as a reporter thereon; as a collaborator, creator, or interpreter in the fields of music, musical performance, dance, ballet, the literary arts, photography, video, film, electronic media art, visual arts, architecture and design, inter-media art, or the performing arts, or as an expert in the fields of cultural heritage preservation, librarianship, archival science, or as accompanying teaching, reporting, organisational or technical staff;
12. taking part in sports or chess competitions;
13. engaged in research work in the Republic of Slovenia under a hosting agreement with a research institution in the Republic of Slovenia or a foreigner carrying out a research project in the Republic of Slovenia

raziskovalnega dela do največ treh mesecev in imajo v drugi državi članici EU izdano dovoljenje za prebivanje raziskovalca ter tujci, ki imajo status mladega raziskovalca, pridobljen v Republiki Sloveniji;

14. so poklicni športniki ali zasebni športni delavci in so v Republiki Sloveniji sklenili pogodbo o sodelovanju s slovenskim klubom ali športno organizacijo s sedežem v Republiki Sloveniji in so vpisani v razvid poklicnih športnikov ali v razvid zasebnih športnih delavcev, v 90 dneh od dneva prvega vstopa tujca v Republiko Slovenijo;
15. na območju Republike Slovenije spremljajo oziroma vodijo goste ali skupine gostov iz tujine in so turistični vodniki ali turistični spremljevalci, ki opravljajo dejavnost v skladu z zakonom, ki ureja spodbujanje razvoja turizma, ali gorski vodniki, ki opravljajo dejavnost v skladu z zakonom, ki ureja gorsko vodništvo;
16. v okviru sejamskih ali razstavnih prireditev v Republiki Sloveniji opravljajo dela postavljanja, opremljanja in razstavljanja opreme in predmetov;
17. so izvajalci cirkuških predstav, delavci v gostujočih zabaviščnih parkih in drugi podobni delavci;
18. na podlagi mednarodnih pogodb, ki zavezujejo Republiko Slovenijo, ali prava EU uživajo pravico do prostega pretoka delavcev;
19. imajo v Republiki Sloveniji status dijaka ali študenta in na tej podlagi opravljajo začasna in občasna dela v skladu s predpisi, ki urejajo začasna in občasna dela dijakov in študentov, ter tujci, ki na podlagi sporazumov o izmenjavi študentov ali dijakov opravljajo začasna in občasna dela v skladu s predpisi, ki urejajo začasna in občasna dela dijakov in študentov.

(3) V primeru dvoma, ali gre za primere iz prejšnjega odstavka, pristojno ministrstvo, v roku 15 dni od prejema zahteve tujca, upravne enote ali pristojnega nadzornega organa po tem zakonu o tem poda mnenje, in sicer:

1. v primeru iz 1. točke prejšnjega odstavka – ministrstvo, pristojno za zunanje zadeve;
2. v primerih iz 2., 10., 12., 13. in 14. točke prejšnjega odstavka – ministrstvo, pristojno za izobraževanje, znanost in šport;

for a period of up to three months who holds a residence permit as a researcher in another EU Member State, or a foreigner holding the status of an early stage researcher granted in the Republic of Slovenia;

14. who is a professional athlete or private sports worker with a cooperation agreement concluded in the Republic of Slovenia with a Slovenian sports club or sports organisation established in the Republic of Slovenia, provided that the foreigner concerned is entered in the register of professional athletes or in the register of private sports workers within 90 days of the foreigner's first entry into the Republic of Slovenia;
15. accompanying or guiding foreign guests or groups of guests in the territory of the Republic of Slovenia and who is a tourist guide or tour leader carrying out activities in accordance with the act governing the promotion of tourism development, or a mountain guide pursuing his or her activity in accordance with the act governing mountain guiding;
16. carrying out work involving the assembly, fitting, or disassembly of equipment and display items at fairs or exhibition events in the Republic of Slovenia;
17. engaged as a circus artist, a worker in a visiting amusement park, or as a similar worker;
18. exercising the right to the free movement of workers under international agreements binding on the Republic of Slovenia or under EU law;
19. holding the status of a secondary school or university student in the Republic of Slovenia and carrying out temporary and occasional work in accordance with the regulations governing temporary or occasional work carried out by secondary school and university students, and a foreigner covered by agreements on secondary school or university student exchanges engaged in temporary and occasional work in accordance with the regulations governing temporary or occasional work carried out by secondary school and university students;

(3) Where there is doubt about whether a particular instance falls under the preceding paragraph, a 15-day time limit from the receipt of a request from a foreigner, administrative unit or competent supervisory authority under this Act shall be observed by the competent ministry, i.e.:

1. the ministry responsible for foreign affairs in the case referred to under point 1 of the preceding paragraph;
2. the ministry responsible for education, science and sport in the cases referred to under points 2, 10, 12, 13 and 14 of the preceding

3. v primerih iz 3., 4. in 11. točke prejšnjega odstavka – ministrstvo, pristojno za kulturo;
4. v primeru iz 5. točke prejšnjega odstavka – ministrstvo, pristojno za obrambo ali za notranje zadeve;
5. v primeru iz 6. točke prejšnjega odstavka – ministrstvo, pristojno za notranje zadeve, za obrambo, za zdravje ali za okolje;
6. v primeru iz 7. točke prejšnjega odstavka – ministrstvo, pristojno za promet;
7. v primerih iz 8., 9., 15. in 16. točke prejšnjega odstavka – ministrstvo, pristojno za gospodarstvo;
8. v primerih iz 17., 18. in 19. točke prejšnjega odstavka – ministrstvo, pristojno za delo.

(4) Tujci iz drugega odstavka tega člena se lahko zaposlijo, samozaposlijo ali opravljajo delo, če imajo urejeno prebivanje v skladu s predpisi, ki urejajo prebivanje tujcev.

6. člen (prost dostop na trg dela)

(1) Pravica do prostega dostopa na trg dela pomeni, da se tujec v Republiki Sloveniji lahko zaposli, samozaposli ali opravlja delo brez soglasja k enotnemu dovoljenju ali modri karti EU ali brez dovoljenja za sezonsko delo.

(2) Pravico do prostega dostopa na trg dela ima:

1. tujec, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za začasno prebivanje zaradi združitve družine s slovenskim državljanom;
2. tujec, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za stalno prebivanje;
3. tujec, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za začasno prebivanje za tujca slovenskega rodu;
4. tujec, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za začasno prebivanje kot žrtev trgovine z ljudmi;
5. tujec, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za

paragraph;

3. the ministry responsible for culture in the cases referred to under points 3, 4 and 11 of the preceding paragraph;
4. the ministry responsible for defence or internal affairs in the case referred to under point 5 of the preceding paragraph;
5. the ministry responsible for internal affairs, for defence, for health or for the environment in the case referred to under point 6 of the preceding paragraph;
6. the ministry responsible for transport in the case referred to under point 7 of the preceding paragraph;
7. the ministry responsible for the economy in the cases referred to under points 8, 9, 15 and 16 of the preceding paragraph;
8. the ministry responsible for labour in the cases referred to under points 17, 18 and 19 of the preceding paragraph.

(4) Foreigners referred to in paragraph two of this Article shall be entitled to take up employment, self-employment or work if they have arranged residency in accordance with the regulations governing the residence of foreigners.

Article 6 (Free access to the labour market)

(1) The right of free access to the labour market shall mean the right of a foreigner to take up employment, self-employment or work in the Republic of Slovenia without consent for a single permit or an EU Blue Card or a seasonal worker permit.

(2) The right of free access to the labour market shall apply to:

1. foreigners residing in the Republic of Slovenia on the basis of a temporary residence permit for family reunification with a Slovenian citizen;
2. foreigners residing in the Republic of Slovenia on the basis of a permanent residence permit;
3. foreigners residing in the Republic of Slovenia on the basis of a temporary residence permit issued to foreigners of Slovenian origin;
4. foreigners residing in the Republic of Slovenia on the basis of a temporary residence permit issued to victims of trafficking in human beings;
5. foreigners residing in the Republic of Slovenia on the basis of a

- začasno prebivanje kot žrtev nezakonitega zaposlovanja;
6. tujec, ki mu je v Republiki Sloveniji priznana pravica do mednarodne zaščite ter njegov družinski član, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za prebivanje zaradi združitve družine;
 7. tujec, ki mu je v Republiki Sloveniji priznan status osebe z začasno zaščito, kar dokazuje z izkaznico osebe z začasno zaščito;
 8. tujec, čigar istovetnost je nesporno ugotovljena in ima v Republiki Sloveniji status prosilca za mednarodno zaščito, in sicer po devetih mesecih od vložitve prošnje za mednarodno zaščito, če mu v tem času ni bila vročena odločitev pristojnega organa in te zamude ni mogoče pripisati tujcu. Izpolnjevanje navedenih pogojev tujec dokazuje s potrdilom ministrstva, pristojnega za notranje zadeve.

(3) Tujci iz prejšnjega odstavka imajo pravico do prostega dostopa na trg dela tudi v času, ko v Republiki Sloveniji prebivajo na podlagi potrdila o pravočasno vloženi prošnji za podaljšanje dovoljenja za prebivanje ali statusa.

7. člen

(zaposlitev, samozaposlitev in delo ter zagotavljanje dela delavcev uporabniku)

(1) Tujec je zaposlen v Republiki Sloveniji, kadar je na podlagi sklenjene pogodbe o zaposlitvi v delovnem razmerju pri delodajalcu v Republiki Sloveniji. Pogodba o zaposlitvi mora biti v skladu z zakonom, ki ureja delovna razmerja, in s kolektivnimi pogodbami, ki zavezujejo delodajalca.

(2) Tujec je samozaposlen v Republiki Sloveniji, če samostojno opravlja pridobitno ali drugo dovoljeno dejavnost.

(3) Tujec opravlja delo v Republiki Sloveniji, kadar opravlja delo kot napoteni delavec ali opravlja delo na podlagi sklenjene pogodbe civilnega prava, ki se časovno omejeno izvaja na ozemlju Republike Slovenije.

- temporary residence permit issued to victims of illegal employment;
6. foreigners granted the right to international protection in the Republic of Slovenia and their family members residing in the Republic of Slovenia on the basis of a residence permit for family reunification;
 7. foreigners granted temporary protection status demonstrated by the identity card of a person granted temporary protection;
 8. foreigners whose identity has been established beyond doubt and who have been granted the status of an applicant for international protection in the Republic of Slovenia; such foreigners shall be granted this right nine months after filing an application for international protection, provided that no decision of the competent authority has been served thereon in that period and the delay cannot be attributed to the foreigner. Foreigners shall demonstrate fulfilment of the aforementioned conditions by means of a certificate from the ministry responsible for internal affairs.

(3) The foreigners referred to in the preceding paragraph shall also have the right to free access to the labour market during their residence in the Republic of Slovenia on the basis of a certificate demonstrating that the application for extension of a residence permit or status was submitted in due time.

Article 7

(Employment, self-employment, work and activity of providing workers to another user)

(1) A foreigner shall be deemed employed in the Republic of Slovenia when in an employment relationship under an employment contract concluded with an employer in the Republic of Slovenia. The employment contract shall comply with the act governing employment relationships and with collective agreements binding on the employer.

(2) A foreigner shall be deemed self-employed in the Republic of Slovenia when independently engaged in a gainful or other permitted activity.

(3) A foreigner shall be deemed to be carrying out work in the Republic of Slovenia when working in its territory for a limited period of time as a posted worker or on the basis of a concluded civil law contract.

(4) Prepovedano je opravljanje ali omogočanje opravljanja drugega dela kot tistega, za katerega je bilo v postopku izdaje ali podaljšanja enotnega dovoljenja oziroma modre karte EU ali izdaje pisne odobritve podano soglasje ali za katerega je bilo izdano dovoljenje za sezonsko delo. Tujec z enotnim dovoljenjem, ki mu je bilo izdano ali podaljšano na podlagi soglasja za zaposlitev, samozaposlitev ali delo, pisno odobritvijo, izdano na podlagi soglasja za zaposlitev, samozaposlitev ali delo, enotnim dovoljenjem zaradi opravljanja dela kot samozaposlena oseba in tujec, ki ima v skladu z določbami tega zakona prost dostop na trg dela, lahko opravlja vsa dela v okviru registriranih dejavnosti delodajalca ali poslovnega subjekta ter druge posle, potrebne za obstoj in opravljanje dejavnosti, ki pa ne pomenijo neposrednega opravljanja dejavnosti.

(5) Delodajalec, ki lahko v skladu z zakonom, ki ureja trg dela, opravlja dejavnost zagotavljanja dela delavcev uporabniku, lahko v okviru opravljanja te dejavnosti sklepa pogodbe o zaposlitvi samo s tujci, ki v Republiki Sloveniji prebivajo na podlagi modre karte EU, s tujci, za katere je bilo v postopku izdaje ali podaljšanja enotnega dovoljenja oziroma izdaje pisne odobritve podano soglasje za zaposlitev, samozaposlitev ali delo, ter s tujci, ki imajo v skladu s tem zakonom prost dostop na trg dela.

(6) Posameznik s prebivališčem v Republiki Sloveniji, ki ni registriran za opravljanje dejavnosti ali ni vpisan v register kmetijskih gospodarstev, sme skleniti pogodbo o zaposlitvi ali pogodbo civilnega prava le s tujcem, ki ima prost dostop na slovenski trg dela, in s tujcem, za katerega je bilo v postopku izdaje ali podaljšanja enotnega dovoljenja oziroma izdaje pisne odobritve podano soglasje za zaposlitev, samozaposlitev ali delo.

(7) Tujci, ki so v Republiki Sloveniji zaposleni, samozaposleni ali opravljajo delo, morajo imeti urejeno prebivanje v skladu s predpisi, ki urejajo prebivanje tujcev v Republiki Sloveniji.

8. člen

(rok za nastop dela tujca in obveznost prijave v socialno zavarovanje)

(4) Working or allowing work other than work for which consent has been granted in the procedure for issuing or extending a single permit or an EU Blue Card, or a written authorisation or for which a seasonal worker permit has been issued, shall be prohibited. Foreigners holding a single permit issued or extended on the basis of consent for employment, self-employment or work, a written authorisation issued on the basis of consent for employment, self-employment or work, a single permit for work as a self-employed person and foreigners enjoying free access to the labour market in accordance with the provisions of this Act shall have the right to carry out any work within the scope of the registered employer's or business entity's activities and other tasks required for its existence and operations not deemed to be the direct performance of such activities.

(5) Employers involved in the activity of providing workers to another user in accordance with the act regulating the labour market may, within the scope of this activity, only conclude employment contracts with foreigners residing in the Republic of Slovenia on the basis of an EU Blue Card, with foreigners for whom consent for employment, self-employment or work was granted in the procedure for issuing or extending a single permit or a written authorisation, or with foreigners with free access to the labour market in accordance with this Act.

(6) Individuals residing in the Republic of Slovenia not registered to carry out an activity or not entered in the Register of Agricultural Holdings may only conclude an employment contract or a civil law contract with foreigners with free access to the labour market or foreigners for whom consent for employment, self-employment or work was granted in the procedure for issuing or extending a single permit or in the procedure for issuing a written authorisation.

(7) Foreigners who are employed, self-employed or working in the Republic of Slovenia must have arranged their residence in accordance with the regulations governing the residence of foreigners in the Republic of Slovenia.

Article 8

(Time limits for commencing work and the obligation to register for social insurance)

(1) Prijava v obvezno pokojninsko in invalidsko zavarovanje, obvezno zdravstveno zavarovanje, starševsko varstvo in zavarovanje za primer brezposelnosti (v nadaljnjem besedilu: obvezna socialna zavarovanja) tujcev v Republiki Sloveniji se opravi v skladu s predpisi, ki urejajo prijavo in odjavo iz obveznih socialnih zavarovanj.

(2) V primerih, ko je enotno dovoljenje, modra karta EU ali pisna odobritev tujcu vročena v Republiki Sloveniji, mora tujec nastopiti delo najkasneje deseti dan od vročitve enotnega dovoljenja, modre karte EU ali pisne odobritve.

(3) V primerih, ko je enotno dovoljenje ali modra karta EU tujcu vročena izven Republike Slovenije, mora tujec nastopiti delo najkasneje 15. dan od vročitve enotnega dovoljenja ali modre karte EU.

(4) Tujec, za katerega je bilo izdano dovoljenje za sezonsko delo ali vizum, kadar je ta potreben, mora nastopiti delo najkasneje 15. dan od vročitve dovoljenja za sezonsko delo ali vizuma.

9. člen

(predhodna kontrola trga dela)

(1) Delodajalec lahko pred vložitvijo vloge za izdajo enotnega dovoljenja, modre karte EU, pisne odobritve ali dovoljenja za sezonsko delo pridobi obvestilo zavoda o tem, ali so v evidenci brezposelnih oseb ustrezne brezposelne osebe, brez navedbe osebnih podatkov.

(2) Obvestilo iz prejšnjega odstavka delodajalec pridobi na podlagi sporočila o prostem delovnem mestu, vloženega pri zavodu. Zavod posreduje obvestilo iz prejšnjega odstavka vlagatelju v petih delovnih dneh od prejema sporočila o prostem delovnem mestu.

(3) Obvestilo zavoda, da v evidenci brezposelnih oseb ni ustreznih brezposelnih oseb, se šteje kot dokazilo o izpolnjenem pogoju iz 1. točke prvega odstavka 17. člena, 1. točke prvega odstavka 29. člena ter 3. točke prvega odstavka 30. člena tega zakona, če je bila vloga za izdajo enotnega dovoljenja, modre karte EU, pisne odobritve ali dovoljenja

(1) Registration for compulsory pension and disability insurance, compulsory health insurance, parental protection and unemployment insurance (hereinafter: compulsory social insurance schemes) for foreigners in the Republic of Slovenia shall be arranged in accordance with the regulations governing compulsory social insurance scheme registration and deregistration.

(2) Foreigners presented with a single permit, an EU Blue Card or a written authorisation in the Republic of Slovenia shall commence work not later than 10 days from the delivery of the single permit, EU Blue Card or written authorisation.

(3) Foreigners presented with a single permit or an EU Blue Card outside the Republic of Slovenia shall commence work not later than 15 days from the delivery of the single permit or EU Blue Card.

(4) Foreigners who have been issued a seasonal worker permit or visa, where applicable, shall commence work not later than 15 days from the delivery of the seasonal worker permit or visa.

Article 9

(Prior labour market test)

(1) Prior to submitting an application for a single permit, an EU Blue Card, a written authorisation or a seasonal worker permit, employers may obtain a depersonalised notice from the Employment Service indicating whether there are any suitable unemployed persons registered.

(2) Employers shall obtain the notice referred to in the preceding paragraph on the basis of a job vacancy notice submitted to the Employment Service. The Employment Service shall provide the notice referred to in the preceding paragraph to the employer within five working days of receipt of a job vacancy notice.

(3) The Employment Service's notice indicating that no suitable unemployed persons are registered shall be deemed evidence of compliance with the conditions specified in point 1 of paragraph one of Article 17, point 1 of paragraph one of Article 29 and point 3 of paragraph one of Article 30 of this Act, provided that the application for a single

za sezonsko delo vložena v 30 dneh od izdaje obvestila.

10. člen (nastanitev tujcev)

(1) Delodajalci in naročniki dela, ki zagotavljajo nastanitev tujcem v Republiki Sloveniji, so pri tem dolžni zagotoviti minimalne bivanjske in higienske standarde.

(2) Minimalni bivanjski in higienski standardi iz prejšnjega odstavka se določijo v podzakonskem aktu, ki ga skupaj izdajo minister, pristojen za delo, minister, pristojen za prostor, in minister, pristojen za zdravje.

(3) Minimalni bivanjski standardi iz prvega odstavka tega člena določajo opremljenost, vzdrževanje, ogrevanje in osvetlitev prostorov, največje število oseb, ki lahko prebivajo v enem prostoru, in minimalno kvadraturo prostora glede na število oseb.

(4) Minimalni higienski standardi iz prvega odstavka tega člena določajo največje število uporabnikov glede na opremljenost sanitarnih prostorov, ločenost teh prostorov od drugih bivalnih prostorov, njihovo zračenje in osvetlitev.

(5) Višina najemnine za nastanitveni prostor se določi s pogodbo. V primeru spora glede višine najemnine za oddan nastanitveni prostor po tem zakonu odloča pristojno sodišče, pri čemer se smiselno upoštevajo določbe predpisa, ki ureja določitev najvišje priznane tržne najemnine.

11. člen (pristojni organi)

(1) Zavod je pristojen za izvajanje postopkov v zvezi z izdajo, podaljšanjem in razveljavitvijo dovoljenj za sezonsko delo, podajo in umikom soglasij k enotnemu dovoljenju, modri karti EU ali pisni odobritvi, izdajo obvestil iz 9. člena tega zakona in potrdil o pravočasno vloženi prošnji za podaljšanje dovoljenj za sezonsko delo v skladu z zakonom,

permit, an EU Blue Card, a written authorisation or a seasonal worker permit is submitted within 30 days of the issuance of the notice.

Article 10 (Accommodation of foreigners)

(1) Employers and hirers who provide accommodation to foreigners in the Republic of Slovenia shall ensure compliance with the minimum housing and hygiene standards.

(2) The minimum housing and hygiene standards referred to in the preceding paragraph shall be specified in an implementing regulation issued jointly by the minister responsible for labour, the minister responsible for spatial planning and the minister responsible for health.

(3) The minimum housing standards referred to in paragraph one of this Article shall apply to the furnishings, maintenance, heating and lighting of premises, the maximum number of persons accommodated in one room and the minimum floor area per person.

(4) The minimum hygiene standards referred to in paragraph one of this Article shall specify the maximum number of users relative to the furnishings of the sanitary facilities, the separation of such facilities from the living quarters, and their ventilation and lighting.

(5) The amount of rent for accommodation shall be specified in a contract. Disputes relating to the amount of rent for accommodation rented out in accordance with this Act shall be decided on by a competent court, whereby the provisions of the regulation defining the highest recognised market rents shall apply, *mutatis mutandis*.

Article 11 (Competent authorities)

(1) The Employment Service shall be responsible for conducting procedures related to issuing, extending and revoking seasonal worker permits, for granting and withdrawing consent for a single permit, an EU Blue Card or a written authorisation, for issuing the notices referred to in Article 9 of this Act and certificates demonstrating

ki ureja splošni upravni postopek, če niso posamezna vprašanja z zakonom, ki ureja vstop in prebivanje tujcev, ali s tem zakonom drugače urejena.

(2) O pritožbah zoper odločbe in sklepe, ki jih na prvi stopnji izda zavod, odloča ministrstvo, pristojno za delo.

II. poglavje

SOGLASJE ZAVODA IN DOVOLJENJE ZA SEZONSKO DELO

12. člen (splošna določba)

(1) Soglasje k enotnemu dovoljenju, modri karti EU ali pisni odobritvi poda zavod na zahtevo organa, pristojnega po zakonu, ki ureja vstop in prebivanje tujcev (v nadaljnjem besedilu: upravna enota). Upravna enota ob vročitvi enotnega dovoljenja, modre karte EU ali pisne odobritve tujcu priloži informativni list, na katerem so navedeni vsi pogoji in elementi zaposlitve ali dela, opredeljeni s soglasjem zavoda.

(2) Zavod poda soglasje, če so izpolnjeni pogoji za podajo soglasja za posamezni namen po tem zakonu, ki ga vlagatelj izkaže v vlogi za izdajo ali podaljšanje enotnega dovoljenja oziroma modre karte EU.

(3) V času veljavnosti enotnega dovoljenja ali modre karte EU zavod poda soglasje k pisni odobritvi, če so izpolnjeni pogoji za podajo soglasja po tem zakonu.

(4) Tujec je lahko še naprej zaposlen ali opravlja delo tudi v času, ko v Republiki Sloveniji prebiva na podlagi potrdila o pravočasno

that a request for the extension of a seasonal worker permit was submitted in due time, in accordance with the act governing the general administrative procedure unless particular issues are otherwise regulated by the act governing the entry and residence of foreigners or by this Act.

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

Chapter II

CONSENT OF THE EMPLOYMENT SERVICE AND SEASONAL WORKER PERMITS

Article 12 (General provision)

(1) Consent for a single permit, an EU Blue Card or a written authorisation shall be granted by the Employment Service at the request of the authority competent under the act governing the entry and residence of foreigners (hereinafter: the administrative unit). When serving a single permit, an EU Blue Card or a written authorisation to a foreigner, the administrative unit shall attach an official information document specifying all the conditions and elements of employment or work as defined in the consent of the Employment Service.

(2) The Employment Service shall grant consent provided that the conditions related to a specific purpose under this Act are met. Consent shall be demonstrated by applicants in their applications for the issuance or extension of a single permit or an EU Blue Card.

(3) During the period of validity of a single permit or an EU Blue Card, the Employment Service shall grant consent for a written authorisation provided that the conditions for granting consent under this Act are met.

(4) Foreigners may also continue their employment or work while residing in the Republic of Slovenia on the basis of a certificate

vloženi prošnji za podaljšanje enotnega dovoljenja, modre karte EU ali dovoljenja za sezonsko delo, vendar izključno pod pogoji in v obsegu, kot mu je bilo to dovoljeno s predhodnim enotnim dovoljenjem, modro karto EU, pisno odobritvijo ali dovoljenjem za sezonsko delo.

(5) V postopku podaje soglasja se v tujini pridobljena izobrazba dokazuje s fotokopijo overjene listine o izobraževanju in njenim prevodom v slovenski jezik. Izvirnik listine o izobraževanju, katerega fotokopija se priloži, mora biti predhodno overjen na podlagi Konvencije o odpravi potrebe legalizacije tujih javnih listin (Uradni list FLRJ, št. 10/62) z žigom Apostille ali v primeru, ko tuja država ni podpisnica te konvencije, na podlagi Zakona o overovitvi listin v mednarodnem prometu (Uradni list RS, št. 64/01).

(6) V postopku podaje soglasja se v Republiki Sloveniji pridobljena izobrazba dokazuje s fotokopijo javne listine o izobraževanju, v Republiki Sloveniji pridobljena nacionalna poklicna kvalifikacija pa s fotokopijo javne listine o pridobljeni nacionalni poklicni kvalifikaciji.

(7) V postopku podaje soglasja za opravljanje reguliranega poklica se ustreznost v tujini pridobljene izobrazbe dokazuje z odločbo ali mnenjem organa, pristojnega za priznavanje ali vrednotenje izobraževanja.

1. Soglasje za zaposlitev, samozaposlitev ali delo

13. člen (splošna določba)

(1) Enotno dovoljenje, izdano ali podaljšano na podlagi soglasja za zaposlitev, samozaposlitev ali delo, ter pisna odobritev, izdana na podlagi soglasja za zaposlitev, samozaposlitev ali delo, v času veljavnosti tujcu omogočata dostop do trga dela. Tujec lahko na tej podlagi opravlja delo na podlagi pogodb civilnega prava, se zaposli pri kateremkoli delodajalcu, se zaposli pri več delodajalcih ali se samozaposli, ne more pa na tej podlagi opravljati dela kot napoten delavec delodajalca s

demonstrating that a request for the extension of a single permit, an EU Blue Card or a seasonal worker permit was submitted in due time, but only under the conditions and in the scope specified in the previous single permit, EU Blue Card, written authorisation or seasonal worker permit.

(5) For the purpose of granting consent, formal qualifications obtained abroad shall be demonstrated by a copy of an authenticated certificate of education and its translation into Slovenian. The original of the aforementioned certificate of education shall be authenticated by an apostille on the basis of the Convention Abolishing the Requirement of Legalisation for Foreign Public Documents (Official Gazette of the Federal People's Republic of Yugoslavia [*Uradni list FLRJ*], No. 10/62) or pursuant to the Act on Verification of Documents in International Traffic (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/01) where a foreign State is not a signatory to this Convention.

(6) For the purpose of granting consent, formal qualifications obtained in the Republic of Slovenia shall be demonstrated by a copy of an authentic instrument, i.e. the education certificate, while a national vocational qualification obtained in the Republic of Slovenia shall be demonstrated by a copy of the national vocational qualification certificate.

(7) For the purpose of granting consent to practise a regulated profession, the appropriateness of the required qualifications obtained abroad shall be demonstrated by a decision or opinion of the authority competent to recognise or assess education.

1 Consent for employment, self-employment or work

Article 13 (General provision)

(1) Foreigners holding a single permit issued or extended on the basis of consent for employment, self-employment or work or a written authorisation issued on the basis of consent for employment, self-employment or work shall be granted free access to the labour market during the period of validity of the aforementioned documents. On such basis, foreigners shall be allowed to carry out work under a civil law contract, take up employment with any employer, take up employment

sedežem ali prebivališčem izven Republike Slovenije.

(2) V obdobju treh let od izdaje ali podaljšanja enotnega dovoljenja na podlagi soglasja za zaposlitev, samozaposlitev ali delo oziroma izdaje pisne odobritve na podlagi soglasja za zaposlitev, samozaposlitev ali delo v postopkih podaljšanja ali izdaje novega enotnega dovoljenja oziroma pisne odobritve za istega tujca novo soglasje ni potrebno.

14. člen

(pogoji za podajo soglasja za zaposlitev, samozaposlitev ali delo)

(1) V postopku izdaje ali podaljšanja enotnega dovoljenja, razen za namen napotitve, ali izdaje pisne odobritve zavod na zahtevo upravne enote poda soglasje za zaposlitev, samozaposlitev ali delo, če tujec izpolnjuje naslednje pogoje:

1. ima najmanj poklicno izobrazbo ali pridobljeno nacionalno poklicno kvalifikacijo v Republiki Sloveniji in je bil v zadnjih 24 mesecih pred vložitvijo vloge najmanj 20 mesecev zaposlen ali samozaposlen v Republiki Sloveniji in na tej podlagi vključen v obvezna socialna zavarovanja ali
2. je bil v zadnjih treh letih pred vložitvijo vloge najmanj 30 mesecev zaposlen ali samozaposlen v Republiki Sloveniji in na tej podlagi vključen v obvezna socialna zavarovanja ali
3. je v obdobju zadnjih dveh let v Republiki Sloveniji pridobil najmanj visokošolsko izobrazbo ter se namerava zaposliti ali samozaposliti ali
4. je v obdobju zadnjih dveh let v Republiki Sloveniji zaključil program raziskovalnega dela in se namerava zaposliti ali samozaposliti.

(2) Soglasje za zaposlitev, samozaposlitev ali delo, podano k pisni odobritvi na podlagi 1. in 2. točke prejšnjega odstavka, nadomesti predhodno podano soglasje k enotnemu dovoljenju.

with several employers or pursue self-employment; the aforementioned documents shall not allow foreigners to carry out work as posted workers of an employer established or residing outside the Republic of Slovenia.

(2) In the procedure for extending or issuing a new single permit or a written authorisation for the same foreigner, no new consent shall be required for three years after the issuance or extension of a single permit on the basis of consent for employment, self-employment or work, or after the issuance of a written authorisation on the basis of consent for employment, self-employment or work.

Article 14

(Conditions of granting consent for employment, self-employment or work)

(1) In the procedure for issuing or extending a single permit, except for the purpose of posting a worker, and for issuing a written authorisation, at the request of the administrative unit the Employment Service shall grant consent for employment, self-employment or work, provided that the foreigner concerned meets the following conditions:

1. the foreigner has at least a vocational education degree or a national vocational qualification obtained in the Republic of Slovenia, was employed or self-employed in the Republic of Slovenia for at least 20 months during the 24 months preceding the submission of the application, and was registered in the compulsory social insurance schemes on such basis; or
2. the foreigner was employed or self-employed in the Republic of Slovenia for at least 30 months during the 3 years preceding the submission of the application and was registered in the compulsory social insurance schemes on such basis; or
3. the foreigner obtained at least a higher education degree in the Republic of Slovenia in the last 2 years and intends to take up employment or pursue self-employment; or
4. the foreigner concluded a programme of research work in the Republic of Slovenia in the last 2 years and intends to take up employment or pursue self-employment.

(2) Consent for employment, self-employment or work granted with regard to a written authorisation pursuant to points 1 and 2 of the preceding paragraph shall substitute for previously granted consent for a

single permit.

2. Soglasje za samozaposlitev

15. člen (pogoj za samozaposlitev)

(1) V postopku izdaje ali podaljšanja enotnega dovoljenja zaradi samozaposlitve tujca soglasje zavoda ni potrebno.

(2) Tujec se lahko samozaposli po enoletnem neprekinjenem zakonitem prebivanju v Republiki Sloveniji.

(3) Pogoj enoletnega predhodnega prebivanja iz prejšnjega odstavka ne velja za tujca, ki je vpisan v poslovni register kot oseba, ki bo opravljala samostojno poklicno dejavnost.

3. Soglasje za zaposlitev

16. člen (splošna določba)

(1) Enotno dovoljenje, izdano ali podaljšano na podlagi soglasja za zaposlitev, ter pisna odobritev, izdana na podlagi soglasja za zaposlitev, sta vezani na zaposlitvene potrebe delodajalca. Tujec se sme na tej podlagi zaposliti le pri delodajalcu, ki je v postopku izdaje ali podaljšanja enotnega dovoljenja oziroma izdaje pisne odobritve izpolnjeval pogoje za zaposlitev tujca po tem zakonu.

(2) Tujec je v Republiki Sloveniji lahko zaposlen le za poln delovni čas, razen tujca z najmanj visokošolsko izobrazbo ali tujca, ki se mu delovni čas skrajša v skladu s predpisi o pokojninskem in invalidskem zavarovanju ali predpisi o starševskem varstvu.

2 Consent for self-employment

Article 15 (Conditions for self-employment)

(1) Consent granted by the Employment Service shall not be required in the procedure for issuing or extending a single permit for the self-employment of a foreigner.

(2) Foreigners may take up self-employment after a one-year period of uninterrupted legal residence in the Republic of Slovenia.

(3) The condition of having one year of residence referred to in the preceding paragraph shall not apply to foreigners entered in the Business Register as persons pursuing a professional activity in a self-employed capacity.

3 Consent for employment

Article 16 (General provision)

(1) A single permit issued or extended on the basis of consent for employment and a written authorisation granted on the basis of consent for employment shall be tied to the employment needs of an employer. Foreigners may only take up employment on this basis with employers that meet the conditions for the employment of foreigners under this Act when a single permit or a written authorisation has been issued or extended.

(2) A foreigner may only be employed in the Republic of Slovenia on a full time basis, except when the foreigner has at least a higher education degree or in cases where part-time employment is required in accordance with the pension and disability insurance regulations or regulations governing parental protection.

17. člen
(pogoji za podajo soglasja za zaposlitev)

(1) V postopku izdaje enotnega dovoljenja za namen zaposlitve zavod na zahtevo upravne enote poda soglasje k enotnemu dovoljenju, če so izpolnjeni naslednji pogoji:

1. da v evidenci brezposelnih oseb ni ustrezne brezposelne osebe;
2. da je delodajalec ustrezno registriran ali vpisan v registru kmetijskih gospodarstev oziroma v poslovnem registru za opravljanje dejavnosti, v okviru katere bo tujec opravljal delo;
3. da delodajalec ni v postopku likvidacije ali stečaja;
4. da delodajalec aktivno posluje, kar pomeni:
 - da je pri delodajalcu najmanj šest mesecev pred vložitvijo vloge že zaposlena in vključena v obvezna socialna zavarovanja najmanj ena oseba, zaposlena za poln delovni čas, ali
 - da je delodajalec kot posameznik, registriran za opravljanje dejavnosti oziroma vpisan v register kmetijskih gospodarstev, najmanj šest mesecev pred vložitvijo vloge vključen v obvezna socialna zavarovanja ali
 - da je imel delodajalec v vsakem od zadnjih šestih mesecev pred vložitvijo vloge prilive iz naslova opravljanja dejavnosti najmanj v višini 10.000 eurov na transakcijski račun, odprt v Republiki Sloveniji;
5. da je delodajalec za dohodke iz delovnega razmerja za zadnjih šest mesecev pred mesecem vložitve vloge ali za čas poslovanja, če je ta krajši od šestih mesecev, predlagal obračune davčnega odtegljaja za dohodke iz delovnega razmerja oziroma plačilne liste, če je zaposloval delavce, in na dan vložitve vloge nima neporavnanih zapadlih davčnih obveznosti;
6. da ni izkoriščena kvota iz 41. člena tega zakona;
7. da tujec izpolnjuje pogoje, ki jih zahteva delodajalec;
8. da je priložena s strani delodajalca podpisana pogodba o zaposlitvi, v skladu z določbami tega zakona.

(2) V primeru delodajalcev, ki so registrirani manj kot šest mesecev, se pogoj iz 4. točke prejšnjega odstavka šteje za izpolnjen, če je delodajalec pred vložitvijo vloge investiral najmanj 50.000 eurov v

Article 17
(Conditions of granting consent for employment)

(1) In the procedure for issuing a single permit for employment, the Employment Service shall grant consent at the request of the administrative unit provided that the following conditions are met:

1. there are no suitable unemployed persons in the register of unemployed persons;
2. the employer has been appropriately registered or entered in the Register of Agricultural Holdings or in the Business Register to pursue the activity in which the foreigner concerned is to carry out work;
3. the employer is not in liquidation or bankruptcy proceedings;
4. the employer operates actively, which shall mean that:
 - the employer has had at least one person in full-time employment and registered in the compulsory social insurance schemes for at least six months prior to submitting the application; or
 - the employer as an individual registered to pursue an activity or entered in the Register of Agricultural Holdings has been registered in the compulsory social insurance schemes for at least six months before submitting the application; or
 - receipts from business operations amounting to at least EUR 10,000 were recorded in the employer's transaction account in the Republic of Slovenia in each month during the six-month period before the application was submitted;
5. the employer filed monthly withholding tax returns for employment income or payslips, if the employer employed workers over the last six months prior to the month in which the application was submitted or during the period of operation, if shorter than six months, and had no outstanding tax liabilities as of the date of the submission of the application;
6. the quota laid down in Article 41 of this Act has not been reached;
7. the foreigner fulfils the conditions required by the employer;
8. the employment contract signed by the employer in accordance with this Act has been submitted;

(2) Where an employer has been registered for a period shorter than six months, the condition under point 4 of the preceding paragraph shall be deemed to have been met, provided that prior to submitting the

dejavnost, v okviru katere bo tujec opravljal delo.

(3) V primeru tujca z najmanj visokošolsko izobrazbo se soglasje za zaposlitev poda brez preverjanja pogoja iz 4. točke prvega odstavka tega člena in pogoja iz prejšnjega odstavka.

(4) Tujcu, ki je prejemnik denarnega nadomestila za primer brezposelnosti in ga v zaposlitev napotuje zavod, se za namen te zaposlitve poda soglasje k izdaji enotnega dovoljenja za namen zaposlitve brez preverjanja pogojev iz prvega odstavka tega člena.

(5) V primeru, da delodajalčeva obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja za zadnji mesec pred vložitvijo vloge še ni nastala, se izpolnjevanje pogoja iz 5. točke prvega odstavka tega člena ugotavlja na podlagi podatkov za zadnjih šest mesecev ali za čas poslovanja, če je ta krajši od šest mesecev, pred vložitvijo vloge, za katere je obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja že nastala.

(6) Minister, pristojen za delo, lahko določi primere, ko zaposlitev tujca zaradi narave dela oziroma posebnih okoliščin na strani delodajalca ali tujca ni vezana na trg dela in se soglasje k enotnemu dovoljenju ali pisni odobritvi za namen zaposlitve poda brez ugotavljanja izpolnjevanja pogoja iz 1. točke prvega odstavka tega člena.

(7) Minister, pristojen za delo, lahko na podlagi ugotovitve, da zaposlovanje tujcev ne bo škodljivo vplivalo na trg dela, ob upoštevanju stanja brezposelnosti, strukture zaposlovanja in regionalnih potreb za odpiranje novih delovnih mest v okviru posameznih gospodarskih panog, s soglasjem socialnih partnerjev določi poklice, v zvezi s katerimi se soglasje k enotnemu dovoljenju ali pisni odobritvi za namen zaposlitve poda brez ugotavljanja izpolnjevanja pogoja iz 1. točke prvega odstavka tega člena.

application the employer invested at least EUR 50,000 in the activity in which the foreigner is to carry out work.

(3) Where a foreigner holds at least a higher education degree, consent for employment shall be granted without verifying the condition referred to in point 4 of paragraph one of this Article and the condition referred to in the preceding paragraph.

(4) Foreigners receiving unemployment benefit and referred to employment by the Employment Service shall be granted consent for a single permit for the purpose of employment without verification of the conditions referred to in paragraph one of this Article.

(5) Where the employer's obligation regarding the filing of a monthly withholding tax return for employment income was not applicable in the month preceding that in which the application was submitted, the fulfilment of the conditions referred to in point 5 of paragraph one of this Article shall be established on the basis of the data for the last six months or for the period of operation, if shorter than six months, prior to submitting the application and in respect of which the obligation to file a withholding tax return for employment income was incurred.

(6) The minister responsible for labour may specify cases where, due to the nature of the work and/or particular circumstances on the side of the employer or the foreigner, the employment of the foreigner shall not be tied to the labour market and consent for a single permit or a written authorisation for employment purposes may be granted without verification of compliance with the condition referred to in point 1 of paragraph one of this Article.

(7) Based on the conclusion that the employment of foreigners will have no detrimental effects on the labour market, taking into account the situation regarding unemployment, the structure of employment, and the regional needs for new jobs within particular economic sectors, and in agreement with the social partners, the minister responsible for labour may identify professions in respect of which consent for a single permit or a written authorisation for employment purposes shall be granted without verification of compliance with the condition referred to in point 1 of paragraph one of this Article.

18. člen

(soglasje k podaljšanju enotnega dovoljenja za namen zaposlitve)

(1) Soglasje k podaljšanju enotnega dovoljenja za namen zaposlitve tujca pri istem delodajalcu in na istem delovnem mestu zavod poda, če:

- so izpolnjeni pogoji iz 5. in 8. točke prvega odstavka prejšnjega člena,
- je tujec neprekinjeno prijavljen v obvezna socialna zavarovanja od dneva nastopa dela.

(2) Pri podaji soglasja k podaljšanju enotnega dovoljenja za namen zaposlitve se za istega delodajalca šteje tudi univerzalni pravni naslednik delodajalca v primeru univerzalnega pravnega nasledstva.

19. člen

(soglasje k pisni odobritvi na podlagi zaposlitve)

(1) Soglasje k pisni odobritvi zaradi zamenjave delovnega mesta pri istem delodajalcu, ki nadomesti predhodno podano soglasje, zavod poda, če je izpolnjen pogoj iz 1. točke prvega odstavka 17. člena tega zakona.

(2) V primeru, ko je pri tujcu v času trajanja delovnega razmerja v Republiki Sloveniji ugotovljena invalidnost po zakonu, ki ureja pokojninsko in invalidsko zavarovanje, in mu je z odločbo Zavoda za pokojninsko in invalidsko zavarovanje Slovenije ali sodišča v Republiki Sloveniji priznana pravica na podlagi te invalidnosti, soglasje zavoda k pisni odobritvi za zamenjavo delovnega mesta pri istem delodajalcu za preostali čas veljavnosti enotnega dovoljenja ni potrebno.

(3) Soglasje k pisni odobritvi zaradi zamenjave delodajalca, ki nadomesti predhodno podano soglasje, zavod poda, če so izpolnjeni pogoji iz 17. člena tega zakona.

Article 18

(Consent for the extension of a single permit for employment purposes)

(1) The Employment Service shall grant consent for the extension of a single permit for the purpose of employment of a foreigner with the same employer and for the same job, provided that:

- the conditions referred to in points 5 and 8 of paragraph one of the preceding Article are met;
- the foreigner has been continuously registered in the compulsory social insurance schemes from the date of commencement of his or her work.

(2) In the procedure for granting consent for the extension of a single permit for employment purposes, the universal legal successor of an employer shall be deemed the same employer in cases of universal legal succession.

Article 19

(Consent for a written authorisation on the basis of employment)

(1) The Employment Service shall grant consent for a written authorisation, which replaces previously granted consent, in the event of a job change within the same employer, provided that the conditions referred to in point 1 of paragraph one of Article 17 of this Act are met.

(2) In cases where disability is established during employment in the Republic of Slovenia in accordance with the act governing pension and disability insurance and the Pension and Disability Insurance Institute of Slovenia, or a court in the Republic of Slovenia issues a decision granting disability rights to the foreigner concerned, the consent of the Employment Service to a job change within the same employer shall not be required for the remaining period of validity of the single permit.

(3) The Employment Service shall grant consent for a written authorisation, which replaces the previously granted consent, in the event of a change in employer, provided that the conditions referred to in Article 17 of this Act are met.

(4) Soglasje k pisni odobritvi zaradi zaposlitve pri dveh ali več delodajalcih zavod poda, če ima tujec najmanj visokošolsko izobrazbo in so izpolnjeni naslednji pogoji:

- da je od dneva vključitve v obvezna socialna zavarovanja na podlagi prve zaposlitve pretekel najmanj en mesec;
- da so izpolnjeni pogoji iz 17. člena tega zakona;
- da je sklenjen sporazum med novim delodajalcem, tujcem in delodajalcem, pri katerem je tujec že zaposlen.

4. Soglasje k modri karti EU

20. člen (pogoji za podajo soglasja)

(1) V postopku izdaje modre karte EU zavod na zahtevo upravne enote poda soglasje k modri karti EU, če so izpolnjeni naslednji pogoji:

1. da ima tujec najmanj visokošolsko izobrazbo,
2. da je priložena s strani delodajalca podpisana pogodba o zaposlitvi za najmanj eno leto, s katero je tujcu zagotovljena plača v višini najmanj 1,5-kratnika povprečne letne bruto plače v Republiki Sloveniji, ki se izračuna na podlagi povprečne mesečne bruto plače v Republiki Sloveniji, nazadnje objavljene v Uradnem listu Republike Slovenije,
3. da so izpolnjeni pogoji iz 1., 2., 3., 5. in 7. točke prvega odstavka 17. člena tega zakona.

(2) V prvih dveh letih zaposlitve zavod na zahtevo upravne enote poda soglasje k podaljšanju modre karte EU, če sta izpolnjena pogoja iz 2. točke prejšnjega odstavka in pogoj iz 5. točke prvega odstavka 17. člena tega zakona.

(3) V prvih dveh letih zaposlitve zavod na zahtevo upravne enote poda soglasje k pisni odobritvi za zamenjavo delovnega mesta pri istem delodajalcu, če sta izpolnjena pogoja iz 2. točke prvega odstavka

(4) The Employment Service shall grant consent for a written authorisation for employment with two or more employers provided that the foreigner concerned holds at least a higher education degree and subject to the following conditions:

- at least one month has passed since the date of registration in the compulsory social insurance schemes on the basis of the first employment;
- the conditions under Article 17 of this Act are met;
- an agreement is concluded between the new employer, the foreigner and the employer with whom the foreigner is already employed.

4 Consent for an EU Blue Card

Article 20 (Conditions for granting consent)

(1) In the procedure for issuing an EU Blue Card, the Employment Service shall grant consent at the request of the administrative unit, provided that the following conditions are met:

1. the foreigner concerned holds at least a higher education degree;
2. an employment contract of at least one year is signed by the employer ensuring a salary of at least 1.5 times the average annual gross wage in the Republic of Slovenia calculated on the basis of the average gross monthly wage in the Republic of Slovenia as last published in Official Gazette of the Republic of Slovenia (*Uradni list RS*);
3. the conditions referred to in points 1, 2, 3, 5 and 7 of paragraph one of Article 17 of this Act are met.

(2) During the first two years of employment and at the request of the administrative unit, the Employment Service shall consent to the extension of the EU Blue Card provided that the conditions referred to in point 2 of the preceding paragraph and in point 5 of paragraph one of Article 17 of this Act are met.

(3) During the first two years of employment and at the request of the administrative unit, the Employment Service shall consent to a written authorisation for job change within the same employer, provided

tega člena in pogoj iz 1. in 7. točke prvega odstavka 17. člena tega zakona.

(4) V prvih dveh letih zaposlitve zavod na zahtevo upravne enote poda soglasje k pisni odobritvi za zamenjavo delodajalca, če sta izpolnjena pogoja iz 2. točke prvega odstavka tega člena in pogoji iz 1., 2., 3., 4., 5. in 7. točke prvega odstavka 17. člena tega zakona.

(5) Po prvih dveh letih zaposlitve zavod na zahtevo upravne enote poda soglasje k podaljšanju modre karte EU, če sta izpolnjena pogoja iz 2. točke prvega odstavka tega člena.

5. Soglasje za napotene delavce

21. člen (splošna določba)

(1) Tuji delodajalci lahko v Republiko Slovenijo napotijo delavce v skladu s predpisi Republike Slovenije in mednarodnimi pogodbami, ki zavezujejo Republiko Slovenijo.

(2) Tuji delodajalec lahko napoti svoje delavce z namenom:

1. izvajanja čezmejnih storitev v svojem imenu in za svoj račun na podlagi pogodbe z naročnikom storitve iz držav članic EU, EGP ali Švicarske konfederacije ali na podlagi pogodbe z izvajalcem storitve, ki ima sklenjeno pogodbo z naročnikom storitve iz držav članic EU, EGP ali Švicarske konfederacije;
2. izvedbe določenih nalog v organizacijski enoti v Republiki Sloveniji, s katero je kapitalsko povezan;
3. usposabljanja v gospodarski družbi s sedežem v Republiki Sloveniji, s katero je povezan na enega izmed načinov, opredeljenih v prvem odstavku 24. člena tega zakona.

(3) Soglasje za napotene delavce lahko tuji delodajalec pridobi le za tiste delavce, ki so že najmanj devet mesecev oziroma v primeru iz

that the conditions referred to in point 2 of paragraph one and in points 1 and 7 of paragraph one of Article 17 of this Act are met.

(4) During the first two years of employment and at the request of the administrative unit, the Employment Service shall consent to a written authorisation for change employers, provided that the conditions referred to in point 2 of paragraph one of this Article and in points 1, 2, 3, 4, 5 and 7 of paragraph one of Article 17 of this Act are met.

(5) After the first two years of employment and at the request of the administrative unit, the Employment Service shall consent to the extension of an EU Blue Card, provided that the conditions referred to in point 2 of paragraph one of this Article are met.

5 Consent for posted workers

Article 21 (General provision)

(1) Foreign employers may post workers to the Republic of Slovenia in accordance with the regulations of the Republic of Slovenia and international agreements binding on the Republic of Slovenia.

(2) Foreign employers may post workers in order to:

1. provide cross-border services on their own behalf and for their own account under a contract concluded with a client from a Member State of the EU, a member state of the EEA or the Swiss Confederation ordering services, or under a contract concluded with a service provider that has a contract concluded with a client from a Member State of the EU, a member state of the EEA or the Swiss Confederation ordering services;
2. carry out particular tasks in an organisational unit in the Republic of Slovenia linked to it by capital ties;
3. undertake training in a company established in the Republic of Slovenia and linked to it in one of the ways defined in paragraph one of Article 24 of this Act.

(3) Consent for posted workers may only be granted for those workers already employed for at least nine consecutive months, or in the

3. točke tretjega odstavka 23. člena tega zakona najmanj šest mesecev neprekinjeno zaposleni pri njem ali v kapitalsko povezani gospodarski družbi s sedežem v tretji državi.

(4) Soglasje za napotene delavce se poda v postopku izdaje ali podaljšanja enotnega dovoljenja, če ni izkoriščena kvota iz 41. člena tega zakona.

22. člen

(čezmejno izvajanje storitev)

(1) Soglasje k izdaji enotnega dovoljenja za delavca, napotenega na delo v okviru čezmejnega izvajanja storitev, se lahko poda pod pogoji iz prejšnjega člena, in sicer enkrat ali večkrat, pri čemer skupno trajanje izvajanja storitve ne sme presegati 90 dni v koledarskem letu.

(2) Soglasje k podaljšanju enotnega dovoljenja za napotenega delavca se lahko poda, če se izvajanje pogodbe podaljša za največ en mesec in če izvajalec in naročnik dokažeta, da se storitve zaradi objektivnih razlogov (npr. višja sila, zamuda pri izvedbi del, ki so vezana na dela, določena v pogodbi) niso mogle izvesti v dogovorjenem roku.

(3) Ne glede na določbo prvega odstavka tega člena se lahko storitev, ki je posebnega pomena za državo, izvaja daljši čas. O tem, ali gre za storitev, ki je posebnega pomena za državo, odloči ministrstvo, pristojno za delo, na podlagi pozitivnega mnenja ministrstva, pristojnega za področje dejavnosti, in sicer na zaprosilo naročnika storitve, kateremu priloži pogodbo o izvajanju storitve ter pisno obrazložitev, iz katere izhaja poseben pomen za državo, čas izvajanja storitve ter število napotenih delavcev, potrebnih za izvedbo storitve.

23. člen

(gibanje oseb znotraj kapitalsko povezanih gospodarskih družb)

case referred to in point 3 of paragraph three of Article 23 of this Act, for at least six consecutive months by the foreign employer or by a company established in a third country and linked by capital ties.

(4) In the procedure for issuing or extending a single permit, consent for posted workers shall be granted provided that the quota determined in Article 41 of this Act has not been reached.

Article 22

(Cross-border provision of services)

(1) Consent for the issuance of a single permit to a worker posted to carry out services as part of the cross-border provision of services shall be granted under the conditions referred to in the preceding Article once or more than once, whereby the total duration of providing the service shall not exceed 90 days in a calendar year.

(2) Consent for the extension of a single permit of a posted worker may be granted when the contract is extended for a maximum of one month and the service provider and the client demonstrate evidence that the services could not be provided in the stipulated period for objective reasons (force majeure, a delay in the implementation of work related to the work specified in the contract, etc.).

(3) Notwithstanding the provision of paragraph one of this Article, a service of particular importance to the state may be provided over a longer period. Decisions on a service of particular importance to the state shall be taken by the ministry responsible for labour on the basis of a positive opinion of the ministry responsible for the relevant area of activity, and at the contracting entity's request, to which shall be attached the relevant service contract and a written explanation describing the particular importance to the state and specifying the period of the provision of services and the number of posted workers needed to provide the service.

Article 23

(The movement of persons within companies associated through capital ties)

(1) Soglasje za delavca, napotenega na delo v okviru gibanja oseb znotraj kapitalsko povezanih gospodarskih družb, se v postopku izdaje ali podaljšanja enotnega dovoljenja poda pod pogoji iz tega člena in 21. člena tega zakona.

(2) Delavci iz prejšnjega odstavka lahko opravljajo delo največ eno leto.

(3) Tuji delodajalec lahko za potrebe opravljanja določenih nalog v organizacijski enoti napoti naslednje delavce:

1. tujca, ki bo zasedal vodstveno mesto v gospodarski družbi, kamor je napoten, za kar se šteje mesto, ki zahteva vodenje gospodarske družbe ali njenega dela in nadzor nad delom drugih nadzornih, strokovnih ali poslovnih delavcev ter omogoča neposredni ali posredni vpliv na kadrovske zadeve;
2. tujca z najmanj poklicno izobrazbo, ki ima posebno znanje, bistveno na področju dejavnosti gospodarske družbe, kamor je napoten;
3. tujca z najmanj visokošolsko izobrazbo, ki je premeščen za namene poklicnega razvoja ali usposabljanja v poslovnih tehnikah ali metodah.

24. člen

(usposabljanje napotenih in slovenskih delavcev v povezanih gospodarskih družbah)

(1) Usposabljanje v gospodarskih družbah se lahko izvaja, če sta gospodarska družba s sedežem v Republiki Sloveniji ter gospodarska družba s sedežem v tretji državi kapitalsko povezani ali če gre za poslovno-tehnično sodelovanje ali prenos tehnologije. Za kapitalsko povezani gospodarski družbi se za podajo soglasja iz tega člena štejeta gospodarski družbi, ki sta v večinski lasti iste gospodarske družbe, ali gospodarski družbi, med katerima ima ena najmanj deset odstotni delež v drugi gospodarski družbi, ki pa ne sme biti manjši od 10.000 eurov. Pogodba o poslovno-tehničnem sodelovanju ali prenosu tehnologije se šteje za ustrezno, če sta gospodarska družba s sedežem v Republiki Sloveniji ter gospodarska družba s sedežem v tretji državi v skladu s predpisi obeh držav registrirani za opravljanje dejavnosti na področjih, na

(1) In the procedure for issuing or extending a single permit, consent for a worker posted in the framework of the movement of persons within companies associated through capital ties shall be granted under the conditions referred to in this Article and Article 21 of this Act.

(2) The workers referred to in the preceding paragraph may carry out work for a maximum of one year.

(3) In order to carry out particular tasks in an organisational unit, a foreign employer may post the following workers:

1. a foreigner who will assume a managerial position in the company to which he or she is posted, whereby a managerial position shall mean the job of managing a company or a part thereof and supervising the work of other supervisory, professional or management staff, which enables him or her to have a direct or indirect influence on human resource matters;
2. a foreigner with at least a vocational degree and special knowledge of vital importance to the field of activity of the company to which he or she is posted;
3. a foreigner with at least a higher education degree who has been transferred for professional development purposes or training in business techniques or methods.

Article 24

(The training of posted and Slovenian workers in associated companies)

(1) Training in companies may be carried out provided that the company established in the Republic of Slovenia and the company established in a third country are associated through capital ties, or in cases of business and technical cooperation or the transfer of technology. For the purpose of granting consent under this Article, companies shall be deemed to be associated through capital ties when they are in the majority ownership of one company or when one of the companies has at least a 10% share in the other company amounting to a minimum of EUR 10,000. A contract on business and technical cooperation or the transfer of technology shall be deemed appropriate where a company established in the Republic of Slovenia and a company established in a third country are registered in accordance with their respective national legislation to

katerih bosta sodelovali po tej pogodbi in izkazuje najmanj 40.000 eurov letnega prometa med gospodarsko družbo s sedežem v Republiki Sloveniji ter gospodarsko družbo s sedežem v tretji državi.

(2) Usposabljanje tujih napotenih delavcev in usposabljanje slovenskih delavcev se izvaja v gospodarski družbi s sedežem v Republiki Sloveniji na podlagi pogodbe o usposabljanju, ki jo skleneta gospodarska družba s sedežem v Republiki Sloveniji ter gospodarska družba s sedežem v tretji državi.

(3) Pogodba o usposabljanju mora vsebovati določila o plačilu, nastanitvi in prehrani napotenih delavcev ter program usposabljanja.

(4) Program usposabljanja mora vsebovati podatke o:

1. napotenih delavcih z navedbo delovnih mest pri tujem delodajalcu in njihovo strokovno izobrazbo;
2. načinu usposabljanja delavcev, ki je lahko individualno ali skupinsko;
3. področju usposabljanja (strokovno področje, poklic ali delovno mesto, na katerem se bo usposabljanje izvajalo);
4. ciljih usposabljanja (znanje in usposobljenost, ki naj bi ju delavci dosegli, npr. uvajanje v delo v zvezi z novimi tehnologijami, standardi, ekološkimi zahtevami, funkcionalno izobraževanje);
5. mentorju (osebno ime, izobrazba in delovno mesto) in njegovih obveznostih;
6. kraju usposabljanja (npr. proizvodni prostori, učne delavnice gospodarske družbe s sedežem v Republiki Sloveniji, udeležba na seminarjih) ter času opravljanja usposabljanja na posamezni lokaciji.

(5) K vlogi za izdajo ali podaljšanje enotnega dovoljenja mora biti priloženo soglasje o ustreznosti pogodbe s programom usposabljanja, ki ga, na podlagi kriterijev iz tretjega in četrtega odstavka tega člena, izda združenje delodajalcev ali pristojna zbornica, ustanovljena na podlagi zakona, ki ureja gospodarske zbornice, ali drugega zakona, in za katero je ugotovljena njena reprezentativnost.

(6) Gospodarska družba s sedežem v tretji državi lahko na

pursue activities in the areas in which they are to cooperate under such contract and demonstrate at least EUR 40,000 in annual turnover between the company established in the Republic of Slovenia and the company established in a third country.

(2) The training of posted foreign workers and the training of Slovenian workers shall be provided in a company established in the Republic of Slovenia on the basis of a training contract concluded by the company established in the Republic of Slovenia and the company established in a third country.

(3) The training contract shall contain provisions on the payment, accommodation and meals for posted foreign workers and the training programme.

(4) The training programme shall include the following information:

1. the posted workers and an indication of their respective jobs with the foreign employer and level of education;
2. the method of training, which can be individual or group training;
3. the area of training (the expert field, occupation or job regarding which training is to be conducted);
4. the objectives of the training (the knowledge and skills to be mastered by the workers, e.g. introduction to work with new technologies, standards, environmental requirements, functional education);
5. the mentor (name, education level, job) and his or her duties;
6. the location of the training (for example production premises, instructional workshops at a company established in the Republic of Slovenia, participation in seminars) and the duration of such training at the individual locations.

(5) An application for the issuance or extension of a single permit shall include a statement of agreement that the contract corresponds to the training programme issued pursuant to the criteria referred to in paragraphs three and four of this Article, by the association of employers or the competent chamber established in accordance with the act governing chambers of commerce or some other act that has been recognised as representative.

(6) Companies established in a third country may send an

usposabljanje svojih ali usposabljanje slovenskih delavcev napoti posameznega delavca večkrat, vendar največ za šest mesecev v času dveh let.

(7) Zavod poda soglasje k izdaji ali podaljšanju enotnega dovoljenja za usposabljanje v povezanih gospodarskih družbah pod pogoji iz tega člena in 21. člena tega zakona.

6. Soglasje za usposabljanje ali izpopolnjevanje tujcev

25. člen (pogoji za podajo soglasja)

(1) Zavod poda soglasje k izdaji enotnega dovoljenja za namen usposabljanja ali izpopolnjevanja tujcev, če so izpolnjeni naslednji pogoji:

1. je priložena s strani delodajalca podpisana pogodba o zaposlitvi za namen usposabljanja ali izpopolnjevanja ali pogodba civilnega prava, če drugi predpisi omogočajo opravljanje usposabljanja ali izpopolnjevanje brez sklenjenega delovnega razmerja;
2. je priloženo pozitivno mnenje gospodarskega združenja, pristojne zbornice ali ministrstva, pristojnega za področje dejavnosti, k programu usposabljanja ali izpopolnjevanja;
3. tujec še ni bil vključen v vsebinsko podoben program usposabljanja ali izpopolnjevanja;
4. je delodajalec ali naročnik dela za dohodke iz delovnega razmerja za zadnjih šest mesecev pred mesecem vložitve vloge ali za čas poslovanja, če je ta krajši od šestih mesecev, predlagal obračune davčnega odtegljaja za dohodke iz delovnega razmerja oziroma plačilne liste, če je zaposloval delavce, in na dan vložitve vloge nima neporavnanih zapadlih davčnih obveznosti.

(2) Če usposabljanje ali izpopolnjevanje organizira gospodarsko združenje, pristojna zbornica ali ministrstvo, pristojno za področje dejavnosti (v nadaljnjem besedilu: organizator), mnenje iz 2. točke prejšnjega odstavka ni potrebno. V tem primeru organizator in delodajalec, pri katerem se bo tujec usposabljal ali izpopolnjeval, skleneta pisno pogodbo, s katero uredita medsebojna razmerja glede obveznosti in odgovornosti obeh pogodbenih strank pri izvajanju programa

individual worker to participate in the training of the company's workers or the training of Slovenian workers more than once, but for a maximum of six months in a period of two years.

(7) The Employment Service shall consent to the issuance or extension of a single permit for training in associated companies under the conditions referred to in this Article and Article 21 of this Act.

6 Consent to the training or further training of foreigners

Article 25 (Conditions for granting consent)

(1) The Employment Service shall consent to the issuance of a single permit for the purpose of the training or further training of foreigners provided that the following conditions are met:

1. an employment contract concluded for the purpose of training or further training signed by the employer, or a civil law contract where other regulations allow that training or further training is carried out without an employment contract, is submitted;
2. a positive opinion on the training or further training programme given by an economic association, the competent chamber or the ministry responsible for the relevant area of activity is submitted;
3. the foreigner has hitherto not attended a training or further training programme with similar content;
4. the employer or hirer filed withholding tax returns for employment income or payslips, if the employer employed workers over the last six months prior to the month in which the application was submitted or during the period of operation, if shorter than six months, and had no outstanding tax liabilities as of the date of the submission of the application;

(2) Where training or further training is organised by an economic association, the competent chamber or the ministry responsible for the relevant area of activity (hereinafter: the organiser), the opinion referred to in point 2 of the preceding paragraph shall not be required. In such case, the organiser and the employer providing training or further training to be attended by a foreigner shall conclude a written contract to arrange the mutual relationship regarding the obligations and

usposabljanja ali izpopolnjevanja.

(3) V primeru, da delodajalčeva obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja za zadnji mesec pred vložitvijo vloge še ni nastala, se izpolnjevanje pogoja iz 4. točke prvega odstavka tega člena ugotavlja na podlagi podatkov za zadnjih šest mesecev, ali za čas poslovanja, če je ta krajši od šest mesecev, pred vložitvijo vloge, za katere je obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja že nastala.

(4) Program usposabljanja ali izpopolnjevanja tujcev se lahko izvaja največ za čas do enega leta. Če programa usposabljanja ali izpopolnjevanja ni mogoče zaključiti v času enega leta, se lahko njegovo izvajanje podaljša za največ šest mesecev. Kadar se usposabljanje ali izpopolnjevanje izvajata na področju zdravstva (npr. specializacija), se lahko izvajanje programa usposabljanja ali izpopolnjevanja podaljša do zaključka specializacije.

(5) Zavod v postopku podaljšanja enotnega dovoljenja poda soglasje le na podlagi obrazložitve razlogov, zaradi katerih programa usposabljanja ali izpopolnjevanja ni bilo mogoče zaključiti, in predložene ustrezne pogodbe o zaposlitvi ali pogodbe civilnega prava za predmetno obdobje.

(6) Tujec lahko z veljavnim enotnim dovoljenjem, izdanim na podlagi soglasja za usposabljanje ali izpopolnjevanje tujcev, zamenja delovno mesto pri istem delodajalcu, zamenja delodajalca ali sklene novo pogodbo civilnega prava le na podlagi novega enotnega dovoljenja. Soglasje k pisni odobritvi zaradi zaposlitve pri dveh ali več delodajalcih zavod poda pod pogoji iz četrtega odstavka 19. člena tega zakona.

7. Soglasje za individualne storitve tujcev

26. člen (pogoji za podajo soglasja)

responsibilities of the contracting parties in the implementation of the training or further training programme.

(3) In the event the employer's obligation regarding the filing of a monthly withholding tax return for employment income was not applicable in the month preceding that in which the application was submitted, the fulfilment of the conditions referred to in point 4 of paragraph one of this Article shall be established on the basis of data for the last six months or for the period of operation, if shorter than six months, prior to submitting the application and in respect of which the obligation to file the withholding tax return for employment income was incurred.

(4) A training or further training programme for foreigners shall not exceed one year. If it is not possible to complete the training or further training programme in one year, it may be extended for a maximum of six months. A training or further training programme in the area of health care (e.g. a specialisation), may be extended up to the completion of the specialisation.

(5) The Employment Service shall only consent to the extension of a single permit on the basis of justified reasons that prevented the completion of the training or further training programme, and the submitted relevant employment contract or civil law contract for the period in question.

(6) Foreigners holding a valid single permit issued on the basis of consent for the training or further training of foreigners shall have the right to change jobs with the same employer, to change employers, or to conclude a new civil law contract only on the basis of a new single permit. The Employment Service shall consent to a written authorisation for employment with two or more employers under the conditions referred to in paragraph four of Article 19 of this Act.

7 Consent for the provision of individual services by foreigners

Article 26 (Conditions for granting consent)

(1) Soglasje za individualne storitve tujca se poda za opravljanje dela, za katerega se zahteva posebno strokovno znanje tujca, ki ni registriran za opravljanje dejavnosti.

(2) Zavod poda soglasje k izdaji ali podaljšanju enotnega dovoljenja ali k pisni odobritvi za opravljanje dela, za katerega se zahteva posebno strokovno znanje, če je med tujcem in naročnikom dela sklenjena pogodba civilnega prava in ima tujec posebno strokovno znanje, ki se zahteva za izvedbo dela na podlagi pogodbe.

(3) Tujec lahko delo na področju znanosti, kulture, športa, zdravstva in izobraževanja opravlja za čas največ enega leta, v drugih primerih pa največ tri mesece v koledarskem letu.

(4) V primeru dvoma o posebnem strokovnem znanju tujca, zavod poda soglasje na podlagi mnenja, ki ga pridobi od pristojne zbornice, poklicnega združenja ali ministrstva, pristojnega za področje dejavnosti.

8. Soglasje za zastopnika

27. člen (pogoji za podajo soglasja)

(1) Soglasje za zastopnika se poda za namen zastopanja samostojnega podjetnika posameznika, pravne osebe, ustanovljene v skladu z zakonom, ki ureja gospodarske družbe, ali slovenske podružnice tujega podjetja, pri kateri se tujec želi zaposliti ali opravljati delo.

(2) Zavod poda soglasje za zastopnika k izdaji ali podaljšanju enotnega dovoljenja, ob upoštevanju omejitev iz petega, šestega in sedmega odstavka tega člena, če so izpolnjeni naslednji pogoji:

1. da delodajalec oziroma naročnik dela aktivno posluje, kar pomeni:
 - da je pri njem najmanj šest mesecev pred vložitvijo vloge že zaposlena in vključena v obvezna socialna zavarovanja najmanj ena

(1) Consent for the provision of individual services by a foreigner shall be granted for work requiring the specific expert skills of a foreigner not registered to pursue an activity.

(2) The Employment service shall consent to the issuance or extension of a single work permit or to a written authorisation for work requiring specific expert skills provided that the foreigner and the hirer have concluded a civil law contract and that the foreigner has the specific expert skills required for the work under the contract.

(3) In the areas of science, culture, sport, health care and education, foreigners may carry out work for a maximum of one year, while in other areas the work may not extend beyond three months in a calendar year.

(4) In the event of doubt as to the specific expert skills of the foreigner, the Employment Service shall grant consent on the basis of an opinion obtained from the competent chamber, a professional association or the ministry responsible for the area of activity.

8 Consent for a representative

Article 27 (Conditions for granting consent)

(1) Consent for a representative shall be granted for the purpose of representing a sole trader, a legal entity established pursuant to the act governing companies, or a Slovenian branch of a foreign undertaking with which the foreigner wishes to take up employment or carry out work.

(2) The Employment Service shall consent to the issuance or extension of a single permit for a representative by taking into account the limitations referred to in paragraphs five, six and seven of this Article and provided the following conditions are met:

1. the employer or hirer operates actively, which shall mean that:
 - at least one person in full-time employment and registered in the compulsory social insurance schemes was employed for six months

- oseba, zaposlena za poln delovni čas, ali
 - da je delodajalec kot posameznik registriran za opravljanje dejavnosti in najmanj šest mesecev pred vložitvijo vloge vključen v obvezna socialna zavarovanja ali
 - da je imel v vsakem od zadnjih šestih mesecev pred vložitvijo vloge prilive iz naslova opravljanja dejavnosti podjetja najmanj v višini 10.000 eurov na transakcijski račun, odprt v Republiki Sloveniji;
2. da je delodajalec za dohodke iz delovnega razmerja za zadnjih šest mesecev pred mesecem vložitve vloge ali za čas poslovanja, če je ta krajši od šest mesecev, predlagal obračune davčnega odtegljaja za dohodke iz delovnega razmerja oziroma plačilne liste, če je zaposloval delavce, in na dan vložitve vloge nima neporavnanih zapadlih davčnih obveznosti;
 3. da je zastopnik vpisan v ustreznem registru;
 4. da je priložena s strani delodajalca podpisana pogodba o zaposlitvi ali s strani naročnika dela podpisana pogodba civilnega prava;
 5. da ni izkoriščena kvota iz 41. člena tega zakona.

(3) V primeru delodajalcev, ki so registrirani manj kot šest mesecev, se pogoj iz 1. točke prejšnjega odstavka šteje za izpolnjen, če je delodajalec pred vložitvijo vloge investiral najmanj 50.000 eurov v dejavnost, v okviru katere bo tujec opravljal delo.

(4) Če delodajalčeva obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja za zadnji mesec pred vložitvijo vloge še ni nastala, se izpolnjevanje pogoja iz 2. točke drugega odstavka tega člena ugotavlja na podlagi podatkov za zadnjih šest mesecev, ali za čas poslovanja, če je ta krajši od šest mesecev, pred vložitvijo vloge, za katere je obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja že nastala.

(5) Za zaposlitev ali delo pri pravni osebi ali samostojnemu podjetniku posamezniku, ki zaposluje do vključno deset delavcev, lahko zavod poda eno soglasje za zastopnika pravne osebe ali samostojnega podjetnika posameznika.

(6) Za zaposlitev ali delo pri pravni osebi ali samostojnemu podjetniku posamezniku, ki zaposluje od 11 do vključno 50 delavcev,

- prior to the submission of the application; or
 - the employer as an individual is registered to perform an activity and was registered in the compulsory social insurance schemes for at least six months prior to the submission of the application; or
 - receipts from the business activities of the company amounting to at least EUR 10,000 per month were recorded in its transaction account in the Republic of Slovenia during the six-month period prior to the submission of the application;
2. the employer filed monthly withholding tax returns for employment income or payslips, if the employer employed workers, over the last six months prior to the month in which the application was submitted or during the period of operation, if shorter than six months, and had no outstanding tax liabilities as of the date of submission of the application;
 3. the representative is entered in the relevant register;
 4. an employment contract signed by the employer or a civil law contract signed by the hirer is submitted;
 5. the quota determined in Article 41 of this Act has not been reached;

(3) Where an employer has been registered for a period shorter than six months, the condition under point 1 of the preceding paragraph shall be deemed to be fulfilled provided that prior to submitting the application the employer invested at least EUR 50,000 in the activity in which the foreigner is to carry out work.

(4) In the event the employer's obligation regarding the filing of a monthly withholding tax return for employment income was not applicable in the month preceding that in which the application was submitted, the fulfilment of the conditions referred to in point 2 of paragraph two of this Article shall be established on the basis of data for the last six months or for the period of operation, if shorter than six months, prior to submitting the application and in respect of which the obligation to file a withholding tax return for employment income arose.

(5) For the purpose of employment or work with a legal entity or sole trader employing up to ten workers, the Employment Service may issue one consent to a representative of the legal entity or sole trader.

(6) For the purpose of employment or work with a legal entity or sole trader employing between 11 and 50 workers, the Employment

lahko zavod poda dve soglasji za zastopnika pravne osebe ali samostojnega podjetnika posameznika.

(7) Za zaposlitev ali delo pri slovenski podružnici tujega podjetja zavod pri podaji soglasja za zastopnika upošteva omejitve iz petega in šestega odstavka tega člena.

(8) V primeru podaljšanja enotnega dovoljenja za namen zaposlitve pri istem delodajalcu ali dela pri pravni osebi, samostojnem podjetniku posamezniku, slovenski podružnici tujega podjetja, pri kateri je tujec delal ali je bil zaposlen ob vložitvi vloge, poda zavod soglasje za zastopnika pod pogoji iz 1., 2., 3. in 4. točke drugega odstavka tega člena.

(9) Tujec z veljavnim enotnim dovoljenjem, izdanim na podlagi soglasja za zastopnika, lahko zamenja delovno mesto pri istem delodajalcu, zamenja delodajalca ali sklene novo pogodbo civilnega prava le na podlagi novega enotnega dovoljenja. Soglasje k pisni odobritvi zaradi zaposlitve pri dveh ali več delodajalcih zavod lahko poda pod pogoji iz četrtega odstavka 19. člena tega zakona.

9. Soglasje za sezonsko delo in dovoljenje za sezonsko delo

28. člen (splošna določba)

(1) Sezonsko delo se lahko opravlja v kmetijstvu ali gozdarstvu in je neločljivo povezano s sezono, v kateri je za posamezno dejavnost značilen izrazito povečan obseg potrebe po delavcih.

(2) Tujec lahko sezonsko delo, ki ne presega 90 dni v koledarskem letu, opravlja na podlagi dovoljenja za sezonsko delo, sezonsko delo, daljše od 90 dni v koledarskem letu, pa lahko opravlja na podlagi enotnega dovoljenja, izdanega na podlagi soglasja za sezonsko delo.

(3) Za opravljanje sezonskega dela tujca v različnih časovnih

Service may issue two consent notices to representatives of the legal entity or sole trader.

(7) For the purpose of employment or work with a Slovenian branch of a foreign undertaking, the Employment Service shall grant consent for a representative by taking into account the limitations referred to in paragraphs five and six of this Article.

(8) In granting consent for the extension of a single permit for the purpose of employment with the same employer or work with a legal entity, a sole trader, a Slovenian branch of a foreign undertaking for which the foreigner worked or was employed when the application was submitted, the Employment Service shall grant consent for a representative under the conditions referred to in points 1, 2, 3 and 4 of paragraph two of this Article.

(9) Foreigners holding a valid single permit issued on the basis of consent for a representative may change job within the same employer, change employers or conclude a new civil law contract only on the basis of a new single permit. The Employment Service may grant consent for a written authorisation for employment with two or more employers under the conditions referred to in paragraph four of Article 19 of this Act.

9 Consent for seasonal work and seasonal worker permits

Article 28 (General provision)

(1) Seasonal work may be carried out in agriculture and forestry and shall be inherently linked to a season characterised by a significant labour demand increase in the activity concerned.

(2) Foreigners may be engaged in seasonal work for up to 90 days in a calendar year on the basis of a seasonal worker permit, while a single permit issued on the basis of consent for seasonal work shall enable its holder to engage in seasonal work for more than 90 days in a calendar year.

(3) The Employment Service may grant a foreigner a single or

obdobjih pri istem ali drugem delodajalcu oziroma naročniku dela zavod lahko poda eno ali več soglasij, pri čemer skupno trajanje ne sme presegati šestih mesecev v koledarskem letu. Če zavod v postopku izdaje enotnega dovoljenja poda eno soglasje za več časovnih obdobij, v postopku izdaje novih enotnih dovoljenj za predmetna časovna obdobja soglasje zavoda ni potrebno.

(4) Skupno trajanje veljavnosti enega ali več dovoljenj za sezonsko delo, izdanih za istega tujca, za opravljanje sezonskega dela pri istem ali drugem delodajalcu oziroma naročniku dela, ne sme presegati 90 dni v koledarskem letu.

(5) Ne glede na tretji odstavek tega člena se lahko za nadaljnje opravljanje sezonskega dela pri istem delodajalcu enotno dovoljenje podaljša pod pogojem, da je vlogi za podaljšanje enotnega dovoljenja priloženo mnenje zbornice, pristojne za kmetijstvo in gozdarstvo, da je prišlo do izrednih pridelovalnih pogojev (npr. podaljšanje vegetacije) ter pogodba o zaposlitvi oziroma pogodba civilnega prava za predmetno obdobje. V postopku podaljšanja enotnega dovoljenja za ta namen soglasje zavoda ni potrebno.

29. člen

(pogoji za izdajo soglasja)

(1) V postopku izdaje enotnega dovoljenja za namen opravljanja sezonskega dela zavod na zahtevo upravne enote poda soglasje, če so izpolnjeni naslednji pogoji:

1. da v evidenci brezposelnih oseb ni ustrezne brezposelne osebe;
2. da je naročnik dela ali delodajalec ustrezno registriran ali vpisan v poslovnem registru za opravljanje dejavnosti, v okviru katere se izvaja delo, ki ga bo opravljal tujec, ali da je kot nosilec kmetijskega gospodarstva ali član kmetije vpisan v register kmetijskih gospodarstev;
3. da naročnik dela ali delodajalec ni v postopku likvidacije ali stečaja;
4. da je delodajalec ali naročnik dela za dohodke iz delovnega razmerja za zadnjih šest mesecev pred mesecem vložitve vloge ali za čas poslovanja, če je ta krajši od šest mesecev, predlagal obračune davčnega odtegljaja za dohodke iz delovnega razmerja oziroma

multiple consent for seasonal work for different periods with the same or a different employer or hirer, whereby the total duration of the work shall not exceed six months in a calendar year. When in the procedure for issuing a single permit the Employment Service grants single consent covering different periods, no new consent by the Employment Service shall be required when new single permits for the periods concerned are issued.

(4) The total period of validity of one or more seasonal worker permits issued to one foreigner for seasonal work with the same or a different employer or hirer shall not exceed 90 days in a calendar year.

(5) Notwithstanding paragraph three of this Article, a single permit may be extended in the case of further seasonal work with the same employer provided that the application for an extension includes the opinion of a chamber responsible for agriculture and forestry stating that extraordinary conditions of production have arisen (prolongation of the growing season) and the employment contract or the civil law contract for the period in question. No consent of the Employment Service shall be required in the procedure for extending a single permit for this purpose.

Article 29

(Conditions for granting consent)

(1) In the procedure for issuing a single permit for the purpose of seasonal work, the Employment Service shall grant consent at the request of the administrative unit provided that the following conditions are met:

1. no suitable unemployed persons are found in the register of unemployed persons;
2. the hirer or employer is appropriately registered or entered in the Business Register to pursue the activities in which the foreigner is to carry out work, or is entered in the Register of Agricultural Holdings as the head of an agricultural holding or a farm-household member;
3. the hirer or employer is not in liquidation or bankruptcy proceedings;
4. the employer or hirer filed monthly withholding tax returns for employment income or payslips, if the employer or hirer employed workers over the last six months prior to the month in which the application was submitted or during the period of operation, if shorter

plačilne liste, če je zaposloval delavce, in na dan vložitve vloge nima neporavnanih zapadlih davčnih obveznosti;

5. da ni izkoriščena kvota iz 41. člena tega zakona;
6. da je priložena s strani delodajalca podpisana pogodba o zaposlitvi ali s strani naročnika dela podpisana pogodba civilnega prava.

(2) Ne glede na določbo prejšnjega odstavka se v primeru, da bo tujec sezonsko delo opravljal na podlagi pogodbe civilnega prava, soglasje poda brez preverjanja pogoja iz 1. točke prejšnjega odstavka.

(3) Če delodajalčeva obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja za zadnji mesec pred vložitvijo vloge še ni nastala, se izpolnjevanje pogoja iz 4. točke prvega odstavka tega člena ugotavlja na podlagi podatkov za zadnjih šest mesecev, ali za čas poslovanja, če je ta krajši od šest mesecev, pred vložitvijo vloge, za katere je obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja že nastala.

(4) V postopku podaljšanja enotnega dovoljenja zaradi opravljanja sezonskega dela zavod na zahtevo upravne enote poda soglasje, če so izpolnjeni pogoji iz 4. in 6. točke prvega odstavka tega člena.

30. člen

(pogoji za izdajo in podaljšanje dovoljenja za sezonsko delo)

(1) Dovoljenje za sezonsko delo izda zavod na vlogo naročnika dela ali delodajalca, če so izpolnjeni naslednji pogoji:

1. da ima tujec veljavno potno listino, katere veljavnost je najmanj tri mesece daljša od nameravanega prebivanja v Republiki Sloveniji;
2. da ima tujec ustrezno zdravstveno zavarovanje;
3. da v evidenci brezposelnih oseb ni ustreznih brezposelnih oseb;
4. da je naročnik dela ali delodajalec ustrezno registriran ali vpisan v poslovnem registru za opravljanje dejavnosti, v okviru katere se izvaja delo, ki ga bo opravljal tujec, ali da je kot nosilec kmetijskega

than six months, and had no outstanding tax liabilities as of the date of submission of the application;

5. the quota defined in Article 41 of this Act has not been reached;
6. an employment contract signed by the employer or a civil law contract signed by the hirer is submitted.

(2) Notwithstanding the provision of the preceding paragraph, consent shall be granted without verification of the condition referred to in point 1 of the preceding paragraph in the event a foreigner works on the basis of a civil law contract.

(3) In the event the employer's obligation regarding the filing of a monthly withholding tax return for employment income was not applicable in the month preceding that in which the application was submitted, fulfilment of the condition referred to in point 4 of paragraph one of this Article shall be established on the basis of data for the last six months or for the period of operation, if shorter than six months, prior to submitting the application and in respect of which the obligation to file the withholding tax return for employment income was incurred.

(4) In the procedure for issuing a single permit for the purpose of seasonal work, the Employment Service shall grant consent at the request of the administrative unit provided that the conditions referred to in points 4 and 6 of paragraph one of this Article are met.

Article 30

(Conditions for issuing and extending a seasonal worker permit)

(1) The Employment Service shall issue a seasonal worker permit following the submission of an application by an employer or hirer provided that the following conditions are met:

1. the foreigner concerned holds a valid travel document with an expiry date at least three months beyond the intended period of residence in the Republic of Slovenia;
2. the foreigner is covered by appropriate health insurance;
3. there are no suitable unemployed persons in the register of unemployed persons;
4. the hirer or employer is appropriately registered or entered in the Business Register to pursue the activities within which the foreigner is to carry out work, or is entered in the Register of Agricultural Holdings

gospodarstva ali član kmetije vpisan v register kmetijskih gospodarstev;

5. da je priložena s strani delodajalca podpisana pogodba o zaposlitvi ali s strani naročnika dela podpisana pogodba civilnega prava;
6. da naročnik dela ali delodajalec nista v postopku likvidacije ali stečaja;
7. da je naročnik dela ali delodajalec za dohodke iz delovnega razmerja za zadnjih šest mesecev pred mesecem vložitve vloge ali za čas poslovanja, če je ta krajši od šest mesecev, predlagal obračune davčnega odtegljaja za dohodke iz delovnega razmerja oziroma plačilne liste, če je zaposloval delavce, in na dan vložitve vloge nima neporavnanih zapadlih davčnih obveznosti;
8. da ni izkoriščena kvota iz 41. člena tega zakona.

(2) Ne glede na določbo prejšnjega odstavka se v primeru, da bo tujec sezonsko delo opravljal na podlagi pogodbe civilnega prava, dovoljenje izda brez preverjanja pogoja iz 3. točke prejšnjega odstavka.

(3) Če delodajalčeva obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja za zadnji mesec pred vložitvijo vloge še ni nastala, se izpolnjevanje pogoja iz 7. točke prvega odstavka tega člena ugotavlja na podlagi podatkov za zadnjih šest mesecev, ali za čas poslovanja, če je ta krajši od šest mesecev, pred vložitvijo vloge, za katere je obveznost predložitve obračuna davčnega odtegljaja za dohodke iz delovnega razmerja že nastala.

(4) Dovoljenje za sezonsko delo se lahko podaljša, če je vloga za podaljšanje vložena pred iztekom veljavnosti predhodnega dovoljenja za sezonsko delo, če so izpolnjeni pogoji iz 1., 2., 5. in 7. točke prvega odstavka tega člena in če skupno trajanje ne presega 90 dni v koledarskem letu.

31. člen

(rok za vrnitev dovoljenja za sezonsko delo)

Delodajalec ali naročnik dela je dolžan vrniti dovoljenje za sezonsko delo zavodu, če s tujcem iz kakršnihkoli razlogov ne sklene pogodbe o zaposlitvi ali pogodbe civilnega prava oziroma če pogodba o

as the head of an agricultural holding or a farm-household member;

5. an employment contract signed by the employer or a civil law contract signed by the hirer is submitted;
6. the hirer or employer is not in liquidation or bankruptcy proceedings;
7. the hirer or employer filed monthly withholding tax returns for employment income or payslips, if the hirer or employer employed workers over the last six months prior to the month in which the application was submitted or during the period of operation, if shorter than six months, and had no outstanding tax liabilities as of the date of submission of the application;
8. the quota defined in Article 41 of this Act has not been reached.

(2) Notwithstanding the provision of the preceding paragraph, consent shall be granted without verification of the condition referred to in point 3 of the preceding paragraph in the event the foreigner carries out seasonal work on the basis of a civil law contract.

(3) In the event the employer's obligation regarding the filing of a monthly withholding tax return for employment income was not applicable in the month preceding that in which the application was submitted, the fulfilment of the condition referred to in point 7 of paragraph one of this Article shall be established on the basis of data for the last six months or for the period of operation, if shorter than six months, prior to submitting the application and in respect of which the obligation to file the withholding tax return for employment income was incurred.

(4) The seasonal worker permit shall be extended provided that an application for its extension is submitted prior to the expiry date of the previous seasonal worker permit and if the conditions under points 1, 2, 5 and 7 of paragraph one of this Article are met and the total duration does not exceed 90 days in a calendar year.

Article 31

(Time limit for returning a seasonal worker permit)

Where for any reason an employment contract or a civil law contract with a foreigner is not concluded or where an employment contract or a civil law contract expires prior to the expiry date of the

zaposlitvi ali pogodba civilnega prava preneha pred potekom veljavnosti dovoljenja za sezonsko delo, v roku:

1. 15 dni od vročitve dovoljenja za sezonsko delo, če tujec ne nastopi zaposlitve ali dela;
2. treh delovnih dni od prenehanja delovnega ali drugega pogodbenega razmerja s tujcem.

III. poglavje

ZAPOSLOVANJE, SAMOZAPOSLOVANJE IN DELO TUJCEV Z DOVOLJENJEM ZA ZAČASNO PREBIVANJE, KI NI IZDANO ZARADI ZAPOSLOTVE, SAMOZAPOSLOTVE ALI DELA

32. člen (splošna določba)

Tujec z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, in ki mu ni prepovedano zaposlovanje, samozaposlovanje in delo v skladu z 42. členom tega zakona, se lahko zaposli, samozaposli ali dela v skladu z določbami tega poglavja, razen tujcev, ki imajo pravico do prostega dostopa na slovenski trg dela na podlagi tega zakona.

33. člen (zaposlovanje)

(1) Tujec z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, se lahko zaposli le na delovnem mestu, za katerega v evidenci brezposelnih oseb ni ustreznih brezposelnih oseb.

(2) V primeru, da v evidenci brezposelnih oseb ni vpisanih ustreznih kandidatov, zavod v petih delovnih dneh od sporočila o prostem delovnem mestu delodajalcu, upravni enoti ter pristojnemu nadzornemu organu o tem posreduje pisno obvestilo ter informativni list, na katerem so navedeni vsi pogoji in elementi zaposlitve, ki jih je delodajalec opredelil v

seasonal worker permit, the employer or hirer shall return the seasonal worker permit to the Employment Service by the following time limits:

1. within 15 days of the seasonal worker permit being delivered if the foreigner concerned fails to take up employment or work;
2. within 3 working days of the termination of employment or other contractual relationship with the foreigner.

Chapter III

EMPLOYMENT, SELF-EMPLOYMENT AND WORK OF FOREIGNERS WITH TEMPORARY RESIDENCE PERMITS NOT ISSUED FOR THE PURPOSE OF EMPLOYMENT, SELF-EMPLOYMENT OR WORK

Article 32 (General provision)

Foreigners holding temporary residence permits not issued for the purpose of employment, self-employment or work and who are not prohibited from employment, self-employment or work in accordance with Article 42 of this Act shall have the right to take up employment, self-employment or work in accordance with the provisions of this Chapter, with the exception of foreigners granted the right of free access to the Slovenian labour market pursuant to this Act.

Article 33 (Employment)

(1) Foreigners holding a temporary residence permit not issued for the purpose of employment, self-employment or work may only take up employment when there are no suitable unemployed persons for the job in question in the register of unemployed persons.

(2) Where there are no suitable unemployed persons registered in the register, the Employment Service shall send a written notice thereof to the employer, the administrative unit and the competent supervisory body within five working days of receipt of a notice of vacancy; an official information document specifying all conditions and elements of

sporočilu.

(3) Če so v evidenci brezposelnih oseb vpisani ustrezni kandidati, zavod v petih delovnih dneh od sporočila o prostem delovnem mestu o tem pisno obvesti delodajalca.

(4) Tujec z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, se lahko zaposli le na podlagi veljavne izkaznice dovoljenja za prebivanje, na kateri je označena pravica do dela, kateri upravna enota ob vročitvi priloži tudi informativni list.

(5) Pisno obvestilo iz drugega odstavka tega člena se šteje kot dokazilo o izpolnjenem pogoju iz prvega odstavka tega člena, če tujec nastopi delo v roku 30 dni od izdaje pisnega obvestila. V času trajanja delovnega razmerja morajo biti izpolnjeni vsi pogoji in elementi zaposlitve, navedeni na informativnem listu.

(6) Ne glede na določbo prvega odstavka tega člena se tujec z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, lahko zaposli tudi v primerih, ki jih minister, pristojen za delo, določi na podlagi šestega ali sedmega odstavka 17. člena tega zakona.

(7) Za potrebe izdaje izkaznice dovoljenja za začasno prebivanje, na kateri je označena pravica do dostopa na trg dela, ki se izdaja na podlagi zakona, ki ureja vstop in prebivanje tujcev, v primeru iz drugega odstavka tega člena posebna odločitev zavoda o pravici do dostopa na trg dela ni potrebna.

34. člen **(samozaposlovanje in delo)**

(1) Tujec z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, se lahko samozaposli po enoletnem neprekinjenem zakonitem prebivanju v Republiki Sloveniji. Pogoj enoletnega predhodnega prebivanja ne velja za tujca, ki je vpisan v poslovni register kot oseba, ki bo opravljala samostojno poklicno

employment defined by the employer in its vacancy notice shall also be enclosed therewith.

(3) Where there are suitable unemployed persons registered, the Employment Service shall send a written notice thereof to the employer within five working days of receipt of its notice of vacancy.

(4) Foreigners holding a temporary residence permit not issued for the purpose of employment, self-employment or work may only take up employment on the basis of a valid residence permit card indicating the right to work, which when delivered to the foreigner is to include the official information document enclosed by the administrative unit.

(5) The written notice referred to in paragraph two of this Article shall be deemed evidence of compliance with the condition under paragraph one of this Article provided that the foreigner takes up work within 30 days of the issuance of the written notice. All conditions and elements of the employment specified in the official information document shall be complied with throughout the employment relationship.

(6) Notwithstanding the provision of paragraph one of this Article, foreigners holding a temporary residence permit not issued for the purpose of employment, self-employment or work may take up employment in cases specified by the minister responsible for labour pursuant to the sixth or seventh paragraphs of Article 17 of this Act.

(7) For the purpose of issuing temporary residence cards indicating the right to access the labour market issued pursuant to the act governing the entry and residence of foreigners, no special decision of the Employment Service regarding the right to access the labour market shall be required in the case referred to in paragraph two of this Article.

Article 34 **(Self-employment and work)**

(1) Foreigners holding a temporary residence permit not issued for the purpose of employment, self-employment or work shall have the right to take up self-employment after one year of uninterrupted legal residence in the Republic of Slovenia. The condition of having one year of previous residence shall not apply to foreigners entered in the Business

dejavnost.

(2) Tujci z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, opravljajo delo pod enakimi pogoji kot državljani Republike Slovenije.

(3) Za potrebe izdaje izkaznice dovoljenja za začasno prebivanje, na kateri je označena pravica do dostopa na trg dela, ki se izdaja na podlagi zakona, ki ureja vstop in prebivanje tujcev, v primerih iz prvega in drugega odstavka tega člena posebna odločitev zavoda o pravici do dostopa na trg dela ni potrebna.

IV. poglavje

IZVAJANJE STORITEV Z NAPOTENIMI DELAVCI NA PODLAGI PRIJAVE ZAČETKA IZVAJANJA STORITVE IN PRIJAVA DELA ZASTOPNIKOV

35. člen

(izvajanje storitev podjetij s sedežem v državi članici EU, EGP ali Švicarski konfederaciji)

(1) Delodajalec, ki je pravna oseba ali posameznik, registriran za opravljanje dejavnosti, s sedežem ali prebivališčem v državi članici EU, EGP ali v Švicarski konfederaciji lahko z napotenimi delavci, ne glede na njihovo državljanstvo, brez soglasja zavoda v Republiki Sloveniji izvaja storitve na podlagi prijave začetka izvajanja storitev.

(2) Napoteni delavec lahko opravlja delo na ozemlju Republike Slovenije, če delodajalec iz prejšnjega odstavka:

1. napoti delavca v svojem imenu in za svoj račun na podlagi pogodbe, sklenjene z naročnikom storitve, kateremu so storitve namenjene;

Register as persons pursuing a professional activity in a self-employed capacity.

(2) Foreigners holding temporary residence permits not issued for the purpose of employment, self-employment or work shall carry out work under the same conditions as citizens of the Republic of Slovenia.

(3) For the purpose of issuing temporary residence cards indicating the right to access the labour market issued pursuant to the act governing the entry and residence of foreigners, no special decision of the Employment Service regarding the right to access the labour market shall be required in the cases referred to in paragraphs one and two of this Article.

Chapter IV

PROVISION OF SERVICES WITH POSTED WORKERS ON THE BASIS OF THE REGISTRATION OF THE COMMENCEMENT OF THE PROVISION OF SUCH SERVICE AND REGISTRATION OF THE WORK OF REPRESENTATIVES

Article 35

(Services provided by undertakings established in a Member State of the EU or a member state of the EEA or the Swiss Confederation)

(1) An employer that is a legal entity or individual registered to pursue an activity and established or residing in a Member State of the EU, a member state of the EEA or the Swiss Confederation may, on the basis of registration of the commencement of the provision of services, provide services with posted workers in the Republic of Slovenia regardless of their citizenship and without the consent of the Employment Service.

(2) Posted workers may carry out work in the territory of the Republic of Slovenia provided that the employer referred to in the preceding paragraph:

1. posts the worker on its own behalf and for its own account under a contract concluded with a client ordering services;

2. napoti delavca v svojem imenu in za svoj račun brez sklenjene pogodbe z naročnikom storitve, in sicer v primeru izvajanja storitev, za opravljanje katerih je registriran in pri katerih po naravi storitve ni naročnika;
3. napoti delavca v gospodarsko družbo, s katero je kapitalsko povezan;
4. zagotavlja delo delavca uporabniku s sedežem ali prebivališčem na ozemlju Republike Slovenije, pod pogojem, da v času napotitve obstaja delovno razmerje med delodajalcem, ki zagotavlja delo delavcev uporabniku, in delavcem in da je delodajalec vpisan v evidenco tujih pravnih oseb in posameznikov za opravljanje dejavnosti zagotavljanja dela delavcev drugemu delodajalcu v skladu z zakonom, ki ureja trg dela.

(3) Začetek izvajanja storitev je delodajalec iz prvega odstavka tega člena dolžan prijaviti pri zavodu pred začetkom izvajanja storitve. O opravljeni prijavi izda zavod potrdilo.

(4) Prijava začetka izvajanja storitev iz prejšnjega odstavka mora vsebovati podatke o:

1. firmi in sedežu ali naslovu delodajalca;
2. osebnem imenu in datumu rojstva odgovorne osebe delodajalca;
3. osebnih imenih, datumih rojstev, državljanstvih napotenih delavcev ter naslovih njihovih prebivališč v Republiki Sloveniji;
4. vrsti storitve;
5. kraju in trajanju izvajanja storitve;
6. osebnem imenu in datumu rojstva imenovanega napotenega delavca, ki bo vez med tujim delodajalcem in pristojnimi nadzornimi organi in
7. naročniku storitve iz 1. in 4. točke drugega odstavka tega člena.

36. člen

(izvajanje kratkotrajnih storitev izvajalcev iz tretjih držav)

(1) Tuji delodajalec lahko z napotenimi delavci v Republiki Sloveniji izvaja storitve, vezane na dobavo blaga in servisiranje, na podlagi prijave začetka izvajanja storitev.

2. posts the worker on its own behalf and for its own account but with no contract concluded with a client ordering services when providing services for which it is registered and which require no client due to their nature;
3. posts the worker to a company associated with it through capital ties;
4. provides workers to a user established or residing in the territory of the Republic of Slovenia, provided there is an employment relationship between the employer providing workers and the worker during the period of placement and the employer is entered in the register of foreign legal entities or foreign natural persons providing workers to another user in accordance with the act regulating the labour market.

(3) The employer referred to in paragraph one of this Article shall register the commencement of the provision of services with the Employment Service prior to the start thereof. The Employment Service shall issue a certificate of registration.

(4) The registration of the commencement of the provision of services referred to in the preceding paragraph shall contain the following information:

1. the company name and registered office or address of the employer;
2. the name and date of birth of the employer's responsible person;
3. the name, date of birth, nationality and temporary residence in the Republic of Slovenia of each posted worker;
4. the type of service;
5. the location and duration of the provision of services;
6. the name and date of birth of the posted worker appointed to act as the contact between the foreign employer and the competent supervisory bodies; and
7. the client referred to in points 1 and 4 of paragraph two of this Article.

Article 36

(Provision of short-term services by third-country providers)

(1) A foreign employer may post workers to provide services connected to the supply of goods and maintenance in the Republic of Slovenia on the basis of the registration of the commencement of the provision of services.

(2) Storitve iz prejšnjega odstavka so dovoljene v naslednjih primerih:

1. kadar so storitve, ki jih opravijo napoteni delavci, povezane z dobavo in montažo strojev, naprav ali opreme, uvajanjem osebja naročnika oziroma demontažo strojev, naprav ali opreme;
2. ko gre za izvajanje rednih vzdrževalnih servisov, če so ti dogovorjeni v pogodbi o nakupu strojev, naprav ali opreme in jih opravljajo napoteni delavci, zaposleni pri proizvajalcu ali
3. ko je dobavitelj na podlagi pogodbe o dobavi strojev, naprav ali opreme iz tujine dolžan na svoje stroške odpraviti napake na dobavljenih strojih, napravah ali opremi.

(3) Začetek izvajanja storitev je delodajalec iz prvega odstavka tega člena dolžan prijaviti pri zavodu pred začetkom izvajanja storitve. O opravljeni prijavi izda zavod potrdilo.

(4) Prijava mora vsebovati podatke o:

1. firmi in sedežu ali naslovu naročnika storitve;
2. firmi in sedežu ali naslovu tujega delodajalca;
3. osebnem imenu in datumu rojstva odgovorne osebe naročnika in izvajalca storitve;
4. osebnih imenih, datumih rojstev, državljanstvih napotenih delavcev ter naslovih njihovih prebivališč v Republiki Sloveniji;
5. vrsti storitve;
6. kraju in trajanju izvajanja storitve.

(5) Storitve iz prvega odstavka tega člena se lahko izvajajo neprekinjeno 14 dni ter v skupnem trajanju 90 dni v koledarskem letu. Isti napoteni delavec je lahko ponovno napoten na delo v Republiko Slovenijo po vmesni prekinitvi, ki traja toliko časa, kolikor je trajalo predhodno izvajanje storitev.

37. člen
(prijava kratkotrajnega dela zastopnika)

(2) The provision of services referred to in the preceding paragraph shall be allowed in the following cases:

1. where the services provided by the posted workers are connected to the supply and assembly of machinery, devices or equipment, the training of the client's staff or the dismantling of machinery, devices or equipment;
2. where regular maintenance services as agreed upon in the contract on the purchase of machinery, devices or equipment are provided by posted workers employed with the manufacturer; or
3. where under the contract on the purchase of machinery, devices or equipment abroad, its supplier is required to repair machinery, device or equipment malfunctions at its own expense.

(3) The employer referred to in paragraph one of this Article shall register the commencement of the provision of services with the Employment Service prior to the start thereof. The Employment Service shall issue a certificate of registration.

(4) The registration document shall contain the following information:

1. the company name and registered office or address of the client;
2. the company name and registered office or address of the foreign employer;
3. the name and date of birth of the responsible person of the client and of the service provider;
4. the name, date of birth, nationality and temporary residence in the Republic of Slovenia of each posted worker;
5. the type of service;
6. the location and duration of the provision of services.

(5) The provision of services referred to in paragraph one of this Article may not exceed a period of 14 uninterrupted days and a total duration of 90 days in a calendar year. The same posted worker may be again posted to work in the Republic of Slovenia after an interim break of duration equal to the time required for the previously provided service.

Article 37
(Registration of the short-term work of a representative)

(1) Tujec, ki je v skladu z zakonom vpisan v sodni register Republike Slovenije kot zastopnik pravne osebe, lahko opravlja delo zastopanja pravne osebe, sklepanja pravnih poslov, nadzora, dajanja navodil in opravljanja podobnih del, ki jih je mogoče opravljati le v funkciji zastopnika na podlagi prijave dela zastopnika.

(2) Začetek opravljanja dela je tujec dolžan prijaviti pri zavodu pred začetkom opravljanja dela zastopnika. O opravljeni prijavi izda zavod potrdilo.

(3) Prijava dela zastopnika mora vsebovati:

1. podatek o vpisu zastopnika v register iz prvega odstavka tega člena;
2. podatke o podjetju in sedežu ali naslovu pravne osebe, kjer se bo delo zastopnika izvajalo;
3. podatek o trajanju opravljanja dela;
4. podatek o osebnem imenu, datumu rojstva ter državljanstvu zastopnika.

(4) Delo zastopnika iz prvega odstavka tega člena se lahko opravlja do 90 dni v koledarskem letu.

V. poglavje

UMIK SOGLASJA K ENOTNEMU DOVOLJENJU, MODRI KARTI EU ALI PISNI ODOBRTIVI

38. člen (umik soglasja)

(1) Zavod v času veljavnosti enotnega dovoljenja ali modre karte EU umakne soglasje k enotnemu dovoljenju, modri karti EU ali pisni odobritvi:

(1) A foreigner entered, in accordance with the law, in the court register of the Republic of Slovenia as a representative of a legal entity may be engaged to represent a legal entity, to conclude legal transactions, and to supervise and give instructions, and may also perform other similar tasks which can only be carried out by a representative on the basis of the registration of the work of a representative.

(2) The foreigner shall register the commencement of such work with the Employment Service prior to commencing work as a representative. The Employment Service shall issue a certificate of registration.

(3) The registration document of the work of a representative shall contain the following information:

1. the entry of the representative in the register referred to in paragraph one of this Article;
2. the undertaking and registered office or address of the legal entity where the representative is to perform his or her work;
3. the duration of the work;
4. the name, date of birth and nationality of the representative.

(4) The work of the representative referred to in paragraph one of this Article may not exceed 90 days in a calendar year.

Chapter V

WITHDRAWAL OF CONSENT FOR A SINGLE PERMIT, AN EU BLUE CARD OR A WRITTEN AUTHORISATION

Article 38 (Withdrawal of consent)

(1) The Employment Service shall withdraw consent for a single permit, an EU Blue Card or a written authorisation in the period of validity of the single permit, EU Blue Card or written authorisation if:

- če je v zvezi z delom tujca, za katerega je bilo podano predmetno soglasje, delodajalcu, naročniku dela ali tujem delodajalcu pravnomočno izrečena globa po 50. ali 58. členu tega zakona;
- če je v zvezi z delom tujca, za katerega je bilo podano predmetno soglasje, delodajalcu ali naročniku dela pravnomočno izrečena globa po prvi ali drugi alineji prvega odstavka 23. člena Zakona o preprečevanju dela in zaposlovanja na črno (Uradni list RS, št. 32/14; v nadaljnjem besedilu: ZPDZC-1) ali po 3. točki prvega odstavka 217. člena Zakona o delovnih razmerjih (Uradni list RS, št. 21/13 in 78/13 – popr.; v nadaljnjem besedilu: ZDR-1), razen če ima tujec veljavno enotno dovoljenje ali pisno odobritev, izdano na podlagi soglasja za zaposlitev, samozaposlitev ali delo;
- če pristojni organ s pravnomočno odločbo ugotovi, da je tujec v postopku izdaje enotnega dovoljenja, modre karte EU ali pisne odobritve predložil ponarejeno dokazilo, na podlagi katerega je bilo podano soglasje.

(2) V primeru, ko je tujec v času veljavnosti enotnega dovoljenja ali pisne odobritve, ki nista izdana na podlagi soglasja za zaposlitev, samozaposlitev ali delo, odjavljen iz obveznih socialnih zavarovanj zaradi prenehanja pogodbe o zaposlitvi, zavod tujcu pošlje pisno obvestilo o nameri umika soglasja, ki se tujcu osebno vroči. Če tujec obvestila ne prevzame v 15 dneh, velja vročitev za opravljeno z dnem preteka tega roka, ko se obvestilo pusti v hišnem predalčniku oziroma drugem primernem mestu. Če to ni mogoče, se pošiljko vrne zavodu, ki obvestilo objavi na oglasni deski, vročitev pa velja za opravljeno po poteku osmih dni od dneva objave na oglasni deski. Če tujec v 15 dneh od vročitve obvestila zavoda ni ponovno prijavljen v obvezna socialna zavarovanja na podlagi pogodbe o zaposlitvi pri istem delodajalcu in na istem delovnem mestu, zavod soglasje umakne.

(3) Zavod v času veljavnosti modre karte EU umakne soglasje, če je imetnik modre karte EU neprekinjeno več kot tri mesece odjavljen iz obveznih socialnih zavarovanj, ali če nista več izpolnjena pogoja iz 2. točke prvega odstavka 20. člena tega zakona.

- the employer, hirer or foreign employer incurs an enforceable fine under Articles 50 or 58 of this Act with respect to work subject to the consent concerned;
- the employer or hirer incurs an enforceable fine in accordance with indent 1 or 2 of paragraph one of Article 23 of the Prevention of Undeclared Work and Employment Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 32/14; hereinafter: ZPDZC-1) or point 3 of paragraph one of Article 217 of the Employment Relationship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 21/13 and 78/13 – corr.; hereinafter: ZDR-1) with respect to work subject to the consent concerned, except where the foreigner holds a valid single permit or written authorisation issued on the basis of consent for employment, self-employment or work;
- the competent authority establishes by a final decision that the single permit, the EU Blue Card or the written authorisation was issued on the basis of consent granted on the basis of falsified evidence submitted by the foreigner.

(2) Where a foreigner is deregistered from the compulsory social insurance schemes because his or her employment contract has terminated but still holds a valid single permit or written authorisation not issued on the basis of consent for employment, self-employment or work, the Employment Service shall send the foreigner a written notice indicating its intention to withdraw the consent; the aforementioned notice shall be served on the foreigner in person. If the foreigner fails to collect the notice in 15 days, the service shall be deemed effected on the date of expiry of this time limit; on that date, the notice shall be delivered to such person's letterbox or other suitable place. Where this is not possible, the letter shall be returned to the Employment Service and displayed on its notice board; service shall be deemed effected 8 days after the date of its display. If no new registration of the foreigner with the compulsory social insurance schemes on the basis of an employment contract with the same employer and for the same job is made within 15 days of the service of the aforementioned notice, the Employment Service shall withdraw the consent.

(3) The Employment Service shall withdraw consent for an EU Blue Card during its validity period if its holder is not registered in the compulsory social insurance schemes for more than three consecutive months or the conditions under point 2 of paragraph one of Article 20 of this Act are no longer satisfied.

(4) Zavod umakne soglasje k enotnemu dovoljenju, modri karti EU ali pisni odobritvi, če tujec ne nastopi dela oziroma ni prijavljen v obvezna socialna zavarovanja v rokih iz 8. člena tega zakona.

(5) Če tujec iz tretjega odstavka 8. člena tega zakona zaradi objektivnih razlogov (npr. zaradi bolezni tujca, smrti ožjega družinskega člana), zaradi katerih ni prišel v Republiko Slovenijo, v 15 dneh od vročitve enotnega dovoljenja ali modre karte EU ne nastopi dela, je treba v tem roku zavod o tem pisno obvestiti in priložiti dokazila o razlogih za zamudo in njihovem trajanju. Zavod na podlagi obrazložitve in dokazil ne umakne soglasja, dokler trajajo navedeni objektivni razlogi.

(6) Zavod soglasje k enotnemu dovoljenju, modri karti EU ali pisni odobritvi umakne najpozneje v treh delovnih dneh od seznanitve z razlogi za umik soglasja iz prvega, drugega, tretjega oziroma četrtega odstavka tega člena in o tem obvesti upravno enoto.

(7) V primeru umika soglasja k enotnemu dovoljenju za tujca, ki ima veljavno pisno odobritev, organ, pristojen za izdajo enotnega dovoljenja, ne začne postopka za razveljavitev enotnega dovoljenja.

(8) V primeru, ko je bilo skladno z drugim odstavkom tega člena umaknjeno soglasje k enotnemu dovoljenju ali pisni odobritvi, pa je bil kasneje v upravnem ali sodnem postopku ugotovljen obstoj delovnega razmerja za obdobje po umiku soglasja in so na tej podlagi izpolnjeni pogoji za vključitev v obvezna socialna zavarovanja, se za namen izvršitve vključitve v ta zavarovanja šteje, da je bilo v predmetnem obdobju enotno dovoljenje oziroma pisna odobritev veljavna.

(4) The Employment Service shall withdraw consent for a single permit, EU Blue Card or written authorisation where a foreigner fails to take up work or is not registered in the compulsory social insurance schemes within the time limits given in Article 8 of this Act.

(5) Where due to objective reasons (e.g. the illness of the foreigner, death of an immediate family member) a foreigner referred to in paragraph three of Article 8 of this Act is prevented from coming to the Republic of Slovenia and taking up work within 15 days of service of a single permit or EU Blue Card, the Employment Service shall be informed thereof in writing within the aforementioned time limit and shall be provided with evidence of the reasons for the delay and its duration. After considering the explanation and evidence, the Employment Service may decide not to withdraw the consent for as long as the aforementioned objective reasons persist.

(6) The Employment Service shall withdraw consent for a single permit, EU Blue Card or written authorisation not later than within three working days of being informed of the reasons for withdrawing consent referred to in paragraphs one, two, three and four of this Article and shall inform the administrative unit accordingly.

(7) In the case of withdrawing consent for the single permit of a foreigner holding a valid written authorisation, the authority competent to issue the single permit shall not initiate the procedure to revoke the single permit.

(8) Where consent for a single permit or written authorisation has been withdrawn in accordance with paragraph two of this Article and subsequent administrative or court proceedings establish the existence of an employment relationship for the period following the withdrawal of the consent and thereby fulfilment of the conditions for registration in the compulsory social insurance schemes, the single permit or written authorisation shall be deemed valid for the purpose of registration in the aforementioned schemes in the period concerned.

PRENEHANJE VELJAVNOSTI IN RAZVELJAVITEV DOVOLJENJA ZA SEZONSKO DELO

39. člen (prenehanje veljavnosti)

Dovoljenje za sezonsko delo preneha veljati:

1. s potekom časa, za katerega je bilo izdano;
2. z vrnitvijo, pred potekom časa, za katerega je bilo izdano;
3. s pridobitvijo pravice tujca, ki mu je bilo izdano dovoljenje za sezonsko delo, do prostega dostopa na slovenski trg dela;
4. če je razveljavljeno;
5. v primeru smrti tujca, za katerega je bilo izdano dovoljenje za sezonsko delo.

40. člen (razveljavitev dovoljenja za sezonsko delo)

(1) Zavod razveljavi dovoljenje za sezonsko delo:

- če je delodajalcu oziroma naročniku dela pravnomočno izrečena globa za prekršek po 50. in 55. členu tega zakona;
- če je delodajalcu pravnomočno izrečena globa za prekršek po prvi ali drugi alineji prvega odstavka 23. člena ZPDZC-1 ali 3. točki prvega odstavka 217. člena ZDR-1;
- da je bilo s pravnomočno odločbo ugotovljeno, da je tujec v postopku izdaje dovoljenja za sezonsko delo predložil ponarejeno dokazilo, na podlagi katerega je bilo izdano dovoljenje za sezonsko delo.

(2) Zavod razveljavi dovoljenje za sezonsko delo, če tujec ne nastopi dela oziroma ni prijavljen v obvezna socialna zavarovanja v roku iz četrtega odstavka 8. člena tega zakona.

(3) Če tujec iz četrtega odstavka 8. člena tega zakona zaradi objektivnih razlogov (npr. zaradi bolezni tujca, smrti ožjega družinskega

EXPIRY AND REVOCATION OF SEASONAL WORKER PERMIT

Article 39 (Expiry)

A seasonal worker permit shall expire:

1. upon the expiry of the period for which it was issued;
2. upon returning it before the expiry of the period for which it was issued;
3. when the foreigner who was issued the seasonal worker permit acquires the right of free access to the Slovenian labour market;
4. in the event it is revoked;
5. in the event of the death of the foreigner who was issued the seasonal worker permit.

Article 40 (Revocation of a seasonal worker permit)

(1) The Employment Service shall revoke a seasonal worker permit:

- if the employer or hirer incurs an enforceable fine for a minor offence under Articles 50 and 55 of this Act;
- if the employer incurs an enforceable fine for a minor offence under indent 1 or 2 of paragraph one of Article 23 of the ZPDZC-1 or point 3 of paragraph one of Article 217 of the ZDR-1;
- if it is established by a final decision that the seasonal worker permit was issued on the basis of consent granted on the basis of falsified evidence submitted by the foreigner.

(2) The Employment Service shall revoke a seasonal worker permit if the foreigner fails to take up work or is not registered in the compulsory social insurance schemes by the time limit specified in paragraph four of Article 8 of this Act.

(3) Where due to objective reasons (e.g. the illness of the foreigner, the death of an immediate family member) a foreigner referred

člana), zaradi katerih ni prišel v Republiko Slovenijo, v 15 dneh od vročitve dovoljenja za sezonsko delo ali vizuma, kadar je ta potreben, ne nastopi dela, je treba v tem roku zavod o tem pisno obvestiti in priložiti dokazila o razlogih za zamudo in njihovem trajanju. Zavod na podlagi obrazložitve in dokazil ne razveljavi dovoljenja za sezonsko delo, dokler trajajo navedeni objektivni razlogi.

(4) Zavod razveljavi dovoljenje za sezonsko delo najpozneje v treh delovnih dneh od seznaitve z razlogi iz prvega oziroma drugega odstavka tega člena.

VII. poglavje

OMEJITVE IN PREPOVEDI ZAPOSLOVANJA, SAMOZAPOSLOVANJA IN DELA TUJCEV

41. člen **(določitev kvote)**

(1) Glede na stanje in predvidena gibanja na trgu dela lahko vlada letno določi kvoto soglasij k izdaji enotnega dovoljenja in kvoto dovoljenj za sezonsko delo, s katero omeji število tujcev na trgu dela.

(2) Kvoto vladi predlaga minister, pristojen za delo, ob predhodni pridobitvi mnenja Ekonomsko-socialnega sveta.

(3) Vlada lahko s kvoto omeji zaposlovanje in delo tujcev, ki še niso pridobili pravice do prebivanja v Republiki Sloveniji.

(4) Vlada lahko poleg kvote določi tudi omejitve in prepovedi zaposlovanja, samozaposlovanja in dela tujcev po regijah, področjih dejavnosti, podjetjih in poklicih, kakor tudi omeji ali prepove prihod novih

to in paragraph four of Article 8 of this Act is prevented from coming to the Republic of Slovenia and taking up work within 15 days of the delivery of the seasonal worker permit or visa, the Employment Service shall be informed thereof in writing within the aforementioned time limit and shall be provided with evidence of the reasons for the delay and its duration. On the basis of the explanation and evidence, the Employment Service shall not revoke the seasonal worker permit for as long as the aforementioned objective reasons persist.

(4) The Employment Service shall revoke a seasonal worker permit not later than within three working days of being informed of the reasons referred to in the first or second paragraphs of this Article.

Chapter VII

LIMITATIONS AND PROHIBITIONS OF THE EMPLOYMENT, SELF- EMPLOYMENT AND WORK OF FOREIGNERS

Article 41 **(Determination of quotas)**

(1) Given the situation and the projected labour market developments, the Government may determine a quota of consent to be granted with regard to single permits and a quota of seasonal worker permits to be issued with a view to limiting the number of foreigners in the labour market.

(2) The quotas shall be proposed to the Government by the minister responsible for labour, upon obtaining the prior opinion of the Economic and Social Council.

(3) The Government may determine the quota with a view to limiting the employment and work of foreigners who have not obtained the right of residence in the Republic of Slovenia.

(4) In addition to determining the quota, the Government may also limit or prohibit the employment, self-employment or work of foreigners in terms of regions, economic sectors, undertakings and

tujcev z namenom zaposlitve ali dela v celoti ali z določenih regionalnih območij, kadar je to utemeljeno z javnim redom, javno varnostjo, javnim zdravjem, splošnim gospodarskim interesom ali stanjem ter predvidenimi gibanji na trgu dela.

(5) V primeru mednarodnih razpisov, ki jih razpišejo državni organi, lahko vlada določi, da se soglasja k enotnemu dovoljenju izdajo zunaj kvote oziroma brez preverjanja stanja na trgu dela.

42. člen

(prepoved zaposlovanja, samozaposlovanja in dela tujcev)

(1) Delodajalcu, tujemu delodajalcu, delodajalcu iz prvega odstavka 35. člena tega zakona ali naročniku dela je prepovedano zaposlovanje in delo tujcev oziroma izvajanje storitev, če mu je bila:

1. pravnomočno izrečena globa po 52., 56. ali 58. členu tega zakona ali za prekršek po 21. členu ZPDZC-1 ali po prvi, drugi ali tretji alineji prvega odstavka 23. člena ZPDZC-1 – dve leti od pravnomočnosti odločbe;
2. pravnomočno izrečena globa po 54., 55., 59. ali 65. členu tega zakona – eno leto od pravnomočnosti odločbe;
3. pravnomočno izrečena globa po 1., 3., 8., 9., 12., 23., 27., 29. ali 31. točki prvega odstavka oziroma po drugem ali tretjem odstavku 217. člena ZDR-1 – dve leti od pravnomočnosti odločbe;
4. pravnomočno izrečena globa po 14., 17., 19., 24., 25., 26. ali 28. točki prvega odstavka 217. člena ZDR-1 ali po 8., 9., 11., 13., 15. ali 16. točki prvega odstavka oziroma po drugem ali tretjem odstavku 218. člena ZDR-1 – eno leto od pravnomočnosti odločbe;
5. pravnomočno izrečena globa po peti alineji prvega odstavka 23. člena ZPDZC-1 – pet let od pravnomočnosti odločbe.

(2) Dve leti od pravnomočnosti odločbe je prepovedano

occupations and may also limit or prohibit new foreigners from entering for the purpose of employment or work in full or in part with regard to particular regions when justified on grounds of public order, public security or public health, general economic interest or the situation and projected developments in the labour market.

(5) In the case of international calls for applications by public authorities, the Government may decide that consent for single permits be granted outside the quota or without examining the labour market situation.

Article 42

(Prohibition of the employment, self-employment and work of foreigners)

(1) Employers, foreign employers, the employers referred to in paragraph one of Article 35 of this Act or hirers shall not be allowed to employ foreigners or engage them in work or the provision of services if:

1. an enforceable fine was imposed on them under Articles 52, 56 or 58 of this Act or for committing a minor offence under Article 21 of the ZPDZC-1 or under indents 1, 2 or 3 of paragraph one of Article 23 of the ZPDZC-1; this prohibition shall apply for two years after the decision becomes final;
2. an enforceable fine was imposed on them under Articles 54, 55, 59 or 65 of this Act; this prohibition shall apply for one year after the decision becomes final;
3. an enforceable fine was imposed on them under points 1, 3, 8, 9, 12, 23, 27, 29 or 31 of paragraph one of Article 217 of the ZDR-1 or under its second or third paragraph; this prohibition shall apply for two years after the decision becomes final;
4. an enforceable fine was imposed on them under points 14, 17, 19, 24, 25, 26 or 28 of paragraph one of Article 217 of the ZDR-1 or under points 8, 9, 11, 13, 15 or 16 of paragraph one of Article 218 or under its second or third paragraph; this prohibition shall apply for one year after the decision becomes final;
5. an enforceable fine was imposed on them under indent 5 of paragraph one of Article 23 of the ZPDZC-1; this prohibition shall apply for five years after the decision becomes final;

(2) The employment or work of foreigners with employers or

zaposlovanje in delo tujcev pri delodajalcu oziroma naročniku dela, ki mu je bila pravnomočno izrečena globa po 50. členu tega zakona, ter tujcu, ki mu je bila pravnomočno izrečena globa po 51. členu tega zakona ali po tretjem odstavku 23. člena ZPDZC-1.

(3) Pet let od pravnomočnosti sodbe je prepovedano zaposlovanje in delo tujcev pri delodajalcu ali naročniku dela oziroma delo delavcev tujega delodajalca, ki je bil pravnomočno obsojen zaradi kaznivega dejanja zlorabe prostitucije, spravljanja v suženjsko razmerje, trgovine z ljudmi, kršitve temeljnih pravic delavcev, kršitve pravic iz socialnega zavarovanja.

(4) Pet let od pravnomočnosti sodbe je prepovedana zaposlitev, samozaposlitev in delo tujca, ki je bil pravnomočno obsojen zaradi predložitve ponarejenega dokazila.

(5) Prepovedi iz tega člena veljajo za zaposlovanje, samozaposlovanje in delo tistih tujcev, ki v Republiki Sloveniji ne uživajo pravice do prostega dostopa na slovenski trg dela oziroma v Republiki Sloveniji ne prebivajo na podlagi enotnega dovoljenja, izdanega na podlagi soglasja za zaposlitev, samozaposlitev ali delo.

43. člen

(odsotnost podaje soglasja k enotnemu dovoljenju, modri karti EU ali pisni odobritvi ter zavrnitev izdaje dovoljenja za sezonsko delo)

V primerih iz prejšnjega člena se soglasje zavoda k enotnemu dovoljenju, modri karti EU ali pisni odobritvi ne poda ali se izdaja dovoljenja za sezonsko delo zavrne.

VIII. poglavje

NADZOR

44. člen

(pristojni nadzorni organi)

hirers that have incurred an enforceable fine under Article 50 of this Act, or with foreigners that have incurred an enforceable fine under Article 51 of this Act or under paragraph three of Article 23 of the ZPDZC-1 shall be prohibited for two years after the decision becomes final.

(3) Employers, hirers and foreign employers convicted in a final ruling of the criminal offence of exploitation through prostitution, enslavement, trafficking in human beings, a violation of the fundamental rights of employees, or a violation of rights arising from social insurance shall be prohibited from employing foreigners or engaging them in work for five years after the judgment becomes final.

(4) Foreigners convicted in a final ruling of submitting falsified evidence shall be prohibited from employment, self-employment and work for five years after the judgment becomes final.

(5) The prohibitions referred to in this Article shall apply to the employment, self-employment and work of foreigners who do not have the right of free access to the labour market in the Republic of Slovenia or do not reside in its territory on the basis of a single permit issued on the basis of consent for employment, self-employment or work.

Article 43

(Absence of consent for a single permit, EU Blue Card or written authorisation and refusal to issue a seasonal worker permit)

In the cases referred to in the preceding Article, the Employment Service shall not grant consent for a single permit, EU Blue Card or written authorisation and shall refuse to issue a seasonal worker permit.

Chapter VIII

SUPERVISION

Article 44

(Competent supervisory authorities)

(1) Za nadzor nad izvajanjem tega zakona je pristojen Inšpektorat Republike Slovenije za delo (v nadaljnjem besedilu: inšpektorat za delo).

(2) Inšpektorat za delo ima zaradi nadzora nad izvajanjem tega zakona neposreden vpogled v elektronske evidence zavoda in upravnih enot glede podatkov o enotnih dovoljenjih in modrih kartah EU, o pisnih odobritvah, o dovoljenjih za sezonsko delo, o opravljenih prijavah začetka izvajanja storitev oziroma opravljanja dela zastopnika.

(3) Nadzor nad kršitvami določb tega zakona v okviru nadzora nad zakonitostjo bivanja, ki ga določa zakon, ki ureja vstop in prebivanje tujcev v Republiki Sloveniji, izvaja tudi policija. O sumih in ugotovljenih kršitvah določb tega zakona je policija dolžna nemudoma obvestiti organ iz prvega odstavka tega člena.

(4) Če organ iz prvega odstavka tega člena pri izvajanju nadzora po tem zakonu ugotovi sum nezakonitega prebivanja tujcev, je dolžan o tem nemudoma obvestiti policijo, ki v zvezi z navedenim postopa v skladu s pooblastili.

45. člen **(obveznosti do nadzornih organov)**

(1) Delodajalci in naročniki dela so dolžni sodelovati s pristojnimi nadzornimi organi in jim omogočiti dostop do vseh razpoložljivih dokazil, na podlagi katerih so izdani dokumenti, ki dovoljujejo zaposlitev, samozaposlitev ali delo v Republiki Sloveniji.

(2) Tujec je dolžan na mestu, kjer dela, hraniti informativni list, če mu je bil vročen, ali dovoljenje za sezonsko delo in ga na zahtevo pristojnega nadzornega organa predložiti kot dokazilo v postopku.

(3) Delodajalec iz prvega odstavka 35. člena tega zakona mora med obdobjem napotitve svojih delavcev v Republiko Slovenijo na kraju opravljanja storitve hraniti in na zahtevo dati na razpolago nadzornemu

(1) Supervision over the implementation of this Act shall be exercised by the Labour Inspectorate of the Republic of Slovenia (hereinafter: the Labour Inspectorate).

(2) For the purpose of supervision over the implementation of this Act, the Labour Inspectorate shall have the right of direct access to the electronic records of the Employment Service and administrative units concerning data on single permits, EU Blue Cards, written authorisations, seasonal worker permits and registrations of the commencement of provision of services or the work of representatives.

(3) Supervision over the implementation of the provisions of this Act shall also be exercised by the police as part of the supervision over legality of residence under the act governing the entry and residence of foreigners in the Republic of Slovenia. The police shall promptly report any suspicion and established violations of the provisions of this Act to the authority referred to in paragraph one of this Article.

(4) Where the authority referred to in paragraph one of this Article establishes the suspicion of illegal residence of foreigners during the supervision exercised under this Act, it shall promptly inform the police thereof, who shall act in accordance with their authorisations.

Article 45 **(Obligations towards supervisory authorities)**

(1) Employers and hirers shall co-operate with the competent supervisory authorities and provide them access to all available evidence on the basis of which the documents allowing employment, self-employment or work in the Republic of Slovenia were issued.

(2) Foreigners shall keep their official information document, if one was delivered to them, or their seasonal worker permit at their place of work and shall submit it as evidence in a procedure at the request of the competent supervisory authority.

(3) Throughout the period of posting workers to the Republic of Slovenia, an employer referred to in paragraph one of Article 35 of this Act shall keep the following documents at the place of the provision of

organu kopijo pogodbe med naročnikom in izvajalcem storitve, potrdilo o opravljeni prijavi začetka izvajanja storitev, izvode pogodb o zaposlitvi (in njihov prevod v slovenski jezik), potrdila o predpisih o socialni varnosti, ki se uporabljajo za imetnika (obrazec A1), izvode plačilnih list, evidenco prisotnosti in dokazila o izplačanih plačah ali izvode enakovrednih dokumentov za vse napotene delavce.

(4) Tuji delodajalec iz prvega odstavka 36. člena tega zakona mora med obdobjem napotitve svojih delavcev v Republiko Slovenijo na kraju opravljanja storitve hraniti in na zahtevo dati na razpolago nadzornemu organu pogodbo med naročnikom in izvajalcem storitve, potrdilo o opravljeni prijavi začetka izvajanja storitev in izvode pogodb o zaposlitvi (in njihov prevod v slovenski jezik) za vse napotene delavce ter potrdila o njihovi vključenosti v sistem socialnega zavarovanja na podlagi zaposlitve v državi, kjer ima tuji delodajalec sedež.

(5) Tujec iz prvega odstavka 37. člena tega zakona mora med opravljanjem funkcije zastopnika na mestu, kjer opravlja delo zastopnika, hraniti in nadzornemu organu na njegovo zahtevo dati na razpolago pogodbo civilnega prava, na podlagi katere tujec opravlja delo zastopnika, in potrdilo o opravljeni prijavi dela.

IX. poglavje

TAKSE IN NADOMESTILO POSEBNIH STROŠKOV

46. člen (takse)

(1) Za vloge, spise in dejanja v zvezi z izdajo dovoljenj za sezonsko delo se plačuje taksa po zakonu, ki ureja upravne takse.

services: a copy of the contract between the client and the service provider, a certificate of registration of the commencement of the provision of services, copies of the employment contracts (and their translations into Slovenian), certificates concerning social security legislation that applies to the holder (form A1), copies of payslips, attendance records and evidence of wages paid or copies of equivalent documents for all posted workers, which it shall make available at the request of a supervisory authority.

(4) Throughout the period of posting workers to the Republic of Slovenia, a foreign employer referred to in paragraph one of Article 36 of this Act shall keep the following documents at the place of the provision of services: the contract between the client and service provider, a certificate of registration of the commencement of the provision of services, copies of the employment contracts (and their translations into Slovenian) for all posted workers and certificates of their registration in social insurance schemes on the basis of employment in the country in which the foreign employer has its head office, which it shall make available at the request of a supervisory authority.

(5) While performing their work as representatives, foreigners referred to in paragraph one of Article 37 of this Act shall keep the civil law contract on the basis of which they perform their work as representatives, and a certificate of the registration of their work at the place where the work is performed, and make such documents available at the request of a supervisory authority.

Chapter IX

FEES AND COMPENSATION FOR SPECIAL COSTS

Article 46 (Fees)

(1) In accordance with the act governing administrative fees, fees shall be paid for applications, documents and actions for issuing seasonal worker permits.

(2) Takso je dolžan plačati vlagatelj.

(2) Fees shall be paid by applicants.

X. poglavje

Chapter X

EVIDENCE

RECORDS

47. člen (vrste in namen)

Article 47 (Types and purpose)

(1) Vrste evidenc, ki se upravljajo po tem zakonu so:

- evidenca o podanih soglasjih;
- evidenca o izdanih dovoljenjih za sezonsko delo;
- evidenca obvestil iz drugega odstavka 33. člena tega zakona;

- evidenca prijav iz četrtega odstavka 35. člena tega zakona;
- evidenca prijav iz četrtega odstavka 36. člena tega zakona;
- evidenca prijav iz tretjega odstavka 37. člena tega zakona.

(1) The types of records under this Act shall be as follows:

- records of consent granted;
- records of seasonal worker permits issued;
- records of the written notices referred to in paragraph two of Article 33 of this Act;
- records of the registrations referred to in paragraph four of Article 35 of this Act;
- records of the registration documents referred to in paragraph four of Article 36 of this Act;
- records of the registration documents referred to in paragraph three of Article 37 of this Act.

(2) Za namen podaje ali umika soglasja, za namen odločanja o izdaji ali razveljavitvi dovoljenj za sezonsko delo, za namen spremljanja stanja na trgu dela in izvajanje nadzora ter za znanstvenoraziskovalne in statistične namene zavod upravlja evidence iz prejšnjega odstavka.

(2) The Employment Service shall manage the records referred to in the preceding paragraph for the purposes of granting or withdrawing consent, deciding upon the issuance or revocation of seasonal worker permits, monitoring the situation in the labour market, exercising supervision, and for scientific research and statistics.

48. člen (vsebina evidenc)

Article 48 (The content of records)

(1) Evidenca zavoda o podanih soglasjih vsebuje podatke o:

1. tujcu v skladu s 1., 2., 3., 4., 5., 6., 7., 9., 11. in 13. točko prvega odstavka, 1., 2., 3., 4., 5., 8., 9., 10., 11. in 12. točko drugega odstavka ter 1. in 2. točko sedmega odstavka 111. člena Zakona o tujcih (Uradni list RS, št. 45/14 – uradno prečiščeno besedilo in 90/14;

(1) The Employment Service's records of consent granted shall contain data on:

1. foreigners in accordance with points 1, 2, 3, 4, 5, 6, 7, 9, 11 and 13 of paragraph one, points 1, 2, 3, 4, 5, 8, 9, 10, 11 and 12 of paragraph two, and points 1 and 2 of paragraph seven of Article 111 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni*

v nadaljnjem besedilu: Zakon o tujcih);

2. delodajalcu (firmi ali imenu, sedežu ali naslovu, matični številki ali EMŠO, davčni številki);
3. tujem delodajalcu (firmi ali imenu, sedežu ali naslovu, matično številko);
4. naročniku dela (firmi ali imenu, sedežu ali naslovu, matični številki ali EMŠO);
5. delovnem mestu (šifra poklica, naziv in opis delovnega mesta);
6. številu ur delovnega časa tujca;
7. številu ur polnega delovnega časa pri delodajalcu;
8. soglasju (datum podaje, vrsta in številka, datum in razlog umika);
9. dovoljenju za sezonsko delo (številka, datum izdaje, obdobje veljavnosti, datum in razlog prenehanja);
10. enotnemu dovoljenju (številka, vrsta, datum izdaje, obdobje veljavnosti, datum in razlog prenehanja);
11. modri karti EU (številka, datum izdaje, obdobje veljavnosti, datum in razlog prenehanja);
12. zavarovanju delavcev pri delodajalcu (datum pričetka ter datum in razlog prenehanja);
13. pisni odobritvi (vrsta, datum izdaje in obdobje veljavnosti ter datum in razlog prenehanja);
14. potrdilu o pravočasno vloženi vlogi za podaljšanje enotnega dovoljenja ali modre karte EU;
15. vpisu ali izbrisu delodajalcev in naročnikov dela ter o njihovi glavni in stranskih dejavnostih;
16. deležu družbenikov v gospodarski družbi;
17. nosilcu kmetijskega gospodarstva in članih kmetije, vpisanih v register kmetijskih gospodarstev;
18. tujcu, vključenem v obvezno zdravstveno zavarovanje iz naslova zaposlitve ali samozaposlitve in o odjavi iz obveznih socialnih zavarovanj, ki se opravi v času veljavnosti enotnega dovoljenja, modre karte EU, pisne odobritve, dovoljenja za sezonsko delo ali v času zaposlitve tujca z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela;
19. obračunih davčnega odtegljaja in plačilnih listih delodajalca ali naročnika dela;
20. denarnih prilivih na transakcijske račune delodajalca ali naročnika dela;
21. poravnanih davčnih obveznostih delodajalca ali naročnika dela.

list RS], Nos. 45/14 – Official Consolidated Text and 90/14; hereinafter: the Foreigners Act);

2. employers (company name or name, head office or address, registration number or personal registration number, tax number);
3. foreign employers (company name or name, head office or address, registration number);
4. hirers (company name or name, head office or address, registration number or personal registration number);
5. jobs (occupation code, job title and description);
6. the number of working hours of the foreigner;
7. the number of hours of full working time with the employer;
8. consent (date of issue, type and number, date and reason for withdrawal);
9. seasonal worker permits (number, date of issue, period of validity, date and reason for expiry);
10. single permits (number, type, date of issue, period of validity, date and reason for expiry);
11. EU Blue Cards (number, date of issue, period of validity, date and reason for expiry);
12. insurance for workers with the employer (commencement date, date and reason for expiry);
13. written authorisations (type, date of issue, period of validity, date and reason for expiry);
14. certificates demonstrating that a request for extension of the single permit or EU Blue Card was submitted in due time;
15. registration or deregistration of employers and hirers, and their principal and secondary activities;
16. shareholders' shares in the company;
17. heads of agricultural holdings and farm household members entered in the Register of Agricultural Holdings;
18. foreigners registered in compulsory health insurance on the basis of employment or self-employment and deregistration from compulsory social insurance schemes in the period of validity of a single permit, EU Blue Card, written authorisation or seasonal worker permit, or during the employment of foreigners holding a temporary residence permit not issued for employment, self-employment or work;
19. withholding tax returns and the payslips of employers or hirers;
20. cash inflows into employers' or hirers' transaction accounts;
21. employers' or hirers' settled tax obligations.

(2) Evidenca zavoda o izdanih dovoljenjih za sezonsko delo vsebuje podatke o:

1. tujcu (osebno ime, spol, datum rojstva, EMŠO, če je določen, kraj in država rojstva, državljanstvo);
2. zadnjem stalnem ali začasnem prebivališču v tujini ali v Republiki Sloveniji (država, kraj, ulica in hišna številka);
3. sedanjem stalnem ali začasnem prebivališču v Republiki Sloveniji (kraj, ulica in hišna številka);
4. vrsti in številki potne listine, datumu in kraju izdaje ter njeni veljavnosti;
5. delodajalcu (firmi ali imenu, sedežu ali naslovu, matični številki, davčni številki, osebno imenu in EMŠO zastopnika, soglasjih k enotnim dovoljenjem, modri karti EU, pisnim odobritvam, o dovoljenjih za sezonsko delo, o potrdilih o prijavi dela ter datumu podaje oziroma izdaje);
6. o naročniku dela (firmi ali imenu, sedežu ali naslovu, matični številki, davčni številki, osebno imenu in EMŠO zastopnika, registrirani samostojni dejavnosti);
7. dovoljenju za sezonsko delo (številka, datum izdaje, obdobje veljavnosti, datum in razlog prenehanja);
8. datumu nastopa dela;
9. zavarovanju (datum pričetka ter datum in razlog prenehanja);
10. številki potrdila o pravočasno vloženi vlogi za podaljšanje dovoljenja za sezonsko delo.

(3) Evidenca zavoda o obvestilih iz drugega odstavka 33. člena vsebuje podatke o:

1. dovoljenju za prebivanje (številka, vrsta, obdobje veljavnosti);
2. tujcu v skladu s 1., 2., 3., 4., 5., 6., 7., 9., 11. in 13. točko prvega odstavka, 1., 2., 3., 4., 5., 8., 9., 10., 11. in 12. točko drugega odstavka ter 1. in 2. točko sedmega odstavka 111. člena Zakona o tujcih;
3. delodajalcu (firmi ali imenu, sedežu ali naslovu, matični številki ali EMŠO, davčni številki, soglasjih k enotnim dovoljenjem);
4. pogojih in elementih zaposlitve iz informativnega lista;
5. datumu obvestila zavoda o pogojih zaposlitve.

(2) The Employment Service's records of seasonal worker permits shall contain data on:

1. foreigners (name, gender, date of birth, personal registration number, if applicable, place and country of birth, nationality);
2. last permanent or temporary residence abroad or in the Republic of Slovenia (country, municipality, street and house number);
3. current permanent or temporary residence in the Republic of Slovenia (municipality, street and house number);
4. type and number of travel documents, date and place of issue, period of validity;
5. employers (company name or name, head office or address, registration number, tax number, name and personal registration number of the representative, consent for single permits, EU Blue Cards, written authorisations, seasonal worker permits and certificates of registration of work, and date of issue);
6. hirers (company name or name, head office or address, registration number, tax number, name and personal registration number of representatives, registered activity in a self-employed capacity);
7. seasonal worker permits (number, date of issue, period of validity, date and reason for expiry);
8. date of commencement of work;
9. insurance (commencement date, date and reason for expiry);
10. number of certificate demonstrating that a request for the extension of a seasonal worker permit was submitted in due time.

(3) The Employment Service's records of written notices referred to in paragraph two of Article 33 shall contain data on:

1. residence permits (number, type, period of validity);
2. foreigners in accordance with points 1, 2, 3, 4, 5, 6, 7, 9, 11 and 13 of paragraph one, points 1, 2, 3, 4, 5, 8, 9, 10, 11 and 12 of paragraph two, and points 1 and 2 of the seventh paragraph of Article 111 of the Foreigners Act;
3. employers (company name or name, head office or address, registration number or personal registration number, tax number, consents to single permits);
4. the conditions and elements of employment specified in the official information document;
5. date of the Employment Service's notice on the conditions of employment.

(4) Evidenca zavoda o prijavah začetka izvajanja storitev iz četrtega odstavka 35. člena tega zakona vsebuje podatke o:

1. firmi in sedežu ali naslovu delodajalca;
2. osebnem imenu in datumu rojstva odgovorne osebe delodajalca;
3. osebnem imenu in datumu rojstva imenovanega napotenega delavca, ki bo vez med tujim delodajalcem in pristojnimi nadzornimi organi;
4. osebnih imenih, datumih rojstev, državljanstvih napotenih delavcev in začasnem prebivališču v Republiki Sloveniji;
5. vrsti storitve;
6. kraju in trajanju izvajanja storitve;
7. firmi ali imenu in sedežu ali naslovu naročnika storitve in
8. lokaciji, kjer bodo hranjeni dokumenti iz tretjega odstavka 45. člena tega zakona.

(5) Evidenca zavoda o prijavah začetka izvajanja storitev iz četrtega odstavka 36. člena tega zakona vsebuje podatke o:

1. firmi in sedežu ali naslovu naročnika storitve;
2. firmi in sedežu ali naslovu tujega delodajalca;
3. osebnem imenu in datumu rojstva odgovorne osebe naročnika in izvajalca storitve;
4. osebnem imenu, datumu rojstva, državljanstvu napotenih delavcev in začasnem prebivališču v Republiki Sloveniji;
5. vrsti storitve;
6. kraju in trajanju izvajanja storitve;
7. lokaciji, kjer bodo hranjeni dokumenti iz četrtega odstavka 45. člena tega zakona.

(6) Evidenca zavoda o tujcih iz prvega odstavka 37. člena tega zakona vsebuje podatke o:

1. osebnem imenu, datumu rojstva in državljanstvu zastopnika;
2. firmi ali imenu in sedežu ali naslovu pravne osebe, kjer se bo delo zastopnika izvajalo;
3. trajanju opravljanja dela.

(7) Podatki iz evidenc iz tega člena se hranijo dve leti po poteku

(4) The Employment Service's records of the registration of the commencement of the provision of services referred to in paragraph four of Article 35 shall contain data on:

1. the company name and registered office or address of the employer;
2. the name and date of birth of the employer's responsible person;
3. the name and date of birth of the posted worker appointed as the contact between the foreign employer and the competent supervisory authorities;
4. the name, date of birth, nationality and temporary residence in the Republic of Slovenia of each posted worker;
5. the type of service;
6. the location and duration of the provision of services;
7. the company name or the name and head office or address of the client; and
8. the location where the documents referred to in paragraph three of Article 45 of this Act will be kept.

(5) The Employment Service's records of the registration documents on the commencement of the provision of services referred to in paragraph four of Article 36 shall contain data on:

1. the company name and registered office or address of the client;
2. the company name and registered office or address of the foreign employer;
3. the name and date of birth of the responsible person of the client and of the service provider;
4. the name, date of birth, nationality and temporary residence in the Republic of Slovenia of each posted worker;
5. the type of service;
6. the location and duration of the provision of services;
7. the location where the documents referred to in paragraph four of Article 45 of this Act will be kept.

(6) The Employment Service's records of foreigners referred to in paragraph one of Article 37 of this Act shall contain data on:

1. the name, date of birth and nationality of the representative;
2. the company name or name and head office or address of the legal entity where the representative performs his or her work;
3. the duration of the work.

(7) The data in the records referred to in this Article shall be

veljavnosti enotnega dovoljenja, modre karte EU, pisne odobritve, dovoljenja za sezonsko delo ali dve leti po prijavi začetka izvajanja storitev oziroma dela zastopnika in se nato arhivirajo.

(8) Minister, pristojen za delo, predpiše način obdelave podatkov iz evidenc iz tega člena ter način posredovanja teh podatkov.

49. člen **(zbiranje podatkov in povezovanje evidenc)**

(1) Zavod podatke, ki jih potrebuje za izvajanje svojih pristojnosti v skladu s tem zakonom, brezplačno pridobiva iz evidenc naslednjih upravljavcev, in sicer:

1. upravnih enot: podatki iz 1., 2., 3., 4., 5., 10., 11., 13. in 14. točke prvega odstavka 48. člena tega zakona;
2. Agencije Republike Slovenije za javnopravne evidence in storitve: podatki iz 15. in 16. točke prvega odstavka 48. člena tega zakona;
3. ministrstva, pristojnega za kmetijstvo: podatek iz 17. točke prvega odstavka 48. člena tega zakona;
4. Zavoda za zdravstveno zavarovanje Slovenije: podatek iz 12. in 18. točke prvega odstavka 48. člena tega zakona;
5. inšpektorata za delo: podatki o pravnomočnih sklepih ali odločbah o prekrških, izdanih delodajalcem ali naročnikom dela, njihovim odgovornim osebam ali tujcem, ki, v skladu z določbami tega zakona, vplivajo na odločitve zavoda v postopkih, ki jih vodi po tem zakonu;
6. Finančne uprave Republike Slovenije (v nadaljnjem besedilu: finančna uprava): podatki iz 19., 20. in 21. točke prvega odstavka 48. člena tega zakona ter o pravnomočnih sklepih ali odločbah o prekrških, izdanih delodajalcem ali naročnikom dela, njihovim odgovornim osebam ali tujcem, ki v skladu z določbami tega zakona vplivajo na odločitve zavoda v postopkih, ki jih vodi po tem zakonu;
7. ministrstva, pristojnega za pravosodje: podatki o pravnomočno obsojenih delodajalcih, tujih delodajalcih in naročnikih del zaradi

kept for two years after the expiry of the single permit, EU Blue Card, written authorisation or seasonal worker permit, and for two years after registration of the commencement of the provision of services or the work of a representative, and shall be archived thereafter.

(8) The minister responsible for labour shall prescribe the method of processing and communication of data in the records referred to in this Article.

Article 49 **(Data collection and linking of records)**

(1) In order to implement its competences in accordance with this Act, the Employment Service shall receive free-of-charge data from the records of the following data managers:

1. the administrative units shall furnish the data referred to in points 1, 2, 3, 4, 5, 10, 11, 13 and 14 of paragraph one of Article 48 of this Act;
2. The Agency of the Republic of Slovenia for Public Legal Records and Related Services shall furnish the data referred to in points 15 and 16 of paragraph one of Article 48 of this Act;
3. the ministry responsible for agriculture shall furnish the data referred to in point 17 of paragraph one of Article 48 of this Act;
4. The Health Insurance Institute of Slovenia shall furnish the data referred to in points 12 and 18 of paragraph one of Article 48 of this Act;
5. The Labour Inspectorate shall furnish the data on enforceable minor offence orders or decisions issued to employers or hirers and their responsible persons or foreigners that, pursuant to the provisions of this Act, affect the decisions of the Employment Service adopted in the procedures that it carries out under this Act;
6. the Financial Administration of the Republic of Slovenia (hereinafter: the Financial Administration) shall furnish the data referred to in points 19, 20 and 21 of paragraph one of Article 48 of this Act and the data on enforceable minor offence orders or decisions issued to employers or hirers and their responsible persons or foreigners that, pursuant to the provisions of this Act, affect the decisions of the Employment Service in the procedures that it carries out under this Act;
7. the ministry responsible for justice shall furnish data on employers, foreign employers and hirers convicted in a final ruling of committing

storitve kaznivega dejanja zlorabe prostitucije, spravljanja v suženjsko razmerje, trgovine z ljudmi, kršitve temeljnih pravic delavcev, zaposlovanja na črno ali kršitve pravic iz socialnega zavarovanja, ki v skladu z določbami tega zakona vplivajo na odločitve zavoda v postopkih, ki jih vodi po tem zakonu.

(2) Zavod lahko evidence, ki jih upravlja po tem zakonu, poveže z evidencami upravljavcev iz prejšnjega odstavka, razen z evidencama inšpektorata za delo in finančne uprave o pravnomočnih sklepih in odločbah o prekrških ter evidenco ministrstva, pristojnega za pravosodje.

(3) Zavod lahko podatke o pravnomočnih sklepih in odločbah o prekrških, ki, v skladu z določbami tega zakona vplivajo na odločitve zavoda v posamičnih postopkih, ki jih vodi po tem zakonu, pridobi iz evidenc inšpektorata za delo z neposrednim vpogledom in iz evidenc finančne uprave na podlagi vsakokratnega zahtevka.

(4) Zavod lahko podatke iz 7. točke prvega odstavka tega člena, ki jih potrebuje za namene odločanja v posamičnih postopkih, pridobi iz kazenske evidence na podlagi vsakokratnega elektronskega zahtevka.

(5) Za obdelavo osebnih podatkov, vsebovanih v evidencah, se uporabljajo določbe zakona, ki ureja varstvo osebnih podatkov, za zbiranje, obdelovanje, shranjevanje, posredovanje in uporabo podatkov, ki predstavljajo davčno tajnost, pa se uporabljajo določbe zakona, ki ureja davčni postopek.

XI. poglavje

KAZENSKÉ DOLOČBE

50. člen

the criminal offences of prostitution, enslavement, trafficking in human beings, a violation of the fundamental rights of employees, illegal employment or a violation of rights arising from social insurance that, pursuant to the provisions of this Act, affect the decisions of the Employment Service in the procedures that it carries out under this Act.

(2) The Employment Service shall link the records it manages under this Act with the records of the data managers referred to in the preceding paragraph, with the exception of the records of the Labour Inspectorate and the Financial Administration on enforceable minor offence orders or the decisions and records of the ministry responsible for justice.

(3) The Employment Service shall have the right to directly access the Labour Inspectorate's data related to final minor offence orders or decisions that, pursuant to this Act, affect the decisions of the Employment Service in individual procedures that it carries out under this Act, while the data kept by the Financial Administration shall be available on the basis of specific requests.

(4) The Employment Service shall be granted access to the data referred to in point 7 of paragraph one of this Article required for decision-making in particular procedures from criminal records on the basis of a specific request submitted electronically.

(5) The processing of personal data in the records shall be subject to the provisions of the act governing personal data protection, while the collection, processing, storing, forwarding and use of data considered a tax secret shall be subject to the provisions of the act governing the tax procedure.

Chapter XI

PENALTY PROVISIONS

Article 50

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek delodajalec oziroma naročnik dela, ki tujcu omogoči opravljanje dela, za katerega v postopku izdaje ali podaljšanja enotnega dovoljenja oziroma modre karte EU ali izdaje pisne odobritve ni bilo podano soglasje oziroma za katerega mu ni bilo izdano dovoljenje za sezonsko delo (četrti odstavek 7. člena).

(2) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek delodajalec, ki tujcu z dovoljenjem za začasno prebivanje, ki ni izdano zaradi zaposlitve, samozaposlitve ali dela, omogoči opravljanje dela v nasprotju s pogoji in elementi zaposlitve, navedenimi na informativnem listu (peti odstavek 33. člena).

(3) Z globo od 500 do 5.000 eurov se kaznuje tudi odgovorna oseba delodajalca ali naročnika dela, ki stori prekršek iz prejšnjih dveh odstavkov.

51. člen

Z globo od 500 do 5.000 eurov se kaznuje tujec, ki opravlja delo, za katerega v postopku izdaje ali podaljšanja enotnega dovoljenja oziroma modre karte EU ali izdaje pisne odobritve ni bilo podano soglasje oziroma za katerega mu ni bilo izdano dovoljenje za sezonsko delo (četrti odstavek 7. člena).

52. člen

(1) Z globo od 10.000 do 75.000 eurov se kaznuje za prekršek delodajalec, ki mu zakon dovoljuje opravljanje dejavnosti zagotavljanja dela delavcev uporabniku, če sklene pogodbo o zaposlitvi s tujcem, ki v Republiki Sloveniji ne prebiva na podlagi modre karte EU oziroma za katerega v postopku izdaje ali podaljšanja enotnega dovoljenja ali izdaje pisne odobritve ni bilo podano soglasje za zaposlitev, samozaposlitev ali delo oziroma nima prostega dostopa na slovenski trg dela (peti odstavek 7. člena).

(2) Z globo od 500 do 5.000 eurov se kaznuje tudi odgovorna oseba delodajalca, ki stori prekršek iz prejšnjega odstavka.

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on an employer or hirer who allows a foreigner to carry out work for which consent was not granted in the procedure for issuing or extending a single permit or an EU Blue Card or a written authorisation or for which no seasonal worker permit was issued (paragraph four of Article 7).

(2) A fine of EUR 3,000 to EUR 30,000 shall be imposed on an employer who allows a foreigner holding a temporary residence permit not issued for employment, self-employment or work to carry out work in contravention of the conditions and elements of employment stated in the official information document (paragraph five of Article 33).

(3) A fine of EUR 500 to EUR 5,000 shall also be imposed on the responsible person of an employer or hirer for committing a minor offence referred to in the preceding two paragraphs.

Article 51

A fine of EUR 500 to EUR 5,000 shall be imposed on a foreigner for carrying out work for which consent was not granted in the procedure for issuing or extending a single permit or an EU Blue Card or a written authorisation or for which no seasonal worker permit was issued (paragraph four of Article 7).

Article 52

(1) A fine of EUR 10,000 to EUR 75,000 shall be imposed on an employer legally performing the activity of providing workers to another user, for concluding an employment contract with a foreigner not residing in the Republic of Slovenia on the basis of an EU Blue Card, or who was not granted consent for employment, self-employment or work in the procedure for issuing or extending a single permit or issuing a written authorisation, or who does not have free access to the Slovenian labour market (paragraph five of Article 7).

(2) A fine of EUR 500 to EUR 5,000 shall also be imposed on the responsible person of an employer for committing the minor offence

53. člen

Z globo od 500 do 5.000 eurov se kaznuje za prekršek posameznik s prebivališčem v Republiki Sloveniji, ki ni registriran za opravljanje dejavnosti ali ni vpisan v register kmetijskih gospodarstev, ki sklene pogodbo o zaposlitvi ali pogodbo civilnega prava s tujcem, ki nima prostega dostopa na trg dela oziroma za katerega v postopku izdaje ali podaljšanja enotnega dovoljenja ali izdaje pisne odobritve ni bilo podano soglasje za zaposlitev, samozaposlitev ali delo (šesti odstavek 7. člena).

54. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek delodajalec oziroma naročnik dela, ki ne zagotovi minimalnih bivanjskih ali higienskih standardov (prvi odstavek 10. člena).

(2) Z globo od 500 do 2.500 eurov se kaznuje tudi odgovorna oseba delodajalca oziroma naročnika dela, ki stori prekršek iz prejšnjega odstavka.

(3) Z globo od 500 do 1.500 eurov se kaznuje posameznik, ki stori prekršek iz prvega odstavka tega člena.

55. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek naročnik dela ali delodajalec, ki v predpisanem roku ne vrne dovoljenja za sezonsko delo za tujca, s katerim ni sklenil delovnega ali pogodbenega razmerja oziroma je pogodba o zaposlitvi ali pogodba civilnega prava prenehala pred iztekom veljavnosti dovoljenja za sezonsko delo (31. člen).

(2) Z globo od 500 do 2.500 eurov se kaznuje tudi odgovorna oseba delodajalca ali naročnika dela, ki stori prekršek iz prejšnjega

referred to in the preceding paragraph.

Article 53

A fine of EUR 500 to EUR 5,000 shall be imposed on a person residing in the Republic of Slovenia not registered to pursue an activity or not entered in the Register of Agricultural Holdings who concludes an employment contract or a civil law contract with a foreigner who does not have free access to the labour market, or who was not granted consent for employment, self-employment or work in the procedure for issuing or extending a single permit or issuing a written authorisation (paragraph six of Article 7).

Article 54

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on an employer or hirer who fails to ensure minimum housing or hygiene standards (paragraph one of Article 10).

(2) A fine of EUR 500 to EUR 2,500 shall also be imposed on the responsible person of an employer or hirer for committing the minor offence referred to in the preceding paragraph.

(3) A fine of EUR 500 to EUR 1,500 shall be imposed on an individual for committing the minor offence referred to in paragraph one of this Article.

Article 55

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on a hirer or employer who fails to return, within the prescribed time limit, the seasonal worker permit of a foreigner where an employment contract or a civil law contract with the foreigner concerned is not concluded or where the employment contract or the civil law contract expires prior to the expiry of the seasonal worker permit (Article 31).

(2) A fine of EUR 500 to EUR 2,500 shall also be imposed on the responsible person of an employer or hirer for committing the minor

odstavka.

(3) Z globo od 500 do 5.000 eurov se kaznuje za prekršek posameznik – fizična oseba, ki je kot nosilec kmetijskega gospodarstva ali član kmetije vpisana v register kmetijskih gospodarstev, ki stori prekršek iz prvega odstavka tega člena.

56. člen

(1) Z globo od 10.000 do 75.000 eurov se kaznuje za prekršek delodajalec s sedežem v državi članici EU, EGP ali v Švicarski konfederaciji, ki izvaja storitve v Republiki Sloveniji z delavci, ki pri njem niso zaposleni, ali izvaja storitve kljub prepovedi dela tujcev (prvi odstavek 35. člena oziroma prvi odstavek 42. člena).

(2) Z globo od 500 do 5.000 eurov se kaznuje tudi odgovorna oseba delodajalca, ki stori prekršek iz prejšnjega odstavka.

57. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek delodajalec s sedežem v državi članici EU, EGP ali v Švicarski konfederaciji, zavezanec za prijavo, ki ne prijavi začetka izvajanja storitve v Republiki Sloveniji (tretji odstavek 35. člena).

(2) Z globo od 500 do 1.500 eurov se kaznuje tudi odgovorna oseba delodajalca, ki stori prekršek iz prejšnjega odstavka.

58. člen

(1) Z globo od 10.000 do 75.000 eurov se kaznuje za prekršek tuji delodajalec, ki izvaja storitve v Republiki Sloveniji z delavci, ki pri njem niso zaposleni, ali izvaja storitve kljub prepovedi dela tujcev (prvi odstavek 36. člena oziroma prvi odstavek 42. člena).

offence referred to in the preceding paragraph.

(3) A fine of EUR 500 to EUR 5,000 shall be imposed on an individual natural person entered in the Register of Agricultural Holdings as the head of an agricultural holding or a farm household member for committing the minor offence referred to in paragraph one of this Article.

Article 56

(1) A fine of EUR 10,000 to EUR 75,000 shall be imposed on an employer established in a Member State of the EU, a member state of the EEA or in the Swiss Confederation for providing services in the Republic of Slovenia with workers not employed by it or for providing services despite the prohibition of the work of foreigners (paragraph one of Article 35 or paragraph one of Article 42).

(2) A fine of EUR 500 to EUR 5,000 shall be imposed on the responsible person of an employer for committing the minor offence referred to in the preceding paragraph.

Article 57

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on an employer liable for registration established in a Member State of the EU, a member state of the EEA or in the Swiss Confederation for failure to register the commencement of the provision of services in the Republic of Slovenia (paragraph three of Article 35).

(2) A fine of EUR 500 to EUR 1,500 shall be imposed on the responsible person of an employer for committing the minor offence referred to in the preceding paragraph.

Article 58

(1) A fine of EUR 10,000 to EUR 75,000 shall be imposed on a foreign employer for providing services in the Republic of Slovenia with workers not employed by it or for providing services despite the prohibition on the work of foreigners (paragraph one of Article 36 and paragraph one

(2) Z globo od 500 do 5.000 eurov se kaznuje tudi odgovorna oseba tujega delodajalca, ki stori prekršek iz prejšnjega odstavka.

59. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek tuji delodajalec, zavezanec za prijavo, ki ne prijavi začetka izvajanja storitve v Republiki Sloveniji oziroma katerega delavci izvajajo storitve, ki niso vezane na dobavo blaga in servisiranje (drugi in tretji odstavek 36. člena).

(2) Z globo od 500 do 1.500 eurov se kaznuje tudi odgovorna oseba tujega delodajalca, ki stori prekršek iz prejšnjega odstavka.

60. člen

Z globo od 500 do 5.000 eurov se kaznuje za prekršek tujec, zavezanec za prijavo, ki ne prijavi začetka dela zastopnika v Republiki Sloveniji (drugi odstavek 37. člena).

61. člen

Z globo od 500 do 5.000 eurov se kaznuje tujec, ki je zaposlen, samozaposlen ali dela v nasprotju s prepovedjo iz drugega in četrtega odstavka 42. člena tega zakona.

62. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek delodajalec ali naročnik dela, ki nadzornim organom ne omogoči dostopa do vseh razpoložljivih dokazil, na podlagi katerih so izdani dokumenti, ki dovoljujejo zaposlitev, samozaposlitev ali delo tujca (prvi odstavek 45. člena).

of Article 42).

(2) A fine of EUR 500 to EUR 5,000 shall also be imposed on the responsible person of a foreign employer for committing the minor offence referred to in the preceding paragraph.

Article 59

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on a foreign employer liable for registration for failure to register the commencement of the provision of services in the Republic of Slovenia or for providing services not linked to the delivery of goods and maintenance (paragraphs two and three of Article 36).

(2) A fine of EUR 500 to EUR 1,500 shall also be imposed on the responsible person of a foreign employer for committing the minor offence referred to in the preceding paragraph.

Article 60

A fine of EUR 500 to EUR 5,000 shall be imposed on a foreigner liable for registration for failure to register the commencement of work as a representative in the Republic of Slovenia (paragraph two of Article 37).

Article 61

A fine of EUR 500 to EUR 5,000 shall be imposed on a foreigner employed, self-employed or working in contravention of the prohibitions referred to in paragraphs two and four of Article 42 of this Act.

Article 62

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on an employer or hirer for failure to provide the competent supervisory authorities access to all available evidence on the basis of which documents permitting the employment, self-employment or work of a foreigner were issued (paragraph one of Article 45).

(2) Z globo od 500 do 1.500 eurov se kaznuje tudi odgovorna oseba delodajalca ali naročnika dela, ki stori prekršek iz prejšnjega odstavka.

63. člen

Z globo od 500 do 1.500 eurov se kaznuje za prekršek tujec, ki na poziv nadzornega organa ne predloži informativnega lista ali dovoljenja za sezonsko delo (drugi odstavek 45. člena).

64. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek delodajalec iz prvega odstavka 35. člena, ki med obdobjem napotitve ne hrani dokumentacije iz tretjega odstavka 45. člena tega zakona oziroma je ne predloži na poziv nadzornega organa (tretji odstavek 45. člena).

(2) Z globo od 500 do 2.500 eurov se kaznuje tudi odgovorna oseba delodajalca iz prvega odstavka 35. člena, ki stori prekršek iz prejšnjega odstavka.

65. člen

(1) Z globo od 3.000 do 30.000 eurov se kaznuje za prekršek tuji delodajalec, ki med obdobjem napotitve ne hrani dokumentacije iz četrtega odstavka 45. člena tega zakona oziroma je ne predloži na poziv nadzornega organa (četrty odstavek 45. člena).

(2) Z globo od 500 do 2.500 eurov se kaznuje tudi odgovorna oseba tujega delodajalca, ki stori prekršek iz prejšnjega odstavka.

(2) A fine of EUR 500 to EUR 1,500 shall also be imposed on the responsible person of an employer or hirer for committing the minor offence referred to in the preceding paragraph.

Article 63

A fine of EUR 500 to EUR 1,500 shall be imposed on a foreigner for failure to submit the official information document or the seasonal worker permit at the request of a supervisory authority (paragraph two of Article 45).

Article 64

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on an employer for committing the minor offence, referred to in paragraph one of Article 35, of failing to keep the documents referred to in paragraph three of Article 45 of this Act throughout the posting period or for failure to submit them at the request of a supervisory authority (paragraph three of Article 45).

(2) A fine of EUR 500 to EUR 2,500 shall be imposed on the responsible person of an employer referred to in paragraph one of Article 35 for committing the minor offence referred to in the preceding paragraph.

Article 65

(1) A fine of EUR 3,000 to EUR 30,000 shall be imposed on a foreign employer for failure to keep the documents referred to in paragraph three of Article 45 of this Act throughout the posting period or for failure to submit them at the request of a supervisory authority (paragraph three of Article 45).

(2) A fine of EUR 500 to EUR 2,500 shall be imposed on the responsible person of a foreign employer for committing the minor offence referred to in the preceding paragraph.

66. člen

Z globo od 500 do 5.000 eurov se kaznuje za prekršek tujec, ki med obdobjem opravljanja dela kot zastopnik ne hrani dokumentacije iz petega odstavka 45. člena tega zakona oziroma je ne predloži na poziv nadzornega organa (peti odstavek 45. člena).

67. člen

Za prekrške iz tega zakona se sme v hitrem postopku izreči globa tudi v znesku, ki je višji od najnižje predpisane globe, določene s tem zakonom.

XII. poglavje

POSEBNE DOLOČBE

68. člen (Zakon o urejanju trga dela)

V Zakonu o urejanju trga dela (Uradni list RS, št. 80/10, 40/12 – ZUJF, 21/13, 63/13, 100/13 in 32/14 – ZPDZC-1) se:

1. drugi odstavek 8. člena spremeni tako, da se glasi: »(2) Za brezposelno osebo po tem zakonu se štejejo tudi tujec z državljanstvom države, ki ni članica EU, EGP ali Švicarske konfederacije in ima prost dostop na slovenski trg dela, tujec z veljavnim enotnim dovoljenjem za prebivanje in delo, izdanim na podlagi soglasja za zaposlitev, samozaposlitev ali delo, tujec z modro karto EU ter tujec, ki v Republiki Sloveniji prebiva na podlagi dovoljenja za začasno prebivanje ali potrdila o pravočasno vloženi vlogi za izdajo nadaljnjega dovoljenja za prebivanje ter na podlagi zaposlitve ali samozaposlitve izpolnjuje pogoje za prejemanje denarnega nadomestila za primer brezposelnosti v Republiki Sloveniji, dokler prejema to nadomestilo.«;

Article 66

(1) A fine of EUR 500 to EUR 5,000 shall be imposed on a foreigner for failure to keep the documents referred to in paragraph five of Article 45 of this Act throughout the period of performing the work of a representative or for failure to submit them at the request of a supervisory authority (paragraph five of Article 45).

Article 67

A fine in an amount exceeding the minimum fine under this Act may be imposed in an expedited procedure for the minor offences referred to in this Act.

Chapter XII

SPECIAL PROVISIONS

Article 68 (Labour Market Regulation Act)

In the Labour Market Regulation Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 80/10, 40/12 – ZUJF, 21/13, 63/13, 100/13 and 32/14 – ZPDZC-1)

1. paragraph two of Article 8 shall be amended to read as follows: "(2) Unemployed person pursuant to this Act shall also refer to a foreigner with citizenship of a state which is not a Member State of the EU, a member state of the EEA or the Swiss Confederation who has free access to the Slovenian labour market, a foreigner holding a valid single residence and work permit issued on the basis of consent for employment, self-employment or work, a foreigner holding an EU Blue Card, and a foreigner residing in the Republic of Slovenia with a temporary residence permit or a certificate demonstrating that an application for the extension of a residence permit was submitted in due time who is, on the basis of employment or self-employment, eligible to receive unemployment benefit in the Republic of Slovenia,

2. tretji odstavek 167. člena spremeni tako, da se glasi: »(3) Delodajalec za zagotavljanje dela, ki je vpisan v register oziroma v evidenco, lahko opravlja dejavnost zagotavljanja dela delavcev uporabniku za državljane Republike Slovenije ter za tujce z državljanstvom držav, ki niso članice EU, EGP ali Švicarske konfederacije in imajo:
3. prost dostop na slovenski trg dela, v skladu z zakonom, ki ureja zaposlovanje, samozaposlovanje in delo tujcev,
4. enotno dovoljenje za prebivanje in delo, izdano na podlagi soglasja za zaposlitev, samozaposlitev ali delo, ali
5. modro karto EU.«.

69. člen **(Zakon o delovnih razmerjih)**

V Zakonu o delovnih razmerjih (Uradni list RS, št. 21/13 in 78/13 – popr.) se:

1. v prvem odstavku 54. člena četrta alineja spremeni tako, da se glasi: »– zaposlitev tujca ali osebe brez državljanstva, ki ima enotno dovoljenje kot ga določa zakon, ki ureja vstop in prebivanje tujcev, in dovoljenje za sezonsko delo, kot ga določa zakon, ki ureja zaposlovanje, samozaposlovanje in delo tujcev, razen kadar je enotno dovoljenje izdano na podlagi soglasja za zaposlitev, samozaposlitev ali delo,«;
2. drugi odstavek 119. člena spremeni tako, da se glasi: »(2) Pogodba o zaposlitvi, ki jo sklene tujec ali oseba brez državljanstva, preneha veljati po samem zakonu z dnem prenehanja veljavnosti enotnega dovoljenja, kot ga določa zakon, ki ureja vstop in prebivanje tujcev, in dovoljenja za sezonsko delo, kot ga določa zakon, ki ureja zaposlovanje, samozaposlovanje in delo tujcev.«.

70. člen **(Zakon o zdravstvenem varstvu in zdravstvenem zavarovanju)**

V Zakonu o zdravstvenem varstvu in zdravstvenem zavarovanju (Uradni list RS, št. 72/06 – uradno prečiščeno besedilo, 114/06 – ZUTPG, 91/07, 76/08, 62/10 – ZUPJS, 87/11, 40/12 – ZUJF,

throughout the period of receiving it.";

2. paragraph three of Article 167 shall be amended to read as follows: "(3) An employer performing the activity of providing workers to another user and duly entered in registers or records may pursue the activity of supplying temporary agency work to citizens of the Republic of Slovenia and to foreigners who do not have citizenship of a Member State of the EU, a member state of the EEA or the Swiss Confederation and who have:
3. free access to the Slovenian labour market in accordance with the act governing the employment, self-employment and work of foreigners;
4. a single residence and work permit issued on the basis of consent for employment, self-employment or work; or
5. an EU Blue Card."

Article 69 **(Employment Relationship Act)**

In the Employment Relationship Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 21/13 and 78/13 – corr.)

1. the fourth indent of paragraph one of Article 54 shall be amended to read as follows: "– employment of a foreigner or a stateless person holding a single permit as defined by the act governing the entry and residence of foreigners and a seasonal worker permit as defined by the act governing the employment, self-employment and work of foreigners, unless the single permit is issued on the basis of consent for employment, self-employment or work,";
2. paragraph two of Article 119 shall be amended to read as follows: "(2) A contract of employment concluded by a foreigner or a stateless person shall expire on the date of the expiry of the single permit as defined by the act governing the entry and residence of foreigners and the seasonal worker permit as defined by the act the governing employment, self-employment and work of foreigners."

Article 70 **(Health Care and Health Insurance Act)**

In the Health Care and Health Insurance Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 72/06 – Official Consolidated Text, 114/06 – ZUTPG, 91/07, 76/08, 62/10 – ZUPJS,

21/13 – ZUTD-A, 91/13, 99/13 – ZUPJS-C, 99/13 – ZSVarPre-C, 111/13 – ZMEPIZ-1 in 95/14 – ZUJF-C) se:

1. v 79.a členu za peto alinejo doda nova šesta alineja, ki se glasi: »– dovoljenje za stalno ali začasno prebivanje,«; dosedanje šesta do dvanajsta alineja postanejo sedma do trinajsta alineja;
2. v drugem odstavku 79.b člena za peto alinejo doda nova šesta alineja, ki se glasi: »– dovoljenje za stalno ali začasno prebivanje,«; dosedanje šesta do dvaindvajseta alineja postanejo sedma do triindvajseta alineja.

71. člen (Zakon o tujcih)

V Zakonu o tujcih (Uradni list RS, št. 45/14 – uradno prečiščeno besedilo, 90/14 in 19/15) se:

1. v 56. členu za prvim odstavkom doda nov drugi odstavek, ki se glasi: »(2) Pristojni organ, ki je izdal pisno odobritev, ali pristojni organ, na območju katerega tujec prebiva, pisno odobritev razveljavi, če organ, ki je po zakonu, ki ureja zaposlovanje in delo tujcev, pristojen za podajo soglasja k pisni odobritvi, umakne soglasje k pisni odobritvi. Zoper odločbo o razveljavitvi pisne odobritve pritožba ni dovoljena.«; dosednji drugi do sedmi odstavek postanejo tretji do osmi odstavek;
2. 1. točka sedmega odstavka 111. člena se spremeni tako, da se glasi: »1. Ime, naslov, matično in davčno številko tujca, ki je vpisan v poslovni register za opravljanje samostojne poklicne dejavnosti.«.

XIII. poglavje

PREHODNE IN KONČNE DOLOČBE

72. člen

87/11, 40/12 – ZUJF, 21/13 – ZUTD-A, 91/13, 99/13 – ZUPJS-C, 99/13 – ZSVarPre-C, 111/13 – ZMEPIZ-1 and 95/14 – ZUJF-C)

1. a new sixth indent shall be inserted after the fifth indent of Article 79a to read as follows: "– a permanent or temporary residence permit,;" the current sixth to twelfth indents shall be renumbered as the seventh to thirteenth indents;
2. a new sixth indent shall be inserted after the fifth indent in paragraph two of Article 79b to read as follows: "– a permanent or temporary residence permit,;" the current sixth to twenty-second indents shall be renumbered as the seventh to twenty-third indents.

Article 71 (Foreigners Act)

In the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 45/14 – Official Consolidated Text, 90/14 and 19/15)

1. a new second paragraph shall be inserted after paragraph one of Article 56 to read as follows: "(2) The competent authority issuing a written authorisation or the authority competent for the territory where the foreigner resides shall revoke the written authorisation if the authority authorised to grant consent to written authorisations under the act governing the employment and work of foreigners withdraws the consent for the written authorisation. There shall be no appeal against a decision to revoke a written authorisation.;" the current paragraphs two to seven shall be renumbered as paragraphs three to eight;
2. Point 1 of paragraph seven of Article 111 shall be amended to read as follows: "1. Name, address, personal identification number and tax number of a foreigner entered in the Business Register to pursue a professional activity in a self-employed capacity."

Chapter XIII

TRANSITIONAL AND FINAL PROVISIONS

Article 72

(vložene vloge in pridobljene pravice)

(1) O vlogah, ki so bile vložene pred začetkom uporabe tega zakona, se odloča v skladu z Zakonom o zaposlovanju in delu tujcev (Uradni list RS, št. 26/11, 21/13 – ZUTD-A in 100/13 – ZUTD-C, v nadaljnjem besedilu: ZZDT-1).

(2) Delovna dovoljenja, ki so bila izdana po ZZDT-1, ostanejo v veljavi do poteka njihove veljavnosti.

(3) V postopku izdaje ali podaljšanja enotnega dovoljenja oziroma izdaje pisne odobritve tujcu, ki ima veljavno osebno delovno dovoljenje z veljavnostjo treh let, izdano po ZZDT-1, se v času veljavnosti osebnega delovnega dovoljenja šteje, da je soglasje podano.

73. člen (prepovedi zaposlovanja in dela)

Prepovedi zaposlovanja in dela tujcev, uveljavljene po ZZDT-1, ostanejo v veljavi do poteka prepovedi.

74. člen (podzakonski akti po tem zakonu)

(1) Ministri, pristojni za delo, prostor in zdravje, izdajo podzakonski akt iz drugega odstavka 10. člena tega zakona v treh mesecih od uveljavitve tega zakona.

(2) Minister, pristojen za delo, izda podzakonski akt iz osmega odstavka 48. člena tega zakona v treh mesecih od uveljavitve tega zakona.

75. člen (prehodna določba k Zakonu o urejanju trga dela)

(1) Ne glede na določbo drugega odstavka 8. člena zakona se

(Submitted applications and acquired rights)

(1) Applications submitted prior to the entry into force of this Act shall be decided on in accordance with the Employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos. 26/11, 21/13 – ZUTD-A and 100/13 – ZUTD-C, hereinafter: ZZDT-1).

(2) Work permits issued under the ZZDT-1 shall remain in force until their dates of expiry.

(3) In the procedure for issuing or extending a single permit or issuing a written authorisation to a foreigner holding a valid three-year personal work permit issued under the ZZDT-1, consent shall be deemed granted for the period of validity of the personal work permit concerned.

Article 73 (Prohibitions of work and employment)

Prohibitions of work and employment of foreigners imposed under the ZZDT-1 shall remain in force until their respective termination.

Article 74 (Implementing regulations under this Act)

(1) The ministers responsible for labour, spatial planning and health shall issue the implementing regulation referred to in paragraph two of Article 10 of this Act within three months of the date of entry into force of this Act.

(2) The minister responsible for labour shall issue the implementing regulation referred to paragraph eight of Article 48 of this Act within three months of the date of entry into force of this Act.

Article 75 (Transitional provision with regard to the Labour Market Regulation Act)

(1) Notwithstanding the provision of paragraph two of Article 8

za brezposelno osebo šteje tudi tujec z veljavnim osebnim delovnim dovoljenjem, izdanim na podlagi ZZDT-1, do poteka veljavnosti osebnega delovnega dovoljenja.

(2) Ne glede na določbo tretjega odstavka 167. člena zakona lahko delodajalec za zagotavljanje dela, ki je vpisan v register oziroma v evidenco, opravlja dejavnost zagotavljanja dela delavcev uporabniku tudi za tujca z veljavnim osebnim delovnim dovoljenjem z veljavnostjo treh let, izdanim na podlagi ZZDT-1, do poteka veljavnosti osebnega delovnega dovoljenja.

76. člen **(prehodna določba k Zakonu o delovnih razmerjih)**

(1) Ne glede na četrto alinejo prvega odstavka 54. člena zakona se lahko sklene pogodba o zaposlitvi za določen čas tudi v primeru, če gre za zaposlitev tujca ali osebe brez državljanstva, ki ima delovno dovoljenje, izdano na podlagi ZZDT-1 (razen v primeru osebnega delovnega dovoljenja), do poteka veljavnosti delovnega dovoljenja.

(2) Ne glede na drugi odstavek 119. člena zakona pogodba o zaposlitvi, ki jo sklene tujec ali oseba brez državljanstva, preneha veljati po samem zakonu tudi z dnem prenehanja veljavnosti delovnega dovoljenja, izdanega na podlagi ZZDT-1.

77. člen **(Zakon o preprečevanju dela in zaposlovanja na črno)**

V Zakonu o preprečevanju dela in zaposlovanja na črno (Uradni list RS, št. 32/14) prenehata veljati peta alineja prvega odstavka 5. člena in četrta alineja prvega odstavka 23. člena.

78. člen **(Zakon o medijih)**

V Zakonu o medijih (Uradni list RS, št. 110/06 – uradno

of this Act, a foreigner holding a valid personal work permit issued under the ZZDT-1 shall also be deemed an unemployed person until the date of expiry of the personal work permit.

(2) Notwithstanding the provision of paragraph three of Article 167 of this Act, an employer performing the activity of providing workers to another user and duly entered in registers or records may also provide a foreigner worker holding a valid three-year personal work permit issued under the ZZDT-1a until the date of expiry of the personal work permit.

Article 76 **(Transitional provision with regard to the Employment Relationship Act)**

(1) Notwithstanding the fourth indent of paragraph one of Article 54 of this Act, a fixed-term contract of employment may also be concluded in the case of employment of a foreigner or stateless person with a work permit issued under the ZZDT-1 (except in the case of a personal work permit) until the date of expiry of the work permit.

(2) Notwithstanding paragraph two of Article 119 of this Act, an employment contract concluded by a foreigner or a stateless person shall expire on the date of the expiry of the work permit issued under the ZZDT-1.

Article 77 **(Prevention of Undeclared Work and Employment Act)**

The fifth indent of paragraph one of Article 5 and the fourth indent of paragraph one of Article 23 of the Prevention of Undeclared Work and Employment Act (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 32/14) shall cease to be in force.

Article 78 **(Media Act)**

Paragraph three of Article 124 of the Media Act (Official

prečiščeno besedilo, 36/08 – ZPOmK-1, 77/10 – ZSFCJA, 90/10 – odl. US, 87/11 – ZAvMS in 47/12) preneha veljati tretji odstavek 124. člena.

79. člen **(pravica zbiranja podatkov nosilcev javnih pooblastil)**

Nosilci javnih pooblastil, ki so po predpisih, veljavnih na dan uveljavitve tega zakona, upravičeni do podatkov o delovnih dovoljenjih, so upravičeni tudi do podatkov o enotnem dovoljenju, modri karti, pisni odobritvi, soglasju ali dovoljenju za sezonsko delo po tem zakonu in po zakonu, ki ureja vstop in prebivanje tujcev.

80. člen **(prenehanje veljavnosti podzakonskih aktov)**

(1) Z dnem uveljavitve tega zakona prenehajo veljati:

- Pravilnik o kriterijih za usposabljanje v gospodarski družbi (Uradni list RS, št. 73/11),
- Pravilnik o vlogah in dokazilih v zvezi z zaposlovanjem in delom tujcev ter o zaposlitvah tujcev, ki niso vezane na trg dela (Uradni list RS, št. 45/11 in 11/15),
- Pravilnik o obdelavi in posredovanju podatkov o tujcih, ki se zaposlijo ali delajo na ozemlju Republike Slovenije (Uradni list RS, št. 83/11),
- Pravilnik o določitvi minimalnih standardov za nastanitev tujcev, ki so zaposleni ali delajo v Republiki Sloveniji (Uradni list RS, št. 71/11) in
- Sklep o določitvi višine nadomestila posebnih stroškov (Uradni list RS, št. 8/01).

(2) Ne glede na prejšnji odstavek se podzakonska akta iz prve in druge alineje prejšnjega odstavka uporabljata do začetka uporabe tega zakona, podzakonska akta iz tretje in četrte alineje prejšnjega odstavka pa se uporabljata do uveljavitve podzakonskih aktov po tem zakonu,

Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 110/06 – official Consolidated Text, 36/08 – ZPOmK-1, 77/10 – ZSFCJA, 90/10 – Dec. of the CC, 87/11 – ZAvMS and 47/12) shall cease to be in force.

Article 79 **(Right of holders of public authority to collect data)**

The holders of public authority entitled to obtain data on work permits under the regulations applicable on the day of the entry into force of this Act shall also have the right to obtain data on single permits, EU Blue Cards, written authorisations, consent or seasonal worker permits under this Act and the act governing the entry and residence of foreigners.

Article 80 **(Cessation of validity of implementing regulations)**

(1) On the date of the entry into force of this Act, the following shall cease to be in force:

- Rules on criteria for training in companies (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 73/11);
- Rules on applications and supporting documents as regards the employment and work of foreigners and employment of foreigners not bound to the labour market (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 45/11 and 11/15);
- Rules on the processing and communication of information on foreigners who get employment and work in the territory of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 83/11);
- Rules on minimum standards for accommodation of foreigners employed and working in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 71/11); and
- Decision on specifying the amount of special expenses compensation (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 8/01).

(2) Notwithstanding the preceding paragraph, the implementing regulations referred to in the first and second indents of the preceding paragraph shall apply until the date of entry into force of this Act, while the implementing regulations referred to in the third and fourth indents of the

kolikor z njim nista v nasprotju.

81. člen
(prenehanje veljavnosti Zakona o zaposlovanju in delu tujcev)

Z dnem uveljavitve tega zakona preneha veljati Zakon o zaposlovanju in delu tujcev (Uradni list RS, št. 26/11, 21/13 – ZUTD-A in 100/13 – ZUTD-C), uporablja pa se do začetka uporabe tega zakona, razen določb prvega, drugega in tretjega odstavka 57. člena in prvega, drugega in tretjega odstavka 58. člena, ki se za ugotavljanje razlogov za prenehanje veljavnosti in razveljavitev delovnih dovoljenj, izdanih po Zakonu o zaposlovanju in delu tujcev (Uradni list RS, št. 26/11, 21/13 – ZUTD-A in 100/13 – ZUTD-C), uporabljajo do poteka veljavnosti delovnih dovoljenj, izdanih po navedenem zakonu.

82. člen
(uveljavitev zakona)

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, uporabljati pa se začne 1. septembra 2015.

Št. 101-08/15-8/16
Ljubljana, dne 16. junija 2015
EPA 426-VII

Državni zbor
Republike Slovenije

dr. Milan Brglez l.r.
Predsednik

preceding paragraph shall apply until the date of entry into force of the implementing regulations under this Act, provided they do not run counter to it.

Article 81
(Cessation of Validity of the Employment and Work of Foreigners Act)

On the date of the entry into force of this Act, the Employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 26/11, 21/13 – ZUTD-A and 100/13 – ZUTD-C) shall cease to be in force but shall remain applicable pending the application of this Act, except for the provisions of paragraphs one, two and three of Article 57 and paragraphs one, two and three of Article 58, which shall remain applicable for the purpose of establishing grounds for the termination of the validity and revocation of work permits issued under the Employment and Work of Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 26/11, 21/13 – ZUTD-A and 100/13 – ZUTD-C) until the date of expiry of the work permits issued under the aforementioned Act.

Article 82
(Entry into force)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall apply as of 1 September 2015.

No. 101-08/15-8/16
Ljubljana, 16 June 2015
EPA 426-VII

National Assembly
of the Republic of
Slovenia

Milan Brglez, m.p.
President

