

AT ITS SESSION ON 29 MARCH 2011, THE NATIONAL ASSEMBLY ADOPTED THE FOLLOWING EMPLOYMENT AND WORK OF ALIENS ACT (ZZDT-1):

**EMPLOYMENT AND WORK OF ALIENS ACT
(ZZDT-1)**

Chapter I

General provisions

Article 1
(Contents of the Act)

This Act shall set out the conditions under which aliens may be employed or work and related tasks of the Republic of Slovenia for the regulation and protection of the labour market.

Article 2
(Tasks of the Republic of Slovenia)

(1) The National Assembly of the Republic of Slovenia (hereinafter: National Assembly) shall establish the bases for the policy on employment and work of aliens by a resolution on migration policy, which shall be carried out in accordance with this Act and with international treaties binding in the Republic of Slovenia.

(2) The Government of the Republic of Slovenia (hereinafter: Government) shall adopt strategies from the field of labour migrations, conclude international treaties setting out the conditions for the employment of workers and the flow of services in accordance with the adopted policy relating to the employment and work of aliens, and shall adopt measures to protect the domestic labour market as determined by this Act

(3) In accordance with international treaties binding in the Republic of Slovenia and that regulate free movement of workers and services and free provision of services between Member States of the European Union (hereinafter: EU), Member States of the European Economic Area (hereinafter: EEA), and the Swiss Confederation, the Government may propose to the National Assembly to introduce or eliminate measures provided for by international treaties (transitional period or protection clause).

Article 3
(European Union regulations)

By this Act the following European Union directives shall be partly transposed into the legislation of the Republic of Slovenia:

- 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 (OJ L No. 158 of 30 April 2004, p. 77);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L No. 251 of 3 October 2003, p. 12);

- Council Directive 2003/109/EC of November 2003 concerning the status of third-country nationals who are long-term residents (OJ L No. 16 of 23 January 2004, p. 44);
- 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 of 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 of 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 of 3 November 2005, p. 15);
- Council Directive 2001/55/EC of 20 July 2001 on minimum standards for providing 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 of 7 August 2001, p. 162);
- – Council Directive 2003/9/ES of 27 January 2003 laying down minimum standards for the reception of asylum seekers (OJ L No. 31 of 6 February 2003, p. 101);
- – Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (OJ L No. 304 of 30 September 2004, p. 96);
- 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 of 30 June 2009, p. 24);
- Council Directive 2009/50/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 of 18 June 2009, p. 17).

Article 4 (Definitions)

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

1. alien: a person without citizenship of the Republic of Slovenia;
2. refugee: an alien who has been granted refugee status in accordance with the law governing international protection;
3. applicant for international protection: an alien who has the status of applicant for international protection in accordance with the law governing international protection;
4. person with subsidiary protection: an alien who has been granted status of a person with subsidiary protection in accordance with the law governing international protection;
5. persons with temporary protection: an alien who has been granted status of a person with temporary protection in accordance with the law governing temporary protection of the displaced persons;
6. employer: a legal or natural person registered to perform an activity, or another entity specified by the law governing labour relations, that employs a natural person on the basis of a contract of employment;
7. the highly qualified employment: employment of a third-country national who has required relevant and special competences, is certified with proof of higher education, and is receiving appropriate payment;

8. EU Blue Card: a temporary residence permit for highly qualified employment, issued in accordance with the law governing the residence of aliens, and enabling the holder to enter, reside and take up employment in the Republic of Slovenia;
9. seasonal work: a form of temporary work or employment in agriculture and forestry, inseparably connected with a season, in which, for an individual activity, a distinctive increase in the scope of the need for labour force is typical;
10. daily migrant worker: an alien with permanent residence in a neighbouring country who arrives daily to the Republic of Slovenia to work or for reasons of employment, and returns daily to the country in which he/she has permanent residence;
11. self-employed person: an alien who gains a livelihood via independent work performed on the basis of entry in the business register, and who is obliged to pay social insurance contributions, or who signs up for such insurance;
12. representative: an alien who, in accordance with the law or with an act issued by a legal person or sole trader, is appointed to represent a legal person or sole trader and who is entered in the appropriate register;
13. seconded worker: an alien who is in an employment relationship with a foreign employer during the provision of a contractual service in the territory of the Republic of Slovenia and for whom the employer pays social insurance contributions;
14. foreign employer: a natural or legal person registered for provision of a service that has residence or head office in the third country;
15. market presence: the presence of a foreign employer in the Republic of Slovenia for a subsidiary or other organisational form of business registered in accordance with the regulations of the Republic of Slovenia, or when it has a commercial company in which it has a minimum 50 percent ownership share;
16. movement of persons within corporations: the temporary reassignment of an alien working for a foreign employer, present in the market of the Republic of Slovenia, to an organisational unit registered in the Republic of Slovenia;
17. cross-border service: a service provided in the Republic of Slovenia by a foreign employer or an alien on the basis of a contract concluded with a Slovenian employer or Slovenian natural person;
18. business visitor: an alien who resides in the Republic of Slovenia without generating income in the Republic of Slovenia or directly performing public sales or providing services, but who only participates in business meetings and establishes business contacts, including negotiations regarding the provision of services and similar activities and including those services and activities which relate to a foreign employer's preparation for establishing a market presence in the Republic of Slovenia. These types of activities may be carried out in the state for a limited period of 90 days within six months, counting from the day of first entry;
19. long-term resident: an alien who is not a citizen of an EU Member State but is in possession of a permanent or long-term residence permit in an EU Member State issued for a validity period of at least five years;
20. EU citizen: an alien who is a citizen of another Member State of the EU;
21. EEA citizen: an alien who is a citizen of a Member State of the EEA;
22. third country: any country other than an EU or EEA Member State or the Swiss Confederation;
23. researcher: an alien who is not a citizen of a Member State of the EU, holding an appropriate higher education qualification giving access to doctoral programmes and who is selected by a research organisation for carrying out a research project for which the above qualification is required;

24. victim of trafficking in human beings: an alien who is not a citizen of a Member State of the EU, and has been issued a temporary residence permit as a victim of trafficking in human beings in accordance with the law regulating the residence of aliens;
25. victim of illegal employment: an alien who is not a citizen of a Member State of the EU, and has been issued a temporary residence permit as a victim of illegal employment in accordance with the law regulating the residence of aliens.

Article 5
(Applicability of the Act)

(1) The provisions of this Act shall apply to all aliens, unless otherwise determined by this Act or an international treaty binding in the Republic of Slovenia.

(2) For employment or work in the Republic of Slovenia, the work permit shall not be necessary for and the provisions of this Act shall not apply to:

1. aliens who in accordance with international law are entitled to privileges and immunity, and are in possession of a specific document issued by or registered with the ministry responsible for foreign affairs;
2. aliens who, in the state, provide services on the basis of appropriate agreements with international organisations or agreements between competent institutions or in the framework of international projects in professional/technical assistance, education, advanced education or research;
3. aliens who are reporters for foreign media or foreign correspondents accredited in the Republic of Slovenia;
4. aliens who perform clerical jobs in established religious communities, and aliens who organise or run charitable and humanitarian activities within registered organisations and religious communities;
5. aliens who on the basis of a contract concluded with the ministry responsible for defence or the ministry responsible for internal affairs provide services for the needs of national defence and security, and persons who are undertaking advanced professional training in these areas;
6. aliens who are members of ship or aircraft crews or aliens employed by a foreign employer operating in road and rail transport;
7. aliens who in accordance with the law are entered in the court register of the Republic of Slovenia as founders, partners or members of supervisory boards of companies for performing work within these functions, but are not entered in the court register as representatives;
8. business visitors;
9. aliens and their accompanying technical staff who, as foreign lecturers, participate in organised professional meetings, who give presentations of scientific achievements, or who occasionally participate in their implementation or perform temporary scientific work (Saturday jobs);
10. aliens who have been granted the status of apprentice, secondary school or university students in the Republic of Slovenia and who, on the basis thereof, perform apprenticeship or student work, and aliens who perform apprenticeship or student work on the basis of agreements on student and pupil exchange;
11. aliens who perform volunteer work on the basis of the law governing volunteer work;
12. aliens who themselves provide creative services in the area of culture as participants in cultural workshops, meetings, colonies or other cultural events, or as reporters of these events; as creators and re-creators in the area of music, musical performance, dance and ballet arts; in the area of literary arts; in the area of photography, video and film art; in the

area of electronic media art; in the area of visual art, architecture and design, intermedia art and performance art; in the area of cultural heritage preservation, library science, archive science and creative culture, and as accompanying instructing, reporting, organisational and technical staff;

13. aliens who take part in sports and chess competitions;
14. researchers who have signed a hosting agreement with a research institution from the Republic of Slovenia and researchers who carry out research projects in the Republic of Slovenia for a period of up to three months and have been issued a residence permit as a researcher in another EU Member State;
15. aliens who reside in the Republic of Slovenia in accordance with the law regulating the residence of aliens in the Republic of Slovenia, and perform work that, according to the law regulating the prevention of illegal work and employment, is not considered to be illegal work or employment, along with aliens who perform menial work in accordance with the law regulating menial work, and who already reside in the Republic of Slovenia in accordance with the provisions of the law regulating the residence of aliens in the Republic of Slovenia, except in cases when aliens reside in the Republic of Slovenia for reasons of employment or work, and do not have a personal work permit or free access to the Slovenian labour market;
16. aliens who are professional athletes or private sport workers and have concluded a partnership contract in the Republic of Slovenia with a Slovenian sport club or sport organisation with its head office in the Republic of Slovenia, and are entered into the register of professional athletes or in the register of private sport workers, in the period of three months counting from the day of first entry into the Republic of Slovenia;
17. aliens who, in the area of the Republic of Slovenia, accompany or lead guests or groups of guests from abroad and are tourist guides or their assistants who perform their activities in accordance with the law governing encouragement in the development of tourism, or mountain guides who perform their activity in accordance with the law governing mountain guides;

(3) In the event of doubt as to whether the cases specified in the preceding paragraph apply, the minister responsible for work shall give his opinion, except in case of reporting for foreign media referred to in the point 3 of the preceding paragraph and creative services from the area of culture referred to in point 12 of the preceding paragraph, to which the minister responsible for culture shall give a responding opinion.

Article 6 (Employment and work)

(1) An alien is employed in the Republic of Slovenia when, on the basis of an employment contract, he/she is employed by an employer with its head office, subsidiary or residence in the Republic of Slovenia or has the status of self-employed person in accordance with this Act.

(2) The employment contract must be in accordance with the law governing labour relationships and collective agreements binding to the employer,

(3) An alien shall perform work in the Republic of Slovenia when he/she provides services as a seconded worker or performs other forms of work based on work contracts or other civil contracts valid in the territory of the Republic of Slovenia for a limited time.

(4) An alien with an employment permit or a permit for work in the Republic of Slovenia is only allowed to perform the work for which he/she was issued a work permit, except in the

case of a representative who may perform any work within the activity for which the employer is registered.

(5) An employer who may, in accordance with the law governing the labour market, ensure the work of workers to another employer may, for performing this activity, conclude employment contracts with only the aliens who have a personal work permit with a validity period of three years or who have free access to the Slovenian labour market.

(6) In the event that an employer is a natural person with residence in the Republic of Slovenia, but not registered to perform an activity, the employer may only conclude an employment contract, work contract or other civil contract with an alien who has free access to the labour market or personal work permit, except in cases of personal work permit for self-employment.

(7) Aliens who are employed or who perform work in the Republic of Slovenia must be provided with residence in accordance with the laws governing residence of aliens in the Republic of Slovenia.

Article 7

(Rights arising from the work relationship)

Aliens who are employed in the Republic of Slovenia in accordance with the provisions of this Act are equal to Slovenian citizens in regard to the rights and obligations arising from the work relationship.

Article 8

(Unemployment and unemployment rights)

(1) In addition to aliens who are determined to be unemployed persons by the law regulating the labour market, aliens fulfilling the conditions that the law regulating the labour market stipulates are also considered to be unemployed persons, and these conditions are as follows:

1. having free access to the Slovenian labour market,
2. being victims of trafficking in human beings or of illegal employment,
3. being persons with subsidiary protection or
4. having an EU Blue Card.

(2) All the aliens who fulfil these conditions according to the law regulating the labour market and to international treaties binding in the Republic of Slovenia are entitled to unemployment allowance.

Article 9

(Free access to the labour market)

(1) The right to free access to the labour market shall mean that an alien in the Republic of Slovenia may perform work, take up employment or self-employment without a work permit, unless an international treaty binding in the Republic of Slovenia determines otherwise, if the National Assembly adopts the measures referred to in the third paragraph of Article 2 of this Act, or in cases referred to in point 1 and 2 of the second paragraph of this Article.

(2) The following persons have the right to free access to the Slovenian labour market:

1. family members of Slovenian citizens who prove their right with temporary residence permit as family members;
2. citizens of the Member States of the EU, EEA and the Swiss Confederation who prove their right with said citizenship
3. family members of citizens referred to in the preceding point and who do not have citizenship of a Member State of the EU, EEA or Swiss confederation but do have a permit for temporary residence as family members or a visa for long-term residence with which they also prove their right to free access to the labour market;
4. aliens with a permit for permanent residence in the Republic of Slovenia;
5. refugees who prove their right with a document issued on the basis of the law governing international protection;
6. aliens who have the status of long-term resident in another Member State of the EU, after residing in the Republic of Slovenia for one year, as long as they have a valid temporary residence permit in the Republic of Slovenia with which they also prove their right to free access to the labour market;
7. aliens of Slovenian origin up to the third successive generation who prove their right with temporary residence permit for an alien of Slovenian origin.

(3) Family members of a Slovenian citizen and family members of a citizen of a Member State of the EU, EEA or Swiss Confederation referred to in points 1 and 3 of the preceding paragraph are considered to be the persons to whom the permit for residence in the Republic of Slovenia or visa for long-term residence is issued, due to family reunification.

Article 10 (Work permits)

(1) A work permit is a document enabling an alien to take up employment or self-employment, provide services or perform other contractual work in the Republic of Slovenia in accordance with the provisions of this Act.

(2) A work permit shall be issued as a personal work permit, an employment or a permit for work.

(3) A personal work permit is a work permit enabling an alien to access the labour market during the period of its validity, except when the personal work permit is issued with a period of validity of one year for the self-employment of an alien.

(4) An employment permit is a work permit bound to the permanent employment needs of an employer. With the employment permit, an alien is allowed to take up employment solely with the employer to which the permit for employment of an alien was issued.

(5) A permit for work is a work permit with a predetermined time limit on the basis of which an alien may take up temporary employment or perform temporary work in the Republic of Slovenia in accordance with the purpose for which the permit for work was issued.

(6) An alien may be issued only one work permit for the same time period, unless this Act determines otherwise.

(7) The Employment Service of Slovenia (hereinafter: Employment Service) may, in case of universal legal succession or reorganisation of status, when universal legal succession occurs in accordance with the law regulating commercial companies, issue a replacement work

permit for the remaining period of the work permit's validity. On the day of the replacement work permit's entry into force, the previous work permit shall be revoked, and the validity of the replacement work permit shall expire on the same day as the validity of the previous work permit. The replacement work permit may only be issued to the alien to whom the previous work permit was issued.

(8) The minister responsible for labour shall determine the methods for submitting an application for the issuance of a work permit, the evidence enclosed with the application, the method of proving educational and vocational qualifications of the alien and the form and content of individual types of work permits.

Article 11 (Application)

(1) An application for the issuance of a work permit shall be submitted in accordance with the provisions of this Act by an alien, employer, foreign employer, legal or natural person registered to perform an activity, which is concluding a contract on work with an alien, by a client in the case of providing individual services and by Slovenian or a foreign company in the case of training in commercial companies.

(2) In the event of concluding an employment relationship, the employer is obliged to register the job vacancy before submitting an application for the issuance of a work permit, in accordance with the law governing the labour market.

(3) An employer or legal or natural person registered to perform an activity and concluding a contract on work with an alien, may submit an application for issuance of a work permit for an alien for whom a valid employment permit or permit for work is issued, 60 days before the validity of the work permit expires, at the earliest.

(4) The time limit specified in the preceding paragraph does not apply in case of cancellation of an employment contract or work contract; in this case, the employer or legal or natural person registered to perform an activity and concluding a work contract with an alien, may submit an application for the issuance of a work permit for an alien immediately after the cancellation.

Article 12 (Obligations of employers)

(1) Upon conclusion of an employment relationship, the employer is obliged to register an alien in social insurance in accordance with the law governing labour relationships.

(2) An employer, foreign employer, legal or natural person registered to perform an activity and who is concluding a work contract with an alien, a client in the case of performing individual services and a Slovenian or foreign company in the case of company training, must not confer financial burdens to the alien with regard to acquiring work permits or making arrangements for the employment relationship that are determined, by this Act and other regulations, to be an application fee for the issuance of a work permit.

Article 13
(Accommodation of aliens)

(1) Employers and foreign employers who employ aliens, and legal or natural persons registered to perform an activity and who conclude work contract with an alien and ensure accommodation to these aliens in the Republic of Slovenia, are obliged to ensure these aliens minimal accommodation and hygiene standards.

(2) The minister responsible for labour, the minister responsible for space, and the minister responsible for health jointly issue an implementing regulation with which the minimal accommodation and hygiene standards are set.

(3) Minimal accommodation standards determine equipment, maintenance, heating and lighting of premises, the highest number of persons that may reside in one room, and minimal square footage of premises based on the number of persons residing there.

(4) Minimal hygiene standards determine the largest number of users based on the equipment of sanitary facilities and how these premises are separated from the other accommodation, along with their ventilation and lighting.

(5) The amount of rent for accommodation shall be set with a contract. In case of dispute regarding the amount of rent for the rented accommodation pursuant to this Act, the responsible court shall decide following, mutatis mutandis, the provision of Article 26i of the National Housing Saving Scheme Act (Official Gazette of the Republic of Slovenia, No. 96/07 – official consolidated text).

Article 14
(Competent bodies)

(1) Procedures relating to the issuance of work permits and their reversal, and procedures relating to consent for the issuance of the EU Blue Card, the issuance of approvals, opinions and certificates prescribed by this Act shall be carried out by the Employment Service in accordance with the law regulating general administrative procedures, except when individual issues are regulated with the law regulating residence of aliens or with this Act in a different way.

(2) The first appeal against a decision issued by the Employment Service shall be decided on by the ministry responsible for labour.

(3) When necessary, the tax authority shall forward information to the Employment Service on paid taxes and contributions of an alien referred to in the sixth paragraph of Article 21 and point 2 of the first paragraph of Article 22 of this Act, information on the fulfilment of obligations by an employer referred to in point 6 of the second paragraph of Article 27 of this Act, and information on the fulfilment of obligations by a legal person or sole trader referred to in point 2 of the second paragraph of Article 34 of this Act in accordance with the law regulating tax procedures, during the procedure of making a decision on the issuance of a work permit or consent to the issuance of an EU Blue Card.

(4) The Employment Service collects and submits personal data laid down in this Act in accordance with the law regulating protection of personal data. The data may only be used for the purposes specified by this Act.

Chapter II

Employment of citizens of Member States of the EU, EEA and the Swiss Confederation, and provision of services

1. Employment

Article 15 (Definition of the right)

(1) Citizens of Member States of the EU, EEA or the Swiss Confederation have free access to the labour market, unless an international treaty binding in the Republic of Slovenia determines otherwise or the National Assembly adopts the measures referred to in the third paragraph of Article 2 of this Act.

(2) Family members of citizens referred to in the preceding paragraph have free access to the labour market if they hold a temporary residence permit for a family member or a visa for long-term residence, unless an international treaty binding in the Republic Slovenia determines otherwise or the National Assembly adopts measures referred to in the third paragraph of Article 2 of this Act.

2. Provision of services

Article 16 (Definition of the right)

(1) An employer, foreign employer, legal or natural person with a head office or residence in a Member State of the EU, EEA or the Swiss Confederation may, via workers employed with him/her, regardless of their citizenship, provide services in the Republic of Slovenia without a work permit, unless an international treaty binding in the Republic Slovenia determines otherwise or the National Assembly adopts measures referred to in the third paragraph of Article 2 of this Act.

(2) Citizens of the Member States of the EU, EEA or the Swiss Confederation may, as natural persons, provide services without a work permit, unless an international treaty binding in the Republic of Slovenia determines otherwise or the National Assembly adopts measures referred to in the third paragraph of Article 2 of this Act.

Article 17 (Ensuring the rights)

An employer referred to in the first paragraph of the preceding Article is, at the time of provision of services in the Republic of Slovenia, obliged to ensure the rights determined in the law governing labour relationships to his/her seconded workers.

Article 18
(Registering commencement of providing services)

(1) The employer referred to in the first paragraph of Article 16 of this Act is obliged to register the commencement of providing services with the Employment Service before the commencement of the work, at the latest, and on a form containing data on the following:

1. firm and head office or address of the employer,
2. responsible person of the employer;
3. number of seconded workers,
4. type of service,
5. place and duration of provision of services,
6. that seconded workers who are third-country nationals are legally employed and that their accommodation in the country where the employer has its head office is arranged,
7. personal name of the seconded worker presenting a link between the foreign employer and the competent supervisory bodies, and
8. client.

(2) The citizen of a Member State of the EU, EEA or the Swiss Confederation referred to in the second paragraph of Article 16 of this Act is obliged to register the commencement of providing services with the Employment Service, before the commencement of the work, at the latest, and on a form containing data on the following:

1. personal name of the citizen of the Member State of the EU, EEA or the Swiss Confederation,
2. type of service,
3. place and duration of provision of services,
4. client.

(3) The minister responsible for labour shall prescribe the form of registration specified in the first and second paragraph of this Article, the methods of submitting data to the ministry responsible for labour, and the methods of communicating this data to the tax authority.

Article 19
(Registrations and records)

(1) For the purpose of monitoring the situation in the labour market, for statistical and scientific purposes and for the purpose of exercising the right to introduce the safeguard clause as laid down in the Act Ratifying the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union with the Final Act (MPPEU), Official Gazette of the Republic of Slovenia, No. 12/04), the Employment Service shall keep a record of providers of services referred to in the first and second paragraph of Article 16 of this Act by means of the data set out in the registration of commencement of providing services referred to in the preceding Article.

(2) The data from the records specified in the preceding paragraph shall be kept for two years after the registration of work and shall then be archived.

(3) The minister responsible for labour shall prescribe methods of processing data from the record provided for in this Article.

Chapter III

Employment of aliens

1. Personal work permit

Article 20 (General provision)

A personal work permit shall be issued, on application by an alien, for the period of time specified in this Act, irrespective of the situation and conditions of the labour market.

Article 21 (Self-employment)

(1) An alien may, under the conditions set by the law regulating commercial companies, establish or co-establish a private commercial company and represent the company on the basis of founder rights or may register as a sole trader if he/she first obtains a personal work permit valid for a period of one year, if he/she is in possession of a personal work permit valid for a period of three years or if he/she has free access to the labour market in accordance with this Act.

(2) An alien may obtain a personal work permit for self-employment, valid for a period of one year, if he/she fulfils the following conditions:

1. upon submission of an application for issuance of a personal work permit, the alien legally resides in the Republic of Slovenia,
2. before registration or entrance, the alien has uninterruptedly legally resided in the Republic of Slovenia for a minimum period of one year,
3. the alien submits evidence of his/her own financial resources in the amount of EUR 10,000, and
4. in case a certain activity may only be performed in business premises, an alien submits evidence of the ownership of the business premises or an appropriate rental contract, or, in case business premises are not a precondition, submits evidence of ownership of premises or an appropriate rental contract for the premises where he/she has a registered office.

(3) In co-establishment of a private commercial company, it is sufficient that the condition referred to in point 4 of the preceding paragraph is fulfilled by one of the founders.

(4) The conditions referred to in points 1 and 2 of the second paragraph of this Article shall not apply to an alien who:

1. was, prior to registration or entrance, uninterruptedly employed as a daily migrant worker in the Republic of Slovenia for a minimum period of one year,
2. has the status of long-term resident in another EU Member State.

(5) The condition of a one-year uninterrupted residence under point 2 of the second paragraph of this Article shall not be fulfilled if the residence permit has been issued on the basis

of a permit for seasonal work, a permit for training and advanced training, a permit for work for the purpose of training in commercial companies or for a permit for work for the purpose of performing services via seconded workers.

(6) The personal work permit referred to in the second paragraph of this Article may be repeatedly renewed for a period of up to one year if the alien is entered in the court register as a founder or co-founder and represents a private commercial company or is entered in the business register as a sole trader and his/her taxes and contributions are paid. An application for renewal of a personal work permit valid for a period of one year may be submitted by an alien within 60 days and no later than 30 days before the validity of a personal work permit expires. If the application for renewal of a personal work permit shall not be submitted on time, it is examined in accordance with the second paragraph of this Article.

(7) Regardless of the two provisions of the first and second paragraph of this Article, for performing an independent occupational activity, an alien may acquire a personal work permit for self-employment valid for a period of one year insofar that he/she is entered in the business register.

Article 22

(Personal work permit valid for a period of three years)

(1) A personal work permit valid for a period of three years may be obtained by:

1. a family member of a refugee with a permit for permanent residence who has a valid temporary residence permit for the purpose of family reunification;
2. a self-employed alien who has been self-employed in the Republic of Slovenia and has, on this basis, been registered in social insurance for the last 22 months, is entered in the business register, has paid taxes and contributions, and submits an application within 60 days before the validity of the personal work permit for self-employment expires and no later than 30 days after the validity of personal work permit for self-employment expires;
3. an alien with at least vocational education or acquired national professional qualification in the Republic of Slovenia, and a daily migrant worker who, in the last 24 months, has been employed in the Republic of Slovenia for at least 20 months and, on this basis, registered in social insurance and who submits an application within 60 days before the validity of the work permit on the basis of which they were employed expires and no later than 30 days after the validity of said work permit expires;
4. an alien who has completed the last year of his/her education in the Republic of Slovenia and obtained at least a higher degree of education if he/she finds an employer or becomes self-employed within two years after obtaining his/her title;
5. an alien who has completed a research programme in the Republic of Slovenia and finds an employer or becomes self-employed within the period of one year;
6. a family member of an alien under the preceding point who has a valid temporary residence permit for the purpose of family reunification;
7. a family member of an alien who has been issued a temporary residence permit in the Republic of Slovenia for reasons of performing research work and who has a valid temporary residence permit for the purpose of family reunification;

(2) Family members under point 1, 6 and 7 of preceding paragraph shall be deemed the persons to whom, for the purpose of family reunification, the authority responsible for the issuance of residence permits issues a residence permit in the Republic of Slovenia.

(3) A personal work permit valid for a period of three years may be renewed once for the period of one year if an alien has been, in the six month period before submitting the application for renewal, employed or self-employed and, on this basis, registered in social insurance in the Republic of Slovenia. An application for renewal of a personal work permit valid for the period of three years can be submitted by an alien within 60 days and no later than 30 days before the validity of the personal work permit expires. If the application for renewal of a personal work permit is not submitted on time, it is examined in accordance with the first paragraph of this Article.

(4) A personal work permit with a validity period of three years may be reissued under the conditions specified in the first paragraph of this Article.

Article 23

(Personal work permits for special categories of aliens)

(1) A personal work permit may be obtained by an applicant for international protection, a person with temporary protection, a victim of trafficking in human beings, a victim of illegal employment or a person with subsidiary protection.

(2) A personal work permit may be issued to an applicant for international protection nine months after the submission of an application for international protection, namely for the period of three months with the possibility of extension for a period of three months. A permit is issued to an applicant whose identity is undoubtedly established, and when the decision of an authority responsible for acknowledgement of international protection has not yet been served to an applicant, provided that the delay cannot be attributed to the applicant for international protection. Fulfilment of the conditions for the issuance of a permit must be proved by an applicant for international protection with a certificate issued by the ministry responsible for internal affairs.

(3) A personal work permit is issued to a person with temporary protection for the duration of his/her status as a person with temporary protection.

(4) A personal work permit is issued to a victim of trafficking in human beings or a victim of illegal employment for the duration of validity of his/her residence permit.

(5) A personal work permit is issued to a person with subsidiary protection for the period of three years with the possibility of extension for two years.

Article 24

(Personal work permit based on an international treaty)

A personal work permit may also be issued in case of and for the periods laid down by an international treaty binding in the Republic of Slovenia. The personal work permit may also be issued without the payment of fees if so stipulated in the international treaty.

2. (Employment permit)

Article 25

(General provisions)

(1) An employment permit may be issued or renewed on application by the employer for a period defined by the employer in the application, but it cannot exceed the period of one year.

(2) The Employment Service is, in case the control of the labour market is determined by this Act, obliged to notify the employer in writing whether the records of unemployed persons contain adequate domestic persons or persons equal to them who are unemployed, in the period of eight working days from the registration of a job vacancy.

(3) An application for the issuance of an employment permit for the registered job vacancy shall be submitted by the employer in the period of 30 days from the receipt of the notification referred to in the preceding paragraph or in the period of 30 days from the registration of a job vacancy if the labour market is not controlled.

(4) In the validity period of an employment permit, employment at another work post or shortening of full working time to a time below the full-time level, in view of the published job vacancy on the basis of which the employment permit was issued, shall be rendered impossible.

(5) In the case referred to in the preceding paragraph, the employer shall return the valid employment permit and may acquire a new employment permit under the conditions specified in Article 27 of this Act.

Article 26
(Replacement employment permit)

(1) During the validity period of an employment permit issued for a working time below the full-time level, the employer may submit an application for the issuance of a replacement permit for full-time employment.

(2) A replacement employment permit shall be issued on the basis of a new full-time employment contract without taking into consideration the conditions specified in Article 27 of this Act for the remaining validity period of the work permit.

(3) On the day of the replacement employment permit's entry into force, the old employment permit shall be revoked.

Article 27
(Conditions for the issuance of an employment permit)

(1) An employment permit shall be issued to an alien under the condition that, in the records of the Employment Service, there are no domestic unemployed persons or persons who are, regarding rights to employment, equal to citizens of the Republic of Slovenia.

(2) For the issuance of an employment permit, the following conditions must be fulfilled:

1. the employer has been appropriately registered or entered in the business register;
2. the employer has not submitted written notification on the termination of the need for a larger number of workers to the Employment Service in accordance with the law governing labour relationships six months before submission of an application for the issuance of a permit for employment;

3. the employer was not firing workers for business purposes who fulfil the conditions for occupying a work post for which the employer submitted an application for the issuance of a permit for employment in the six months before submitting the application;
4. the employer has not turned down employment of an unemployed person meeting the required conditions in the six months before submitting an application;
5. the employer proves positive profit and loss, for the period of the last six months, amounting to at least two minimum gross salaries or has, in the last four months, invested in an increase of tangible fixed assets in an amount exceeding EUR 10,000 for performing an activity;
6. the employer was withholding tax return for income from the work relationship or wage bill, respectively, and paying employment and work taxes and contributions for the period of the last six months before submitting an application or for the time of operation;
7. the employer has registered the job vacancy;
8. the quota set out in Article 54 of this Act has not been met;
9. the alien fulfils the conditions required by the employer;
10. the employer has submitted a contract of employment undersigned on his part.

(3) In case of the issuance of an employment permit for a daily migrant worker, for an alien with at least higher education or for an alien having the status of long-term resident in another Member State of the EU, the condition under point 5 of the preceding paragraph shall not be considered.

Article 28 (Extension of employment permit)

(1) An employment permit on the basis of which the employment was registered, and for an alien that was, from the day of registration, uninterruptedly registered in social insurance, may be extended by the same employer for the same alien, who will continue to perform the same type of work and for the time set out in the application, but not for more than one year.

(2) The employment permit may be extended if the employer submits a contract of employment signed by the employer and an alien, and the conditions specified in points 1 and 6 of the second paragraph of the preceding Article are fulfilled.

(3) The application for the extension of an employment permit may be submitted by the employer within 60 days and no later than 30 days prior to the expiry of the validity of the previous employment permit. If the application for the employment permit extension is submitted on time, the Employment Service shall, if the extended permit is not issued prior to the expiry of validity of the previous permit, issue a confirmation of receipt of the submitted application, which shall apply as an employment permit until the decision on the extension of the employment permit becomes final. If the application for the employment permit extension is not submitted on time, it shall be considered in accordance with the previous Article.

(4) Upon employment permit extension, the universal legal successor of the employer shall also be considered to be the same employer in the case of universal legal succession or in the case of reorganisation of status, when universal legal succession occurs in accordance with the law regulating commercial companies.

Article 29
(Employment without labour market control)

(1) The minister responsible for labour shall lay down cases in which the employment of aliens shall not depend on the labour market because of the nature of the work involved (aliens with professions in demand on the Slovenian labour market, aliens with professions that cannot be pursued through education or training in the Republic of Slovenia, scientists, lecturers, aliens with higher education, staff at diplomatic representative offices who do not have privileged status and similar) and in which permits for employment shall be issued regardless of the conditions referred to in the first paragraph of Article 27 of this Act.

(2) The minister responsible for labour shall, upon finding that the employment of aliens has no negative effects on the labour market, upon taking into consideration the unemployment situation, employment structure and regional needs for creating new jobs within individual branches of economy and following an agreement with the minister responsible for the area of the relevant activity, lay down, through the regional offices of the Employment Service, those activities or professions within which issuing employment permits is allowed irrespective of the provision of the first paragraph of Article 27 of this Act.

(3) An employment permit may be issued in cases referred to in the first and second paragraph of this Article if the conditions under points 1, 6, 7, 8, 9 and 10 of the second paragraph of Article 27 of this Act are fulfilled.

(4) An employment permit in cases referred to in the first and second paragraph of this Article can be extended under the conditions specified in the previous Article.

Article 30
(Employment by two or more employers)

(1) An alien with at least higher education for whom an employment permit or a permit for work for an alien representative has already been issued, may be issued a permit for employment with other employers, following a minimum of one month of his/her uninterrupted employment with the first employer.

(2) An alien may, in accordance with provisions of the law governing labour relations, be employed with another employer if the employer and the alien fulfil the conditions for the issuance of a permit for employment. The employer must attach an agreement to the application concluded between him/her, the alien and the employer with whom the alien is already employed.

3. EU Blue Card

Article 31
(Consent to the issuance of the EU Blue Card)

(1) Within the procedure for the issuance or extension of validity of an EU Blue card as defined by the law governing the residence of aliens, at the request of an administrative unit, the Employment Service examines whether an alien and his/her employer fulfil the conditions for consent to the issuance of an EU Blue Card.

(2) Within the procedure of the issuance of consent, the Employment Service examines the following:

1. whether the alien has adequate higher education,
2. whether the alien has a contract for employment signed by the employer and lasting for the period of at least one year,
3. whether, in the employment contract, the alien has ensured a salary in the amount of a minimum of 1.5 the average gross annual salary in the Republic of Slovenia calculated on the basis of the average gross salary in the Republic of Slovenia last published in the Official Gazette of the Republic of Slovenia.

(3) If the conditions referred to in the preceding paragraph, the conditions referred to in the first paragraph of Article 27 and the conditions under points 1, 6, 7 and 9 of the second paragraph of Article 27 of this Act are fulfilled, and the employer is not banned from the employment and work of aliens under point 1 of the fourth paragraph, under point 1 of the fifth paragraph, or under the sixth and ninth paragraphs of Article 55 of this Act, the Employment Service shall give consent to the issuance of an EU Blue Card.

(4) In the first two years of legal employment, the Employment Service shall, on request by an administrative unit, give consent for extension of the EU Blue Card and consent to the replacement of the employer if the conditions referred to in the second paragraph of this Article, the conditions under points 1, 6, 7 and 9 of the second paragraph of Article 27 of this Act are fulfilled and if the employer is not banned from the employment and work of aliens under point 1 of the fourth paragraph, under point 1 of the fifth paragraph, and under the sixth and ninth paragraphs of Article 55 of this Act.

(5) Following the first two years of legal employment, the Employment Service shall, on request by an administrative unit, give consent to extension of the EU Blue Card if the conditions referred to in the second paragraph of this Article are fulfilled.

(6) If the Employment Service, after having already given consent, establishes that the conditions referred to in the second paragraph of this Article are no longer fulfilled, that the employer did not register an alien in social insurance or that, during the employment relationship, the employer deregistered an alien from social insurance, the Employment Service shall immediately inform an administrative unit accordingly.

(7) The Employment Service shall decide on consent within the period of 30 days from the receipt of a complete request for the issuance of consent from an administrative unit.

(8) The provisions of Chapter VI of this Act regarding registration of work shall apply *mutatis mutandis* for the employer who employs an alien with an EU Blue card.

(9) Family members of an EU Blue cardholder have access to the labour market in accordance with this Act.

Chapter IV

Special forms of employment and work of aliens

Article 32 (General provisions)

Special forms of employment and work of aliens are as follows:

1. seasonal work of aliens,
2. work of alien representatives,
3. training and advanced training of aliens,
4. training in commercial companies in the Republic of Slovenia.

(2) The special forms of employment and work of aliens referred to in the preceding paragraph may be performed on the basis of a permit if the conditions pursuant to this Act are fulfilled and if the quota of work permits for the individual form of employment or work of aliens set out in Article 54 of this Act has not been met.

(3) A permit for work may be, after its validity expires, exceptionally extended in accordance with the provisions of this Act.

1. Seasonal work of aliens

Article 33

(Conditions for the issuance of a permit)

(1) Permits for the seasonal work of aliens may only be issued for performing work or employment in agriculture or forestry, inseparably connected with a season, in which, for an individual activity, a distinct increase in the scope of the need for labour force is typical.

(2) For performing seasonal work, the employer shall conclude a fixed duration employment relationship with an alien. If the work is performed for up to thirty days, a work contract may be concluded. A work contract may only be concluded up to three times per individual calendar year.

(3) A permit for seasonal work, in case of conclusion of an employment relationship, is issued on application by an employer without control of the labour market if the conditions referred to in the second paragraph of Article 27 of this Act are fulfilled. If the employer is a natural person who is the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, regarding the issuance of permit, for work only two conditions under points 7 and 8 of the second paragraph of Article 27 of this Act shall apply.

(4) A permit for seasonal work shall, in case of the conclusion of a work contract, be issued on application by a legal or natural person referred to in the previous paragraph if the condition under point 8 of the second paragraph of Article 27 of this Act is fulfilled.

(5) A permit for work may, in case of conclusion of an employment relationship, be extended or re-issued to the same or another employer several times in a year. The total duration of validity of one or more permits for work issued for the same alien shall not exceed six months per calendar year.

(6) Irrespective of the previous paragraph, a permit for work may be exceeded by a maximum of one month, and in case of the conclusion of a work contract, for a maximum of 15 days, based on the opinion of the chamber responsible for agriculture and forestry, namely that extraordinary conditions of production have occurred (prolongation of the vegetation period).

2. Work of alien representatives

Article 34
(Conditions for the issuance of a permit)

(1) A permit for work for alien representatives may be acquired only by sole traders or legal persons established in accordance with the law regulating commercial companies.

(2) A legal person or a sole trader may acquire a permit for work for an alien representative if the representative:

1. is registered for at least six months, and proves positive profit and loss for the period of the last six months amounting to at least two minimum gross salaries, or is registered for at least six months and has, in the last four months, invested in an increase of tangible fixed assets in an amount exceeding EUR 10,000 for performing an activity;
2. was, in each of the last six months prior to the submission of an application, presenting withholding tax return for work relationship income and wage bill respectively, and paying employment and work taxes and contributions;
3. is entered in the appropriate register.

(3) A legal person or a sole trader not registered for more than six months may acquire a permit for work for a representative if they fulfil the following conditions:

1. in case a certain activity may only be performed on business premises, they prove ownership of such business premises or submit an appropriate rental contract, or in case the business premises are not a precondition, they submit evidence of ownership of the premises or an appropriate rental contract of the premises where they have a registered office.
2. the representative proves investment in Slovenia in the amount of at least EUR 30,000 for a company start-up;
3. the representative is entered in the appropriate register.

(4) A legal person or a sole trader employing up to ten workers may acquire one permit for work for the representative of a company and one permit for work for the representative of a subsidiary, regardless of the number of subsidiaries.

(5) A legal person or a sole trader employing up to 50 workers may acquire two permits for work for representatives of a company and two permits for work for representatives of a subsidiary, regardless of the number of subsidiaries.

(6) A foreign employer operating in the Republic of Slovenia with one or more subsidiaries may acquire one permit for work for the representative of an individual subsidiary if the subsidiary employs up to and including ten workers.

(7) A foreign employer operating in the Republic of Slovenia with one or more subsidiaries may acquire two permits for work for representatives of an individual subsidiary if the subsidiary employs up to and including 50 workers.

(8) A permit for work for a representative shall be issued for a maximum period of two years.

(9) A permit for work may be re-issued if a legal person or a sole trader fulfils the conditions referred to in the second paragraph of this Article.

3. Training and advanced training of aliens

Article 35

(Conditions for training and advanced training of aliens)

(1) Training and advanced training of aliens shall be conducted on the basis of the conclusion of an employment relationship, unless another law enables training and advanced training assignment without concluding an employment relationship.

(2) Training and advanced training of aliens may be conducted only on the basis of an opinion by an economic grouping, a responsible chamber or a ministry responsible for the area of the relevant activity that also confirms the training and advanced training programme.

(3) If training and advanced training is organised by an economic grouping, responsible chamber or ministry responsible for the area of the relevant activity (hereinafter: organiser), the opinion specified in the previous paragraph is not necessary. In this case, the organiser and employer with which an alien will be trained and advanced trained shall conclude a written contract governing mutual relations with regard to the obligations and responsibilities which the two contracting parties shall undertake relating to the implementation of the training and advanced training programme.

(4) A permit for work may be issued on application by an employer or legal or natural person registered to perform an activity for which an alien will be trained or advanced trained for a period of up to one year. When the training and advanced training programme cannot be concluded within this period, the permit for work may be extended for a maximum period of six months. If the training and advanced training are performed in the field of medicine (specialisation), a permit for work may be issued for a period of up to two years with the possibility of extension until the conclusion of the specialisation.

(5) An alien may, under the above conditions, enter an individual training and advanced training programme only once.

4. Training in commercial companies

Article 36

(Training of seconded alien workers)

(1) Training of seconded alien workers may be performed if the Slovenian and foreign company are capital-related or in case of business and technical cooperation or transfer of technology.

(2) Training of foreign seconded workers shall be performed in commercial companies established in the Republic of Slovenia on the basis of a contract on training concluded by the Slovenian and the foreign company.

(3) The contract on training shall contain provisions on payment, board and lodging of seconded workers, as well as on the training programme, and approved by the responsible chamber or association of employers.

(4) The Slovenian commercial company shall provide the seconded alien workers with minimum rights with regard to working hours, breaks and rest periods, night work, health and

safety at work and the special protection of workers set out in the provisions of the law regulating employment relationships and in the collective labour agreement binding to the employer.

(5) A foreign company may send an individual seconded worker for training several times, but only for a total duration of no more than three months within the period of two years.

(6) The permit for work for seconded workers referred to in the first paragraph of this Article shall be issued on application by a foreign commercial company.

(7) The Minister responsible for labour shall, in agreement with the minister responsible for the economy, lay down detailed criteria for the required capital ties, the type of business-technical cooperation and technology transfer, respectively, the conditions to be fulfilled by the contract referred to in the third paragraph of this Act relating to the training programme, and the criteria for the consent to be given by the responsible chambers or associations under this Act.

(8) The provisions of this Article shall also apply *mutatis mutandis* to sole traders.

Article 37 (Training of Slovenian workers)

(1) Training of Slovenian workers may be performed by seconded alien workers in Slovenian commercial companies if the Slovenian and foreign company are capital-related or in the case of business and technical cooperation or transfer of technology.

(2) Training of Slovenian workers shall be performed in companies established in the Republic of Slovenia on the basis of a contract on training concluded by the Slovenian and foreign company.

(3) The contract on training shall contain provisions on payment, board and lodging of seconded workers and a training programme approved by the responsible chamber or association of employers.

(4) The Slovenian commercial company shall provide the seconded alien workers with minimum rights with regard to working hours, breaks and rest periods, night work, health and safety at work and the special protection of workers set out in the provisions of the law regulating employment relationships and in the collective labour agreement binding to the employer.

(5) A foreign commercial company may send an individual seconded worker for training of Slovene workers several times, but only for a total duration of no more than three months within the period of two years.

(6) The permit for work for seconded workers referred to in the first paragraph of this Article shall be issued on application by a Slovenian commercial company.

(7) The Minister responsible for labour shall, in agreement with the minister responsible for the economy, lay down detailed criteria for the required capital ties, the type of business-technical cooperation and technology transfer, respectively, the conditions to be fulfilled by the contract referred to in the third paragraph of this Act relating to the programme of training, and the criteria for the consent to be given by the responsible chambers or associations under this Act.

(8) The provisions of this Article shall also apply mutatis mutandis to sole traders.

Chapter V

Provision of services

1. Provision of services via seconded workers

Article 38 (General provisions)

(1) Foreign employers may provide cross-border services via seconded workers, with or without market presence, in accordance with regulations of the Republic of Slovenia and international treaties binding to the Republic of Slovenia.

(2) The foreign employer may provide cross-border services:

1. via secondment of its own workers on its behalf and on its own account, based on a contract with a client from the Republic of Slovenia for whom the services are intended or
2. via secondment of its own workers to an organisation unit by which it has market presence in the Republic of Slovenia.

(3) The foreign employer may provide services via seconded workers who are employed there for at least one year.

(4) A permit for work shall be issued on application by the foreign employer if the conditions pursuant to this Act are fulfilled and if the quota of work permits set out in Article 54 of this Act has not been met.

(5) During provision of services in the territory of the Republic of Slovenia, the foreign employer shall provide the seconded alien workers with minimum rights with regard to working hours, breaks and rest periods, night work, minimal annual leave, salary, health and safety at work and the special protection of workers set out in the provisions of the law regulating employment relationships and in the collective labour agreement applying in the entire territory of the Republic of Slovenia.

(6) In exceptional cases, when the service is of special importance for the country, the service may be performed for a longer period of time than that laid down in the first paragraph of Article 39 or the first paragraph of Article 40 of this Act, irrespective of whether market presence is required. Prior to the submission of the application for permits for work, the client must on the basis of a well-founded explanation obtain a written consent from the ministry responsible for labour that shall in agreement with the ministry responsible for the area of the relevant activity decide on the justification of the extension of period for the service provision and shall lay down the period for the service provision as well as the number of seconded workers who will provide the service.

(7) The minister responsible for labour may, where reciprocity (actual reciprocity) is not in place, prohibit or restrict cross-border provision of foreign services via seconded workers on the basis of an opinion obtained beforehand from the minister responsible for economy or the minister responsible for the area of the relevant activity, the competent chamber and representative trade unions at the national level if the further provision of services may have

negative effects on the employment situation or the possibility of domestic providers competing on foreign markets, or if it may have other harmful effects on the labour market.

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

Article 39

(Provision of services without market presence)

(1) A permit for work may be issued to a foreign employer without market presence in the Republic of Slovenia for an individual seconded worker once or several times in one calendar year for the provision of services via seconded workers, but only for a total duration of no more than three months, unless an international agreement binding in the Republic Slovenia determines otherwise.

(2) A permit for work may be renewed before its validity expires for a period of no more than one month if a provider and client submit evidence that services could not be provided within the set time limit due to objective reasons (force majeure, delay in completion of work bound to work laid down in a contract, etc.).

Article 40

(Provision of services with market presence)

(1) A permit for work may be issued to a foreign employer with a market presence in the Republic of Slovenia for provision of services via seconded workers for a period up to one year. If an international social security agreement binding in the Republic of Slovenia enables extension of the status of seconded worker, a permit for work for the provision of services may be issued for a period exceeding one year or an existing permit shall be renewed.

(2) An alien worker may be seconded again to work in the Republic of Slovenia after an interim termination of the same period as that of the validity of the previous permit for work, but not exceeding six months.

Article 41

(Movement of persons within corporations)

(1) A permit for work for movement of persons within corporations may be issued to a foreign employer with a market presence in the Republic of Slovenia for a period of up to one year. If an international social security agreement binding to the Republic of Slovenia enables extension of the status of a seconded worker or if the competent body in the country extends such a status to an alien, a permit for work for movement of persons within corporations may be issued for a period exceeding one year or an existing permit shall be renewed.

(2) A foreign employer may, if necessary for performing certain tasks in the organisational unit by which he has market presence in the Republic of Slovenia, second the following workers:

1. persons who will occupy leading positions, but are not entered in the court register of the Republic of Slovenia and who primarily direct the management of an organisational unit receiving general supervision and the required instructions from the board of directors or stockholders of the company or similar, including

- a) the management of an organisational unit, division or sub-section of an organisational unit;
 - b) the supervision and control of the work of other officials, engaged in supervisory, expert or operational work,
 - c) the authorised recruitment and dismissal of workers, or other staff matters;
2. persons who are in possession of special knowledge of vital importance for the organisation unit's performing of an activity.

2. Individual services provided by aliens

Article 42 (Conditions for provision)

(1) For aliens who are not registered to perform an activity and have their permanent residence outside the Republic of Slovenia, a client may obtain a permit for work for the provision of contractual services only in justified cases in which the service provider is required to have specialist knowledge and in which the quota of work permits set out in Article 54 of this Act has not been met.

(2) In the event of doubt as to whether the issuing of a permit for work referred to in the previous paragraph is justified, the Employment Service shall decide on the basis of an opinion obtained from the competent chamber, professional association or the ministry responsible for the area of the relevant activity, or from another body authorised by the ministry to give an opinion.

(3) A permit for work may be issued on application by a client several times in one calendar year, but only for a total duration of no more than three months.

(4) When there are no conditions set for concluding an employment relationship with an alien providing services in the field of science, culture, health or education, a permit for work may be issued with a validity period of up to one year.

3. Provision of services without a work permit

Article 43 (General provision)

(1) Aliens who provide services referred to in Articles 44, 45, 46 and 47 of this Act do not require a work permit. Services may be provided on the basis of a certificate of the registration of work, which the person responsible for registration is obliged to obtain one day before provision of services at the latest, except in cases referred to in Article 47 of this Act.

(2) A certificate of the registration of work is issued by the Employment Service on the basis of registration of work by the person responsible for the registration of work.

Article 44 (Contractual services provided by alien artists and professional authors)

(1) Aliens who, as performing artists, provide an entertainment programme independently or in a group at events in the Republic of Slovenia may perform their services up to seven days in one turn, but for a total duration of no more than 30 days in one calendar year.

(2) Alien professional authors may provide services on the basis of a certificate of the registration of work once or several times in a calendar year, but for a total duration of no more than three months in one calendar year.

(3) Alien performers of circus performances and alien performers in amusement parks may provide services in the time approved for the provision of services.

(4) The person responsible for registration of work shall be the organiser or the client.

Article 45
(Trade fair services)

(1) Alien workers may provide trade fair services during the time it takes to erect, equip and display equipment and items as part of trade fair and exhibition events.

(2) The person responsible for registration of work shall be the employer who puts its products and items on display.

Article 46
(Services associated with the supply of goods and after-sales services)

(1) Services associated with the supply of goods, as well as after-sales services, shall be allowed in the following cases:

1. when services provided by alien workers are associated with the supply and the assembly of machinery, devices and equipment, when the provider gives introductory instructions to the staff of the client or when the services are associated with the disassembly of machinery, devices or equipment,
2. when the services involve the provision of regular maintenance services, if these services have been agreed upon in the contract on the purchase of machinery, devices or equipment, and if they are provided by workers employed with the manufacturer or
3. when, on the basis of a contract on the supply of machinery, devices or equipment from abroad, the supplier is obliged, at its own cost, to rectify defects in the machinery, devices or equipment supplied,

when the work lasts no longer than seven days and the person responsible for registration registers work performed by aliens.

(2) The person responsible for registration of work shall be the client.

Article 47
(Emergency services)

(1) Emergency services may be provided in the event that at the request of a client, who may be a commercial company, state authority, local community or authorised organisation, it is necessary to immediately ensure services of a foreign provider for the purpose of rectifying or preventing economic damage and other consequences resulting from natural disasters and other accidents or averages, or for carrying out rescue operations or measures necessary to prevent threats to the health of the population. The foreign service providers may be employees of the foreign legal person or adequately trained aliens.

(2) Provision of services under this Article shall not exceed 30 days.

(3) The person responsible for the registration of work shall be the client who shall register the work of aliens within three days from the aliens' arrival in the country.

Chapter VI

Registration and deregistration of work

Article 48 (General provisions)

(1) The person responsible for registration is obliged to register the work of aliens who take up employment or work in the Republic of Slovenia on the basis of provisions of this Act.

(2) The persons responsible for the registration of the commencement and termination of work performed by aliens are as follows:

1. the employer who concludes a new employment relationship with an alien,
2. a legal or a natural person registered to perform an activity that concludes a new work contract with an alien,
3. a foreign employer providing services via seconded workers,
4. an alien who becomes self-employed, or
5. a client, in the case of provision of individual services.

(3) Registration and deregistration of work is conducted at the Employment Service. The Employment service shall issue a certificate of the registration and deregistration of work on the prescribed form.

(4) If the responsible person has concluded a contract on employment or an alien has become self-employed, the registration of an alien in social insurance is considered to be the registration of the commencement of work. In this case, the Employment Service shall not issue a certificate of registration of the commencement of work.

(5) The registration of work shall be conducted in the period of validity of a work permit, namely within the time limits set out in Articles 49 and 50 of this Act.

(6) The minister responsible for labour shall prescribe the form of registration and deregistration and the form of evidence enclosed with the application.

Article 49

(Registration of commencement of work of an alien who is not in possession of a residence permit prior to the issuance of a work permit)

(1) The person responsible is obliged to register the commencement of work of an alien who did not have a permit for residence in the Republic of Slovenia within 15 days from the day the permit for residence was served.

(2) If the person responsible, due to objective reasons (for example, because of illness of the alien or death of an immediate family member, delay in commencement of providing

services, and similar), does not register work within the period referred to in the preceding paragraph, he/she must, within the same period, inform the Employment Service thereof, in writing, and submit evidence on the reasons for the delay of registration of the commencement of work of the alien. The Employment Service may on the basis of an explanation and evidence of the person responsible approve a subsequent registration of the commencement of work of an alien.

Article 50

(Registration of the commencement of work of an alien who was in possession of a residence permit prior to the issuance of a work permit)

(1) The person responsible is obliged to register the commencement of work of an alien who was prior to the issue of a work permit already in possession of a permit for residence in the Republic of Slovenia within ten days from the day the work permit was granted.

Article 51

(Deregistration of work performed by aliens)

(1) A responsible person is obliged to deregister the work of an alien in case of the termination of an employment relationship before the validity of employment permit or permit for work expires. Upon deregistration of the work of an alien, the responsible person must return the employment permit or the permit for work in accordance with point 3 of Article 53 of this Act. If the responsible person cannot return the work permit, he/she may submit a written statement that he/she is not in a possession of the work permit and wishes to deregister the work of an alien instead. Upon deregistration of work of an alien, the responsible person must also submit a certificate on the termination of the employment relationship and of an alien being acquainted with this fact. The Employment Service shall issue a certificate on deregistration of work, which will also be the basis for deregistration of an alien from social insurance, to the responsible person.

(2) If the responsible person has not returned an employment permit or a permit for work in the time limit set out under point 3 of Article 53 of this Act, the alien for whom the employment permit or the permit for work was issued may submit a certificate on the termination of an employment relationship to the Employment Service. The Employment Service shall inform the responsible person for deregistration about the application submitted by the alien on deregistration of work of an alien. If the responsible person does not submit a certificate certifying that an employment relationship was not terminated within three working days, the Employment Service shall issue a certificate on deregistration of work, which is also the basis for deregistration of an alien from social insurance, to the alien.

(3) If the responsible person did not return an employment permit or a work permit in the time limit set out under point 3 of Article 53 of this Act, the Employment Service may, on the basis of findings by competent body that an employment relationship has been terminated, deregister the work of an alien ex officio.

(4) An alien for whom an employment permit or a work permit was issued can only be deregistered from social insurance if the employment permit or or the permit for work has expired in accordance with the first or third paragraph of Article 57 of this Act.

(5) The responsible person is obliged to deregister the work of an alien in case of termination of another contractual relationship before the validity of the permit for work expires. The return of the permit for work in accordance with point 3 of Article 53 of this Act is also considered to be deregistration of work of an alien. Deregistration shall also be possible on the basis of a written statement by the responsible person stating that he/she is not in possession of a work permit and wishes to deregister the work of an alien. The Employment Service issues a certificate on deregistration of work to the responsible person.

Article 52
(Deposit of certificates)

(1) The person responsible for registration must keep the certificate during the entire period of the performance of work at the registered place of business. If the work registration is based on a work permit, the responsible person is obliged to keep the registration certificate as long as the other prescribed documents.

(2) In the event of loss of the work permit or the registration certificate, the Employment Service shall issue a written copy or photocopy to the responsible person.

Chapter VII

(Returning a work permit)

Article 53
(Returning a work permit)

The person responsible for registration referred to in the second paragraph of Article 48 of this Act shall, in the event that he/she fails, for any reason whatsoever, to conclude an employment relationship or other contractual relationship or if the employment or other contractual relationship terminates prior to the expiry of the validity of the employment permit or the permit for work, be obliged to return the employment or work permit to the authority that issued it within the period of:

1. 15 days from a permit of residence being served to an alien who has previously not been in possession of a residence permit if the alien does not take up his/her employment or work;
2. 10 days of an employment permit or work permit being served to an alien who is in possession of a residence permit if the alien does not take up his/her employment or work;
3. three working days from the termination of the employment or other contractual relationship with an alien.

Chapter VIII

Restrictions and prohibitions for employment of and work by aliens

Article 54
(Determination of the quota of work permits)

(1) Taking into account the situation and anticipated trends of the labour market, the Government may, in accordance with its migration policy, annually determine the quota of work permits (hereinafter: quota) through which it restricts the number of aliens on the labour market.

2) The quota shall be proposed to the Government by the minister responsible for labour, following a prior opinion from the Economic and Social Council.

(3) The Government may, by means of the work permits quota, set restrictions on issuance of employment permits for individual or all forms of employment of and work by aliens who do not have a residence permit in the Republic of Slovenia, with the exception of the aliens who take up employment or perform work in the Republic of Slovenia on the basis of international treaties binding to the Republic of Slovenia.

(4) The Government may, in addition to the overall quota, also set restrictions to the number of self-employed aliens, restrictions and prohibitions on the employment of or work by aliens by region, area of activity, company and occupation, and may also set restrictions or prohibitions on the influx of new alien workers in its entirety or from specific regional areas if this is well-founded with reasons of public order, public safety, public health, general commercial interest or situation and anticipated trends on the labour market.

(5) In case of international tenders put forth by state bodies, the Government may decide that the work permits should be issued outside the quota and without verifying the situation in the labour market, respectively.

Article 55

(Prohibition on the employment of or work by aliens)

(1) Prohibitions on the employment of or work by aliens shall apply in all the cases of the issuance of an employment permit or a permit for work when the employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien, is banned from employment of or work by aliens or employment or work are banned for the alien.

(2) Prohibitions on the employment of or work by aliens referred to in the sixth, eighth, ninth, tenth and eleventh paragraphs of this Article shall also apply in the case of application for an employment permit or a permit for work extension. Prohibitions on the employment of or work by aliens referred to in the tenth and eleventh paragraph of this Article shall also apply in the case of application for the issuance of a personal work permit.

(3) An employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien, are banned from employment of or work by aliens, along with the issuance of an employment permit or a permit for work on the basis of findings of the Employment Service deriving from official records, stating that within 15 days from the issuance of an employment permit or a permit for work, an application for the issuance of a residence permit for an alien has not yet been submitted or that the person responsible for registration of the commencement of work by an alien did not return the employment permit or the permit for work on the basis of which the registration of work was not conducted. The prohibition applies until the submission of an application for the issuance of a residence permit or until the validity of an employment permit or a permit for work expires in accordance with Article 57 of this Act.

(4) An employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien are banned from employment of and

work by aliens, along with the issuance of an employment or work permit on the basis of the following:

1. if a fine was imposed on them for an offence under Articles 70, 71, 77, 78 of this Act or under the law regulating the prevention of illegal work and employment – three years after the decision became final;
2. if a fine was imposed on them for an offence under Articles 68, 75 and 79 of this Act – two years after the decision became final;
3. if a fine was imposed on them for an offence under Articles 80 and 83 of this Act – one year after the decision became final.

(5) An employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien are banned from employment of and work by aliens, along with the issuance of a work permit on the basis of the following:

1. if a fine was imposed on them for an offence under points 1, 2, 8, 9, 12, 20 and 21 of the first paragraph, or under the second or third paragraphs of Article 229 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02, 79/06 – ZZZPB-F, 103/07, 45/08-ZArbit) – three years after the decision became final;
2. if a fine was imposed on them for an offence under points 2, 5, 6, 8, 10, 13 and 14 of the first paragraph, or under the second or third paragraphs of Article 230 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02, 79/06 – ZZZPB-F, 103/07, 45/08-ZArbit) – two years after the decision became final;
3. if a fine was imposed on them for an offence under points 10 or 12 of the first paragraph, or under the second or third paragraphs of Article 231 of the Employment Relationships Act (Official Gazette of the Republic of Slovenia, No. 42/02, 79/06 – ZZZPB-F, 103/07, 45/08-ZArbit) – one year after the decision became final.

(6) The employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien are banned from employment of and work by aliens for ten years, along with the issuance of a work permit if they are convicted by a final judgement of criminal offences of prostitution abuse, of establishing slavery relations, of trafficking in human beings, of infringement of fundamental rights of workers, of illegal employment or infringement of rights deriving from social insurance.

(7) Applications submitted by a foreign employer for the issuance of work permits for provision of services with legal or natural persons registered to perform an activity and banned from employment of and work by aliens will be rejected.

(8) For a period of two years, the issuance of an employment permit or a permit for work an alien on whom a fine was imposed for an offence under this Act or for an offence of illegal employment in accordance with the law regulating prevention of illegal work and employment, is prohibited.

(9) If the competent body, by means of final decision or final judgement, establishes that the employer, legal or natural person registered to perform an activity and concluding a work contract with an alien, has misused the purpose of issuance of an employment permit or a permit for work or the residence permit issued on its basis, the employer, legal or natural person registered to perform an activity and concluding a work contract with an alien is banned from employment of and work by aliens for the period of ten years from the day the decision or judgement becomes final.

(10) If the competent body, by means of final decision or final judgement, establishes that an alien has misused the purpose of issuance of a work permit or residence permit issued on its basis, the alien is banned from employment or work in the Republic of Slovenia for the period of five years from the day the decision or judgement becomes final.

(11) If, by means of final decision or final judgement, it is established that the certificate on education submitted by an alien within the procedure of the issuance of a work permit is forged, the alien is banned from employment and work in the Republic of Slovenia for the period of five years from the day the decision or judgement becomes final.

(12) If, within the procedure of the issuance of a work permit, it is established that the employer has accompanied the application with a false statement on fulfilment of the condition referred to under point 5 of the second paragraph of Article 27 or under point 1 of the second paragraph of Article 34 of this Act, the issuance of a work permit is rejected and the employer is banned from employment of and work by aliens for the period of nine months from the day the decision issued on false data becomes final.

Article 56 (Suspension of procedure)

The procedure of the issuance of an employment permit or a permit for work is suspended on the basis of notification by the competent state authority:

1. upon final indictment against employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien, on suspicion of criminal offences of prostitution abuse, of establishing slavery relations, of trafficking in human beings, of infringement of fundamental rights of workers, of illegal employment or infringement of rights deriving from social insurance, namely until the final decision of the court;
2. upon adjudicated fine for an offence because a legal or natural person under inspection, on request by an inspector for labour, did not give a written explanation, documentation or statements with regard to the subject of the inspection, namely, until the receipt of notification by the competent state authority that the inspected legal or natural person did, in fact, submit everything necessary for a successful inspection.

Chapter IX Expiry of validity and revocation of work permits

Article 57 (Expiry of validity)

(1) A work permit shall cease to be valid:

1. on the day of expiry of the term for which it was issued,
2. by the acquisition of the right to free access to the Slovenian labour market,
3. if it has been revoked,
4. in the event of the alien's death.

(2) A personal work permit shall also cease to be valid the alien renounces his/her personal work permit.

(3) An employment permit and a permit for work also ceases to be valid:

1. if the alien obtains a personal work permit,
2. by deregistration of the alien at the Employment Service in the event referred to in Article 51 of this Act.

(4) In the event of expiry of validity of an employment permit or a permit for work under the preceding paragraph, if deregistration of the work performed by the alien is not carried out by the person responsible to register the termination of work, the Employment Service informs the employer to which the permit was issued that the validity of the employment permit or the permit for work has expired.

Article 58 (Revocation)

(1) A personal work permit shall be revoked:

1. if the alien referred to in points 4 or 5 of Article 22 of this Act, whose residence in the Republic of Slovenia has not been arranged, does not apply for the issue of a residence permit within 15 days of the delivery of a personal work permit and the alien, at the time of deciding on the revocation, has not applied for the issue of a residence permit or if the alien referred to in points 4 or 5 of the first paragraph of Article 22 of this Act within six months of issue of a personal work permit has not been registered for social insurance and at the time of deciding on the revocation is not registered for social insurance;
2. if, according to the law governing the residence of aliens, the alien's application for the issuance of a residence permit was refused or dismissed, if the procedure was suspended or if his/her residence permit was revoked or has ceased to be valid for the following reasons:
 - a) the alien's residence in the Republic of Slovenia has been annulled,
 - b) a penalty of alien expulsion from the country was imposed on the alien in the Republic of Slovenia, or another Member State of the EU made a final decision to expel the alien, which would result in the alien's deportation from the Republic of Slovenia, or
 - c) the alien renounced his/her residence permit;
3. if the alien referred to in points 2 or 3 of the second paragraph of Article 22 of this Act within six months of the issue of a personal work permit valid for a period of three years has not been registered for social insurance and at the time of deciding on the revocation is not registered for social insurance;
4. if a self-employed alien in possession of a work permit valid for a period of one year has been deleted from the business register and has not re-entered the business register within 30 days of the deletion and at the time of deciding on the revocation is not entered in the business register;
5. if the alien referred to in the first paragraph of Article 23 of this Acts loses the status of applicant for international protection, the status of a person with temporary protection, the status of a victim of trafficking in human beings, the status of a victim of illegal employment or the status of a person with subsidiary protection;
6. if the competent authority establishes by a final decision or judgment that the alien has abused the purpose of issuing a personal work permit or a residence permit issued on the basis thereof.

(2) An employment permit shall be revoked:

1. if the employer or the alien does not apply for the issue of a residence permit within 15 days of the delivery of the employment permit and the employer or the alien has not applied for the issuance of a residence permit at the time of deciding on the revocation;

2. if, according to the law governing residence of aliens, the alien's application for the issue of a residence permit was refused or dismissed or the procedure was suspended or his/her residence permit has ceased to be valid;
3. if a fine was imposed on the alien according to Article 67 of this Act for performing work other than that for which the work permit was issued;
4. if the person responsible for registration does not register the commencement of the work performed by an alien within the period referred to in Articles 49 or 50 of this Act, fails to return the employment permit within the prescribed period and, at the time of deciding on the revocation, the alien is not registered for social insurance;
5. if the competent authority establishes by a final decision or judgment that the alien or the employer has abused the purpose of issuing an employment permit or a residence permit issued on the basis thereof;
6. if it was established by a final decision that the certificate on education of the alien, on the basis of which the work permit was issued, was forged.

(3) A permit for work shall be revoked if:

1. the employer or the alien, within 15 days of the delivery of the permit for work, does not apply for the issuance of a residence permit and the employer or the alien, at the time of deciding on the revocation, has not applied for the issuance of a residence permit;
2. according to the law governing the residence of aliens, the alien's application for the issue of a residence permit was refused or dismissed, the procedure was suspended or his/her residence permit has ceased to be valid;
3. a fine was imposed on the alien according to Article 67 of this Act for performing work other than that for which the work permit was issued;
4. the person responsible for registration does not register the commencement of the work performed by an alien within the period referred to in Articles 49 or 50 of this Act and fails to return the permit for work within the prescribed period and, at the time of deciding on the revocation, the alien is not registered into social insurance or has not registered the commencement of the work performed by an alien at the Employment Service;
5. the alien who is appointed to represent a legal person or sole trader has been deleted from the relevant register;
6. the competent authority establishes, through a final decision or judgment, that the alien, the employer, a foreign employer, a legal or natural person registered to perform an activity, or the client has abused the purpose of issuing a permit for work or a residence permit issued on the basis thereof;

(4) The Employment Service shall immediately inform the competent body that issued the residence permit and the body responsible for the supervision of the implementation of this Act of the revocation of a work permit. In case of revocation of an employment permit in accordance with points 3, 4, 5 and 6 of the second paragraph of this Article and in case of revocation of a work permit in accordance with points 3, 4, 5 and 6 of the preceding paragraph, the Employment Service shall also inform the alien for whom the permit was issued on the final decision on the revocation of the work permit.

Chapter X

Supervision

Article 59

(Competent supervisory bodies)

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

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

(3) In the procedure of deciding on the issue or the revocation of a work permit and on the consent to an EU Blue Card, the Employment Service acquires information from the competent supervisory body on the completed misdemeanour proceedings against the alien affecting employment and work of aliens according to this Act.

(4) The Labour Inspectorate and the Customs Administration of the Republic of Slovenia shall keep the Employment Service informed of completed misdemeanour proceedings against the employer, a legal person or a sole trader affecting employment and work of aliens according to this Act, and the Employment Service shall keep a record of offences committed by the employer, legal persons and sole traders.

(5) National and other bodies and organisations in possession of data important for establishing possible irregularities in relation to the implementation of this Act shall be obliged to cooperate with each other and to submit the data required by the Labour Inspectorate, free of charge.

Article 60

(Obligations towards supervisory bodies)

(1) Aliens, employers, foreign employers, clients in cases of performing individual services and legal or natural persons registered to perform an activity who conclude a work contract with an alien are obliged to co-operate with the competent supervisory bodies and provide them with access to all available evidence which served as the basis for issuing a document permitting employment or work in the Republic of Slovenia.

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

(3) In the event that a work permit has been issued on the basis of an application submitted by an employer, legal or natural person registered to perform an activity and who concludes a work contract with an alien, they are obliged to cooperate in the supervisory procedure by producing all documentation required; in addition, they must keep on copy of the work permit permanently at the registered place of business, or at the work site if the activity is carried out outside the registered office.

(4) Employers, legal or natural persons registered to perform an activity and who conclude a work contract with an alien are obliged to keep all documentation relating to the work and payment of aliens for a period of five years after the termination of employment or work performed by aliens in the Republic of Slovenia.

(5) Instructions for the implementation of the provisions of this Article shall be set out by the minister responsible for labour.

Chapter XI

Fees and compensation for special costs

Article 61 (Fees)

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

(2) The applicant is obliged to pay the fee.

Article 62 (Compensation for special costs)

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

(2) Compensation for special costs shall be paid by foreign commercial companies, a Slovenian commercial company or foreign employers for the costs incurred by the Employment Service in the procedure of issuing work permits in relation to the verification of conditions specified in Articles 36, 37 and 38 of this Act, and in relation to the keeping of records in accordance with this Act.

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

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

Chapter XII

Records

Article 63 (Purpose)

For the purpose of deciding upon the issuance or revocation of work permits, consents in the procedures of issuing an EU Blue Card, monitoring the conditions on the labour market and for the purpose of scientific research and statistics, the Employment Service shall keep a record of aliens who are employed or work in the Republic of Slovenia on the basis of work permits or registered work, of employers, foreign employers, legal or natural persons registered for performing an activity and who conclude work contracts with aliens, and of clients with which aliens are employed or work on the basis of work permits or registered work.

Article 64 (Types of records)

(1) The record of aliens shall include the following data:

1. name, surname and maiden name;
2. sex;
3. date of birth;
4. personal identity number, if specified for the alien;
5. place and country of birth
6. nationality;
7. last permanent or temporary residence abroad or in the Republic of Slovenia (country, place of residence, address);
8. current permanent or temporary residence in the Republic of Slovenia (place of residence, address);
9. information on registration and deregistration of the alien, date of termination of a work or other contractual relationship;
10. type and number of travel document, date and place of issue, and period of validity;
11. type of residence permit, date of issue and period of validity;
12. type of work permit, date of issue and period of validity;
13. levels and fields of education;
14. occupation by Standard Classification of Occupations;
15. specialised knowledge;
16. work experience.

(2) The register on employers, legal or natural persons registered for performing an activity and who conclude work contracts with aliens, along with the register on clients, shall include the following data:

1. name of the company and its branch offices in the Republic of Slovenia or name of a natural person;
2. registered office and addresses of its branch offices in the Republic of Slovenia or address of a natural person;
3. heads of agricultural holdings and members of the farm entered in the register of agricultural holdings;
4. registration number;
5. tax number;
6. representatives;
7. work permits, date of issue and period of validity.

(3) The record of foreign employers shall include the following data:

1. name of the company;
2. registered office;
3. responsible person or contact person of the foreign employer during the time of service provision in the Republic of Slovenia and his/her place of residence;
4. work permits, date of issue and period of validity.

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

(5) The minister responsible for labour shall prescribe the method of processing data in the records specified in this Article in respect of the type and number of valid and issued work permits, the number of consents for EU Blue Cards, and the method for submitting this data to the ministry responsible for labour.

(1) The Employment Service may, free of charge, collect and enter (process) data needed for the implementation of this Act from the existing databases of the following database administrators:

1. from the ministry responsible for internal affairs, data on the personal identity number of the alien, the submitted applications for the issue of residence permits, the issued residence permits, the purposes for which temporary residence permits were issued, the residence permits which ceased to be valid and the registered places of residence of aliens, if the ministry keeps this data;
2. from the Agency of the Republic of Slovenia for public and legal records and services, data on the registration or entry and termination or deletion of sole traders, persons performing an independent occupational activity, partnerships and companies, on main and secondary activities, representatives and deletion of representatives to whom the permit for work was issued for work for the representative of a company, on the shares of partners and on the operation of the employer;
3. from the ministry responsible for agriculture and forestry, data on heads of agricultural holdings and members of the farm entered in the register of agricultural holdings;
4. from the Health Insurance Institute of Slovenia, data on aliens included in mandatory health insurance related to work on the basis of a work permit;
5. from the tax authority, data on the calculated salaries and paid taxes and contributions related to employment and work;
6. from the competent body, data on any final misdemeanour judgements, orders or decisions issued to employers, their responsible persons, legal or natural persons registered for performing an activity and aliens on the basis of which prohibition of employment and work of aliens according to this Act was established;

(2) The Employment Service may connect the database referred to in the first, second and third paragraphs of Article 64 of this Act with the databases referred to in the preceding paragraph in the manner and under the conditions laid down in the law governing personal data protection.

Chapter XIII

Penalty provisions

Article 66

The labour Inspectorate may impose a fine for offences under this Act in any amount within the prescribed range.

Article 67

A fine ranging from EUR 420 to EUR 630 shall be imposed on an alien who commits an offence by performing work for which a work permit was not issued (fourth paragraph of Article 6).

Article 68

(1) A fine ranging from EUR 2,100 to EUR 20,900 shall be imposed on an employer – legal person, sole trader or a person performing an independent occupational activity that is in

accordance with the law allowed to perform an activity of assigning workers to other users, if the employer commits an offence by concluding a contract of employment with an alien who is not in possession of a personal work permit valid for a period of three years or does not have free access to the Slovenian labour market (fifth paragraph of Article 6).

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of the employer – a legal person or sole trader who commits the offence specified in the preceding paragraph.

Article 69

A fine ranging from EUR 420 to EUR 630 shall be imposed on a person who commits an offence by concluding a contract of employment or contract of work with an alien who does not have free access to the labour market or is not in possession of a personal work permit (sixth paragraph of Article 6).

Article 70

(1) A fine ranging from EUR 2,100 to EUR 20,900 shall be imposed on an employer – a legal person or sole trader or a person performing an independent occupational activity that commits an offence by concluding a contract of employment, contract of work with or other civil contract with an alien who is not in possession of a work permit (first paragraph of Article 10).

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of the employer – a legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 630 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, commits an offence referred to in the first paragraph of this Article.

Article 71

(1) A fine ranging from EUR 4,200 to EUR 20,900 shall be imposed on an employer – a legal person or sole trader or a person performing an independent occupational activity, who, during the employment relationship, deregisters an alien from social insurance (first paragraph of Article 12).

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of an employer, legal person or sole trader, who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 630 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, commits an offence referred to in the previous paragraph.

(4) A fine ranging from EUR 420 to EUR 630 shall be imposed on a person, who commits an offence referred to in the first paragraph of this Article.

Article 72

(1) A fine ranging from EUR 2,100 to EUR 15,000 shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity, who does not provide minimal accommodation and hygiene standards (first paragraph of Article 13).

(2) A fine ranging from EUR 500 to EUR 1,500 shall be imposed on the responsible person of the employer – a legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 1,260 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, commits an offence referred to in the first paragraph of this Article.

(4) A fine ranging from EUR 420 to EUR 1,260 shall be imposed on a person who commits an offence referred to in the first paragraph of this Article.

Article 73

(1) A fine ranging from EUR 1,000 to EUR 2,500 shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity with a head office in a Member State of the EU, EEA or Swiss Confederation, responsible for registration and providing services in the Republic of Slovenia, who does not register the commencement of provision of services (the first paragraph of Article 18).

(2) A fine ranging from EUR 500 to EUR 1,500 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 200 to EUR 500 shall be imposed on a person responsible for registration that does not register the commencement of provision of services (the second paragraph of Article 18).

Article 74

(1) A fine ranging from EUR 2,100 to EUR 20,900 shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity that, in the period of validity of the employment relationship, employs an alien at another work post or shortens full working time to a time below the full-time level, in view of the published job vacancy on basis on which the employment permit was issued (the fourth paragraph of Article 25).

(2) A fine ranging from EUR 420 to EUR 630 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

Article 75

(1) A fine for an offence, ranging from EUR 2,100 to EUR 20,900, shall be imposed on a legal person, sole trader or person performing an independent occupational activity that does not ensure employment conditions referred to in the fourth paragraph of Article 36, the fourth paragraph of Article 37 and the fifth paragraph of Article 38 of this Act.

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

Article 76

(1) A fine ranging from EUR 2,100 to EUR 15,000 shall be imposed on a client – legal person, sole trader or a person performing an independent occupational activity, responsible for registration, who does not does not register the commencement of provision of services (the first paragraph of Article 43).

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

Article 77

(1) A fine ranging from EUR 4,200 to EUR 20,900 shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity, responsible for registration, who does not register the commencement of work of an alien (the first paragraph of Article 49).

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 1,260 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, responsible for registration, commits an offence referred to in the first paragraph of this Article.

(4) A fine ranging from EUR 210 to EUR 630 shall be imposed on a person responsible for registration, who commits an offence referred to in the first paragraph of this Article.

Article 78

(1) A fine ranging from EUR 4,200 to EUR 20,900 shall be imposed on an employer – legal person, sole trader or a person performing an independent occupational activity, responsible for registration, who does not register the commencement of work of an alien (the first paragraph of Article 50).

(2) A fine ranging from EUR 420 to EUR 1260 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 1,260 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the

register of agricultural holdings, responsible for registration, commits an offence referred to in the first paragraph of this Article.

(4) A fine ranging from EUR 420 to EUR 1,260 shall be imposed on a person responsible for registration, who commits an offence referred to in the first paragraph of this Article.

Article 79

(1) A fine ranging from EUR 4,200 to EUR 20,900 shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity, who does not return the work permit of an alien with whom it did not conclude work or a contractual relationship or whose employment relationship was terminated or work contract ceased to be valid before validity of employment or whose permit for work expired (Article 53).

(2) A fine ranging from EUR 420 to EUR 630 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 630 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, commits an offence referred to in the first paragraph of this Article.

Article 80

(1) A fine for an offence, ranging from EUR 2,100 to EUR 12,520, shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity, who does not enable access to available evidence on the basis of which the documents were issued, enabling employment of and work by an alien (first paragraph of Article 60).

(2) A fine ranging from EUR 420 to EUR 630 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 420 to EUR 630 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, commits an offence referred to in the first paragraph of this Article.

(4) A fine ranging from EUR 210 to EUR 420 shall be imposed on a person who commits an offence referred to in the first paragraph of this Article.

Article 81

A fine for an offence, ranging from EUR 210 to EUR 420, shall be imposed on an alien who does not submit a copy of his/her personal work permit at the request of a supervisory body (the second paragraph of Article 60).

Article 82

(1) A fine for an offence, ranging from EUR 630 to EUR 4,200, shall be imposed on an employer – a legal person, sole trader or a person performing an independent occupational activity, who does not keep one copy of the work permit permanently at the registered place of business, or at the work site, if the activity is carried out outside the registered office (the third paragraph of Article 60).

(2) A fine ranging from EUR 210 to EUR 630 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

Article 83

(1) A fine ranging from EUR 2,100 to EUR 12,520 shall be imposed on an employer – a legal person or sole trader or a person performing an independent occupational activity, who does not keep documentation regarding work and payment of an alien (the fourth paragraph of Article 60).

(2) A fine ranging from EUR 210 to EUR 630 shall be imposed on the responsible person of the employer – the legal person or sole trader who commits the offence specified in the preceding paragraph.

(3) A fine ranging from EUR 210 to EUR 420 shall be imposed on a natural person who, as the head of an agricultural holding or a member of a farm holding entered into the register of agricultural holdings, commits an offence referred to in the first paragraph of this Article.

Chapter XIV

Transitional and final provisions

Article 84

(Submitted applications and acquired rights)

(1) Applications submitted prior to the entry into force of this Act shall be considered according to this Act if this is more favourable for the client.

(2) Work permits issued before the entry into force of this Act shall remain valid until the period of validity of the permit expires.

(3) Irrespective of the provision specified in the preceding paragraph, a work permit shall cease to be valid if, after the entry into force of this Act, any of the reasons for termination of validity referred to in Article 57 of this Act arise.

Article 85

(Prohibitions of employment and work of aliens)

Prohibitions of employment and work of aliens for employers to whom employment and work of aliens was prohibited according to the sixth, seventh or eighth paragraph of Article 7 of the Employment and Work of Aliens Act (Official Gazette of the Republic of Slovenia, no. 66/00, 101/05 and 52/07) shall remain valid until after the expiry of the period specified in Article 7 of

the Employment and Work of Aliens Act (Official Gazette of the Republic of Slovenia, no. 66/00, 101/05 and 52/07).

Article 86
(Statutory instruments according to this Act)

(1) The ministers responsible for labour, space and health shall, within three months from the day this Act enters into force, issue a statutory instrument specified in Article 13 of this Act.

(2) The minister responsible for labour shall, within three months from the day this Act enters into force, issue the statutory instruments specified in the eighth paragraph of Article 10, third paragraph of Article 18, third paragraph of Article 19, seventh paragraph of Article 36, seventh paragraph of Article 37, sixth paragraph of Article 48, fifth paragraph of Article 60 and fifth paragraph of Article 64 of this Act.

Article 87
(Expiry of validity of the Act)

With the entry into force of this Act, the Employment and Work of Aliens Act (Official Gazette of the Republic of Slovenia, no. 66/00, 101/05, 52/07 and 76/07 – official consolidated text) shall cease to be valid.

Article 88
(Expiry of validity of statutory instruments)

With the entry into force of this Act, the following instruments shall cease to be valid:

- Rules on criteria for further training in companies (Official Gazette of the Republic of Slovenia, no. 52/06),
- Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens (Official Gazette of the Republic of Slovenia, no. 37/08 and 28/09),
- Instructions for the processing and communication of information on aliens who get employment and work in the territory of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 83/08),

and they shall apply until statutory instruments according to this Act enter into force, unless they contravene this Act.

Article 89
(Entry into force of the Act)

(1) This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

(2) Provisions of point 25 of Article 4, the fourth paragraph of Article 23 and of Article 31 shall apply from the date of entry into force of the law governing the residence of aliens, which specifies procedures for the issue of the EU Blue Card and temporary residence permits to a victim of illegal employment. In the section relating to long-stay visas – D visas, provisions of point 3 of the second and third paragraph of Article 9 and the second paragraph of Article 15 of this Act shall apply from the date of entry into force of the law governing residence of aliens and specifying procedures for the issue of long-stay visas. In the section relating to menial work,

provision of point 15 of the second paragraph of Article 5 shall apply from the date of entry into force of the law governing menial work.