

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

Neuradno prečiščeno besedilo Zakona o zdravstvenem varstvu rastlin obsega:

- Zakon o zdravstvenem varstvu rastlin – ZZVR-1 (Uradni list RS, št. 45/01 z dne 7. 6. 2001),
- Zakon o spremembah, dopolnitvah in razveljavitvi določenih zakonov na področju kmetijstva in gozdarstva – ZdZPKG (Uradni list RS, št. 45/04 z dne 29. 4. 2004),
- Zakon o spremembah in dopolnitvah Zakona o zdravstvenem varstvu rastlin – ZZVR-1A (Uradni list RS, št. 86/04 z dne 5. 8. 2004),
- Zakon o zdravstvenem varstvu rastlin – uradno prečiščeno besedilo – ZZVR-1-UPB1 (Uradni list RS, št. 23/05 z dne 10. 3. 2005),
- Zakon o društvih – ZDru-1 (Uradni list RS, št. 61/06 z dne 13. 6. 2006),
- Zakon o spremembah in dopolnitvah Zakona o zdravstvenem varstvu rastlin – ZZVR-1B (Uradni list RS, št. 40/07 z dne 7. 5. 2007),
- Zakon o zdravstvenem varstvu rastlin – uradno prečiščeno besedilo – ZZVR-1-UPB2 (Uradni list RS, št. 62/07 z dne 12. 7. 2007),
- Zakon o spremembah in dopolnitvah Zakona o zdravstvenem varstvu rastlin – ZZVR-1C (Uradni list RS, št. 36/10 z dne 4. 5. 2010),
- Zakon o spremembah in dopolnitvah Zakona o inšpekcijskem nadzoru – ZIN-B (Uradni list RS, št. 40/14 z dne 3. 6. 2014).

**ZAKON**  
**o zdravstvenem varstvu rastlin (ZZVR-1)**

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The unofficial consolidated version of the Plant Protection Act comprises:

- Plant Protection Act – ZZVR-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 45/01 of 7 June 2001),
- Act Amending and Repealing Certain Acts in the Field of Agriculture and Forestry – ZdZPKG (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 45/04 of 29 April 2004),
- Act Amending the Plant Protection Act – ZZVR-1A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 86/04 of 5 August 2004),
- Plant Protection Act – Official Consolidated Text – ZZVR-1-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 23/05 of 10 March 2005),
- Societies Act – ZDru-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 61/06 of 13 June 2006),
- Act Amending the Plant Protection Act – ZZVR-1B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 40/07 of 7 May 2007),
- Plant Protection Act – Official Consolidated Text – ZZVR-1-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 62/07 of 12 July 2007),
- Act Amending the Plant Protection Act – ZZVR-1C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/10 of 4 May 2010),
- Act Amending the Inspection Act – ZIN-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 40/14 of 3 June 2014).

**PLANT PROTECTION ACT**  
**(ZZVR-1)**

**I. SPLOŠNE DOLOČBE**

**I. GENERAL PROVISIONS**

**1. člen  
(vsebina)**

**Article 1  
(Subject)**

Ta zakon določa zdravstveno varstvo rastlin; biotično varstvo rastlin; pridobivanje, izmenjavo podatkov in informacijski sistem; stroške in odškodnine; javno službo zdravstvenega varstva rastlin; določa organe, ki so odgovorni za uresničevanje tega zakona in inšpekcijsko nadzorstvo ter ureja ukrepe in obveznosti v zvezi s pojavom, preprečevanjem vnosa in širjenja ter zatiranjem škodljivih organizmov na rastlinah, rastlinskih proizvodih in nadzorovanih predmetih v skladu z:

This Act regulates plant protection; biological plant protection; obtaining and exchanging of data and the information system; costs and compensation; public service in the field of plant protection; it defines the responsible authorities for the enforcement of this Act and inspection supervision; and regulates the measures and obligations in relation to the occurrence, prevention of introduction and spread as well as suppression of harmful organisms on plants, plant products and other regulated objects, in accordance with:

- Direktivo Komisije št. 92/70/EGS z dne 30. julija 1992 o določitvi podrobnih pravil za popise, ki se opravijo za priznanje varovanih območij v Skupnosti (UL L št. 250 z dne 29. 8. 1992, str. 37),
- Direktivo Komisije št. 92/90/EGS z dne 3. novembra 1992 o obveznostih pridelovalcev in uvoznikov rastlin, rastlinskih proizvodov ali drugih predmetov in podrobnostih za njihovo registracijo (UL L št. 344 z dne 26. 11. 1992, str. 38),
- Direktivo Komisije št. 92/105/EGS z dne 3. decembra 1992 o določanju stopnje standardizacije za rastlinske potne liste, ki se uporabljajo za premeščanje nekaterih rastlin, rastlinskih proizvodov ali drugih predmetov znotraj Skupnosti, in določanju podrobnih postopkov za izdajo takih rastlinskih potnih listov ter pogojev in podrobnih postopkov za njihovo zamenjavo (UL L št. 4 z dne 8. 1. 1993, str. 22), zadnjič spremenjeno z Direktivo Komisije 2005/17/ES z dne 2. marca 2005 o spremembi nekaterih določb Direktive 92/105/EGS glede rastlinskih potnih listov (UL L št. 57 z dne 3. 3. 2005, str. 23),
- Direktivo Komisije št. 93/50/EGS z dne 24. junija 1993 o določitvi nekaterih rastlin, ki niso navedene v delu A Priloge V Direktive Sveta 77/93/EGS in katerih proizvajalci, skladišča ali distribucijski centri na pridelovalnih območjih teh rastlin se navedejo v uradnem registru (UL L št. 205 z dne 17. 8. 1993, str. 22),

- Commission Directive 92/70/EEC of 30 July 1992 laying down detailed rules for surveys to be carried out for purposes of the recognition of protected zones in the Community (OJ L 250, 29.8.1992, p. 37),
- Commission Directive 92/90/EEC of 3 November 1992 establishing obligations to which producers and importers of plants, plant products or other objects are subject and establishing details for their registration (OJ L 344, 26.11.1992, p. 38),
- Commission Directive 92/105/EEC of 3 December 1992 establishing a degree of standardization for plant passports to be used for the movement of certain plants, plant products or other objects within the Community, and establishing the detailed procedures related to the issuing of such plant passports and the conditions and detailed procedures for their replacement (OJ L 4, 8.1.1993, p. 22), as last amended by Commission Directive 2005/17/EC of 2 March 2005 amending certain provisions of Directive 92/105/EEC concerning plant passports (OJ L 57, 3.3.2005, p. 23),
- Commission Directive No. 93/50/EEC of 24 June 1993 specifying certain plants not listed in Annex V, part A to Council Directive 77/93/EEC, the producers of which, or the warehouses, dispatching centres in the production zones of such plants, shall be listed in an official register (OJ L 205, 17.8.1993, p. 22),

- Direktivo Komisije št. 93/51/EGS z dne 24. junija 1993 o predpisih za premeščanje nekaterih rastlin, rastlinskih proizvodov ali drugih predmetov prek varovanega območja (UL L št. 205 z dne 17. 8. 1993, str. 24),
- Direktivo Komisije št. 94/3/ES z dne 21. januarja 1994 o postopku obveščanja o zadržanju pošiljke ali škodljivega organizma, ki predstavlja neposredno fitosanitarno nevarnost, iz tretjih držav (UL L št. 32 z dne 5. 2. 1994, str. 37),
- Direktivo Komisije št. 98/22/ES z dne 15. aprila 1998 o minimalnih pogojih za opravljanje zdravstvenih pregledov rastlin v Skupnosti, in sicer tistih rastlin, rastlinskih proizvodov in drugih predmetov, ki prihajajo iz tretjih držav in za katere se zdravstveni pregledi opravljajo na mestih pregledov, ki niso v namembnem kraju (UL L št. 126 z dne 28. 4. 1998, str. 26),
- Direktivo Sveta št. 2000/29/ES z dne 8. maja 2000 o varstvenih ukrepih proti vnosu organizmov, škodljivih za rastline ali rastlinske proizvode, v Skupnost in proti njihovemu širjenju v Skupnosti (UL L št. 169 z dne 10. 7. 2000, str. 1), zadnjič spremenjeno z Direktivo Komisije 2010/1/EU z dne 8. januarja 2010 o spremembi prilog II, III in IV k Direktivi Sveta 2000/29/ES o varstvenih ukrepih proti vnosu organizmov, škodljivih za rastline ali rastlinske proizvode, v Skupnost in proti njihovemu širjenju v Skupnosti (UL L št. 7 z dne 12. 1. 2010, str. 17),
- Direktivo Komisije št. 2008/61/ES z dne 17. junija 2008 o določitvi pogojev, pod katerimi je mogoče nekatere škodljive organizme, rastline, rastlinske proizvode in druge predmete, iz Prilog I do V Direktive Sveta 2000/29/ES, vnesti ali jih premeščati znotraj Skupnosti oziroma na nekaterih njenih varovanih območjih v preskusne ali znanstvene namene in za delo pri žlahtnjenju (kodificirana različica), (UL L št. 158 z dne 18. 6. 2008, str. 41).

Določbe tega zakona se uporabljajo tudi za izvajanje ukrepov proti drugim rastlinskim škodljivim organizmom, ki niso navedeni v predpisih iz prejšnjega odstavka in se pojavijo na ozemlju Republike Slovenije ter:

- zaradi množičnega izbruha povzročajo gospodarsko škodo v kmetijstvu,
- pomenijo nevarnost za zdravstveno varstvo semenskega materiala rastlin ali
- imajo škodljiv vpliv na gospodarstvo, okolje ali družbo.

- Commission Directive 93/51/EEC of 24 June 1993 establishing rules for movements of certain plants, plant products or other objects through a protected zone (OJ L 205, 17.8.1993, p. 24),
- Commission Directive 94/3/EC of 21 January 1994 establishing a procedure for the notification of interception of a consignment or a harmful organism from third countries and presenting an imminent phytosanitary danger (OJ L 32, 5.2.1994, p. 37),
- Commission Directive No. 98/22/EC of 15 April 1998 laying down the minimum conditions for carrying out plant health checks in the Community, at inspection posts other than those at the place of destination, of plants, plant products or other objects coming from third countries (OJ L 126, 28.4.1998, p. 26),
- Council Directive 2000/29/EC of 8 May 2000 on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 169 of 10 July 2000, p. 1), as last amended by Commission Directive 2010/1/EU of 8 January 2010 amending Annexes II, III and IV to Council Directive 2000/29/EC on protective measures against the introduction into the Community of organisms harmful to plants or plant products and against their spread within the Community (OJ L 7, 12.1.2010, p. 17),
- Commission Directive 2008/61/EC of 17 June 2008 establishing the conditions under which certain harmful organisms, plants, plant products and other objects listed in Annexes I to V to Council Directive 2000/29/EC may be introduced into or moved within the Community or certain protected zones thereof, for trial or scientific purposes and for work on varietal selections (Codified version), (OJ L 158, 18.6.2008, p. 41).

The provisions of this Act shall also apply for carrying out measures against other organisms harmful to plants which are not indicated in the regulations referred to in the preceding paragraph and which occur in the territory of the Republic of Slovenia, and:

- due to a mass outbreak cause economic damage in agriculture,
- create a risk for the protection of seeds and propagating material, or
- have a harmful impact on the economy, environment or society.

## **2. člen (namen)**

Zdravstveno varstvo rastlin je namenjeno:

- varstvu rastlin in rastlinskih proizvodov pred škodljivimi organizmi;
- preprečevanju vnosa in širjenja ter zatiranju škodljivih organizmov z zagotavljanjem fitosanitarnih ukrepov;
- ugotavljanju in določanju škodljivih organizmov;
- omogočanju optimalne pridelave rastlin in trgovanja z njimi;
- varovanju okolja, narave ter posledično zdravja ljudi z izvajanjem stalnega nadzora škodljivih organizmov, z uvajanjem biotičnega varstva rastlin in z opazovalno napovedovalno dejavnostjo;
- usmerjanju in spremljanju razvoja dejavnosti za varovanje zdravja rastlin;
- skrbi za izobraževanje in osveščanje prebivalstva o varovanju zdravja rastlin.

## **2.a člen (naloge)**

Za uresničevanje namenov zdravstvenega varstva rastlin iz prejšnjega člena se izvajajo zlasti naslednje temeljne naloge:

- stalni zdravstveni nadzor rastočih rastlin, vključno z obdelanimi površinami (polja, nasadi, drevesnice, rastlinjaki, laboratoriji, in podobno), prostoživečimi rastlinami ter rastlinami v skladiščih ali med prevozom;
- spremljanje škodljivih organizmov in izvajanje ocen tveganja zaradi nevarnosti škodljivih organizmov ter njihovo obvladovanje;
- fitosanitarni nadzor vnosa organizmov, ki so škodljivi za rastline ali rastlinske proizvode in imajo škodljiv vpliv na gospodarstvo, okolje ali družbo, v Skupnost in proti njihovemu širjenju v Skupnosti;
- fitosanitarni nadzor zaradi izvoza pošiljk rastlin, za katere so predpisane posebne zahteve zaradi varovanja zdravja rastlin;
- izvajanje posebnega nadzora škodljivih organizmov, zlasti fitosanitarnih pregledov, načrtovanega spremljanja zdravstvenega

## **Article 2 (Purpose)**

The purpose of plant protection shall be:

- protection of plants and plant products from harmful organisms;
- prevention of the introduction and spread of harmful organisms and their control by ensuring phytosanitary measures;
- detection and identification of harmful organisms;
- enabling optimal plant production and trade;
- protection of the environment, nature and, consequently, human health by carrying out pest surveillance, introducing biological plant protection and monitoring and forecasting activities;
- guiding and monitoring the development of plant protection;
- providing relevant education and information to raise public awareness about plant protection.

## **Article 2a (Tasks)**

Fulfilment of the purposes of plant protection referred to in the preceding Article shall be attained through performance of the following basic tasks:

- monitoring of growing plants, including cultivated surfaces (fields, plantations, tree nurseries, greenhouses, laboratories and similar), wild flora and plants in storage facilities or during transport;
- monitoring of harmful organisms and carrying out pest risk assessment and their control;
- phytosanitary control of introduction of organisms harmful to plants or plant products, which have a harmful impact on the economy, environment or society, into the Community and their spread within the Community;
- phytosanitary control on the export of plant consignments which are subject to special requirements as regards protection of plant health;
- carrying out special control of harmful organisms, in particular phytosanitary inspections, planned monitoring of plant protection and

- stanja rastlin in sistematičnih raziskav;
- fitosanitarno potrjevanje, zlasti opravljanje fitosanitarnih pregledov rastlin in rastlinskih proizvodov na ozemlju Republike Slovenije zaradi izdajanja fitosanitarnih spričeval, rastlinskih potnih listov in drugih uradnih dokumentov;
- fitosanitarno ukrepanje;
- inšpekcijsko nadzorstvo nad zagotavljanjem varovanja rastlin pred škodljivimi organizmi in preprečevanjem njihovega škodljivega vpliva na gospodarstvo, okolje in družbo;
- opravljanje drugih nalog, določenih v tem zakonu in drugih predpisih.

## **2.b člen (odgovorni uradni organi)**

Naloge iz prejšnjega člena opravljajo odgovorni uradni organi v Republiki Sloveniji:

- ministrstvo, pristojno za zdravstveno varstvo rastlin (v nadaljnjem besedilu: ministrstvo),
- osrednji odgovorni uradni organ za zdravstveno varstvo rastlin, ustanovljen z uredbo vlade, izdano na podlagi zakona, ki ureja državno upravo (v nadaljnjem besedilu: Uprava),
- pristojni organ za inšpekcijsko nadzorstvo,
- pravne osebe na podlagi javnega pooblastila iz 68. člena tega zakona,
- pristojni carinski organ.

Kadar odgovorni uradni organi iz druge, tretje in četrte alinee prejšnjega odstavka ter izvajalci javne službe zdravstvenega varstva rastlin iz 60. člena tega zakona opravljajo naloge iz prejšnjega člena, se štejejo za uradno državno organizacijo za varstvo rastlin po mednarodni konvenciji, ki ureja varstvo rastlin.

Organi iz prvega odstavka tega člena pri opravljanju nalog iz prejšnjega člena uporabljajo posebno označbo, s katero izkazujejo, da te naloge opravljajo kot uradna državna organizacija. Obliko označbe in način njene uporabe določi minister, pristojen za zdravstveno varstvo rastlin.

- systematic surveys;
- phytosanitary certification, in particular the performance of phytosanitary inspections of plants and plant products within the territory of the Republic of Slovenia for the purpose of issuing phytosanitary certificates, plant passports and other official documents;
- taking phytosanitary measures;
- inspection control in relation to ensuring plant protection against harmful organisms and preventing their harmful impact on the economy, environment and society;
- performing other tasks provided by this Act and other regulations.

## **Article 2b (Responsible official authorities)**

The tasks referred to in the preceding Article shall be performed by responsible official authorities in the Republic of Slovenia:

- the ministry responsible for plant protection (hereinafter: the ministry)
- the central responsible official authority for plant protection established by a government decree issued pursuant to the Act governing state administration (hereinafter: Administration),
- the responsible authority for inspection and supervision,
- legal persons on the basis of a public authorisation referred to in Article 68 of this Act,
- the competent customs authority.

Where the responsible official authorities referred to in indents two, three and four of the preceding paragraph, and performers of the public service for plant protection referred to in Article 60 of this Act, perform the tasks referred to in the preceding Article, pursuant to the international convention governing plant protection, they shall be considered the official state organisation for plant protection.

The authorities referred to in paragraph one of this Article shall use a special mark when performing tasks referred to in the preceding Article, showing that they are performing them as an official state organisation. The form and the method of use of the mark shall be specified by the minister responsible for plant protection.

### 3. člen (pomen izrazov)

Izrazi, uporabljeni v tem zakonu, imajo naslednji pomen:

1. Zdravstveno varstvo rastlin je varovanje zdravja rastlin, rastlinskih proizvodov in nadzorovanih predmetov pred škodljivimi organizmi s pomočjo fitosanitarnih ukrepov.
2. Rastline so žive rastline in določeni živi deli takih rastlin, vključno s semeni.
  - a) Za žive dele rastlin se štejejo:
    - plodovi v botaničnem smislu, razen tistih, ki so konzervirani z globokim zamrzovanjem,
    - vrtnine, razen tistih, ki so konzervirane z globokim zamrzovanjem,
    - gomolji, čebulice, korenike in drugi podzemni organi za razmnoževanje,
    - rezano cvetje,
    - veje z listi ali iglicami,
    - posekana drevesa z ohranjenimi listi ali iglicami,
    - listi, listje,
    - tkivne kulture,
    - živ cvetni prah,
    - cepiči za okuliranje, potaknjenci, cepiči,
    - katerikoli drug del rastlin, ki bi lahko bil določen po postopku iz drugega odstavka 18. člena direktive Sveta št. 2000/29/ES (UL L št. 169 z dne 10. 7. 2000) z vsemi spremembami.
  - b) Seme pomeni seme v botaničnem pomenu, razen tistega, ki ni namenjeno setvi.
3. Rastlinski proizvodi so proizvodi rastlinskega izvora, nepredelani ali obdelani s preprostimi postopki in ki niso rastline iz prejšnje točke. Za rastlinski proizvod se šteje tudi les, če je v celoti ali delno ohranil svojo naravno okroglo površino, z lubjem ali brez njega, ali če gre za sekance, iveri, žagovino, lesne odpadke ali ostanke in če se uporabi pri prevozu kakršnih koli predmetov v obliki pregradnega materiala, podpornega lesa ali palet v primeru, da pomeni nevarnost za zdravje rastlin.
4. Saditev je namestitev rastlin, da bi zagotovili njihovo nadaljnjo rast in generativno ali vegetativno razmnoževanje.

### Article 3 (Definitions)

For the purposes of this Act, the following definitions shall apply:

1. Plant protection shall mean protection of the health of plants, plant products and other regulated objects against harmful organisms by means of phytosanitary measures.
2. Plants shall mean living plants and certain living parts thereof, including seeds.
  - a) The following shall be deemed living parts of plants:
    - fruit in the botanical sense, other than those preserved by deep freezing,
    - vegetables, other than those preserved by deep freezing,
    - tubers, bulbs, rhizomes and other underground organisms for reproduction,
    - cut flowers,
    - branches with foliage,
    - cut trees with retained foliage or needles,
    - leaves, foliage,
    - tissue cultures,
    - live pollen,
    - bud-wood, cuttings, scions,
    - any other part of plants which may have been determined under the procedure referred to in paragraph two of Article 18 of Council Directive 2000/29/EC (OJ L 169, 10.7.2000), as amended.
  - b) Seeds shall mean seeds in the botanical sense, other than those not intended for planting.
3. Plant products shall mean products of plant origin, unprocessed or having undergone a simple procedure, and which are not plants under the preceding point. A plant product shall also be considered wood if it retains all or part of its natural round surface, with or without bark, or if it is in the form of chips, particles, sawdust, wood waste or scrap, and if it is used in the transport of objects of any kind in the form of barrier materials, dunnage or pallets, in the case where it presents a plant health risk.
4. Planting shall mean placing of plants in order to ensure their subsequent growth and generative or vegetative propagation.

5. Rastline za saditev so:
    - rastline, ki so že posajene in bodo ostale posajene ali bodo presajene,
    - rastline, ki še niso posajene, a so namenjene saditvi.
  6. Škodljivi organizmi pomenijo katerokoli vrsto, sev ali biotip rastline, živali ali patogenega povzročitelja, ki so škodljivi rastlinam ali rastlinskim proizvodom.
  7. Nadzorovani predmeti so zemljišča, skladiščni prostor, embalaža, prevozno sredstvo, zabojnik, zemlja ali kateri koli drug organizem, predmet ali snov, ki lahko vsebuje ali širi škodljive organizme in ki zahteva uvedbo fitosanitarnih ukrepov.
  8. Pošiljka je količina blaga, ki jo spremlja en sam dokument, potreben za carinske ali druge formalnosti, kot na primer eno samo fitosanitarno spričevalo ali en sam alternativni dokument ali žig. Pošiljko lahko sestavlja ena ali več partij.
  9. Fitosanitarni ukrep je zakonodajni, upravni ali drug postopek, ki se izvede v skladu s tem zakonom, da se prepreči vnos oziroma širjenje škodljivih organizmov.
  10. Fitosanitarni predpis pomeni ta zakon in vse predpise, izdane na njegovi podlagi, ter mednarodne pogodbe s področja zdravstvenega varstva rastlin, ki obvezujejo Republiko Slovenijo.
  11. Država porekla pomeni državo, v kateri so bile pridelane rastline, iz katerih so rastlinski proizvodi.
  12. Premeščanje je vsako premikanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov izven mesta pridelave na ozemlju Evropske skupnosti (v nadaljnjem besedilu: Skupnosti).
  13. Mesto pridelave je posest ali skupina zemljišč, ki je posamezna pridelovalna enota z vsemi pripadajočimi objekti, stroji in opremo.
  14. Vnos iz tretjih držav je vnos pošiljke in škodljivih organizmov na carinsko območje Skupnosti, ne glede na to, kakšna raba ali uporaba je bila v skladu s tem zakonom in v skladu s carinskimi predpisi dovoljena za rastline, rastlinske proizvode in nadzorovane predmete, razen vnosa zaradi tranzita.
  15. Vnos škodljivega organizma je tudi vsak vstop škodljivega organizma na območje, kjer še ni navzoč ali je navzoč v omejenem obsegu.
  16. Izvoz je vsak iznos pošiljk s carinskega območja Skupnosti in zajema tudi ponovni izvoz ter začasni izvoz.
5. Plants intended for planting shall mean:
    - plants which are already planted and will remain planted or will be replanted,
    - plants which are not yet planted but are intended to be planted.
  6. Harmful organisms shall mean any species, strain or biotype of a plant, animal or other pathogenic organism, which are harmful to plants or plant products.
  7. Regulated objects shall mean fields, storage facilities, packaging, means of transport, containers, soil or any other organism, object or material which may contain or spread harmful organisms and which requires the introduction of phytosanitary measures.
  8. Consignment shall mean a quantity of goods which are accompanied by a single document necessary to satisfy customs and other formalities, for example one phytosanitary certificate or one alternative document or a stamp. The consignment may be composed of one or more lots.
  9. Phytosanitary measure shall mean any legislative, administrative or other procedure which is carried out in compliance with this Act in order to prevent the introduction or spread of harmful organisms.
  10. Phytosanitary regulation shall mean this Act and all regulations issued on its basis, and international treaties in the field of plant protection which are binding on the Republic of Slovenia.
  11. Country of origin shall mean the country in which the plants were grown, from which plant products derive.
  12. Movement shall mean any movement of plants, plant products and regulated objects outside the place of production within the territory of the European Community (hereinafter: Community).
  13. Place of production shall mean any property or group of fields which is an individual production unit with all the associated facilities, machinery and equipment.
  14. Introduction from third countries shall mean any introduction of consignments and harmful organisms into the customs territory of the Community, irrespective of which kind of treatment or use has been, pursuant to this Act, allowed for plants, plant products and regulated objects, other than introduction for transit.
  15. Introduction of a harmful organism shall also mean any entry of a harmful organism into the area where it is not yet present or is present to a limited extent.
  16. Export shall mean any departure of consignments out of the customs territory of the Community encompassing both re-export and temporary export.

17. Tranzit je vsako premeščanje blaga pod carinskim nadzorom z enega mesta na drugega na carinskem območju Skupnosti, kot je določeno v 91. členu Uredbe Sveta št. 2913/92/EGS (UL L, št. 302 z dne 19. 10. 1992) o carinskem zakoniku Skupnosti.
  18. Fitosanitarno spričevalo je potrdilo o zdravstvenem stanju pošiljke, ki ga izda pristojni organ za zdravstveno varstvo rastlin, praviloma v državi porekla in spremlja pošiljko, ki se vnaša iz tretjih držav, izvaža ali prevaža v tranzitu.
  19. Fitosanitarno spričevalo za ponovni izvoz je potrdilo o zdravstvenem stanju pošiljke, ki ga izda pristojni organ za zdravstveno varstvo rastlin države, v katero se je pošiljka vnesla iz tretjih držav oziroma se je skladiščila, ponovno pakirala ali razdeljevala in spremlja pošiljko, ki se ponovno izvaža.
  20. Rastlinski potni list je uradna etiketa ali druga uradna oznaka, ki potrjuje, da rastline, rastlinski proizvodi in nadzorovani predmeti, ki se premeščajo na ozemlju Skupnosti, izpolnjujejo zahteve zdravstvenega varstva rastlin, v skladu s predpisi Skupnosti, ki urejajo zdravstveno varstvo rastlin.
  21. Imetniki rastlin, rastlinskih proizvodov in nadzorovanih predmetov in zemljišč (v nadaljnjem besedilu: imetniki) so fizične in pravne osebe, ki so njihovi lastniki oziroma se ukvarjajo z njihovo pridelavo, predelavo, gospodarjenjem, prodajo ali drugo uporabo.
  22. Stalni nadzor škodljivih organizmov je uradni postopek zbiranja in shranjevanja podatkov o navzočnosti škodljivih organizmov ali njihovi odsotnosti, na podlagi fitosanitarnih pregledov, spremljanja zdravstvenega stanja, sistematičnih raziskav ali drugih postopkov ter na podlagi drugih razpoložljivih virov.
  23. Fitosanitarni pregled je pregled listin, pregled istovetnosti in zdravstveni pregled rastlin, rastlinskih proizvodov in nadzorovanih predmetov z namenom, da se ugotovi navzočnost škodljivih organizmov oziroma skladnost s fitosanitarnimi predpisi.
  24. Inšpekcijsko spremljanje zdravstvenega stanja je stalni inšpekcijski postopek preverjanja zdravstvenega stanja rastlin.
  25. Uradni vzorec je vzorec, ki ga odvzame pristojni inšpektor oziroma druga uradna oseba po tem zakonu.
  26. Tretje države so države, ki niso države članice Evropske unije.
  27. Vstopno mesto je mesto, kjer so rastline, rastlinski proizvodi in drugi
17. Transit shall mean any movement of goods under customs control from one place to another within the customs territory of the Community, as laid down in Article 91 of Council Regulation 2913/92/EEC (OJ L 302, 19.10.1992) establishing the Community Customs Code.
  18. Phytosanitary certificate shall mean a document that attests to the health status of a consignment issued by a competent official authority for plant protection, generally of the country of origin, and accompanies the consignment which is introduced from third countries, exported or is in transit.
  19. Phytosanitary certificate for re-export shall mean a document which attests to the health status of a consignment which is issued by the competent official authority for plant protection of the country into which the consignment has been introduced from third countries or has been stored, repacked or split up, and accompanies the consignment which is re-exported.
  20. Plant passport shall mean an official label or other official mark which attests to the fact that plants, plant products and regulated objects which are moved within the territory of the Community meet the plant protection requirements, pursuant to the Community regulations governing plant protection.
  21. Holders of plants, plant products and other regulated objects and land (hereinafter: holders) shall mean natural or legal persons that are their owners, or are engaged in their cultivation, processing, management, sale or other use.
  22. Continuous monitoring of harmful organisms shall mean an official process of collection and storing data on the presence of harmful organisms or their absence, on the basis of phytosanitary inspections, monitoring the health status, surveys or other procedures, and on the basis of other available sources.
  23. Phytosanitary inspection shall mean checking of documents, identity and health checks of plants, plant products or regulated objects with the aim of determining the presence of harmful organisms or compliance with phytosanitary regulations.
  24. Official monitoring of health status shall mean an ongoing inspection procedure for verifying the phytosanitary situation.
  25. Official sample shall mean a sample taken by a competent inspector or another official under this Act.
  26. Third countries shall mean countries other than Member States of the European Union.
  27. Point of entry shall mean the place where plants, plant products and



nadzorovani predmeti prvič vneseni na carinsko območje Skupnosti:

- letališče v primeru zračnega prevoza,
- pristanišče v primeru pomorskega ali rečnega prevoza,
- postaja v primeru železniškega prevoza ter
- mesto carinskega urada, odgovornega za območje, kjer se prečka meja Skupnosti, v primeru kateregakoli drugega prevoza.

28. Uradni organ vstopnega mesta je odgovorni uradni organ v državi članici, pristojen za fitosanitarne preglede na vstopnem mestu.
29. Uradni organ namembnega območja je odgovorni uradni organ v državi članici, pristojen za fitosanitarne preglede na vstopnem mestu, kjer je carinski urad namembnega območja.
30. Carinski urad vstopnega mesta je urad vstopnega mesta iz 27. točke tega člena.
31. Carinski urad namembnega območja je urad namembnega območja iz tretje točke 340.b člena Uredbe Komisije št. 2454/93/EGS (UL L št. 253 z dne 11. 10. 1993).
32. Carinsko odobrena raba ali uporaba je carinsko odobrena raba ali uporaba iz 15. točke 4. člena Uredbe Sveta št. 2913/92/EGS (UL L št. 302 z dne 19. 10. 1992) o uvedbi carinskega zakonika skupnosti (v nadaljnjem besedilu: carinski zakonik Skupnosti).
33. Sezname škodljivih organizmov ter sezname rastlin, rastlinskih proizvodov in nadzorovanih predmetov, so sezname iz prilog Direktive Sveta št. 2000/29/ES (UL L št. 169 z dne 10. 7. 2000) s spremembami (v nadaljnjem besedilu: direktiva), in sicer:
  - seznam I.A je seznam iz priloge I, del A;
  - seznam I.B je seznam iz priloge I, del B;
  - seznam II.A je seznam iz priloge II, del A;
  - seznam II.B je seznam iz priloge II, del B;
  - seznam III.A je seznam iz priloge III, del A;
  - seznam III.B je seznam iz priloge III, del B;
  - seznam IV.A je seznam iz priloge IV, del A;
  - seznam IV.B je seznam iz priloge IV, del B;
  - seznam V.A je seznam iz priloge V, del A;
  - seznam V.B je seznam iz priloge V, del B;
  - seznam VI. je seznam iz priloge VI.
34. Uradna oseba je po tem zakonu tudi oseba, ki je zaposlena v odgovornem uradnem organu, ki izvaja naloge na podlagi javnega

regulated objects have been brought for the first time into the customs territory of the Community:

- the airport in the case of air transport,
- the port in the case of maritime or river transport,
- the station in the case of railway transport, and
- the place of the customs office responsible for the area where the Community inland frontier is crossed, in the case of any other transport.

28. Official authority of the point of entry shall mean a responsible official authority in the Member State, responsible for phytosanitary inspections at the point of entry.
29. Official authority of the destination shall mean a responsible official authority in the Member State, authorised to perform phytosanitary inspections at the point of entry where the customs office of the destination is located.
30. Customs office of a point of entry shall mean the office of the point of entry as referred to in point 27 of this Article.
31. Customs office of destination shall mean the office of destination referred to in the third point of Article 340.b of Commission Regulation No. 2454/93/EEC (OJ L 253, 11.10.1993).
32. Customs-approved treatment or use shall mean the customs-approved treatment or use referred to in point 15 of Article 4 of Council Regulation No. 2913/92/EEC (OJ L 302, 19.10.1992) establishing the Community Customs Code (hereinafter: Community Customs Code).
33. Lists of harmful organisms and lists of plants, plant products and regulated objects shall mean lists included in Annexes of Council Directive 2000/29/EC (OJ L 169, 10.7.2000), as amended (hereinafter: the Directive), as follows:
  - List I.A shall be the list contained in Annex I, part A;
  - List I.B shall be the list contained in Annex I, part B;
  - List II.A shall be the list contained in Annex II, part A;
  - List II.B shall be the list contained in Annex II, part B;
  - List III.A shall be the list contained in Annex III, part A;
  - List III.B shall be the list contained in Annex III, part B;
  - List IV.A shall be the list contained in Annex IV, part A;
  - List IV.B shall be the list contained in Annex IV, part B;
  - List V.A shall be the list contained in Annex V, part A;
  - List V.B shall be the list contained in Annex V, part B;
  - List VI. shall be the list contained in Annex VI.
34. Official under this Act shall also mean the person employed in a responsible official authority who performs tasks on the basis of a

- pooblastila v skladu s tem zakonom.
35. Množični izbruh rastlinskih škodljivih organizmov je nenaden izbruh in hitro širjenje neke rastlinske bolezni (epifitocija) ali škodljivca (kalamiteta) ali rastline (plevela), ko glede na zastopanost, čas, kraj in prizadete vrste rastlin rastlinski škodljivci organizmi presegajo pričakovano število primerov in obseg pojava.
36. Ocena tveganja je postopek vrednotenja bioloških ali drugih znanstvenih in gospodarskih dokazov, na podlagi katerih se ugotovi, ali bi morali uvesti ukrepe za nadzor nad škodljivimi organizmi, in določi intenzivnost uporabljenih fitosanitarnih ukrepov.
37. Škodljive rastline so škodljivi organizmi, pri katerih se izvajajo fitosanitarni ukrepi, če je iz ocene tveganja razviden njihov škodljiv vpliv na gospodarstvo, okolje ali družbo.

### **3.a člen (uradna izjava ali ukrep)**

Šteje se, da je izjava ali ukrep uraden, če ga dajo ali sprejmejo:

- uradne državne organizacije za varstvo rastlin tretje države ali v njihovem imenu drugi javni uslužbenci, ki so strokovno usposobljeni in pooblašteni, za dajanje izjav ali odrejanje ukrepov v zvezi z izdajo fitosanitarnih spričeval in fitosanitarnih spričeval za ponovni izvoz ali njihove elektronske inačice,
- javni uslužbenci, ki so zaposleni v enem od odgovornih uradnih organov države članice, in drugi izvajalci javnih pooblastil, če nimajo osebnih koristi od rezultatov ukrepov, ki jih sprejmejo, in če so za to usposobljeni, v vseh drugih primerih.

Republika Slovenija zagotavlja usposabljanje javnih uslužbencev oziroma izvajalcev javnih pooblastil iz druge alineje prejšnjega odstavka za pravilno uporabo predpisov, ki urejajo zdravstveno varstvo rastlin.

Uprava v skladu s programom in smernicami, sprejetimi po postopku iz drugega odstavka 18. člena direktive, sprejme program usposabljanja oseb iz tega člena.

- public authorisation in accordance with this Act.
35. Mass outbreak of harmful organisms shall mean the rapid spread of a plant disease (epiphytotics) or a pest (calamity) or a plant (weed) where the organisms harmful to plants, in terms of extent of presence, time, place and affected plant species, exceed the expected number of cases and the extent of occurrence.
36. Risk assessment shall mean the procedure of evaluating biological or other scientific and economic evidence which represents the basis for establishing the need for the introduction of measures for supervision of harmful organisms, and for determining the intensity of phytosanitary measures applied.
37. Harmful plants shall be harmful organisms which are subject to phytosanitary measures if the risk assessment shows they have a harmful impact on the economy, environment or society.

### **Article 3a (Official statement or measure)**

A statement or measure shall be considered official if it is made or taken by:

- an official state plant protection organisation of a third country or other public employees acting on their behalf, with professional competence and authorised to make statements or order measures in relation to the issue of phytosanitary certificates and phytosanitary certificates for re-export or their electronic version,
- public employees employed by one of the responsible official authorities of a Member State, and other persons executing public authorisations in all other cases, provided that they have no personal interest in the outcome of the measures they take, and they have the necessary qualifications.

The Republic of Slovenia shall ensure training of public employees or persons executing public authorisations referred to in indent two of the preceding paragraph with a view to the proper application of regulations governing plant protection.

On the basis of the programme and the guidelines adopted in accordance with the procedure referred to in paragraph two of Article 18 of the Directive, the Administration shall adopt a training programme for the persons referred to in this Article.

## II. ZDRAVSTVENO VARSTVO RASTLIN

### **4. člen (izvajalci zdravstvenega varstva rastlin)**

Zdravstveno varstvo rastlin je pravica in obveznost Republike Slovenije, njenih organov ter izvajalcev javnih pooblastil, izvajalcev javne službe zdravstvenega varstva rastlin in imetnikov (v nadaljnjem besedilu: izvajalci zdravstvenega varstva rastlin).

### **5. člen (obveznosti organov Republike Slovenije in izvajalcev javne službe)**

Organi Republike Slovenije in izvajalci javne službe zdravstvenega varstva rastlin morajo izvajati oziroma sodelovati pri izvajanju stalnega nadzora rastlin, rastlinskih proizvodov, zemljišč, prostorov za skladiščenje, predelavo in hrambo rastlin in rastlinskih proizvodov, sredstev za prevoz rastlin in rastlinskih proizvodov ter drugih nadzorovanih predmetov, z namenom ugotavljanja in poročanja o pojavu in širjenju škodljivih organizmov ter njihovega zatiranja.

O vseh novih ali nepričakovanih pojavih škodljivih organizmov s seznamov I.A in II.A morajo izvajalci javne službe zdravstvenega varstva rastlin nemudoma obvestiti pristojnega inšpektorja in upravo.

Na področju zdravstvenega varstva rastlin v gozdarstvu so organi Republike Slovenije in izvajalci javne službe dolžni ravnati v skladu s tem zakonom in v skladu s predpisi, ki urejajo področje gozdarstva.

### **6. člen (obveznosti imetnikov)**

Imetniki morajo pregledovati zemljišča in gojene rastline, vključno z obdelovalnimi površinami (polja, nasadi, drevesnice, vrtovi,

## II. PLANT PROTECTION

### **Article 4 (Providers of plant protection)**

Plant protection shall be the right and obligation of the Republic of Slovenia, its official authorities and persons executing public authorisations, providers of the public service of plant protection, and holders (hereinafter: providers of plant protection).

### **Article 5 (Obligations of official authorities of the Republic of Slovenia and of providers of public services)**

Official authorities of the Republic of Slovenia and providers of the public service of plant protection shall carry out or cooperate in the carrying out of continuous monitoring of plants, plant products, plots of land, the facilities where plants and plant products are stored, processed and kept, the means of transport of plants, plant products and regulated objects, with a view to detecting and reporting the occurrence and spread of harmful organisms and their suppression.

Providers of public services of plant protection shall notify a competent inspector and the Administration without delay of all new or unexpected occurrences of harmful organisms indicated in Lists I.A and II.A.

In the field of plant protection in forestry, the official authorities of the Republic of Slovenia and the providers of public services shall act in compliance with this Act and the regulations governing forestry.

### **Article 6 (Obligations of holders)**

Holders shall check land and cultivated plants, including cultivated areas (fields, plantations, tree nurseries, gardens, greenhouses),

rastlinjaki), prostorastoče rastline, prostore za skladiščenje, predelavo in hrambo rastlin in rastlinskih proizvodov, sredstva za prevoz rastlin in rastlinskih proizvodov ter druge nadzorovane predmete, ki jih imajo v lasti ali drugi uporabi oziroma jih obdelujejo ali uporabljajo, z namenom ugotavljanja pojava in širjenja škodljivih organizmov.

O vseh novih ali nepričakovanih pojavih škodljivih organizmov s seznamov I.A in II.A ali drugih škodljivih organizmov, za katere so določeni fitosanitarni ukrepi, morajo imetniki nemudoma obvestiti pristojnega inšpektorja ali izvajalce javnih pooblastil iz 68. člena tega zakona ali izvajalce javne službe zdravstvenega varstva rastlin, ki o tem obvestijo Upravo. Izvajati morajo ukrepe za preprečevanje širjenja oziroma zatiranje škodljivih organizmov, ki jih določi Uprava.

Če imetnik ne izvede ukrepov iz prejšnjega odstavka, pristojni inšpektor odredi njihovo izvedbo na stroške imetnika.

Ne glede na določbe drugega odstavka tega člena morajo imetniki, ki so lastniki, ali drugi uporabniki gozdov, o vseh novih ali nepričakovanih pojavih škodljivih organizmov s seznamov I.A in II.A iz drugega odstavka 7. člena tega zakona, nemudoma obvestiti javno gozdarsko službo, določeno v zakonu, ki ureja varstvo gozdov, ki o tem obvesti upravo.

Obveznost obveščanja iz tega člena velja tudi za katerokoli drugo osebo, ki zaradi narave svojega dela sumi ali opazi nov ali nepričakovan pojav škodljivih organizmov.

### III. PREPREČEVANJE VNOSA IN ŠIRJENJA TER ZATIRANJE ŠKODLJIVIH ORGANIZMOV

#### 1. Skupne določbe

A) Škodljivi organizmi, rastline, rastlinski proizvodi in nadzorovani predmeti

wild plants, facilities where plants and plant products are stored, processed and kept, the means of transport for plants, plant products and regulated objects which they possess or have in other use, or which they process or use, in order to detect the occurrence or spread of harmful organisms.

Holders shall immediately notify a competent inspector or providers of public authorities referred to in Article 68 of this Act or providers of the public service of plant protection, who shall notify the Administration thereof, of any new or unexpected occurrences of harmful organisms included in List I.A and List II.A. They shall take the measures determined by the Administration for the prevention of spread or the suppression of harmful organisms.

If the holder does not carry out the measures under the preceding paragraph, the competent inspector shall order their execution at the holder's expense.

Notwithstanding the provisions of paragraph two of this Article, holders who are the owners or other users of forests shall immediately notify the public forestry service provided for by the Act governing protection of forests, of any new or unexpected occurrence of harmful organisms indicated in Lists I.A and II.A referred to in paragraph two of Article 7, which shall notify the Administration thereof.

The obligation to report referred to in this Article shall also apply to any other person who, due to the nature of their work, suspects or notices a new or unexpected occurrence of harmful organisms.

### III. PREVENTION OF INTRODUCTION AND SPREAD, AND SUPPRESSION OF HARMFUL ORGANISMS

#### 1. Common provisions

A) Harmful organisms, plants, plant products and regulated objects

## **7. člen (seznami škodljivih organizmov)**

Škodljivi organizmi se glede na nevarnost za zdravje in obstoj posameznih vrst rastlin ter glede na nevarnost povzročitve velike ekonomske škode razvrstijo v seznane. Za preprečevanje vnosa in širjenja škodljivih organizmov se izvaja stalni nadzor škodljivih organizmov ter ukrepi po tem zakonu.

Škodljivi organizmi, ki se štejejo za posebej nevarne rastlinam in rastlinskim proizvodom, so razvrščeni v naslednje seznane:

- seznam I.A in seznam II.A, ki se nanašata na celotno ozemlje Skupnosti;
- seznam I.B in seznam II.B, ki se nanašata na določena varovana območja.

Ukrepe za preprečevanje vnosa, širjenja ter za zatiranje škodljivih organizmov iz tega člena predpiše minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

## **8. člen (seznami rastlin, rastlinskih proizvodov in nadzorovanih predmetov)**

Rastline, rastlinski proizvodi in nadzorovani predmeti, s katerimi se lahko prenašajo škodljivi organizmi iz drugega odstavka prejšnjega člena in ki pomenijo nevarnost za zdravstveno varstvo rastlin, so razvrščeni v naslednje seznane:

- seznam III.A, ki se nanaša na prepoved vnosa;
- seznam III.B, ki se nanaša na prepoved vnosa v določena varovana območja;
- seznam IV.A, ki se nanaša na posebne fitosanitarne zahteve, ki morajo biti izpolnjene za vnos in premeščanje;
- seznam IV.B, ki se nanaša na posebne fitosanitarne zahteve, ki morajo biti izpolnjene za vnos na določena varovana območja in premeščanje po njih;
- seznam V.A, ki se nanaša na obvezen uradni zdravstveni pregled,

## **Article 7 (Lists of harmful organisms)**

Regarding the risk they pose to the health and existence of individual plant species, and regarding the risk of causing extensive economic damage, harmful organisms shall be classified in lists. In order to prevent the introduction and spread of harmful organisms, continuous monitoring of harmful organisms and measures under this Act shall be carried out.

Harmful organisms that are considered particularly dangerous to plants and plant products shall be classified in the following lists:

- List I.A and List II.A which refer to the entire territory of the Republic of Slovenia;
- List I.B and List II.B which refer to certain protected areas.

The measures to prevent the introduction, spread and suppression of harmful organisms referred to in this Article shall be prescribed by the minister pursuant to the regulation adopted under the procedure as referred to in paragraph two of Article 18 of the Directive.

## **Article 8 (Lists of plants, plant products and regulated objects)**

Plants, plant products and regulated objects which may be transmitters of the harmful organisms referred to in paragraph two of the preceding Article and constitute a plant-health risk shall be classified in the following lists:

- List III.A which relates to the ban on introduction;
- List III.B which relates to the ban on introduction into certain protected areas;
- List IV.A which relates to special phytosanitary requirements that must be met in respect of introduction and movement;
- List IV.B which relates to special phytosanitary requirements which must be met in respect of introduction into certain protected areas and movement therein;
- List V.A which relates to mandatory official plant-health checks,

vsebuje:

- a) seznam V.A, oddelek I, ki določa namestitve rastlinskega potnega lista,
- b) seznam V.A, oddelek II, ki določa namestitve rastlinskega potnega lista za določena varovana območja;
- seznam V.B, ki se nanaša na obvezen uradni zdravstveni pregled preden je dovoljen vstop v Skupnost, vsebuje:
  - a) seznam V.B, oddelek I, ki se nanaša na prenos škodljivih organizmov, pomembnih za vso Skupnost,
  - b) seznam V.B, oddelek II, ki se nanaša na prenos škodljivih organizmov, pomembnih za določena varovana območja;
- seznam VI, ki se nanaša na rastline in rastlinske proizvode, za katere se lahko uporabijo posebni ukrepi.

Ukrepe za rastline, rastlinske proizvode in nadzorovane predmete s seznamov iz prejšnjega odstavka predpiše minister, v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

### **9. člen (pojav škodljivega organizma)**

Če se na ozemlju Republike Slovenije pojavi škodljiv organizem s seznamov I.A in II.A, oziroma s seznamov I.B ali II.B, za katerega je Evropska komisija (v nadaljnjem besedilu: Komisija) priznala Republiki Sloveniji status varovanega območja, ali se pojavijo simptomi na rastlini, rastlinskih proizvodih ali nadzorovanih predmetih, na podlagi katerih se sumi na okužbo s škodljivim organizmom s seznamov I.A, II.A, I.B ali II.B, morajo izvajalci zdravstvenega varstva rastlin o tem takoj na predpisan način obvestiti Upravo.

Imetnik mora zavarovati rastline, rastlinske proizvode in nadzorovane predmete ter preprečiti stik z drugimi rastlinami, rastlinskimi proizvodi in nadzorovanimi predmeti na način, ki ga določi pristojni inšpektor ali uradna oseba, ki je izvajalec javnega pooblastila po tem zakonu.

Način obveščanja iz prvega odstavka tega člena predpiše minister.

contains:

- a) List V.A Section I which defines the placing of plant passports;
- b) List V.A Section II which relates to the placing of plant passports for certain protected areas;
- List V.B which relates to mandatory official plant-health checks prior to granting entry into the Community, contains:
  - a) List V.B Section I that relates to the transfer of harmful organisms significant for the entire Community,
  - b) List V.B Section II which relates to the transfer of harmful organisms significant for certain protected areas;
- List VI which relates to plants and plant products that may be subject to special measures.

The measures to be taken in respect of plants, plant products and regulated objects indicated in the Lists specified in the preceding paragraph shall be prescribed by the minister in compliance with the regulation adopted pursuant to the procedure laid down in paragraph two of Article 18 of the Directive.

### **Article 9 (Occurrence of harmful organism)**

If a harmful organism indicated in Lists I.A and II.A, or List I.B or List II.B appears in the territory of the Republic of Slovenia, in respect of which the European Commission (hereinafter: Commission) has granted the status of protected area to the Republic of Slovenia, or symptoms occur on plants, plant products or regulated objects on the basis of which these may be suspected to be infected with the harmful organisms indicated in Lists I.A, II.A, I.B or II.B, providers of plant protection shall immediately notify the Administration thereof in the prescribed manner.

A holder shall protect plants, plant products and regulated objects, and prevent contact with other plants, plant products and regulated objects in the manner determined by the competent inspector or an official executing public authorisation under this Act.

The manner of notifying referred to in paragraph one of this Article shall be prescribed by the minister.

## **10. člen (ugotovitev škodljivega organizma)**

V primeru suma iz prvega odstavka prejšnjega člena se odvzame uradni vzorec in pošlje v laboratorij, ki opravlja diagnostične preiskave. Ta potrdi ali ovrže sum na okužbo s škodljivim organizmom in poskusi ugotoviti vzrok okužbe. Ob tem mora zagotoviti tak način ravnanja z uradnim vzorcem, da ni nevarnosti za širjenje škodljivih organizmov ter da zagotovi identiteto vzorca.

Diagnostične preiskave iz prejšnjega odstavka opravlja laboratorij, ki mu je dodeljeno javno pooblastilo iz prvega oziroma drugega odstavka 68. člena tega zakona, za izvajanje nalog iz 5. točke 76. člena tega zakona.

Ko je ugotovljena okužba s škodljivim organizmom, pristojni inšpektor odredi za rastline, rastlinske proizvode in nadzorovane predmete enega ali več naslednjih ukrepov: uničenje, drugačno odstranitev, tretiranje oziroma druge predpisane ukrepe. Nadaljnje ukrepe za obvladovanje žarišča okužbe lahko pristojni inšpektor odredi na podlagi vizualnih znamenj brez odvzema vzorcev.

Pristojni inšpektor odredi ukrepe iz prejšnjega odstavka za škodljive organizme:

- s seznamov I.A ali II.A ali
- na varovanem območju s seznamov I.B ali II.B ali
- ki na podlagi ocene tveganja iz 6. točke 76. člena tega zakona pomenijo nevarnost za zdravstveno varstvo semenskega materiala rastlin oziroma
- za katere je določeno posebno nadzorovano območje iz 12. člena tega zakona.

Uprava določi obseg žarišča okužbe. O pojavu in nevarnosti škodljivega organizma ter o obsegu obvesti organizacije, službe in imetnike rastlin ter jih seznaniti z najpomembnejšimi ukrepi, s katerimi lahko preprečujejo okužbo s škodljivimi organizmi.

## **Article 10 (Detection of harmful organism)**

In the event of a suspicion referred to in paragraph one of the preceding Article, an official sample shall be taken and sent to a laboratory that performs diagnostic tests. The laboratory shall confirm or reject the suspicion of infection with the harmful organism and try to establish the cause of infection. It shall thus ensure such a method of handling official samples as to avoid the risk of spread of harmful organisms and to ensure the identity of the sample.

Diagnostic tests referred to in the preceding paragraph shall be performed by a laboratory which has been granted public authorisation referred to in paragraphs one and two of Article 68 of this Act for carrying out the tasks referred to in point 5 of Article 76 of this Act.

Where an infection with a harmful organism is found, the competent inspector shall order the plants, plant products and regulated objects to be subjected to one or more of the following measures: destruction, other disposal, treatment, or other prescribed measures. The competent inspector may impose further measures so as to control the source of infection on the basis of visual signs, without taking any samples.

The competent inspector shall order the measures referred to in the preceding paragraph in respect of harmful organisms:

- indicated in List I.A or II.A, or
- in a protected area, indicated in List I.B or II.B, or
- which on the basis of the risk assessment referred to in point 6 of Article 76 of this Act create a risk to the protection of seeds and propagating material, or
- in respect of which a regulated area referred to in Article 12 of this Act is determined.

The Administration shall specify the extent of the source of infection. It shall notify organisations, services and holders of plants of the occurrence and risks of harmful organisms and of the extent, and inform them of the relevant measures for the prevention of infection with harmful organisms.

Minister predpiše ukrepe iz tretjega odstavka tega člena.

**11. člen**  
**(objavljanje podatkov o škodljivih organizmih)**

Uprava na predpisan način vodi evidence o pojavih in ugotovitvah škodljivih organizmov in druge potrebne evidence o stalnem nadzoru, z namenom obveščanja na državni in mednarodni ravni.

Podrobnejšo vsebino, obliko in način vodenja evidenc iz prejšnjega odstavka predpiše minister.

Podatke o pojavu na novo odkritega škodljivega organizma s seznamov I.A in II.A v Republiki Sloveniji se lahko daje ali objavlja le na predpisan način.

Prepovedano je dajati ali objavljati podatke o pojavu na novo odkritega škodljivega organizma s seznamov I.A in II.A v Republiki Sloveniji brez odobritve uprave.

Minister izda predpis iz tretjega odstavka tega člena.

**12. člen**  
**(posebno nadzorovano območje)**

Posebno nadzorovano območje je okuženo ali ogroženo ali neokuženo območje, na katerem se na predpisan način zagotavlja zdravstveno varstvo rastlin.

Ko se ugotovi škodljivi organizem in dokler traja nevarnost zaradi njegove navzočnosti, pristojni inšpektor, glede na vrsto škodljivega organizma, označi mesto okužbe, dredi predpisane ukrepe ter obvešča imetnike na mestu okužbe na predpisan način.

Meje okuženega, ogroženega in neokuženega območja,

The measures referred to in paragraph three of this Article shall be prescribed by the minister.

**Article 11**  
**(Publication of information on harmful organisms)**

The Administration shall keep records in the prescribed manner of occurrences and findings of harmful organisms and other necessary records on surveillance, for the purpose of providing information at the national and international levels.

Detailed contents, forms and methods of keeping records referred to in the preceding paragraph shall be prescribed by the minister.

Data on the occurrence of newly discovered harmful organisms in the Republic of Slovenia, indicated in Lists I.A and II.A may be given or published in the prescribed manner.

It is forbidden to give or publish information on the occurrence of newly discovered harmful organisms indicated in List I.A and List II.A in the Republic of Slovenia without the approval of the Administration.

The regulation referred to in paragraph three of this Article shall be prescribed by the minister.

**Article 12**  
**(Regulated area)**

A regulated area shall be an infected or threatened or pest-free area in which plant protection is ensured in the prescribed manner.

Where a harmful organism is detected, and as long as the risk arising from its presence lasts, the competent inspector shall mark the place of infection with regard to the species of harmful organism, order the prescribed measures and notify holders at the place of infection in the prescribed manner.

The boundaries of the infected, threatened and pest-free areas,



ukrepe za ugotavljanje, preprečevanje širjenja in zatiranje škodljivih organizmov, pogoje za prenehanje odrejenih ukrepov in način obveščanja predpiše minister.

### **12.a člen (posebno nadzorovano območje množičnega izbruha)**

Ne glede na določbe prejšnjega člena se za posebno nadzorovano območje šteje tudi območje, na katerem se ugotovi množični izbruh škodljivih organizmov.

Če se na ozemlju Republike Slovenije pojavi množični izbruh škodljivih organizmov, morajo izvajalci zdravstvenega varstva rastlin o tem na predpisan način obvestiti Upravo.

Na ozemlju iz prvega odstavka tega člena pristojni inšpektor oziroma druga uradna oseba po tem zakonu odvzame uradni vzorec in ga pošlje v laboratorij, ki opravlja diagnostične preiskave. Ta določi vrsto škodljivega organizma.

Na podlagi laboratorijskega izvida v skladu s 6. točko 76. člena tega zakona Uprava naredi oceno tveganja. Če se na podlagi ocene tveganja ugotovi, da je treba uvesti ukrepe za nadzor nad škodljivimi organizmi, Uprava predlaga ministru ukrepe za preprečevanje širjenja in zatiranje škodljivih organizmov.

Vlada na predlog ministra določi meje posebno nadzorovanega območja, ukrepe za preprečevanje širjenja in zatiranje škodljivih organizmov, stroške izvedbe predpisanih ukrepov ter potrdi program izvedbe ukrepov za preprečevanje širjenja in zatiranje škodljivih organizmov.

Ocena tveganja in program ukrepov iz prejšnjega odstavka se upoštevata kot strokovna podlaga v vseh nadaljnjih postopkih ocene škode zaradi rastlinskih škodljivih organizmov v kmetijstvu.

the measures for detection, prevention of spread and suppression of harmful organisms, the conditions for termination of the ordered measures, and the means of informing shall be prescribed by the minister.

### **Article 12a (Regulated area of a mass outbreak)**

Notwithstanding the provisions referred to in the preceding Article, the area where a mass outbreak of harmful organisms is determined shall also be considered a regulated area.

If the mass outbreak occurs in the territory of the Republic of Slovenia, providers of plant protection shall inform the Administration thereof in the prescribed manner.

In the territory referred to in paragraph one of this Article the competent inspector or another official under this Act shall take an official sample and send it to the laboratory which carries out diagnostic examinations. Such laboratory shall determine the species of the harmful organism.

On the basis of the laboratory result, the Administration shall carry out a risk assessment pursuant to point 6 of Article 76 of this Act. If the risk assessment reveals a need for the introduction of measures for the control of harmful organisms, the Administration shall propose to the minister measures for the prevention of spread and for the suppression of harmful organisms.

On the proposal of the minister, the Government shall determine the boundaries of the regulated area, measures for the prevention of spread and for the suppression of harmful organisms, costs of implementation of the prescribed measures, and confirm the programme of implementation of measures for the prevention of spread and for the suppression of harmful organisms.

The risk assessment and the programme of measures referred to in the preceding paragraph shall be considered the scientific basis in all further evaluation procedures for damage caused by organisms harmful to plants in agriculture.

**12.b člen**  
**(posebno nadzorovano območje škodljive rastline)**

Ne glede na določbe 12. in 12.a člena tega zakona se za posebno nadzorovano območje šteje tudi območje, na katerem se ugotovi prisotnost škodljive rastline.

Če se na ozemlju Republike Slovenije pojavi rastlina, ki ima škodljiv vpliv na gospodarstvo, okolje ali družbo, morajo izvajalci zdravstvenega varstva rastlin o tem obvestiti Upravo.

Na mestu najdbe rastline iz prejšnjega odstavka pristojni inšpektor oziroma druga uradna oseba po tem zakonu odvzame uradni vzorec in ga pošlje v laboratorij, ki določi vrsto škodljive rastline.

Na podlagi laboratorijskega izvida Uprava v skladu s 6. točko 76. člena tega zakona naredi oceno tveganja zaradi škodljive rastline iz prejšnjega odstavka.

Če se na podlagi ocene tveganja iz prejšnjega odstavka ugotovi, da je treba uvesti ukrepe za nadzor nad škodljivo rastlino, Uprava predlaga ministru, na podlagi predhodnega mnenja skupnega delovnega telesa vlade, ukrepe za preprečevanje širjenja in zatiranje škodljive rastline. Skupno delovno telo vlade mora dati predhodno mnenje v roku, ki ga v zahtevku za mnenje določi Uprava.

Vlada na predlog ministra določi meje posebno nadzorovanega območja, ukrepe za preprečevanje širjenja in zatiranje škodljive rastline, stroške izvedbe predpisanih ukrepov ter potrdi program izvedbe ukrepov za preprečevanje širjenja in zatiranje škodljive rastline.

Ne glede na določbe tretjega in petega odstavka tega člena se

**Article 12b**  
**(Regulated area of a harmful plant)**

Notwithstanding the provisions of Articles 12 and 12a of this Act, the area where the presence of a harmful plant is detected shall also be considered a special regulated area.

In the event of occurrence of a plant in the territory of the Republic of Slovenia which has a harmful impact on the economy, environment or society, providers of plant protection shall notify the Administration thereof.

The responsible inspector or another official under this Act shall take an official sample at the point of interception of the plant referred to in the preceding paragraph, and send it to the laboratory to determine the species of such plant.

Based on the result of laboratory analysis the Administration shall, in accordance with point 6 of Article 76 of this Act, make a risk assessment in respect of the harmful plant referred to in the preceding paragraph.

If it is established on the basis of the risk assessment referred to in the preceding paragraph that measures to control the harmful plant must be introduced, the Administration shall propose to the minister, subject to the preliminary opinion of the joint working body of the Government, measures aimed at preventing spread and suppressing the harmful plant. The joint working body of the Government shall deliver the preliminary opinion within the time limit provided for by the Administration in the request for the opinion.

On the proposal of the minister, the Government shall specify: the boundaries of the special regulated area; the measures for the prevention of spread and suppression of the harmful plant; the costs for the implementation of prescribed measures; and confirm the programme for the implementation of measures for the prevention of spread and suppression of the harmful plant.

Notwithstanding the provisions of paragraphs three and five of

šteje, da so pelinolistna ambrozija (*Ambrosia artemisiifolia* L.) in druge neofitne vrste iz rodu *Ambrosia*, škodljive rastline, za katere je potrebno uvesti fitosanitarne ukrepe.

Ne glede na določbo tretjega odstavka tega člena lahko, če gre za ponovne najdbe znanega organizma, pristojni inšpektor oziroma druga uradna oseba, ki je izvajalec javnega pooblastila po tem zakonu, določi vrsto škodljive rastline na mestu samem, razen če oceni, da je zaradi obsega ukrepov potrebna laboratorijska določitev.

### **13. člen (varovano območje)**

Območje, kjer eden ali več škodljivih organizmov niso ustaljeni, kljub ugodnim razmeram za naselitev ali območje, v katerem obstaja nevarnost, da se bodo določeni škodljivi organizmi ob ugodnih ekoloških razmerah naselili na določenih rastlinah, kljub dejstvu, da ti organizmi niso ustaljeni, se lahko določi kot varovano območje.

Šteje se, da je škodljivi organizem na varovanem območju ustaljen, če je znano, da se tam pojavlja in niso bili uvedeni nobeni fitosanitarni ukrepi za njegovo izkoreninjenje ali, če so se takšni ukrepi izkazali za neučinkovite v obdobju vsaj dveh zaporednih let.

Na območju, kjer eden ali več škodljivih organizmov niso ustaljeni, kljub ugodnim razmeram za naselitev in je bilo na predpisan način priznано kot varovano območje, mora uprava na predpisan način izvajati oziroma zagotoviti izvajanje rednih in sistematičnih raziskav o navzočnosti organizmov, glede katerih je bilo varovano območje priznано.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše varovana območja, podrobnejše pogoje za izvajanje sistematičnih raziskav in seznam varovanih območij.

B) Prepovedi in omejitve

this Article, Common Ragweed (*Ambrosia artemisiifolia* L.) and other neophyte species of the genus *Ambrosia* shall be considered to be harmful plants in respect of which phytosanitary measures must be introduced.

Notwithstanding the provision of the third paragraph of this Article, the responsible inspector or another official who exercises public authorisation under this Act shall, in the event of a repeated interception of the known organism, perform an on-the-spot determination of the species of the harmful plant, unless they assess that the extent of measures require determination in the laboratory

### **Article 13 (Protected zone)**

An area where one or more harmful organisms are not established despite favourable conditions for establishment, or an area where there is a danger that certain harmful organisms will become established on certain plants if given propitious ecological conditions, despite the fact that these organisms are not stable, may be determined as a protected zone.

It shall be considered that a harmful organism is established in a protected zone if it is known to occur there and no phytosanitary measures have been introduced for its eradication, or if such measures have proved ineffective over a period of at least two consecutive years.

In an area where one or more harmful organisms are not established despite propitious conditions for their establishment, and it has been recognised in the prescribed manner as a protected zone, the Administration shall in the prescribed manner carry out or provide the carrying out of regular and systematic surveys on the presence of organisms in respect of which the protected zone has been recognised.

Protected zones, the detailed conditions for carrying out surveys, and lists of protected zones shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive.

B) Bans and restrictions

**14. člen**  
**(prepoved vnosa in širjenja škodljivih organizmov)**

Prepovedan je vnos in širjenje škodljivih organizmov s seznamov I.A in II.A.

Na varovanem območju sta prepovedana tudi vnos in širjenje škodljivega organizma s seznamov I.B in II.B, za katerega je območje priznано kot varovano.

Za vnos iz prvega in drugega odstavka tega člena se šteje vsak nameren ali nenameren vstop škodljivih organizmov na ozemlje Republike Slovenije iz tretje države ali iz druge države članice.

Vnos in širjenje drugih vrst škodljivih organizmov se lahko prepove ali omeji, če obstaja nevarnost za zdravstveno varstvo rastlin na ozemlju Skupnosti, in sicer za:

- organizme, za katere se utemeljeno sumi, da so škodljivi za rastline ali rastlinske proizvode, pa niso navedeni v seznamih I.A, I.B, II.A in II.B,
- organizme navedene v seznamu II.A in II.B, ki se pojavljajo na drugih rastlinah ali rastlinskih proizvodih, kot so navedeni v seznamu II.A in II.B, in za katere se utemeljeno sumi, da so škodljivi za rastline ali rastlinske proizvode,
- organizme, ki so navedeni v seznamih I.A, I.B, II.A in II.B, ki so v izoliranem stanju in za katere se šteje, da so škodljivi v tem stanju za rastline ali rastlinske proizvode.

V skladu s 75. členom tega zakona predstojnik uprave z odločbo določi nujne ukrepe za preprečevanje ali omejitev vnosa in širjenja drugih vrst škodljivih organizmov iz prejšnjega odstavka.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše ukrepe za preprečevanje ali omejitev vnosa in širjenja drugih vrst škodljivih organizmov iz četrtega odstavka tega člena.

**Article 14**  
**(Ban on the introduction and spread of harmful organisms)**

The introduction and spread of harmful organisms indicated in Lists I.A and II.A shall be banned.

The introduction into and spread within a protected zone of harmful organisms indicated in Lists I.B and II.B in respect of which the protected zone has been recognised shall also be banned.

Any intentional or unintentional introduction of harmful organisms into the territory of the Republic of Slovenia from a third country or another Member State shall be considered introduction referred to in paragraphs one and two of this Article.

The introduction and spread of harmful organisms of other species may be banned or limited if there is a plant protection risk for all parts of the Community, in respect of:

- organisms which may be reasonably suspected to be harmful to plants or plant products, although they are not indicated in Lists I.A, II.A, I.B and II.B,
- organisms indicated in Lists II.A and II.B which occur on other plants or plant products as indicated in Lists II.A and II.B and which are reasonably suspected to be harmful to plants or plant products,
- organisms indicated in Lists I.A, I.B, II.A and II.B, which are in an isolated condition and which are considered to be harmful in such condition to plants or plant products.

In accordance with Article 75 of this Act, the director of the Administration shall issue a decision providing for emergency measures for the prevention or limitation of introduction and spread of harmful organisms of other species referred to in the preceding paragraph.

The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive, measures for the prevention or limitation of introduction and spread of harmful organisms of other species referred to in paragraph four of this Article.

**15. člen**  
**(prepoved vnosa in premeščanja rastlin, rastlinskih proizvodov in nadzorovanih predmetov)**

Prepovedan je vnos rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama III.A.

Na varovano območje je prepovedan tudi vnos rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama III.B, na katere se varovano območje nanaša.

Če niso izpolnjene predpisane fitosanitarne zahteve, je prepovedan vnos in premeščanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama IV.A.

Če niso izpolnjene predpisane fitosanitarne zahteve, je na varovana območja prepovedan tudi vnos in premeščanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama IV.B, na katere se varovano območje nanaša.

**16. člen**  
**(izjema za poskusno in raziskovalno delo ter žlahtnjenje)**

Ne glede na določbe 14. in 15. člena tega zakona lahko znanstvene in raziskovalne organizacije vnesejo iz tretjih držav ali premeščajo škodljive organizme s seznamov I.A, II.A, I.B in II.B ter rastline, rastlinske proizvode in nadzorovane predmete s seznamov III.A, III.B, IV.A in IV.B, če:

- jih uporabijo za poskusne, raziskovalne ali razvojne namene ali za delo pri žlahtnjenju rastlin;
- izpolnjujejo predpisane pogoje glede strokovne in tehnične usposobljenosti, kar ugotovi uprava z odločbo v upravnem postopku;
- imajo uvozno dovoljenje.

Uvozno dovoljenje iz prejšnjega odstavka izda uprava na podlagi vloge organizacije iz prejšnjega odstavka.

**Article 15**  
**(Ban on the introduction and movement of plants, plant products and regulated objects)**

The introduction of plants, plant products and regulated objects indicated in List III.A shall be banned.

The introduction into a protected zone of plants, plant products and regulated objects indicated in List III.B in respect of which the protected zone has been recognised shall also be banned.

If the prescribed phytosanitary requirements are not met, the introduction or movement of plants, plant products and regulated objects indicated in List IV.A shall be banned.

If the prescribed phytosanitary requirements are not met, the introduction and movement into a protected zone of plants, plant products and regulated objects indicated in List IV.B in respect of which the protected zone has been recognised shall also be banned.

**Article 16**  
**(Exceptions for trial and research purposes and for work on varietal selections)**

Notwithstanding the provisions of Articles 14 and 15 of this Act, scientific and research organisations may introduce from third countries, or move, harmful organisms indicated in Lists I.A, II.A, I.B, and II.B, as well as plants, plant products and regulated objects indicated in Lists III.A, III.B, IV.A and IV.B, if:

- they are used for trial, research or development purposes or for work on varietal selections;
- they fulfil the prescribed conditions in relation to professional and technical capacities, which shall be determined by the Administration in an administrative procedure;
- they have an import authorization.

The import authorization referred to in the preceding paragraph shall be issued by the Administration on the basis of an application by the

- Vloga vsebuje zlasti:
- podatke o vlagatelju (firma in sedež),
  - podatke o škodljivih organizmih ali rastlinah, rastlinskih proizvodih in nadzorovanih predmetih.

Uprava vodi evidenco o vnosih iz prvega odstavka tega člena.

Minister, v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše pogoje glede strokovne in tehnične usposobljenosti, podrobnejšo vsebino vloge in obrazec uvoznega dovoljenja iz tega člena.

#### **17. člen (izjeme za vnos)**

Ne glede na določbe 14. in 15. člena tega zakona lahko Uprava v skladu s predpisanimi pogoji in če ni nevarnosti za širjenje škodljivih organizmov, v posameznih primerih dovoli izjemen vnos rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki se gojijo ali uporabljajo v neposredni bližini državne meje, če so namenjeni uporabi v Republiki Sloveniji v neposredni bližini te državne meje.

Ne glede na določbe 14. in 15. člena tega zakona lahko Uprava, v skladu z odločitvijo, sprejeto po postopku iz drugega odstavka 18. člena direktive, v posameznih primerih dovoli:

- vnos rastlin v primeru blage okužbe s škodljivimi organizmi, razen rastlin za saditev;
- vnos rastlin za saditev, v primeru določenih toleranc za škodljive organizme iz oddelka II seznama II.A, ki velja le za rastline, ki so bile predhodno izbrane v dogovoru s pristojnim organom za zdravstveno varstvo rastlin države članice in na podlagi ustrezne analize nevarnosti škodljivih organizmov.

Uprava vodi evidenco o izjemnih vnosih iz tega člena.

organisation referred to in the preceding paragraph.

- The application shall contain in particular:
- data on the applicant (company and registered office),
  - data on harmful organisms or plants, plant products and regulated objects.

The Administration shall keep records of introductions referred to in paragraph one of this Article.

Conditions in relation to professional and technical capacities, the detailed content of applications and the form of import authorization referred to in this Article shall be prescribed by the minister in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive.

#### **Article 17 (Exceptions for introduction)**

Notwithstanding the provisions of Articles 14 and 15 of this Act the Administration may allow, in compliance with the prescribed conditions and if there is no risk of harmful organisms spreading, in individual cases the exceptional introduction of plants, plant products and regulated objects which are cultivated or used in the immediate vicinity of the state border, if they are intended for use in the Republic of Slovenia in the immediate vicinity of such state border.

Notwithstanding the provisions of Articles 14 and 15 of this Act the Administration may allow, pursuant to the decision adopted under the procedure referred to in paragraph two of Article 18 of Directive, in individual cases:

- the introduction of plants in the case of a slight infection with harmful organisms, other than plants intended for planting;
- the introduction of plants for planting, in the case of certain tolerances for harmful organisms included in Section II of List II.A, which applies only to plants that have been previously selected in agreement with the authority responsible for plant protection of a Member State, and on the basis of an appropriate pest risk analysis.

The Administration shall keep records of exceptional

Podrobnejše pogoje za izjemen vnos rastlin, rastlinskih proizvodov in nadzorovanih predmetov iz prvega odstavka tega člena predpiše minister, v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

### **18. člen (izjeme)**

Če ni nevarnosti za širjenje škodljivih organizmov v Skupnosti se določbe 14. in 15. člena tega zakona ne uporabljajo:

- za pošiljke, ki so v tranzitu, in sicer preko ozemlja tretje države ali med dvema tretjima državama preko ozemlja Skupnosti, ne da bi se spremenil njihov carinski status;
- za majhne količine rastlin, rastlinskih proizvodov in nadzorovanih predmetov, vključno z živili ali krmo, če jih uporabi lastnik ali prejemnik za neindustrijske ali nekomercialne namene ali za uživanje med prevozom.

Za majhne količine se štejejo zlasti sadje in sveže vrtnine, razen krompirja, rezano cvetje oziroma šopki, seme v izvornem pakiranju, razen semenskega krompirja, okrasne čebulice, novoletne jelke brez korenin, sobne rastline v lončkih, balkonske rastline, ki so namenjene izključno za samooskrbo končnemu potrošniku, v količinah, ki jih predpiše minister.

C) Register pridelovalcev, predelovalcev, uvoznikov in distributerjev rastlin, rastlinskih proizvodov in nadzorovanih predmetov

### **19. člen (register)**

S pridelavo, predelavo, vnosom iz tretjih držav in distribucijo rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznamov V.A in V.B, se lahko ukvarjajo samo pravne in fizične osebe, ki

introductions referred to in this Article.

Detailed conditions for the exceptional introduction of plants, plant products and regulated objects referred to in paragraph one of this Article shall be prescribed by the minister, in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive.

### **Article 18 (Exceptions)**

If no danger of spread of harmful organisms exists within the Community, the provisions of Articles 14 and 15 of this Act shall not apply to:

- consignments in transit through the territory of a third country or between two third countries through the territory of the Community, with their customs status remaining unchanged;
- small quantities of plants, plant products and regulated objects, including foodstuffs or animal feedingstuffs, where they are used by the owner or recipient for non-industrial or non-commercial purposes, or for consumption during transport.

Small quantities shall be considered to be fruit and fresh vegetables, other than potatoes, cut flowers or bouquets, seeds in the original packaging, other than seed potatoes, ornamental bulbs, Christmas trees without roots, indoor plants in pots and balcony plants, intended exclusively for own supply of the final consumer in the quantities prescribed by the minister.

C) Register of producers, processors, importers and distributors of plants, plant products and regulated objects

### **Article 19 (Register)**

Only individuals and legal persons who meet the prescribed conditions for performing the registered or declared activity, and who are entered in the register of producers, processors, importers and distributors

izpolnjujejo predpisane pogoje za opravljanje registrirane oziroma prijavljene dejavnosti in so vpisane v register pridelovalcev, predelovalcev, uvoznikov in distributerjev rastlin, rastlinskih proizvodov in drugih nadzorovanih predmetov (v nadaljnjem besedilu: register) iz tega zakona.

Vpis v register je obvezen za naslednje zavezanke:

- pridelovalce, predelovalce in distributerje rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama V.A;
- uvoznike rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama V.B;
- pridelovalce določenih rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki niso navedeni na seznamu V.A, ter zbirne in distribucijske centre na območju pridelave.

Register vzpostavi in vodi uprava.

## **20. člen (vpis v register)**

Zavezanci iz prejšnjega člena morajo biti za vpis v register strokovno usposobljeni za zdravstveno varstvo rastlin ali zagotoviti strokovno usposobljeno odgovorno osebo (v nadaljnjem besedilu: odgovorna oseba za zdravstveno varstvo rastlin) za izvajanje obveznosti iz 22. člena tega zakona. Podrobnejše kriterije glede strokovne usposobljenosti predpiše minister.

Vlogo za vpis v register morajo zavezanci podati pri upravi na predpisanem obrazcu.

Vloga mora vsebovati zlasti:

- identifikacijske podatke vlagatelja: osebno ime in naslov stalnega ali začasnega prebivališča ali firmo in sedež; odgovorno osebo; davčno številko; matično številko poslovnega subjekta oziroma KMG-MID številko kmetijskega gospodarstva in številko subjekta iz Registra kmetijskih gospodarstev, pravno organizacijsko obliko; vrsto dejavnosti;
- identifikacijske podatke odgovorne osebe za zdravstveno varstvo rastlin vlagatelja: osebno ime in naslov stalnega ali začasnega

of plants, plant products and regulated objects (hereinafter: register) under this Act may be engaged in the production, processing, introduction from third countries and distribution of plants, plant products and regulated objects from Lists V.A and V.B.

Entry in the register shall be compulsory for the following liable persons:

- producers, processors and distributors of plants, plant products and regulated objects indicated in List V.A;
- importers of plants, plant products and regulated objects indicated in List V.B;
- producers of specific plants, plant products and regulated objects which are not indicated in List V.A, and the relevant collection and dispatch centres in the production area.

The register shall be set up and kept by the Administration.

## **Article 20 (Entry in the register)**

In order to be entered in the register, liable persons referred to in the preceding Article shall be technically qualified in plant protection, or provide a responsible person with technical qualifications (hereinafter: person responsible for plant protection), who provides for carrying out the obligations referred to in Article 22 of this Act. The detailed criteria in relation to technical qualifications shall be prescribed by the minister.

Applications for entry in the register shall be lodged with the Administration by applicants on the prescribed form.

The application shall contain in particular:

- the identification data of the applicant: the personal name and address of permanent or temporary residence, or the company and registered office; the responsible person; tax identification number; registration number of business entity or KMG-MID number of agricultural holding, and the number of the entity from the Register of Agricultural Holdings, the legal form of organisation; the type of activity;
- the identification data of the person at the applicant responsible for plant protection: the personal name and address of permanent or



prebivališča ter davčno številko in enotno matično številko občana.

Obrazec in podrobnejšo vsebino vloge iz drugega in tretjega odstavka tega člena predpiše minister.

Odločbo o vpisu v register izda uprava najkasneje v treh mesecih po prejemu popolne vloge.

Če zavezanec preneha izpolnjevati predpisane pogoje iz prvega odstavka tega člena ali ne izpolnjuje obveznosti iz 22. člena tega zakona, uprava po uradni dolžnosti izda odločbo o izbrisu iz registra. Pritožba zoper odločbo o izbrisu iz registra ne zadrži njene izvršitve.

Zavezanec se lahko ponovno vpiše v register, če izpolnjuje predpisane pogoje in obveznosti iz prejšnjega odstavka, vendar ne prej kot v treh mesecih po pravnomočnosti odločbe o izbrisu iz registra.

## **21. člen (vsebina registra)**

Register vsebuje zlasti naslednje podatke:

- neponovljivo registrsko številko oziroma KMG-MID številko kmetijskega gospodarstva in številko subjekta;
- osebno ime in naslov stalnega ali začasnega prebivališča ali firmo in sedež;
- odgovorno osebo pravne osebe;
- pravno organizacijsko obliko;
- davčno številko;
- matično številko poslovnega subjekta;
- vrsto dejavnosti;
- kmetijska zemljišča v uporabi po parcelah in vrstah rabe;
- odgovorno osebo za zdravstveno varstvo rastlin.

Register se lahko vodi v elektronski obliki.

Podrobnejšo vsebino in način vodenja registra predpiše minister.

temporary residence, tax identification number, unique personal identification number.

The form and detailed contents of the application referred to in paragraphs two and three of this Article shall be prescribed by the minister.

The Administration shall issue a decision on entry in the register no later than three months after having received a complete application.

If the liable person ceases to meet the prescribed conditions referred to in paragraph one of this Article, or does not fulfil the obligations referred to in Article 22 of this Act, the Administration shall *ex officio* issue a decision of deletion from the register. An appeal against a decision of deletion from the register shall not stay the execution of the order.

The liable person may be re-entered in the register, provided they meet the prescribed conditions and liabilities as referred to in the preceding paragraph, however not earlier than three months after the decision of deletion from the register becomes final.

## **Article 21 (Content of the register)**

The register shall contain the following data in particular:

- the unique registration number or KMG - MID number of agricultural holding, and the number of the entity;
- the personal name and address of permanent or temporary residence, or the company and registered office;
- the responsible person of the legal person;
- the legal form of organisation;
- tax identification number;
- registration number of the business entity;
- type of activity;
- agricultural land in use by lots and types of use;
- the person responsible for plant protection.

The register may be kept in electronic form.

The detailed content and manner of keeping the register shall be prescribed by the minister.

**22. člen**  
**(obveznosti zavezancev iz registra)**

Zavezanci iz registra morajo zlasti:

- voditi natančne podatke o pridelavi, predelavi in prometu rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki jih kupujejo za skladiščenje ali sajenje na posestvu, jih pridelujejo ali jih odpošiljajo drugam in te listine hraniti najmanj eno leto;
- voditi in sproti dopolnjevati načrt mest, kjer se rastline, rastlinski proizvodi in nadzorovani predmeti gojijo, pridelujejo, skladiščijo, shranjujejo ali uporabljajo;
- opravljati redne vizualne zdravstvene preglede rastlin na predpisan način;
- omogočiti dostop pristojnemu inšpektorju za opravljanje pregledov rastlin, prostorov in listin ter jemanje uradnih vzorcev;
- nemudoma obvestiti upravo oziroma pristojnega inšpektorja o vseh nenavadnih pojavih in izbruhih škodljivih organizmov, simptomih ali drugih posebnostih na rastlinah ter o pridelavi in pojavu prepovedanih rastlinskih vrst;
- prijaviti upravi v predpisanem roku vse spremembe podatkov, ki se vodijo v registru;
- vsako leto do predpisanega roka prijaviti pristojnemu inšpektorju ali drugi uradni osebi iz tega zakona obseg in kraj pridelave oziroma predelave rastlin, rastlinskih proizvodov in nadzorovanih predmetov;
- sodelovati z upravo in s pristojnim inšpektorjem pri zagotavljanju zdravstvenega varstva rastlin.

Minister predpiše način izvajanja zdravstvenih pregledov, roke, vsebino in način posredovanja podatkov iz prejšnjega odstavka.

**23. člen**  
**(izjeme)**

Ne glede na prvi in drugi odstavek 19. člena tega zakona so od vpisa v register izvzeti majhni pridelovalci oziroma predelovalci, če je njihova celotna pridelava oziroma predelava in prodaja rastlin, rastlinskih

**Article 22**  
**(Obligations of liable persons in the register)**

The liable persons in the register shall in particular:

- keep precise data on the production, processing and trade in plants, plant products and regulated objects which they buy for storage or planting on the premises, produce or dispatch, and keep such documents for at least one year;
- keep and upgrade a plan of the places where plants, plant products and regulated objects are grown, produced, stored, preserved, or used;
- perform regular visual plant-health checks in the prescribed manner;
- allow access for a competent inspector to perform inspections of plants, premises and documents, and take official samples;
- notify the Administration or competent inspector without delay of any unusual occurrences and outbreaks of harmful organisms, symptoms or other peculiarities on plants, and of the production and occurrence of banned plant species;
- report to the Administration in the prescribed time limit on any changes of data kept in the register;
- declare each year by the prescribed time limit to the competent inspector or another official referred to in this Act the extent and place of production or processing of plants, plant products and regulated objects;
- cooperate with the Administration and the competent inspector in ensuring plant protection.

The minister shall prescribe the manner of carrying out plant-health checks, the time limits, the contents and the manner of data transmission referred to in the preceding paragraph.

**Article 23**  
**(Exceptions)**

Notwithstanding the provisions of paragraphs one and two of Article 19 of this Act, small producers or processors shall be exempted from entry in the register, if their entire production or processing and sale

proizvodov in nadzorovanih predmetov namenjena za samooskrbo oziroma za končno uporabo fizičnih oseb na lokalnem trgu, ki se poklicno ne ukvarjajo z rastlinsko pridelavo in predelavo in če ni nevarnosti za širjenje škodljivih organizmov.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše podrobnejše kriterije za določitev majhnih pridelovalcev oziroma predelovalcev in obsega lokalnega trga.

## 2. Vnos iz tretjih držav, izvoz in tranzit pošiljk

### A) Vnos iz tretjih držav

#### **24. člen (vstopno mesto)**

Pošiljke, za katere je obvezen fitosanitarni pregled, se lahko vnašajo iz tretjih držav le čez določena vstopna mesta, kjer sta carinski urad in fitosanitarna inšpekcija.

Ne glede na določbe prejšnjega odstavka se pošiljke lesenega pakirnega materiala lahko vnašajo iz tretjih držav tudi čez vstopna mesta, kjer je samo carinski urad.

Vstopna mesta za izvajanje fitosanitarnega pregleda po tem zakonu iz prvega odstavka tega člena morajo izpolnjevati predpisane pogoje.

Za izpolnjevanje predpisanih pogojev za vstopna mesta iz prejšnjega odstavka Republika Slovenija zagotavlja finančna sredstva v skladu s predpisi, ki urejajo zdravstveno varstvo rastlin.

Vlada v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše minimalne pogoje iz tretjega odstavka tega člena in določi vstopna mesta.

of plants, plant products and regulated objects is intended for their own supply or for final consumption by natural persons in the local market, who are not professionally involved in plant production and processing and in the absence of any danger of the spread of harmful organisms.

The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive, the detailed criteria for determining small producers or processors and the scope of a local market.

## 2. Introduction from third countries, export and transit of consignments

### A) Introduction from third countries

#### **Article 24 (Point of entry)**

Consignments which are liable to phytosanitary inspection may be introduced from third countries only through specified points of entry with a customs office and phytosanitary inspection.

Notwithstanding the provisions of the preceding paragraph, consignments of wooden packing material may be introduced from third countries also through points of entry where only a customs office is located.

The points of entry where phytosanitary inspection is carried out under this Act, as referred to in paragraph one of this Article, shall meet the prescribed conditions.

With a view to meeting the prescribed conditions for the points of entry referred to in the preceding paragraph, the Republic of Slovenia shall earmark financial resources pursuant to the regulations governing plant protection.

The government shall, pursuant to the regulation adopted in the procedure referred to in paragraph two of Article 18 of the Directive, lay down minimum conditions referred to in paragraph three of this Article, and

## **25. člen (vnos iz tretjih držav)**

Za pošiljke rastlin, rastlinskih proizvodov ali nadzorovanih predmetov s seznama V.B, ki se vnašajo iz tretje države na carinsko območje Skupnosti, velja od trenutka njihovega vstopa carinski nadzor v skladu s carinskim zakonikom Skupnosti in tudi nadzor odgovornih uradnih organov iz druge, tretje in četrte alinee 2.b člena tega zakona.

Za pošiljke iz prejšnjega odstavka je obvezen fitosanitarni pregled, ki ga na vstopnem mestu opravi fitosanitarni inšpektor, razen pregleda lesenega pakirnega materiala, ki ga lahko opravi pristojni carinski organ.

S fitosanitarnim pregledom pošiljke se ugotavlja zlasti, če:

- pošiljko spremlja veljavno fitosanitarno spričevalo ali fitosanitarno spričevalo za ponovni izvoz ali drug alternativni dokument oziroma žig;
- je pošiljka istovetna z navedbami v dokumentih iz prejšnje alinee;
- pošiljka ni okužena s škodljivimi organizmi s seznama I.A in seznama II.A;
- pošiljka ne vsebuje rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama III.A;
- pošiljka izpolnjuje posebne fitosanitarne zahteve s seznama IV.A in, kjer je potrebno, če je izpolnjena dopolnilna izjava o izpolnjevanju teh zahtev.

Fitosanitarni pregled se lahko opravi tudi pri pošiljkah, ki niso na seznamu V.B, če fitosanitarni inšpektor ali pristojni carinski organ sumi, da obstaja nevarnost za zdravstveno varstvo rastlin ali dvom o istovetnosti pošiljke.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše podrobnejšo vsebino

determine the points of entry.

## **Article 25 (Introduction from third countries)**

Consignments of plants, plant products or regulated objects indicated in List V.B which are introduced from a third country into the Community customs territory shall, from the moment of entry, be subject to customs control pursuant to the Community Customs Code, and the supervision of responsible official authorities referred to in indents two, three and four of Article 2b of this Act.

The consignments referred to in the preceding paragraph shall be liable to phytosanitary inspection, performed by the phytosanitary inspector at a point of entry, with the exception of checking wooden packing material which may be performed by a competent customs authority.

Phytosanitary inspection shall in particular aim to establish whether the consignment:

- is accompanied by a valid phytosanitary certificate or phytosanitary certificate for re-export or other alternative document or a stamp;
- is identical to the indications in the documents referred to in the preceding indent;
- is not infected with harmful organisms indicated in Lists I.A and II.A;
- does not contain plants, plant products or regulated objects indicated in List III.A;
- meets the special phytosanitary requirements indicated in List IV. A, where necessary, provided that the additional declaration on the meeting of such requirements has been supplied.

Phytosanitary inspection may also be performed on consignments which are not included in List V.B if the phytosanitary inspector or competent customs authority suspects that a plant-health risk or a doubt concerning the identity of the consignment exists.

The minister shall prescribe, in accordance with the regulation adopted under the procedure provided for in paragraph two of Article 18 of

fitosanitarnega pregleda iz tega člena, preverjanje dokumentov in istovetnosti ter postopke za opravljanje zdravstvenih pregledov.

### **25.a člen (fitosanitarno spričevalo)**

Pošiljke iz prvega odstavka prejšnjega člena mora spremljati izvorno fitosanitarno spričevalo ali izjemoma njegova uradno overjena kopija oziroma elektronska inačica fitosanitarnega spričevala.

Ne glede na določbo prejšnjega odstavka se izjemoma lahko dovoli, da pošiljko spremlja izvorni alternativni dokument ali žig.

Fitosanitarno spričevalo izda odgovorni uradni organ države porekla. Kadar so posebne fitosanitarne zahteve s seznama IV.A oziroma IV.B izpolnjene za posamezne vrste pošiljk v državi pošiljateljici, ki ni država porekla, lahko ta izda fitosanitarno spričevalo.

Za pošiljke iz prvega odstavka prejšnjega člena, ki so bile po izdaji izvirnega fitosanitarnega spričevala v državi porekla odposlane, skladiščene, ponovno pakirane ali razdeljene v drugi državi, ki ni država porekla, je potrebno, da izvorno fitosanitarno spričevalo ali njegovo overjeno kopijo spremlja fitosanitarno spričevalo za ponovni izvoz, izdano v tej drugi državi. Če pa so bile te pošiljke predhodno zaporedoma vnesene iz tretjih držav v več različnih držav in je bilo izdano več kot eno fitosanitarno spričevalo za ponovni izvoz, jih morajo poleg izvirnega fitosanitarnega spričevala ali njegove overjene kopije spremljati tudi vsa fitosanitarna spričevala za ponovni izvoz ali njihove overjene kopije.

Fitosanitarno spričevalo ali fitosanitarno spričevalo za ponovni izvoz se izda v najmanj enem uradnem jeziku Skupnosti in skladno z mednarodno konvencijo, ki ureja varstvo rastlin, ne glede na to ali je tretja država izvoza ali ponovnega izvoza njena podpisnica.

the Directive, the detailed content of phytosanitary inspection as referred to in this Article, the checking of documents and identity, and the procedures for carrying out plant-health checks.

### **Article 25a (Phytosanitary certificate)**

The consignments referred to in paragraph one of the preceding Article shall be accompanied by the original phytosanitary certificate or, exceptionally, officially certified copies thereof, or the electronic version of the phytosanitary certificate.

Irrespective of the provision of the preceding paragraph the consignment may, by way of exception, be accompanied by the original alternative document or stamp.

The phytosanitary certificate shall be issued by a responsible official authority of the country of origin. Where special phytosanitary requirements indicated in Lists IV.A or IV.B are fulfilled in respect of individual kinds of consignment in a consignor country which is other than the country of origin, such consignor country may issue the phytosanitary certificate.

For consignments referred to in paragraph one of the preceding Article which have been issued an original phytosanitary certificate in the country of origin and dispatched, stored, repacked, or divided in another country which is other than the country of origin, such original certificate or its certified copy shall be accompanied by the phytosanitary certificate for re-export issued by that other country. Where such consignments are previously introduced successively from third countries into several different countries, and more than one phytosanitary certificate for re-export has been issued, the consignments shall also be accompanied, in addition to the original phytosanitary certificate or its certified copy, by all phytosanitary certificates for re-export or their certified copies.

The phytosanitary certificate or phytosanitary certificate for re-export shall be issued in at least one of the official languages of the Community and pursuant to the international plant protection convention which governs plant protection, irrespective of whether the third country of export or re-export is a signatory thereof.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše izjeme iz prvega in drugega odstavka tega člena in posamezne vrste pošiljk iz tretjega odstavka tega člena.

#### **25.b člen (zmanjšana pogostnost pregledov)**

Pogostnost fitosanitarnih pregledov določenih pošiljk iz prvega odstavka 25. člena tega zakona se lahko zmanjša, razen pregleda listin.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše pošiljke in pogostnost preverjanja istovetnosti in zdravstvenih pregledov teh pošiljk.

#### **26. člen (vnos iz tretjih držav v varovano območje)**

Pošiljke s seznama V.B.II, ki se vnašajo iz tretjih držav v varovana območja, morajo poleg pogojev, določenih v 25. členu tega zakona, izpolnjevati še naslednje pogoje:

- da niso okužene s škodljivimi organizmi s seznamov I.B in II.B;
- da ne vsebujejo rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama III.B;
- da izpolnjujejo posebne fitosanitarne zahteve s seznama IV.B.

#### **27. člen (poskusno in raziskovalno delo ter žlahtnjenje)**

Pošiljke s seznama V.B, ki se vnašajo iz tretjih držav in so namenjene za poskusno, raziskovalno ali razvojno delo ali za delo pri žlahtnjenju rastlin, morajo biti fitosanitarno pregledane in jih mora

The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive, the exceptions referred to in the first and second paragraphs of this Article, and certain kinds of consignments referred to in paragraph three of this Article.

#### **Article 25b (Reduced frequency of inspections)**

The frequency of phytosanitary inspections of certain consignments referred to in paragraph one of Article 25 of this Act may be reduced, with the exception of the document check.

The minister shall prescribe, in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive, the consignments and frequency of checking the identity and plant-health checks of such consignments.

#### **Article 26 (Introduction from third countries into a protected zone)**

The consignments referred to in List V.B.II which are introduced from third countries into a protected zone shall, in addition to the conditions laid down in Article 25 of this Act, meet the following conditions:

- they are not infected with harmful organisms indicated in Lists I.B and II.B;
- they do not contain plants, plant products and regulated objects indicated in List III.B;
- they meet the special phytosanitary requirements indicated in List IV.B.

#### **Article 27 (Trial and scientific work and work on varietal selections )**

The consignments indicated in List V.B which are introduced from third countries and intended for use in trial, research or development work, and for work on varietal selections, shall be subject to phytosanitary

spremljati uvozno dovoljenje iz 16. člena tega zakona in fitosanitarno spričevalo države porekla.

### **28. člen (posebnosti)**

Če ni nevarnosti za širjenje škodljivih organizmov, lahko uprava pod pogoji iz 17. člena tega zakona dovoli vnos rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama V.B, ki se gojijo ali uporabljajo v neposredni bližini državne meje, iz tretjih držav, brez fitosanitarnega spričevala in fitosanitarnega pregleda, če so namenjeni uporabi v neposredni bližini te državne meje.

### **29. člen (izjeme)**

Majhne količine rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama V.B se v skladu z 18. členom tega zakona lahko vnašajo iz tretjih držav brez fitosanitarnega spričevala in fitosanitarnega pregleda, razen tistih, ki so na seznamu III.A ali III.B.

### **30. člen (dolžnosti uvoznikov in carinskih delavcev)**

Uvozniki, prevozniki oziroma osebe, ki pošiljke iz prvega odstavka 25. člena tega zakona vnašajo iz tretjih držav v Skupnost, morajo o prispetju teh pošiljk, ki se vnašajo iz tretjih držav ali pretovarjajo med prevozom, obvestiti fitosanitarnega inšpektorja.

Carinski delavci ne smejo začeti s postopkom za začetek carinsko dovoljene rabe ali uporabe, razen tranzita, dokler fitosanitarni inšpektor ne opravi fitosanitarnega pregleda pošiljk iz prejšnjega odstavka in z odločbo dovoli vnos iz tretjih držav.

inspection and accompanied by an import authorization referred to in Article 16 of this Act, and by a phytosanitary certificate of the country of origin.

### **Article 28 (Special cases)**

If there is no risk of harmful organisms spreading, the Administration may, in compliance with the conditions laid down in Article 17 of this Act, allow the introduction from third countries of plants, plant products and regulated objects indicated in List V.B which are cultivated or used in the immediate vicinity of the state border, without a phytosanitary certificate and phytosanitary inspection, if these are intended for use in the immediate vicinity of such state border.

### **Article 29 (Exceptions)**

Small quantities of plants, plant products and regulated objects indicated in List V.B may, in compliance with Article 18 of this Act, be introduced from third countries without a phytosanitary certificate and phytosanitary inspection, except those included in List III.A or III.B.

### **Article 30 (Obligations of importers and customs officials)**

Importers, transporters or persons who introduce consignments referred to in paragraph one of Article 25 of this Act into the Community from third countries shall notify the phytosanitary inspector of the arrival of such consignments which are introduced from third countries or reloaded during transport.

Customs officials may not commence procedures for the start of customs-approved use, except for transit; until the phytosanitary inspector has performed a phytosanitary inspection of the consignment referred to in the preceding paragraph and allowed introduction from third countries by a decision.

Na pošiljkah, ki se vnašajo iz tretjih držav, morajo uvozniki izvajati ukrepe, ki jih odredi fitosanitarni inšpektor.

Posameznikom, ki prinesejo rastline, rastlinske proizvode in nadzorovane predmete v Skupnost brez fitosanitarnega spričevala ali so rastline, rastlinski proizvodi in nadzorovani predmeti na seznamu III.A ali III.B, razen majhnih količin iz 18. člena tega zakona, carinski delavci prepovejo njihov vnos iz tretjih držav in jih izročijo fitosanitarnemu inšpektorju, ki odredi predpisane ukrepe v skladu s tretjim odstavkom 10. člena tega zakona.

### **31. člen (postopek ob vnosu iz tretjih držav)**

Fitosanitarni pregled pošiljk iz prvega odstavka 25. člena tega zakona se opravi na prvem vstopnem mestu v Skupnosti, kjer se opravljajo druge uvozne administrativne formalnosti, vključno s carinskimi.

Uvoznik mora vložiti prijavo za uvedbo fitosanitarnega in carinskega postopka iz prejšnjega odstavka.

Če ni nevarnosti za širjenje škodljivih organizmov, se pregled istovetnosti in zdravstveni pregled pošiljke lahko opravi tudi na uradno določenih mestih v notranjosti države ali v drugi državi članici, pod carinskim nadzorom.

Uradni organ vstopnega mesta lahko po dogovoru z uradnim organom namembnega območja odloči, da se preverjanje istovetnosti ali zdravstvene preglede pošiljk iz prvega odstavka 25. člena tega zakona delno ali v celoti opravi na mestu, ki ni vstopno mesto. V tem primeru mora pošiljko spremljati dokument, ki potrjuje, da se med prevozom do mesta, ki ni vstopno mesto, ohrani istovetnost in zdravstveno stanje rastlin vse do zaključka carinskega postopka.

In the case of consignments which are introduced from third countries, importers shall take measures ordered by the phytosanitary inspector.

Individuals who introduce plants, plant products and regulated objects into the Community without a phytosanitary certificate, or plants, plant products and regulated objects that are indicated in List III.A or III.B, with the exception of small quantities referred to in Article 18 of this Act, shall be banned from conducting such introduction from third countries by the customs authorities, which shall deliver them to the phytosanitary inspector who shall order measures pursuant to paragraph three of Article 10 of this Act.

### **Article 31 (Procedures on introduction from third countries)**

A phytosanitary inspection of consignments referred to in paragraph one of Article 25 of this Act shall be performed at the first point of entry into the Community where other import administrative formalities, including customs, are performed.

An importer shall lodge an application for the introduction of phytosanitary and customs procedures referred to in the preceding paragraph.

If there is no risk of harmful organisms spreading, the identity check and plant-health check of consignments may also be carried out at officially designated sites within the country or in another Member State, under customs control.

The official authority of the point of entry may, upon agreement with the official authority of destination, decide that identity checks and plant-health checks of the consignments referred to in paragraph one of Article 25 of this Act be made, in whole or in part, at a place other than the point of entry. In such case the consignment shall be accompanied by a document certifying that the identity and health condition of plants is maintained during transport to the place other than the point of entry, until the customs formalities are completed.



Če dogovora iz prejšnjega odstavka ni, se ta pregled opravi na vstopnem mestu ali drugem odobrenem mestu države članice, v kateri je to vstopno mesto.

Mesta za fitosanitarne preglede v Republiki Sloveniji, ki niso vstopna mesta, s skupno odločbo določita Uprava in pristojni carinski organ na zahtevo uvoznika.

Komisija lahko kadarkoli vpogleda v seznam mest iz prejšnjega odstavka, ki ga vodi Uprava.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše:

- minimalne pogoje za opravljanje pregledov istovetnosti in zdravstvenih pregledov pošiljk na mestu, ki ni vstopno mesto ter mesta, ki niso vstopna mesta iz tretjega odstavka tega člena;
- obrazec prijave in dokument, ki spremlja pošiljko iz drugega oziroma četrtega odstavka tega člena;
- način sodelovanja med uradnim organom vstopnega mesta, uradnim organom namembnega območja, carinskim uradom vstopnega mesta in carinskim uradom namembnega območja;
- ukrepe za ohranjanje istovetnosti partij in pošiljk in za varstvo pred širjenjem škodljivih organizmov do zaključka carinskih postopkov.

### **32. člen** **(potrditev ali zavrnitev vnosa iz tretjih držav)**

Če so izpolnjeni pogoji iz 25. oziroma 26. člena tega zakona, fitosanitarni inšpektor po opravljenem pregledu z odločbo dovoli vnos pošiljke iz tretjih držav in označi fitosanitarno spričevalo ali fitosanitarno spričevalo za ponovni izvoz z vstopnim datumom in žigom fitosanitarne inšpekcije.

If there is no agreement referred to in the preceding paragraph, such checks shall be carried out at the point of entry or at any other approved place in the Member State where such point of entry is located.

The places for carrying out phytosanitary inspections in the Republic of Slovenia which are not points of entry shall, on the importer's request, be designated by the Administration and the competent customs authority by issuing a common decision.

The Commission may at any time have access to the list of points of entry referred to in the preceding paragraph, maintained by the Administration.

The minister shall prescribe, in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive:

- the minimum conditions for carrying out identity checks and plant-health checks of consignments at the place other than the point of entry, and places which are not the points of entry referred to in paragraph three of this Article;
- the application form and the document attached to the consignment referred to in paragraph two or four of this Article;
- the method of cooperation between the official authority of the point of entry, official authority of destination, customs office of the point of entry and customs office of destination;
- the measures which must be taken for maintaining the identity of lots and consignments and protecting against the spread of harmful organisms until customs formalities are completed.

### **Article 32** **(Approval or refusal of introduction from third countries)**

If the conditions referred to in Article 25 or 26 of this Act are met, the phytosanitary inspector shall, upon having concluded the inspection, issue a decision permitting introduction of the consignment from third countries, and mark the phytosanitary certificate or phytosanitary certificate for re-export with the date of entry and seal of the phytosanitary inspection service.

Če pogoji oziroma eden od pogojev iz 25. oziroma 26. člena tega zakona niso izpolnjeni, fitosanitarni inšpektor zadrži pošiljko in odredi enega od naslednjih ukrepov:

- uvedbo karantene do rezultatov uradnih ali diagnostičnih preiskav iz 10. člena tega zakona,
- odstranitev okuženega dela pošiljke,
- zavrnitev vnosa celotne ali dela pošiljke v Skupnost,
- premestitev v namembni kraj izven Skupnosti pod uradnim nadzorom skladno z ustreznim carinskim postopkom med njihovim premeščanjem po Skupnosti,
- ustrezno tretiranje, ali
- uničenje.

V primeru ukrepov iz tretje, četrte in šeste alineje prejšnjega odstavka fitosanitarni inšpektor označi fitosanitarno spričevalo ali fitosanitarno spričevalo za ponovni izvoz z rdečim trikotnim žigom, s čimer spričevali postaneta neveljavni.

Če se s fitosanitarnim pregledom ugotovi, da je del pošiljke okužen s škodljivimi organizmi s seznamov I.A, I.B, II.A ali II.B, se lahko dovoli vnos preostalega dela pošiljke iz tretjih držav, če ni suma na okužbo tega dela pošiljke in če ni nevarnosti za širjenje škodljivih organizmov.

Minister predpiše velikost žiga iz tretjega odstavka tega člena in podatke v njem ter v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, način obveščanja o zadržanih pošiljkah.

### **33. člen (druge pošiljke, ki se vnašajo iz tretjih držav)**

Če iz spremnih listin drugih pošiljk, ki se vnašajo iz tretjih držav, izhaja, da ne vsebujejo rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama V.B, lahko fitosanitarni inšpektor opravi fitosanitarni pregled, če obstaja utemeljen sum glede istovetnosti

If the conditions or one of the conditions referred to in Article 25 or 26 of this Act are not met, the phytosanitary inspector shall intercept the consignment and order one of the following measures:

- imposition of a quarantine period until the results of official examinations or diagnostic tests referred to in Article 10 of this Act are available,
- removal of the infected/infested part of the consignment,
- refusal of introduction of the whole or a part of the consignment into the Community,
- movement, under official supervision, to a destination outside the Community, in accordance with the appropriate customs procedure during their movement within the Community,
- appropriate treatment, or
- destruction.

In the case of measures specified in indents three, four and six of the preceding paragraph, the phytosanitary inspector shall mark the phytosanitary certificate or phytosanitary certificate for re-export with a triangular stamp in red, which makes such certificates invalid.

If it is found during the phytosanitary inspection that a part of the consignment is infected with harmful organisms indicated in List I.A, I.B, II.A or II.B, introduction from third countries of the rest of the consignment may be permitted if there is no suspicion of infection of this part of the consignment and if there is no risk of harmful organisms spreading.

The size of the stamp referred to in paragraph three of this Article and data that it contains and, in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive, also the manner of notifying of intercepted consignments, shall be prescribed by the minister.

### **Article 33 (Other consignments introduced from third countries)**

In the case of introduction from third countries of consignments which, according to the accompanying documents of other consignments, do not contain plants, plant products and regulated objects indicated in List V.B, the phytosanitary inspector may carry out a phytosanitary inspection if

pošiljke oziroma če obstaja nevarnost širjenja škodljivih organizmov.

Če po opravljenem fitosanitarnem pregledu fitosanitarni inšpektor še dvomi o istovetnosti pošiljke, zlasti glede rodu, vrste ali izvora, se šteje, da pošiljka vsebuje rastline, rastlinske proizvode in nadzorovane predmete s seznama V.B.

### **33.a člen (carinski organi)**

Če pristojni carinski organ pri opravljanju rednega nadzora najde pošiljko iz prvega odstavka 25. člena tega zakona, ki ni prijavljena, ali pošiljko iz četrtega odstavka 25. člena tega zakona, ali če pošiljka vsebuje rastline, rastlinske proizvode in nadzorovane predmete s seznama III.A, zadrži pošiljko in o tem obvesti pristojnega fitosanitarnega inšpektorja, ki opravi fitosanitarni pregled in odredi ukrepe iz 32. člena tega zakona.

Pristojni carinski organ, ki opravlja preglede iz drugega odstavka 25. člena tega zakona, za pošiljke, ki izpolnjujejo pogoje iz prve oziroma druge alineje tretjega odstavka 25. člena tega zakona, po opravljenem pregledu dovoli vnos pošiljke iz tretjih držav in označi uvozni dokument z vstopnim datumom in žigom. Če pogoji niso izpolnjeni ali obstaja sum o izpolnjevanju pogojev tretje, četrte ali pete alineje tretjega odstavka 25. člena tega zakona, zadrži pošiljko in obvesti pristojnega fitosanitarnega inšpektorja, ki opravi fitosanitarni pregled in odredi ukrepe iz 32. člena tega zakona.

### **34. člen (črtan)**

a well-founded suspicion exists as to the identity of the consignment or if the risk of harmful organisms spreading exists.

If after having carried out the phytosanitary inspection, the phytosanitary inspector still has doubts as to the identity of the consignment, in particular in relation to the genus, species or origin, the consignment shall be deemed to contain plants, plant products and regulated objects indicated in List V.B.

### **Article 33a (Customs authorities)**

If in carrying out regular supervision, the responsible customs authority finds a consignment referred to in paragraph one of Article 25 of this Act which has not been declared, or a consignment referred to in paragraph four of Article 25 of this Act, or a consignment containing plants, plant products and regulated objects indicated in List III.A, the customs authority shall order interception of such consignment, notify the competent phytosanitary inspector who performs the phytosanitary inspection, and order the imposition of measures referred to in Article 32 of this Act.

After the inspection has been completed, the competent customs authority which carries out the inspection referred to in paragraph two of Article 25 of this Act shall, in respect of the consignment satisfying the conditions referred to in indent one or two of paragraph three of Article 25 of this Act, permit the introduction from third countries of such consignment, marking the import document with the date of introduction and a stamp. If the conditions are not met or the conditions referred to in indent three, four or five of paragraph three of Article 25 of this Act are suspected not to be met, the customs authority shall order interception of the consignment and notify the competent phytosanitary inspector thereof, who shall carry out the phytosanitary inspection and order the imposition of measures referred to in Article 32 of this Act.

### **Article 34 (Deleted)**

B) Izvoz

**35. člen**  
**(postopek ob izvozu)**

Če za pošiljke, ki se izvažajo in so po poreklu iz Republike Slovenije, država, v katero se izvažata, zahteva fitosanitarno spričevalo, fitosanitarni inšpektor pred izdajo fitosanitarnega spričevala opravi fitosanitarni pregled pošiljke, da zagotovi izpolnjevanje predpisanih fitosanitarnih zahtev države, v katero se pošiljka izvažata.

Če za pošiljke, ki se izvažajo in po poreklu niso iz Republike Slovenije, ampak so se v Republiki Sloveniji skladiščile, ponovno pakirale ali razdeljevale, država, v katero se te pošiljke izvažajo, zahteva fitosanitarno spričevalo, fitosanitarni inšpektor pred izdajo fitosanitarnega spričevala za ponovni izvoz opravi fitosanitarni pregled pošiljk, da zagotovi izpolnjevanje predpisanih fitosanitarnih zahtev države uvoznice.

Izdaja fitosanitarnega spričevala se šteje za uradno dejanje ali ukrep, ki ga opravi fitosanitarni inšpektor, s katerim se potrjuje, da so izpolnjene določbe prvega in drugega odstavka tega člena.

Minister predpiše v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, način izdaje, obliko in vsebino fitosanitarnega spričevala in fitosanitarnega spričevala za ponovni izvoz.

**36. člen**  
**(dolžnosti izvoznikov)**

Izvoznik mora podati vlogo za izdajo fitosanitarnega spričevala pri fitosanitarnem inšpektorju v roku, ki ga predpiše minister.

B) Export

**Article 35**  
**(Procedures upon export)**

If the country to which consignments originating in the Republic of Slovenia are being exported requires a phytosanitary certificate, the phytosanitary inspector shall carry out a phytosanitary inspection of the consignment prior to issuing the phytosanitary certificate, in order to ensure that the prescribed phytosanitary requirements of the country to which the consignment is being exported are satisfied.

If the country to which the consignments which do not originate in the Republic of Slovenia but have been stored, repacked or split up in the Republic of Slovenia, are exported, requires a phytosanitary certificate, the phytosanitary inspector shall carry out a phytosanitary inspection of the consignment prior to issuing the phytosanitary certificate for re-export, in order to ensure that the prescribed phytosanitary requirements of the importing country are satisfied.

The issue of the phytosanitary certificate shall be considered an official act or measure carried out by the phytosanitary inspector, aimed at confirming that the provisions of paragraphs one and two of this Article are satisfied.

The issuing method, the form and content of the phytosanitary certificate and phytosanitary certificate for re-export shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive.

**Article 36**  
**(Responsibilities of exporters)**

An exporter shall lodge an application for a phytosanitary certificate with the phytosanitary inspector within the time limit prescribed by the minister.

Vloga za izdajo fitosanitarnega spričevala mora vsebovati zlasti:

- identifikacijske podatke vlagatelja: osebno ime in naslov stalnega ali začasnega prebivališča ali firmo in sedež;
- podatke o pošiljki.

Podrobnejšo vsebino vloge iz prejšnjega odstavka predpiše minister.

Izvozniki morajo izvajati ukrepe, ki jih med fitosanitarnim pregledom pošiljk, namenjenih za izvoz, odredi fitosanitarni inšpektor.

Izvozniki morajo po izdaji fitosanitarnega spričevala zagotoviti, da se pošiljka glede opremljenosti z dokumenti, istovetnosti in zdravstvenega stanja do izstopa s carinskega območja Skupnosti ne spremeni.

Minister predpiše način zagotavljanja opremljenosti, istovetnosti in zdravstvenega stanja ter način ravnanja izvoznikov iz prejšnjega odstavka.

### C) Tranzit

#### **37. člen (tranzit pošiljk)**

Za pošiljke, ki so v tranzitu in so pakirane tako, da ni nevarnosti za širjenje škodljivih organizmov na carinskem območju Skupnosti, fitosanitarni pregled ni obvezen.

Če pošiljka ni pakirana v skladu s prejšnjim odstavkom, je fitosanitarni pregled obvezen v skladu z drugim odstavkom 25. člena tega zakona.

Ne glede na določbo prejšnjega odstavka se opravi le pregled dokumentacije in istovetnosti pošiljke, ki ni pakirana v skladu s prvim odstavkom tega člena, če je na podlagi ocene tveganja iz 6. točke

The application for a phytosanitary certificate shall contain in particular:

- the applicant's identification data: personal name and address of permanent or temporary residence, or company and registered office;
- data about the consignment.

The detailed content of the application referred to in the preceding paragraph shall be prescribed by the minister.

Exporters shall carry out the measures which the phytosanitary inspector orders during the phytosanitary inspection of the consignment intended for export.

After the issue of the phytosanitary certificate, the exporters shall ensure that the consignment, in terms of its documentation, identity and health status, remains unchanged until exit from the Community customs territory.

The minister shall prescribe the manner for ensuring documentation, identity and health status, as well as the method of operation of exporters referred to in the preceding paragraph.

### C) Transit

#### **Article 37 (Transit of consignments)**

Phytosanitary inspection shall not be compulsory in the case of consignments in transit packed in such a manner as to exclude any risk of the spread of harmful organisms within the Community customs territory.

A consignment which is not packed in accordance with the preceding paragraph shall be liable to phytosanitary inspection pursuant to paragraph two of Article 25 of this Act.

Notwithstanding the provision of the preceding paragraph, only documentary and identity checks shall be carried out in respect of a consignment which is not packed pursuant to paragraph one of this Article

76. člena tega zakona ugotovljeno, da ni nevarnosti za širjenje škodljivih organizmov na carinskem območju Skupnosti.

Minister predpiše način pakiranja in ravnanja s pošiljkami v tranzitu, način in obseg pregleda iz tega člena ter določi ukrepe v skladu z drugim odstavkom 32. člena tega zakona.

### 3. Premeščanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov

#### **38. člen (premeščanje)**

Rastline, rastlinski proizvodi in nadzorovani predmeti s seznama V.A, oddelek I in semena s seznama IV.A se lahko premeščajo le, če je na njih ali na njihovi embalaži nameščen rastlinski potni list ali je priložen prevoznemu sredstvu.

Pošiljke s seznama V.A, ki se premeščajo in so namenjene za poskusno, raziskovalno ali razvojno delo ali za delo pri žlahtnjenju rastlin, morajo biti fitosanitarno pregledane in jih mora spremljati rastlinski potni list.

#### **39. člen (premeščanje v varovano območje)**

Rastline, rastlinski proizvodi in nadzorovani predmeti s seznama V.A, oddelek II in semena s seznama IV.A se lahko premeščajo v ali znotraj varovanega območja le, če je na njih ali na njihovi embalaži nameščen rastlinski potni list, ki je veljaven za varovano območje, ali je priložen prevoznemu sredstvu in so izpolnjeni pogoji za premeščanje, ki jih podrobneje predpiše minister.

Določbe prejšnjega odstavka se ne uporabljajo za premeščanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov skozi varovana območja ali iz varovanih območij pod pogoji, ki jih predpiše minister.

if it is found on the basis of the risk assessment referred to in point 6 of Article 76 of this Act that no risk exists of the spread of harmful organisms within the Community customs territory.

The minister shall prescribe the method of packing and handling of consignments in transit, the extent and method of inspection referred to in this Article, and lay down the measures pursuant to paragraph two of Article 32 of this Act.

### 3. Movement of plants, plant products and regulated objects

#### **Article 38 (Movement)**

The plants, plant products and regulated objects indicated in List V.A, Section I, and the seeds indicated in List IV.A may only be moved if a plant passport is attached to them or their packaging, or to the means of transport.

Consignments indicated in List V.A which are moved and are intended for trial, research or development work, or for work on varietal selections, shall be liable to phytosanitary inspection and be accompanied by a plant passport.

#### **Article 39 (Movement into a protected zone)**

The plants, plant products and regulated objects indicated in List V.A, Section II, and the seeds indicated in List IV.A may be moved into or within a protected zone only if a plant passport which is valid for the protected zone is attached to them or to their packaging or to the means of transport, and if the conditions for movement, which shall be prescribed in detail by the minister, have been satisfied.

The provisions of the preceding paragraph shall not apply to the movement of plants, plant products and regulated objects through protected zones or from protected zones under the conditions prescribed by the minister.

#### **40. člen (izjeme)**

Pri semenu s seznama IV.A se za rastlinske potne liste štejejo dokumenti, izdani v skladu s predpisi, ki urejajo trženje uradno potrjenega semenskega materiala kmetijskih rastlin, če dokazujejo izpolnjevanje zahtev s seznama IV.A in če je tako določeno v skladu s predpisom ali aktom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

Ne glede na prvi odstavek 38. člena tega zakona se, če ni nevarnosti širjenja škodljivih organizmov, brez rastlinskega potnega lista lahko premešča majhna količina rastlin, rastlinskih proizvodov in nadzorovanih predmetov s seznama V.A in seme s seznama IV.A, če je namenjena porabi med prevozom, samooskrbi oziroma končni prodaji fizičnim osebam, ki niso tržni pridelovalci, na lokalnem trgu oziroma če jo premeščajo pridelovalci oziroma predelovalci, kateri so lahko izvzeti iz vpisa v register v skladu s 23. členom tega zakona.

#### **41. člen (pridelava, predelava, uporaba)**

Rastline, rastlinski proizvodi in nadzorovani predmeti s seznama V.A, oddelek I, ki jih pridelujejo, predelujejo ali uporabljajo zavezcanci za vpis v register in so namenjeni premeščanju, morajo biti fitosanitarno pregledani, da se ugotovi zlasti, da:

- niso okuženi s škodljivimi organizmi s seznamov I.A in II.A;
- izpolnjujejo posebne fitosanitarne zahteve s seznama IV.A.

Rastline, rastlinski proizvodi in nadzorovani predmeti iz seznama V.A, oddelek II, ki so namenjeni premeščanju v varovano območje, morajo biti fitosanitarno pregledani za namene iz prejšnjega odstavka in da se ugotovi:

- da niso okuženi s škodljivimi organizmi s seznamov I.B in II.B;

#### **Article 40 (Exceptions)**

For the seeds indicated in List IV.A, documents which have been issued in accordance with the regulations governing the marketing of officially certified agricultural seeds and propagating material shall be considered plant passports, provided that they demonstrate fulfilment of the requirements referred to in List IV.A and if so provided for in accordance with the regulation or act adopted under the procedure laid down in paragraph two of Article 18 of the Directive.

Notwithstanding paragraph one of Article 38 of this Act, small quantities of plants, plant products and regulated objects indicated in List V.A and seeds indicated in List IV.A may, if there is no risk of harmful organisms spreading, be moved without a plant passport, when they are intended for consumption during transport, self-use or final sale to natural persons who are not market producers on the local market, or if they are being moved by producers or processors who may be exempted from entry into the register pursuant to Article 23 of this Act.

#### **Article 41 (Production, processing, use)**

The plants, plant products and regulated objects indicated in List V.A, Section I, produced, processed or used by persons liable for entry in the register, and intended to be moved, shall be subject to phytosanitary inspection in order to establish in particular that:

- they are not infected with harmful organisms indicated in List I.A and II.A;
- they meet the special phytosanitary requirements indicated in List IV.A.

The plants, plant products and regulated objects referred to in List V.A, Section II, which are intended to be moved into a protected zone, shall be subject to phytosanitary inspection for the purposes referred to in the preceding paragraph and in order to establish that:

- they are not infected with harmful organisms indicated in Lists I.B and II.B;

- da izpolnjujejo posebne fitosanitarne zahteve s seznama IV.B.

Fitosanitarni pregledi iz prvega in drugega odstavka tega člena, se opravljajo redno, najmanj v predpisanih časovnih obdobjih oziroma najmanj enkrat letno in vsaj vizualno.

Ne glede na določbe prejšnjega odstavka se za zagotavljanje zdravstvenega varstva rastlin lahko izvajajo:

- naključni fitosanitarni pregledi ne glede na poreklo rastlin, rastlinskih proizvodov in nadzorovanih predmetov kadarkoli in povsod tam, kjer se premeščajo, pridelujejo, predelujejo, skladiščijo, prodajajo ali drugače uporabljajo, kot tudi v prostorih kupcev,
- uradna vzorčenja in testiranja vzorcev, da se ugotovi, ali rastline, rastlinski proizvodi in nadzorovani predmeti izpolnjuje predpisane zahteve iz tega zakona.

Kadar pogoji za izdajo rastlinskega potnega lista niso izpolnjeni, pristojni inšpektor odredi naslednje ukrepe v skladu s tretjim odstavkom 10. člena tega zakona:

- ustrezno tretiranje, ki mu sledi izdaja rastlinskega potnega lista, če se šteje, da so pogoji izpolnjeni zaradi tretiranja,
- dovoljenje za premeščanje pod uradnim nadzorom v območja, kjer ne predstavljajo dodatne nevarnosti,
- dovoljenje za premeščanje pod uradnim nadzorom na mesta za industrijsko predelavo,
- uničenje.

Če se med fitosanitarnimi pregledi ugotovi škodljivi organizem s seznama I.A, oddelek I ali seznama II.A, oddelek I, pristojni inšpektor prepove premeščanje zadevnih rastlin, rastlinskih proizvodov in nadzorovanih predmetov ter odredi ukrepe iz prejšnjega odstavka.

Če se med fitosanitarnimi pregledi ugotovi škodljivi organizem s seznama I.A, oddelek II ali seznama II.A, oddelek II oziroma da niso izpolnjene posebne zahteve s seznama IV.A, oddelek II, pristojni inšpektor za okuženi del rastlin, rastlinskih proizvodov ali nadzorovanih predmetov odredi ukrepe iz petega odstavka tega člena.

- they meet the special phytosanitary requirements indicated in List IV.B.

Phytosanitary inspections referred to in paragraphs one and two of this Article shall be performed regularly, at least in the prescribed time periods, or at least once a year, and at least visually.

Notwithstanding the provisions of the preceding paragraph, the following may be performed in order to provide plant protection:

- random phytosanitary inspections without any discrimination in respect of the origin of plants, plant products and regulated objects, at any time and at any place where these are moved, produced, processed, stored, offered for sale, or used otherwise, as well as in the purchasers' premises,
- official sampling and testing of samples in order to establish if the plants, plant products and regulated objects comply with the relevant requirements laid down in this Act.

Where conditions for the issue of a plant passport are not satisfied, the competent inspector shall order the following measures pursuant to paragraph three of Article 10 of this Act:

- appropriate treatment followed by the issue of a plant passport if the conditions are considered satisfied as a result of the treatment,
- a permit for movement, under official control, into the areas where they do not pose an additional risk,
- a permit for movement, under official control, to places for industrial processing,
- destruction.

If a harmful organism included in List I.A, Section I, or List II.A, Section I is found during a phytosanitary inspection, the competent inspector shall prohibit the movement of the relevant plants, plant products and regulated objects, and order the imposition of measures laid down in the preceding paragraph.

If a harmful organism included in List I.A, Section II, or List II.A, Section II is found during a phytosanitary inspection, or if special requirements laid down in List IV.A, Section II, are found not to be satisfied, the competent inspector shall order measures specified in paragraph five of this Article to be applied for the infected parts of plants, plant products or regulated objects.



Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše podrobnejši način fitosanitarnega pregleda iz prvega, drugega in tretjega odstavka tega člena ter ukrepe iz tega člena.

#### **42. člen (rastlinski potni listi)**

Rastlinski potni list pomeni uradno etiketo, ki jo pripravi odgovorni uradni organ v državi članici in je lahko standardizirana na ravni Skupnosti za različne vrste rastlin ali rastlinskih proizvodov.

Rastlinske potne liste se izdaja za rastline, rastlinske proizvode in nadzorovane predmete s seznama V.A.

Rastlinske potne liste izdajajo za pridelane ali predelane rastline, rastlinske proizvode in nadzorovane predmete s seznama V.A, ki so fitosanitarno pregledani v skladu s prejšnjim členom:

- zavezanci za vpis v register iz prve in druge alineje drugega odstavka 19. člena tega zakona (v nadaljnjem besedilu: upravičenci), če imajo za to dovoljenje Uprave, ali
- izvajalci javnih pooblastil iz 68. člena tega zakona, ali
- Uprava, v primeru, da zavezanci iz 19. člena tega zakona ne pridobijo ali ne morejo pridobiti dovoljenja za izdajo rastlinskih potnih listov.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše stopnjo standardizacije rastlinskega potnega lista in druge vrste uradnih oznak za posebne vrste proizvodov iz prvega odstavka tega člena ter izdajanje rastlinskih potnih listov iz drugega odstavka tega člena.

#### **43. člen (dovoljenje za izdajo rastlinskih potnih listov)**

The detailed method of phytosanitary inspection referred to in paragraphs one, two and three of this Article, as well as the measures laid down in this Article shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive.

#### **Article 42 (Plant passports)**

Plant passport shall mean an official label prepared by the responsible official authority in a Member State which may be standardised at the Community level for different types of plants or plant products.

Plant passports shall be issued in respect of the plants, plant products and regulated objects indicated in List V.A.

Plant passports shall be issued in respect of produced or processed plants, plant products and regulated objects indicated in List V.A which have been subjected to a phytosanitary inspection in accordance with the preceding Article, by:

- persons liable for entry in the register indicated in indents one and two of paragraph two of Article 19 of this Act (hereinafter: entitled persons), provided they have been issued a relevant authorisation by the Administration, or
- performers of public services referred to in Article 68 of this Act, or
- the Administration if liable persons referred to in Article 19 of this Act do not or are not able to obtain authorisation for the issue of plant passports.

The minister shall prescribe, in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive, the level of standardisation of plant passports, and other kinds of official marks for special types of products referred to in paragraph one of this Article, as well as the issue of plant passports referred to in paragraph two of this Article.

#### **Article 43 (Authorisation for issuing plant passports)**

Uprava izda upravičencem dovoljenje za izdajo rastlinskih potnih listov, če izpolnjujejo naslednje pogoje:

- da so vpisani v register iz 19. člena tega zakona;
- da so strokovno usposobljeni za zdravstveno varstvo rastlin ali da zagotovijo strokovno usposobljeno odgovorno osebo za zdravstveno varstvo rastlin, ki skrbi za izvajanje obveznosti iz 49. člena tega zakona, ki je v delovnem ali pogodbenem razmerju z upravičencem;
- da imajo zapisnik pristojnega inšpektorja o izpolnjevanju obveznosti iz 22. člena tega zakona.

Vlogo za pridobitev dovoljenja za izdajo rastlinskih potnih listov morajo upravičenci vložiti pri upravi na predpisanem obrazcu.

Vloga mora vsebovati poleg podatkov iz 20. člena tega zakona še zlasti:

- podatke o vrsti pridelave, predelave, prodaje oziroma vnosu rastlin, rastlinskih proizvodov in nadzorovanih predmetov iz tretjih držav;
- dokazila o izpolnjevanju pogojev iz prvega odstavka tega člena.

Šteje se, da je oseba iz druge alineje prvega odstavka tega člena strokovno usposobljena, če ima predpisano izobrazbo in potrdilo o temeljnem znanju o škodljivih organizmih, njihovem obvladovanju in predpisih o zdravstvenem varstvu rastlin, pridobljeno na tečajih, za katere uprava potrdi program in izvajalca.

V primeru, da je odgovorna oseba za zdravstveno varstvo rastlin v pogodbenem razmerju z upravičencem, mora upravičenec vlogi priložiti kopijo pogodbe, ki mora vsebovati natančno določene obveznosti odgovorne osebe za zdravstveno varstvo rastlin.

Obrazec in podrobnejšo vsebino vloge iz drugega in tretjega odstavka tega člena ter pogoje glede izobrazbe in obrazec potrdila o temeljnem znanju iz četrtega odstavka tega člena predpiše minister.

Dovoljenje za izdajo rastlinskih potnih listov izda predstojnik

The Administration shall grant authorisation for the issue of plant passports to entitled persons if they meet the following conditions:

- they are entered in the register referred to in Article 19 of this Act;
- they are professionally qualified for plant protection, or they provide a responsible person professionally qualified in plant protection, who is in an employment or contractual relationship with the entitled person, and who ensures fulfilment of the obligations referred to in Article 49 of this Act;
- they possess the record of a competent inspector on meeting the conditions referred to in Article 22 of this Act.

The entitled persons shall submit the application for obtaining authorisation for the issue of plant passports with the Administration on the prescribed form.

The application shall contain, in addition to data referred to in Article 20 of this Act, in particular:

- data on the kind of production, processing, sale or introduction of plants, plant products and regulated objects from third countries,
- evidence that the conditions referred to in paragraph one of this Article are met.

A person referred to in indent two of paragraph one of this Article shall be deemed professionally qualified if they have a required degree of study and a certificate attesting to basic knowledge of harmful organisms, their control and the regulations on plant protection, acquired in courses whose programme and programme providers are approved by the Administration.

Where the person responsible for plant protection is in a contractual relationship with the entitled person, the latter shall attach to the application a copy of the contract containing the precisely defined responsibilities of the person responsible for plant protection.

The form and the detailed contents of the application referred to in paragraphs two and three of this Article, and the conditions as to education and the certification form of basic knowledge referred to in paragraph four of this Article shall be prescribed by the minister.

Authorisations for the issue of plant passports shall be issued by

uprave v upravnem postopku najkasneje v treh mesecih po prejemu popolne vloge, če so izpolnjeni predpisani pogoji.

Če upravičenec preneha izpolnjevati predpisane pogoje za izdajanje rastlinskih potnih listov, se dovoljenje na predlog upravičenca ali po uradni dolžnosti razveljavi.

#### **43.a člen (dovoljenje za izdajo drugih uradnih oznak)**

Za izdajanje drugih uradnih oznak za posebne vrste proizvodov, ki se štejejo za rastlinski potni list, izda Uprava upravičencem dovoljenje, če izpolnjujejo pogoje iz prve in druge alineje prvega odstavka prejšnjega člena in imajo zapisnik pooblaščenega uradne osebe o izpolnjevanju obveznosti iz prve, četrte, pete in šeste alineje 22. člena tega zakona.

Za izdajo dovoljenj za druge uradne oznake se smiselno uporablja drugi, tretji, četrti, peti, sedmi in osmi odstavek prejšnjega člena.

Minister predpiše obrazec in podrobnejšo vsebino vloge za izdajo dovoljenj drugih uradnih oznak, pogoje glede strokovne usposobljenosti in v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, vrste rastlin, rastlinskih proizvodov in nadzorovanih predmetov za posebno označevanje, tehnične zahteve za obrate in namestitev oznak.

#### **44. člen (evidenca odgovornih oseb za zdravstveno varstvo rastlin za izdajo rastlinskih potnih listov)**

Uprava vzpostavi in vodi evidenco odgovornih oseb za zdravstveno varstvo rastlin za izdajo rastlinskih potnih listov.

V evidenci se na enoten način vodijo zlasti osebno ime in

the director of the Administration in an administrative procedure no later than within three months of receipt of the completed application, if the prescribed conditions are met.

If the entitled person ceases to meet the prescribed conditions for issuing plant passports, the authorisation shall be revoked on the proposal of the entitled person or *ex officio*.

#### **Article 43a (Authorisation for issuing other official marks)**

The Administration shall grant authorisation to entitled persons for issuing other official marks for special kinds of products which are considered plant passports, if such persons meet the conditions laid down in indents one and two of paragraph one of the preceding Article, and if they possess the record of an authorised official regarding the meeting of obligations referred to in indents one, four, five and six of Article 22 of this Act.

For the issue of authorisations for other official marks, paragraphs two, three, four, five, seven and eight of the preceding Article shall apply *mutatis mutandis*.

The minister shall prescribe the form and detailed content of the application for granting authorisation for the issue of other official marks, the conditions with regard to professional competence, and, in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of Directive, the kinds of plants, plant products and regulated objects for special marking, technical requirements for industrial plants, and placing of the marks.

#### **Article 44 (Records of persons responsible for plant protection for the issue of plant passports)**

The Administration shall set up and keep records of the persons responsible for plant protection for the issue of plant passports.

The records shall contain, in a uniform manner, in particular the

naslov stalnega ali začasnega prebivališča ali firmo in sedež odgovorne osebe za zdravstveno varstvo rastlin ter osebno ime in naslov stalnega ali začasnega prebivališča upravičenca, ki je zagotovil to odgovorno osebo.

Podrobnejše podatke in način vodenja evidence iz prvega in drugega odstavka tega člena predpiše minister.

#### **45. člen (vrste rastlinskih potnih listov)**

Vrste rastlinskih potnih listov so:

- rastlinski potni list;
- nadomestni rastlinski potni list (z oznako RP);
- rastlinski potni list za varovana območja (z oznako ZP).

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše obliko in vsebino rastlinskih potnih listov.

#### **46. člen (izdaja rastlinskih potnih listov za neokužene rastline, rastlinske proizvode in nadzorovane predmete)**

Če se s fitosanitarnim pregledom ugotovi, da je del rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki jih pridelujejo, predelujejo ali uporabljajo registrirani pridelovalci oziroma predelovalci, ali je kakor koli drugače navzoč v njihovih prostorih, okužen s škodljivimi organizmi s seznamov I.A, I.B, II.A ali II.B, se lahko izda rastlinski potni list za preostale rastline, rastlinske proizvode in nadzorovane predmete, če ni suma, da so okuženi in če ni nevarnosti za širjenje škodljivih organizmov.

#### **47. člen (nadomestni rastlinski potni list)**

Če se pošiljka razdeli ali sestavi iz več različnih posamičnih

personal name and address of permanent or temporary residence, or registered name and registered office of the person responsible for plant protection, and personal name and address of permanent or temporary residence of the entitled person who has guaranteed such responsible person.

Detailed data and the method of keeping records referred to in paragraphs one and two of this Article shall be prescribed by the minister.

#### **Article 45 (Types of plant passports)**

The types of plant passport shall be as follows:

- plant passport;
- replacement plant passport (marked RP);
- plant passport for protected zones (marked ZP).

The minister shall prescribe the form and content of plant passports with a regulation adopted under the procedure referred to in Article 18 of the Directive.

#### **Article 46 (Issue of plant passports for uninfected plants, plant products and regulated objects)**

If it is found during a phytosanitary inspection that a part of plants, plant products and regulated objects which are produced, processed or used by registered producers or processors, or are present in their premises in any other way, is infected with harmful organisms indicated in Lists I.A, I.B, II.A, or II.B, plant passports may be issued for the remaining plants, plant products and regulated objects if there is no suspicion that these are infected and if no risk exists of the harmful organisms spreading.

#### **Article 47 (Replacement plant passports)**

If a consignment is split up or composed of a number of different

pošiljk, ki jih že spremlja rastlinski potni list, se mora za novo pošiljko izdati nadomestni rastlinski potni list.

Če se v primerih iz prejšnjega odstavka spremeni zdravstveno stanje pošiljke, se lahko izda nadomestni rastlinski potni list le po opravljenem fitosanitarnem pregledu.

#### **48. člen**

##### **(zamenjava fitosanitarnega spričevala z rastlinskim potnim listom)**

Po opravljenem fitosanitarnem pregledu pošiljk, ki se vnašajo iz tretjih držav in jih mora spremljati fitosanitarno spričevalo ter so navedene s seznamu V.A, fitosanitarni inšpektor dovoli premeščanje pošiljke, vnesene iz tretjih držav, v notranjost države s fitosanitarnim spričevalom, na katerem je navedeno, da nadomešča rastlinski potni list.

Če se pošiljka s seznama V.A, ki jo spremlja fitosanitarno spričevalo, premešča v druge države članice, se mora za pošiljko izdati rastlinski potni list.

Če se pošiljka s seznama V.A, ki jo spremlja fitosanitarno spričevalo razdeli ali sestavi iz več drugih različnih, posamičnih pošiljk, se mora za novo pošiljko izdati rastlinski potni list.

Če se v primerih iz prejšnjega odstavka spremeni zdravstveno stanje pošiljke, vnesene iz tretjih držav, se lahko izda rastlinski potni list le po opravljenem fitosanitarnem pregledu.

#### **49. člen**

##### **(obveznosti pridelovalcev, predelovalcev, uvoznikov in distributerjev pri izdaji rastlinskih potnih listov)**

Pridelovalci, predelovalci, uvozniki in distributerji rastlin, rastlinskih proizvodov in nadzorovanih predmetov iz prve in druge alineje drugega odstavka 19. člena tega zakona morajo poleg obveznosti iz 22. člena tega zakona tudi:

- prijaviti upravi v predpisanem roku vse spremembe glede pogojev za

individual consignments already accompanied by plant passports, a replacement plant passport shall be issued for the new consignment.

If in the case referred to in the preceding paragraph the health status of the consignment changes, a replacement plant passport may be issued after a phytosanitary inspection has been carried out.

#### **Article 48**

##### **(Replacement of a phytosanitary certificate with plant passport)**

After a phytosanitary inspection of consignments imported from third countries indicated in List V.A, which must be accompanied by a phytosanitary certificate, the phytosanitary inspector shall allow movement of the consignment imported from third countries to within the country with a phytosanitary certificate indicating that it replaces the plant passport.

If the consignment indicated in List V.A which is accompanied by a phytosanitary certificate is moved into other Member States, such consignment shall be issued a plant passport.

If the consignment indicated in List V.A which is accompanied by a phytosanitary certificate is split up or composed of a number of other different, individual consignments, such new consignment shall be issued a plant passport.

If in the cases referred to in the preceding paragraph the health status of the consignment imported from third countries changes, a plant passport may only be issued after the phytosanitary inspection has been carried out.

#### **Article 49**

##### **(Obligations of producers, processors, importers and distributors when issuing plant passports)**

Producers, processors, importers, and distributors of plants, plant products and regulated objects referred to in indents one and two of paragraph two of Article 19 of this Act shall, in addition to the obligations referred to in Article 22 of this Act, also:

- notify the Administration within the prescribed time limit of all changes

- izdajo rastlinskih potnih listov;
- poskrbeti za izdajo rastlinskih potnih listov v skladu s tem zakonom;
  - obveščati pristojnega inšpektorja v predpisanih rokih o nameravanem premeščanju rastlin, rastlinskih proizvodov in nadzorovanih predmetov v varovano območje;
  - izpolnjevati rastlinske potne liste v skladu s predpisano vsebino in oznakami;
  - hraniti listine in voditi evidenco glede izdaje vseh vrst rastlinskih potnih listov;
  - poskrbeti za namestitvev rastlinskih potnih listov na način, ki onemogoča ponovno uporabo rastlinskih potnih listov.

Način in roke prijav ter rok hrambe listin iz prejšnjega odstavka predpiše minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

#### **50. člen**

##### **(obveznosti kupcev rastlin, rastlinskih proizvodov in nadzorovanih predmetov)**

Kupci rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki se ukvarjajo z njihovo tržno pridelavo oziroma predelavo, morajo kot končni uporabniki hraniti vse vrste rastlinskih potnih listov v skladu s predpisanim rokom.

Rok hrambe iz prejšnjega odstavka predpiše minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

Kupci iz prvega odstavka tega člena morajo pristojnemu inšpektorju omogočiti dostop do rastlin, rastlinskih proizvodov in nadzorovanih predmetov na katerikoli stopnji v pridelavi ali predelavi ali na trgu ter omogočiti fitosanitarni pregled, vključno s pregledom listin.

#### **IV. BIOTIČNO VARSTVO RASTLIN**

- in relation to the conditions for issuing plant passports;
- provide for the issue of plant passports pursuant to this Act;
  - inform the competent inspector within the prescribed time limit of the intended movement of plants, plant products and regulated objects into protected zones;
  - complete plant passports in compliance with the prescribed content and marks;
  - keep documents and a record on the issuing of all types of plant passport;
  - provide for the placement of plant passports in such a way that they cannot be reused.

The manner and time limits for reporting, and the time limits for keeping the documents referred to in the preceding paragraph, shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive.

#### **Article 50**

##### **(Obligations of buyers of plants, plant products and regulated objects)**

Buyers of plants, plant products and regulated objects who are involved in their marketable production or processing shall, as final users, keep all types of plant passport, subject to the prescribed time limit.

The duration of keeping the documents referred to in the preceding paragraph shall be prescribed by the minister in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive.

The buyers referred to in paragraph one of this Article shall allow the competent inspector access to plants, plant products and regulated objects at any stage of production or processing, or on the market, and enable phytosanitary inspection, including documentary checks.

#### **IV. BIOLOGICAL PLANT PROTECTION**

**51. člen**  
**(biotično varstvo rastlin)**

Biotično varstvo rastlin je način obvladovanja škodljivih organizmov v kmetijstvu in gozdarstvu, ki uporablja žive naravne sovražnike, antagoniste ali kompetitorje ali njihove produkte in druge organizme, ki se morejo sami razmnoževati.

**52. člen**  
**(domorodne vrste organizmov)**

Domorodna vrsta organizma je tista vrsta, ki je v določenem ekosistemu naravno navzoča.

Vnos, gojenje ali uporaba domorodnih vrst organizmov za namen biotičnega varstva rastlin v zavarovanih prostorih in na prostem je dovoljena, če so izpolnjeni predpisani pogoji glede strokovne in tehnične usposobljenosti, ki jih predpiše minister v soglasju z ministrom, pristojnim za ohranjanje narave.

**53. člen**  
**(tujerodne vrste organizmov)**

Tujerodna vrsta organizma je tista vrsta, ki jo naseli človek in v določenem ekosistemu pred naselitvijo ni bila navzoča.

Za namen biotičnega varstva rastlin v zavarovanih prostorih in na prostem, je dovoljeno uporabljati le tiste tujerodne vrste organizmov, ki so na seznamu, ki ga objavi minister v soglasju z ministrom, pristojnim za ohranjanje narave.

Uprava izda dovoljenje za vnos in uporabo tujerodnih vrst organizmov iz prejšnjega odstavka s soglasjem ministrstva, pristojnega za ohranjanje narave, na podlagi ugotovitve, da poseg v naravo ne ogroža naravnega ravnovesja ali biotske raznovrstnosti, v skladu s predpisi na področju ohranjanja narave.

**Article 51**  
**(Biological plant protection)**

Biological plant protection shall be the strategy for controlling harmful organisms in agriculture and forestry which uses living natural enemies, antagonists, or competitors or their products, and other self-replicating biotic entities.

**Article 52**  
**(Indigenous species of organisms)**

An indigenous species of organism is a species which is naturally present in a given ecosystem.

The introduction, cultivation and use of indigenous species of organisms for the purpose of biological plant protection on protected crops and outdoors shall be permitted if the prescribed conditions in relation to professional and technical capacities prescribed by the minister in agreement with the minister responsible for nature conservation are met.

**Article 53**  
**(Exotic species of organisms)**

An exotic species of organism is a species which has been introduced by humans and was not present in a specific ecosystem before its establishment.

Only the exotic species of organisms indicated in the list published by the minister in agreement with the minister responsible for nature conservation may be used for the purpose of biological plant protection on protected crops and outdoors.

The Administration shall issue an authorisation for the introduction and use of exotic species of organisms referred to in the preceding paragraph with the agreement of the minister responsible for nature conservation, if it is established that intervention in nature does not threaten the natural balance or biodiversity, pursuant to the regulations in

Ne glede na določbe drugega odstavka tega člena se lahko izjemoma izda dovoljenje za vnos in uporabo tujerodnih vrst organizmov za namen biotičnega varstva rastlin za znanstvene in raziskovalne organizacije, če jih uporabijo za poskusne, raziskovalne ali razvojne namene. Dovoljenje se izda na način iz prejšnjega odstavka.

Za pridobitev dovoljenja iz tretjega in četrtega odstavka tega člena mora vlagatelj izpolnjevati tudi predpisane pogoje glede prostorov, opreme in kadrov.

Vlogo za izdajo dovoljenja iz tretjega in četrtega odstavka tega člena morajo vlagatelji podati pri upravi. Vloga mora vsebovati zlasti naslednje podatke:

- osebno ime in naslov stalnega ali začasnega prebivališča ali firmo in sedež;
- odgovorno osebo;
- vrsto dejavnosti;
- vrsto in način uporabe glede na ciljni škodljivi organizem;
- program naselitve in seznam prejemnikov;
- oceno tveganja za naravo;
- dokazila, da je organizem dovoljeno uporabljati vsaj v treh ekološko primerljivih evropskih državah;
- dokazila, da je organizem namenjen uporabi za biotično varstvo rastlin;
- dokazila, da so izpolnjeni drugi predpisani pogoji za uporabo.

Minister v soglasju z ministrom, pristojnim za ohranjanje narave, predpiše podrobnejše pogoje iz petega odstavka tega člena in podrobnejšo vsebino vloge iz prejšnjega odstavka.

Uprava vodi evidenco o vnosu in uporabi tujerodnih vrst organizmov iz tega člena.

## V. PRIDOBIVANJE, UPORABA TER IZMENJAVA PODATKOV IN INFORMACIJ

the field of nature conservation.

Notwithstanding the provisions of paragraph two of this Article, authorization for the introduction and use of exotic species of organisms may be issued by way of exception for the purpose of biological plant protection for scientific or research organisations, if they are used for trial and research or development purposes. Such authorisation shall be issued in the manner referred to in the preceding paragraph.

In order to obtain authorisation referred to in paragraphs three and four of this Article, the applicant shall also meet the prescribed conditions as to premises, equipment, and staff.

Applications for the authorisation referred to in paragraphs three and four of this Article shall be lodged with the Administration. Applications shall contain the following data in particular:

- the personal name and address of permanent or temporary residence, or company and registered office;
- the person responsible;
- types of activity;
- the type and the method of use with regard to the target harmful organism;
- the introduction scheme and the list of recipients;
- nature risk assessment;
- evidence that the organism may be used in at least three ecologically comparable European states;
- evidence that the organism is intended for use for biological plant protection;
- evidence that other prescribed conditions for use are met.

The detailed conditions referred to in paragraph five of this Article and the detailed contents of applications referred to in the preceding paragraph shall be prescribed by the minister in agreement with the minister responsible for nature conservation.

The Administration shall keep records of introduction and use of exotic species of organisms referred to in this Article.

## V. ACQUISITION, USE AND EXCHANGE OF DATA AND INFORMATION



**54. člen**  
**(pridobivanje in uporaba podatkov)**

Zaradi analiziranja in sprejemanja ukrepov zdravstvenega varstva rastlin lahko uprava za vodenje in vzdrževanje podatkovnih zbirk na podlagi tega zakona, pridobiva in uporablja podatke, ki jih v okviru predpisanih zbirk vodijo državni organi, javni zavodi in agencije, koncesionarji ter drugi pooblašteni organi, zlasti iz:

- registra kmetijskih gospodarstev in evidence subjektov;
- evidence pridelovalcev in predelovalcev kmetijskih pridelkov oziroma živil;
- katastra dejanske rabe kmetijskih zemljišč;
- registra prostorskih enot;
- davčnega registra (davčna številka);
- centralnega registra prebivalstva (osebno ime, enotna matična številka občana in naslov stalnega ali začasnega prebivališča);
- zemljiškega katastra (parcelna številka, meja parcele, površina, lastnik, upravljalec, najemnik);
- zemljiške knjige (lastninska in zakupna pravica na posameznih parcelah);
- poslovnega registra Republike Slovenije;
- zbirk statističnih podatkov s področja kmetijstva in gozdarstva v agregatni obliki;
- zbirk carinskih podatkov o vnosu iz tretjih držav in izvozu rastlin in rastlinskih proizvodov;
- zbirk podatkov Sklada kmetijskih zemljišč in gozdov Republike Slovenije (podatki o zemljiščih, ki so v lasti Republike Slovenije in zakupnikov teh zemljišč);
- zbirk podatkov Hidrometeorološkega zavoda Republike Slovenije.

Uprava lahko uporablja tudi temeljne topografske načrte, topografske karte, pregledne karte in digitalne ortofoto načrte.

Uprava skladno s svojimi pristojnostmi povezuje svoje zbirke podatkov z vsemi zbirkami podatkov, ki se vodijo na ministrstvu, pristojnem za kmetijstvo in gozdarstvo.

**Article 54**  
**(Data acquisition and use)**

With a view to analysing and adopting the plant-protection measures, the Administration may, on the basis of this Act, for the purpose of managing and maintaining databases, acquire and use data which are kept, within the prescribed databases, by official state authorities, public institutes and agencies, licence holders and other authorised bodies, in particular from:

- the register of agricultural holdings and the record of relevant entities;
- records of producers and processors of agricultural products or foodstuffs;
- the land use register;
- the register of spatial units;
- the tax register (tax identification number);
- the central civil register (personal name, unique personal identification number and address of permanent or temporary residence);
- the Land Cadastre (lot number, lot boundaries, surface, owner, manager, tenant);
- the land register (ownership and tenant rights to individual lots);
- the business register of the Republic of Slovenia;
- the statistical database in the field of agriculture and forestry, in an aggregate form;
- the customs database on the introduction from third countries and export of plants and plant products;
- the database of the Fund of the Republic of Slovenia for Farmland and Forests (data on the land owned by the Republic of Slovenia, and tenants of such land);
- the database of the Hydrometeorological Institute of the Republic of Slovenia.

The Administration may also use basic topographic plans, topographic maps, survey maps and digital orthophoto maps.

In accordance with its competences, the Administration shall link its databases with all databases kept at the ministry responsible for agriculture and forestry.

Registri, evidence in druge zbirke podatkov, ki jih po tem zakonu vzpostavi in vodi uprava, se financirajo iz proračuna Republike Slovenije.

Način povezovanja z drugimi zbirkami podatkov in način pridobivanja podatkov iz drugih zbirk podatkov predpiše minister v soglasju z ministrom pristojnim za posamezno zbirko podatkov, v skladu s predpisi, ki urejajo varstvo podatkov.

#### **55. člen (posredovanje podatkov)**

Uprava lahko posreduje podatke iz svojih registrov in zbirk podatkov drugim državnim organom in organom lokalnih skupnosti, če jih ti potrebujejo za izvajanje zakonsko določenih nalog ter pooblaščenim organizacijam in izvajalcem javnih služb, če jih ti potrebujejo za izvajanje nalog s področja zdravstvenega varstva rastlin.

Upravljalci zbirk podatkov, kart in digitalnih ortofoto načrtov iz prejšnjega člena posredujejo upravi podatke brezplačno, zaračunavajo pa lahko neposredne materialne stroške. Podatke iz prvega odstavka prejšnjega člena, ki imajo naravo osebnih podatkov, posredujejo upravljalci zbirk podatkov v skladu s predpisi o varstvu osebnih podatkov.

Izpise iz zbirk podatkov, ki se vodijo v skladu s tem zakonom in ki ne vsebujejo osebnih podatkov, lahko proti plačilu stroškov posredovanja pridobi oseba, ki za to izkaže pravni interes. Ta sme dobljene podatke uporabljati samo za namene, za katere so ji bili dani in jih ne sme spreminjati ali posredovati drugim osebam.

#### **56. člen (informacijski sistem)**

Izvajalci zdravstvenega varstva rastlin morajo voditi in redno dopolnjevati predpisane evidence, registre in baze podatkov, ki so povezani v informacijski sistem.

Registers, records and other databases which the Administration sets up and maintains under this Act, shall be financed from the budget of the Republic of Slovenia.

The manner of linking data with other databases, and the manner of acquiring data from other databases shall be prescribed by the minister in agreement with the minister responsible for an individual database, pursuant to the regulations governing data protection.

#### **Article 55 (Data communication)**

The Administration may communicate data from its registers and databases to other state authorities and local community authorities, if this is necessary for carrying out statutory tasks, and to authorised organisations and providers of public services if they need these for carrying out tasks in the field of plant protection.

Operators of databases, maps and digital orthophoto maps referred to in the preceding Article shall communicate data to the Administration free of charge, but they may charge direct material costs. Operators of databases shall communicate data referred to in paragraph one of the preceding Article which have the nature of personal data, in compliance with the regulations on protection of personal data.

Extracts from databases which are kept in compliance with this Act and which do not contain any personal data may be obtained by persons who show legal interest, against the payment of communication costs. Data obtained in this manner may only be used for the purposes for which they were delivered and may not be changed or communicated to other persons.

#### **Article 56 (Information system)**

Plant-protection providers shall keep and regularly update the prescribed records, registers and databases which are linked to the information system.

Uprava zagotovi vzpostavitev in povezovanje informacijskega sistema iz prejšnjega odstavka z informacijskim sistemom ministrstva, pristojnega za kmetijstvo in gozdarstvo, ter z mednarodnimi informacijskimi sistemi na področju zdravstvenega varstva rastlin.

Način povezovanja, pogoje vodenja registrov, evidenc in baz podatkov predpiše minister.

#### **57. člen (mednarodna izmenjava podatkov in informacij)**

Na mednarodni ravni uprava izmenjuje zlasti naslednje podatke in informacije:

- o osrednjem odgovornem organu;
- o seznamu vstopnih mest, skozi katera se lahko vnašajo pošiljke iz tretjih držav v Skupnost;
- o seznamih škodljivih organizmov, ki so predmet nadzora;
- o navzočnosti ali pojavu škodljivih organizmov s seznamov, predpisanih po tem zakonu, na delu svojega ozemlja, kjer njihova navzočnost prej ni bila znana, ter o uvedenih ukrepih;
- o pojavu, izbruhu ali širjenju škodljivih organizmov, ki predstavljajo potencialno nevarnost;
- o vsakem pojavu škodljivega organizma v varovanem območju, glede katerega je bilo varovano območje priznano;
- o ugotovitvah sistematičnih raziskav v varovanem območju;
- o predpisih, ki so bili izdani na podlagi tega zakona;
- o primerih, ko so bile pošiljke rastlin, rastlinskih proizvodov in nadzorovanih predmetov zadržani zaradi neizpolnjevanja fitosanitarnih zahtev;
- o drugih podatkih in informacijah s področja tega zakona, na zahtevo mednarodnih organov in organizacij.

Podatki in informacije se posredujejo v skladu z mednarodnimi konvencijami in sporazumi, ki obvezujejo Republiko Slovenijo.

The Administration shall ensure the setting-up and linking of the information system referred to in the preceding paragraph with the information system of the ministry responsible for agriculture and forestry, and with international information systems in the field of plant protection.

The manner of linking, and the conditions of keeping the registers, records and databases shall be prescribed by the minister.

#### **Article 57 (International exchange of data and information)**

At the international level, the Administration shall exchange the following data and information in particular:

- on the central authority;
- on the list of points of entry through which consignments may be imported from third countries into the Community;
- on the list of harmful organisms which are the subject of inspection;
- on the presence or occurrence of harmful organisms indicated in lists prescribed under this Act, on the part of its territory where their presence was not previously known, and on the measures taken;
- on the occurrence, outbreak, or spread of harmful organisms which represent a potential risk;
- on any occurrence of a harmful organism within the protected zone in relation to which the protected zone was recognised;
- on the findings of a systematic survey within the protected zone;
- on regulations which have been issued on the basis of this Act;
- on cases where consignments of plants, plant products and regulated objects have been intercepted due to their failure to meet phytosanitary requirements;
- on other data and information in the field covered by this Act, at the request of international authorities and organisations.

Data and information shall be communicated in compliance with international conventions and agreements binding on the Republic of Slovenia.

## **58. člen (stroški)**

Vse stroške preiskav rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki so bile opravljene na zahtevo pristojnega inšpektorja ali odgovornega uradnega organa zaradi ugotovitve zdravstvenega stanja rastlin, v primeru, kadar je izvid analize neugoden za imetnika, plača imetnik, pri katerem so bili vzeti uradni vzorci, razen če ni drugače predpisano.

Ne glede na določbe prejšnjega odstavka se vsi stroški preiskav rastlin, rastlinskih proizvodov in nadzorovanih predmetov, s katerim se potrdi ali ovrže sum na škodljivi organizem, plačajo iz sredstev proračuna Republike Slovenije, če so o novem ali nepričakovanem pojavu škodljivih organizmov v skladu z drugim odstavkom 6. člena tega zakona imetniki obvestili pristojnega inšpektorja oziroma drugo uradno osebo iz tega zakona.

Vse stroške ukrepov po tem zakonu, nastale zaradi zagotavljanja zdravstvenega varstva rastlin, nosi imetnik, razen če ni drugače predpisano.

Stroške tečajev strokovnega usposabljanja za pridobitev dovoljenja za izdajo rastlinskih potnih listov plača vlagatelj.

## **58.a člen (pristojbine)**

Za izdajo predpisanega spričevala in potrdila o zdravstveni ustreznosti ter fitosanitarne preglede plača vlagatelj pristojbino.

Pristojbina iz prejšnjega odstavka je prihodek proračuna Republike Slovenije in se vplačuje na poseben vplačilni račun, določen v skladu s predpisi, ki urejajo način vplačevanja in razporejanja javnofinančnih prihodkov.

Minister predpiše višino pristojbine glede na vrsto in količino

## **Article 58 (Costs)**

All costs incurred in connection with testing plants, plant products and regulated objects which have been carried out on the request of the competent inspector or the responsible official authority in order to establish plant-health status shall be paid, if the result of the analysis is unfavourable for the holder, by the holder from whom the samples have been taken, unless otherwise prescribed.

Notwithstanding the provisions of the preceding paragraph, all costs of examinations of plants, plant products and regulated objects which aim to confirm or rule out the suspicion of a harmful organism shall be covered from the budget funds of the Republic of Slovenia, provided that holders have, pursuant to paragraph two of Article 6 of this Act, informed the competent inspector or another official referred to in this Act of the new or unexpected occurrence of harmful organisms.

All costs of the measures under this Act incurred with a view to ensuring plant protection, shall be borne by the holder, unless otherwise prescribed.

Costs of technical training courses for obtaining authorisation for the issue of plant passports shall be paid by the applicant.

## **Article 58a (Fees)**

A fee shall be paid by the applicant for the issue of the prescribed certificate and attestation of plant-health condition, as well as for phytosanitary inspections.

The fee referred to in the preceding paragraph shall represent income for the budget of the Republic of Slovenia and shall be paid in to a special account determined in accordance with the regulations governing the payment method and the allocation of general government revenue.

The minister shall prescribe the amount of the fee with regard to

rastlin, rastlinskih proizvodov in nadzorovanih predmetov iz seznama V.A.

Za pošiljke iz prvega odstavka 25. člena tega zakona minister predpiše višino pristojbine glede na vrsto in količino rastlin, rastlinskih proizvodov in nadzorovanih predmetov v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive.

Obveznost plačila pristojbine nastane z dnem izdaje fitosanitarnega spričevala, potrdila o zdravstveni ustreznosti, oziroma oprave fitosanitarnega pregleda.

Obveznost iz prejšnjega odstavka mora vlagatelj plačati v 30 dneh od nastanka obveznosti.

Če vlagatelj obveznosti iz prejšnjega odstavka v roku ne izpolni, se mu pošlje pisni poziv, naj obveznost plača v 15 dneh od prejema poziva.

Če vlagatelj obveznosti ne izpolni niti na podlagi pisnega poziva iz prejšnjega odstavka, pristojni inšpektor izda odločbo o obveznosti plačila pristojbine.

#### **58.b člen (programi zdravstvenega varstva rastlin)**

Sofinanciranje programov zdravstvenega varstva rastlin, ki jih odobri Komisija, se izvaja v skladu z direktivo in Uredbama Komisije 1040/2002/ES (UL L, št. 157 z dne 15. 6. 2002), s spremembami in 998/2002/ES (UL L, št. 152 z dne 12. 6. 2002) s spremembami.

### VII. ODŠKODNINE

#### **59. člen (odškodnina)**

the type and quantity of plants, plant products and regulated objects indicated in List V.A.

With regard to the consignments referred to in paragraph one of Article 25 of this Act, the minister shall prescribe the amount of the fee with regard to the type and quantity of plants, plant products and regulated objects in accordance with the regulation adopted under the procedure laid down in paragraph two of Article 18 of the Directive.

The obligation to pay the fee shall arise upon the issuing day of the phytosanitary certificate, the certificate of health suitability, or carrying out of the phytosanitary inspection.

The obligation referred to in the preceding paragraph shall be paid by the applicant within 30 days of the occurrence of such obligation.

If the applicant fails to meet the obligation referred to in the preceding paragraph within the specified time limit, the applicant shall be sent a written reminder to settle the obligation within 15 days of receipt of the reminder.

If the applicant fails to meet the obligation also after having received the written reminder referred to in the preceding paragraph, the competent inspector shall issue a decision on the obligation of paying the fee.

#### **Article 58b (Plant protection programmes)**

Co-financing of plant protection programmes approved by the Commission shall be carried out pursuant to the Directive and Commission Regulations 1040/2002/EC (OJ L 157, 15.6.2002), as amended, and 998/2002/EC (OJ L 152, 12.6.2002), as amended.

### VII. COMPENSATION

#### **Article 59 (Compensation)**

Imetnik, ki se ukvarja s pridelavo oziroma predelavo rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ima pravico do odškodnine za uničene rastline, rastlinske proizvode in nadzorovane predmete, za katere je pristojni inšpektor na podlagi 14. člena tega zakona odredil ukrepe izkoreninjenja, preprečevanja ali zatiranja škodljivih organizmov in za katere je pristojni inšpektor odredil ukrepe zaradi škodljivih organizmov, ki na podlagi ocene tveganja iz 6. točke 76. člena tega zakona pomenijo nevarnost za zdravstveno varstvo semenskega materiala rastlin.

Imetnik iz prejšnjega odstavka je do odškodnine upravičen, če:

- obvesti pristojnega inšpektorja ali drugo uradno osebo po tem zakonu takoj, ko ugotovi pojav škodljivega organizma ali sumi o njem, in
- je izvedel vse predpisane in odrejene ukrepe za zdravstveno varstvo rastlin.

Odškodnina se plača iz sredstev proračuna Republike Slovenije.

Odškodnina iz prejšnjega odstavka se ne plača, če se škodljivi organizem pojavi pri vnosu rastlin, rastlinskih proizvodov in nadzorovanih predmetov v Republiko Slovenijo.

Postopek za izplačilo odškodnine se začne na zahtevo imetnika uničenih ali drugače odstranjenih rastlin, rastlinskih proizvodov in nadzorovanih predmetov. V zahtevi, ki jo vloži na Upravo, mora navesti zlasti vrsto in količino rastlin, rastlinskih proizvodov in nadzorovanih predmetov ter izjavo o vrsti in času izvedbe ukrepov. Zahtevo za izplačilo odškodnine lahko vloži najpozneje v enem letu po izdaji zapisnika pristojnega inšpektorja o izvedenih ukrepih. V postopku za izplačilo odškodnine se ne plača upravna taksa.

O upravičenosti do odškodnine in njeni višini odloča Uprava v upravnem postopku na podlagi odločbe o odrejenih ukrepih, zapisnika pristojnega inšpektorja o izvedenih ukrepih in na podlagi poročila posebne komisije o ugotovljeni višini odškodnine. Višino odškodnine

A holder engaged in the production or processing of plants, plant products and regulated objects shall have the right to compensation for destroyed plants, plant products and regulated objects, in respect of which the competent inspector has, on the basis of Article 14 of this Act, ordered the measures of eradication, prevention or suppression of harmful organisms, and in respect of which the competent inspector has ordered measures due to harmful organisms which on the basis of the risk assessment referred to in point 6 of Article 76 of this Act pose a threat to the health of seeds and propagating material.

The holder referred to in the preceding paragraph shall be entitled to compensation if:

- they inform the competent inspector or another official under this Act immediately upon identifying the occurrence or suspicion of the harmful organism, and
- they have carried out all the prescribed and ordered plant-protection measures.

The compensation shall be paid from the budget funds of the Republic of Slovenia.

The compensation referred to in the preceding paragraph shall not be paid if the harmful organism occurs upon the introduction of plants, plant products and regulated objects into the Republic of Slovenia.

The procedure for payment of the compensation shall be initiated upon the request of the holder of the destroyed or otherwise removed plants, plant products and regulated objects. In the application lodged with the Administration, the holder shall state first of all the species and quantity of plants, plant products and regulated objects, and provide a statement on the type and time of implementation of the measures. An application for the payment of compensation may be lodged within one year at the latest following the issue of the record of the competent inspector concerning the measures implemented. No administrative fee shall be paid in the payment procedure of the compensation.

The Administration shall decide on the entitlement to compensation and its amount in an administrative procedure on the basis of the decision on ordered measures, the record of the competent inspector on the measures implemented, and on the basis of a report by a

ugotovi posebna komisija, ki jo imenuje predstojnik Uprave in jo sestavljajo vsaj trije člani z najmanj visoko strokovno izobrazbo s področja kmetijstva, gozdarstva ali ekonomije.

Zoper odločbo o višini odškodnine ni mogoča pritožba in tudi ne upravni spor. Imetnik lahko v 30 dneh po vročitvi odločbe iz prejšnjega odstavka predlaga pristojnemu sodišču, da odmeri odškodnino.

Če se odločba ne izda ali ne vroči imetniku v 60 dneh od vložitve zahteve za izplačilo odškodnine, lahko imetnik predlaga pristojnemu sodišču, da odmeri odškodnino.

O zahtevkih iz sedmega in osmega odstavka tega člena odloča sodišče v nepravdnem postopku.

Minister podrobneje določi kriterije za določitev višine odškodnine za uničene ali drugače odstranjene rastline, rastlinske proizvode in nadzorovane predmete.

## VIII. JAVNA SLUŽBA ZDRAVSTVENEGA VARSTVA RASTLIN

### **60. člen (opredelitev)**

Javna služba zdravstvenega varstva rastlin je z zakonom določena dejavnost, pri izvajanju katere ima izvajalec v javnem interesu posebne obveznosti (v nadaljnjem besedilu: obveznosti javne službe).

Dejavnost javne službe zdravstvenega varstva rastlin obsega zlasti izvajanje nalog na področju opazovanja in napovedovanja škodljivih organizmov ter strokovnih nalog na področju zdravstvenega varstva rastlin.

Naloge na področju opazovanja in napovedovanja škodljivih organizmov so zlasti:

special commission on the determined amount of compensation. The amount of compensation shall be determined by a special commission which shall be appointed by the Administration and consist of at least three members with a minimum higher professional education in the field of agriculture, forestry or economy.

Neither an appeal nor administrative dispute shall be possible against the decision on the amount of compensation. The holder may, within 30 days of the date of service of the decision referred to in the preceding paragraph, petition the competent court to assess the amount of compensation.

If a decision is not issued or served to the holder within 60 days of the lodging of the claim for compensation, the holder may petition the competent court to assess the compensation.

The court shall decide on the claims referred to in paragraphs six and seven of this Article in a non-contentious procedure.

The minister shall specify the criteria for determining the compensation for destroyed or otherwise removed plants, plant products and regulated objects.

## VIII. PUBLIC SERVICE OF PLANT PROTECTION

### **Article 60 (Definition)**

The public service of plant protection shall be an activity defined by an Act, in carrying out of which the provider has special obligations in the public interest (hereinafter: public service obligations).

The activity of the public service of plant protection shall encompass in particular the performance of tasks in the field of observing and forecasting harmful organisms, and technical tasks in the field of plant protection.

The tasks in the field of observing and forecasting harmful organisms shall be in particular:

- spremljanje in opazovanje razvoja škodljivih organizmov, ki so običajno navzoči na rastlinah in rastlinskih proizvodih, ter določanje optimalnih rokov za njihovo zatiranje;
- evidentiranje izbruhov in povečane populacije škodljivih organizmov (epifitocije);
- napovedovanje razvoja in povečanega pojava škodljivih organizmov, na podlagi ustreznih podatkov;
- zagotavljanje meteoroloških, biotičnih in drugih podatkov za namene opazovanja in napovedovanja pojava škodljivih organizmov;
- opravljanje osnovne terenske in laboratorijske diagnostike škodljivih organizmov;
- opozarjanje in preprečevanje širjenja škodljivih organizmov s svetovanjem in navodili za uporabo fitofarmaceutskih sredstev ter z obveščanjem javnosti in ustreznih služb;
- izobraževanje imetnikov v zvezi z izvajanjem dejavnosti zdravstvenega varstva rastlin.

Strokovne naloge na področju zdravstvenega varstva rastlin so zlasti:

- izvajanje specializiranih laboratorijskih preiskav rastlin, rastlinskih proizvodov in nadzorovanih predmetov zaradi diagnostike škodljivih organizmov;
- dajanje strokovnih mnenj imetnikom v zvezi z zdravstvenim varstvom rastlin;
- strokovno usposabljanje odgovornih oseb za zdravstveno varstvo rastlin za izdajo rastlinskih potnih listov;
- izvajanje raziskovalne in razvojne dejavnosti;
- izvajanje dezinsekcije in dezinfekcije ter deratizacije za namene zdravstvenega varstva rastlin;
- opravljanje drugih strokovnih nalog.

Minister podrobneje predpiše naloge iz tretjega in četrtega odstavka tega člena.

#### **61. člen (izvajalci javne službe zdravstvenega varstva rastlin)**

Dejavnost javne službe zdravstvenega varstva rastlin izvajajo javni zavodi, osebe javnega prava ter druge pravne in fizične osebe, ki izpolnjujejo predpisane kadrovske in prostorske pogoje ter pogoje glede

- monitoring and observing the development of harmful organisms which are normally present on plants and plant products, and determining optimal time limits for their suppression;
- recording outbreaks and increased populations of harmful organisms (epiphytotics);
- forecasting the development and increased occurrence of harmful organisms on the basis of relevant data;
- providing meteorological, biological, and other data for the purpose of observing and forecasting the occurrence of harmful organisms;
- performing basic field and laboratory diagnostics of harmful organisms;
- warning and preventing the spread of harmful organisms through advice and instructions for the use of plant protection products, and notifying the public and relevant services;
- educating holders in connection with implementing plant-protection activities.

Technical tasks in the field of plant protection shall be in particular:

- carrying out specialised laboratory tests of plants, plant products and regulated objects with a view to diagnosing harmful organisms;
- providing expert opinions to holders in relation to plant protection;
- professional training of the persons responsible for plant protection for the issue of plant passports;
- carrying out research and development activities;
- carrying out disinsectisation, disinfection and deratisation for the purposes of plant protection;
- performing other technical tasks.

The minister shall prescribe in detail the tasks referred to in paragraphs three and four of this Article.

#### **Article 61 (Providers of public service of plant protection)**

The activities of the public service of plant protection shall be carried out by public institutions, persons of public law and other legal and natural persons that meet the prescribed requirements as to personnel,



opreme.

Ne glede na določbe prejšnjega odstavka opravljajo dejavnost javne službe zdravstvenega varstva rastlin v gozdarstvu izvajalci javne gozdarske službe, določeni v zakonu, ki ureja področje gozdarstva, v skladu s tem zakonom in predpisi, ki urejajo področje gozdarstva.

Minister predpiše pogoje iz prvega odstavka tega člena, razen pogojev za izvajalce javne službe, ki izvajajo dezinfekcijo, dezinfekcijo in deratizacijo, ki so predpisani v skladu z zakonom, ki ureja promet in uporabo fitofarmaceutskih sredstev.

### **62. člen (obveznosti javne službe)**

Obveznosti javne službe zdravstvenega varstva rastlin so:

- trajno in nepretrgano opravljanje dejavnosti in izvajanje storitev;
- omogočanje storitev za vsako fizično ali pravno osebo, ki se ukvarja s kmetijsko dejavnostjo, dejavnostjo varstva rastlin oziroma izkaže pravni interes;
- izvajanje storitev po predpisani ceni;

Obveznosti javne službe zdravstvenega varstva rastlin se podrobneje uredijo z odločbo o koncesiji.

Če izvajalec javne službe zdravstvenega varstva rastlin ne zagotovi storitve osebi, kateri jo je dolžan zagotoviti, ali ne zagotovi storitev po predpisani ceni in drugih predpisanih pogojih, lahko uporabnik storitve od uprave zahteva, da odloči o uporabnikovi pravici z odločbo v upravnem postopku in z njo izvajalcu javne službe zdravstvenega varstva rastlin naloži ustrezno ravnanje.

### **63. člen (financiranje javne službe)**

spatial conditions and conditions in relation to equipment.

Notwithstanding the provisions of the preceding paragraph, the activity of the public service of plant protection in forestry shall be carried out by the providers of the public forestry service defined by the Act governing the field of forestry, in compliance with this Act and regulations governing the field of forestry.

The minister shall prescribe the conditions referred to in paragraph one of this Article, except for the conditions in respect of providers of the public service who carry out disinsectisation, disinfection and deratisation, which are prescribed pursuant to the Act governing the trade in and use of plant protection products.

### **Article 62 (Public service obligations)**

The obligations of the public service of plant protection shall be as follows:

- the permanent and continuous provision of activities and performance of services;
- provision of services to any natural or legal person involved in agricultural activity, plant protection activity, or showing legal interest;
- provision of services at prescribed prices.

The obligations of the public service of plant protection shall be laid down in detail by a decision granting a concession.

If the provider of public service does not provide the service to persons to whom they are obliged to do so, or does not provide the service at the prescribed price and under other prescribed conditions, the user of the service may demand that the Administration decide on the user's right by decision in an administrative procedure, and therewith require the provider of the public service to adopt appropriate conduct.

### **Article 63 (Financing of public service)**

- Javna služba zdravstvenega varstva rastlin se financira iz:
- delnega ali celotnega plačila cene za opravljeno storitev;
  - proračuna Republike Slovenije;
  - drugih virov.

Izvajalci javne službe zdravstvenega varstva rastlin morajo sredstva iz proračuna Republike Slovenije za financiranje javne službe nameniti le za izvajanje te javne službe.

#### **64. člen (cene storitev javne službe)**

Uporabniki storitev javne službe zdravstvenega varstva rastlin deloma ali v celoti plačujejo ceno posamezne storitve, lahko pa so posamezne storitve za uporabnike tudi brezplačne.

Minister predpiše cene storitev javne službe zdravstvenega varstva rastlin in določi delež, ki ga plača uporabnik.

#### **65. člen (nadzor nad izvajanjem javne službe)**

Strokovni nadzor nad izvajanjem javne službe zdravstvenega varstva rastlin izvaja uprava, inšpekcijski nadzor opravlja fitosanitarna inšpekcija, razen v primeru javne službe zdravstvenega varstva rastlin v gozdarstvu, kjer se strokovni in inšpekcijski nadzor izvajata v skladu z zakonom, ki ureja področje gozdarstva.

Uprava lahko naloge strokovnega nadzora iz prejšnjega odstavka dodeli drugim pravnim osebam kot javno pooblastilo.

#### **66. člen (koncesija)**

Uprava dodeli koncesije za izvajanje javne službe

- The public service of plant protection shall be financed from:
- partly or wholly paid prices of the services provided;
  - the budget of the Republic of Slovenia;
  - other sources.

The providers of the public service of plant protection shall earmark the funds allocated from the budget of the Republic of Slovenia for financing the public service solely for the provision of this public service.

#### **Article 64 (Prices of public service)**

Users of the services provided by the public service of plant protection shall pay the price of individual services partially or in whole, whereby individual services may also be free of charge.

The minister shall prescribe prices of the services of the public service of plant protection and determine the share to be paid by the user.

#### **Article 65 (Supervision of implementation of the public service)**

Professional supervision of the implementation of the public service of plant protection shall be carried out by the Administration; inspection and supervision shall be performed by the phytosanitary inspection service, except in the case of the public service of plant protection in forestry, where professional supervision and inspection are carried out in compliance with the Act governing the field of forestry.

The tasks of technical supervision referred to in the preceding paragraph may be conferred by the Administration on other legal persons as a public authorisation.

#### **Article 66 (Concession)**

The Administration shall award concessions for providing the

zdravstvenega varstva rastlin izvajalcem na podlagi javnih razpisov, ki se objavijo v Uradnem listu Republike Slovenije.

Javni razpis iz prejšnjega odstavka vsebuje zlasti:

- opredelitev predmeta koncesije;
- navedbo o začetku in trajanju koncesije;
- pogoje, ki jih mora izpolnjevati koncesionar;
- obvezne sestavine prijave;
- merila za izbiro;
- navedbo roka za izdajo odločbe o izbiri za izdajo koncesije;
  
- druge morebitne strokovne in tehnične pogoje;
- kontaktna oseba za dajanje informacij v zvezi z vsebino javnega razpisa;
- datum, kraj in čas odpiranja vlog;
- način obveščanja kandidatov o izbiri koncesionarjev.

Postopek odpiranja in ocenjevanja vlog izvaja komisija, ki jo imenuje predstojnik uprave. Pri odpiranju vlog so lahko prisotni pooblaščen predstavniki vlagateljev.

Prepozno prispelle vloge se zavržejo. Nepopolne vloge lahko vlagatelji dopolnijo v osmih dneh od prejema opozorila, v nasprotnem primeru se vloge zavržejo, na kar je treba vlagatelje opozoriti.

Izid javnega razpisa se objavi v Uradnem listu Republike Slovenije.

Javni razpis iz prvega odstavka tega člena ni potreben za javne zavode, ki delujejo na področju kmetijstva in gozdarstva, katerim uprava koncesijo dodeli na podlagi vloge z odločbo v upravnem postopku. Medsebojna razmerja med upravo in koncesionarjem se podrobneje uredijo s pogodbami.

Zoper odločbe iz tega člena ni pritožbe, možen pa je upravni spor.

public service of plant protection to providers on the basis of public calls for tenders published in the Official Gazette of the Republic of Slovenia.

Public calls for tenders shall contain in particular:

- a definition of the subject of concession;
- an indication of the beginning and duration of the concession;
- the conditions to be met by the concession holder;
- the compulsory elements of applications;
- selection criteria;
- indication of the time limit for issuing the decision awarding the concession;
- other potential professional and technical conditions;
- the contact person for providing information in connection with the content of the public call for tenders;
- the date, place and time for opening applications;
- the manner of notifying candidates on the selection of concession holders.

The procedure of opening and evaluating applications shall be performed by the commission appointed by the director of the Administration. Authorised representatives of applicants may be present at the opening of applications.

Tenders submitted too late shall be dismissed. Incomplete tenders may be completed within eight days of receipt of notice, otherwise the tender shall be dismissed, regarding which tenderers should be warned appropriately.

The result of the public call for tenders shall be published in the Official Gazette of the Republic of Slovenia.

Public calls for tenders referred to in paragraph one of this Article shall not be required for public institutions which operate in the field of agriculture and forestry, to which the Administration awards a concession on the basis of application by a decision in an administrative procedure. Relationships between the Administration and concession holders shall be settled in detail by contracts.

No appeal shall be allowed against the decision referred to in this Article; however an administrative dispute is possible.

**67. člen  
(pogodba)**

Pogodba iz prejšnjega člena se sklene v pisni obliki in vsebuje zlasti:

- izvajalca in strokovne osebe, ki bodo dejavnosti izvajale;
- dejavnost zdravstvenega varstva rastlin, ki jo opravlja izvajalec;
- območje na katerem mora izvajalec izvajati dejavnosti javne službe zdravstvenega varstva rastlin;
- način in pogoje za opravljanje s pogodbo določene dejavnosti;
  
- pravice, obveznosti in odgovornosti izvajalca;
- delovni čas in poslovni čas oziroma način zagotavljanja dejavnosti;
- začetek in trajanje koncesije;
- vir financiranja;
- nadzor nad izvajanjem dejavnosti;
- prenehanje koncesije;
- rok za odpoved pogodbe.

**IX. JAVNA POOBLASTILA**

**68. člen  
(javna pooblastila)**

Uprava dodeli javno pooblastilo pravnim osebam javnega in zasebnega prava, ki izpolnjujejo pogoje glede strokovne, prostorske in tehnične usposobljenosti za naloge iz drugega odstavka 9. člena, iz tretjega odstavka 42. člena, iz 65. člena in iz 3., 4., 5., 6., 7., 8., 10., 14., 19., 21., 23. in 24. točke 76. člena tega zakona.

Naloge zdravstvenega varstva rastlin na področju gozdarstva iz 3., 4., 5., 6., 7., 8., 10., 14., 19. in 24. točke 76. člena tega zakona izvaja javna gozdarska služba, določena v zakonu, ki ureja varstvo gozdov, kot javno pooblastilo.

Naloge zdravstvenega varstva rastlin iz 3., 4., 6., 7., 10., 14.,

**Article 67  
(Contracts)**

A contract referred to in the preceding Article shall be concluded in writing and define in particular:

- the provider and professional persons to perform the activity;
- the activity of plant protection performed by the provider;
- the area in which the provider must provide the public service of plant protection;
- the manner and conditions for carrying out the specific activity laid down in the contract;
- the rights, obligations and responsibilities of the provider;
- working and business hours, or the manner of providing the activity;
- the start and duration of the concession;
- source of financing;
- supervision of implementation of the activity;
- termination of the concession;
- contract notice period.

**IX. PUBLIC AUTHORISATIONS**

**Article 68  
(Public authorisations)**

The Administration shall award a public authorisation to authorities governed by public law and to legal persons governed by private law that meet the conditions in relation to professional, spatial and technical capabilities to carry out the tasks referred to in paragraph two of Article 9, paragraph three of Article 42, Article 65, and points 3, 4, 5, 6, 7, 8, 10, 14, 19, 21, 23 and 24 of Article 76 of this Act.

The tasks of plant protection in forestry referred to in points 3, 4, 5, 6, 7, 8, 10, 14, 19 and 24 of Article 76 of this Act shall be performed by the public forestry service defined in the Act governing the protection of forests, as a public authorisation.

In the event of finding a harmful plant referred to in Article 12.b

19. in 21. točke 76. člena tega zakona lahko v primeru ugotovitve škodljive rastline iz 12.b člena tega zakona na zavarovanem območju izvaja upravljavec zavarovanega območja, ki je določen v skladu z zakonom, ki ureja ohranjanje narave, kot javno pooblastilo.

Pogoje glede usposobljenosti iz prvega odstavka tega člena predpiše minister.

Izpolnjevanje pogojev glede usposobljenosti preverja komisija, ki jo imenuje predstojnik uprave. Predstojnik uprave z odločbo v upravnem postopku ugotovi izpolnjevanje pogojev glede usposobljenosti.

Uprava dodeli javna pooblastila za opravljanje nalog iz prvega odstavka tega člena na podlagi javnega razpisa.

Javni razpis iz prejšnjega odstavka ni potreben za javne zavode, ki delujejo na področju kmetijstva in gozdarstva, tem se javno pooblastilo dodeli na podlagi vloge z odločbo v upravnem postopku.

Uprava odloči o izbiri izvajalca z odločbo v upravnem postopku. V odločbi morajo biti navedeni tudi strokovni delavci, ki bodo dodeljeno dejavnost izvajali.

Zoper odločbo iz prejšnjega odstavka ni pritožbe, možen pa je upravni spor.

Nosilci javnega pooblastila so za izvajanje nalog, za katere jim je dano javno pooblastilo, odgovorni upravi.

Javna pooblastila prenehajo, če nosilec javnega pooblastila ne izpolnjuje več predpisanih pogojev ali če dela v nasprotju s predpisi, kar ugotovi predstojnik uprave z odločbo v upravnem postopku.

Izvajanje nalog po javnem pooblastilu se krije iz proračuna Republike Slovenije.

of this Act in the protected zone, the tasks of plant protection referred to in points 3, 4, 6, 7, 10, 14, 19 and 21 of Article 76 of this Act may be carried out by the operator of the protected zone appointed pursuant to the Act governing nature conservation, as a public authorisation.

The conditions in relation to professional qualifications referred to in paragraph one of this Article shall be prescribed by the minister.

The fulfilment of conditions in relation to professional qualifications shall be verified by a commission which shall be appointed by the director of the Administration. The director of the Administration shall verify the fulfilment of conditions in relation to professional qualifications by a decision in an administrative procedure.

The Administration shall delegate a public authorisation for performing tasks referred to in paragraph one of this Article on the basis of a public call for tenders.

Public calls for tenders referred to in the preceding paragraph of this Article shall not be required for public institutions which operate in the field of agriculture and forestry, which are granted authorisation on the basis of an application, by decision in an administrative procedure.

The Administration shall decide on the selection of providers by a decision in an administrative procedure. The decision shall also specify the technical staff to perform the delegated activities.

There shall be no appeal against the decision referred to in the preceding paragraph, but an administrative dispute shall be possible.

The holders of public authorisation shall be responsible to the Administration for the implementation of tasks covered by the granted public authorisation.

The public authorisation shall cease if its holder no longer meets the prescribed conditions, or if they operate contrary to regulations, which shall be established by the director of the Administration by a decision in an administrative procedure.

Carrying out the tasks under the public authorisation shall be covered from the budget of the Republic of Slovenia.

## X. DRUŠTVA NA PODROČJU ZDRAVSTVENEGA VARSTVA RASTLIN, KI DELUJEJO V JAVNEM INTERESU

### 69. člen (javni interes)

Strokovna in ljubiteljska društva na področju zdravstvenega varstva rastlin opravljajo dejavnost v javnem interesu v delu, v katerem namen ustanovitve in samo delovanje društva presega uresničevanje interesov članov društva.

Društvo deluje v javnem interesu:

- če aktivno deluje na področju zdravstvenega varstva rastlin,
- [\(prenehala veljati\)](#),
- če organizira izobraževanja o zdravstvenem varstvu rastlin za člane in nečlane,
- [\(prenehala veljati\)](#),
- [\(prenehala veljati\)](#).

Minister lahko predpiše podrobnejše pogoje iz prejšnjega odstavka.

### 70. člen (status društva)

Minister podeli društvu, ki izpolnjuje pogoje iz prejšnjega člena, status društva, ki deluje v javnem interesu, z odločbo, največ za obdobje petih let z možnostjo podaljšanja za enako obdobje. [\(prenehal veljati\)](#)

Društvu, ki deluje v javnem interesu, lahko minister iz proračuna Republike Slovenije oziroma lokalna samoupravna skupnost iz svojega proračuna dodeli sredstva za opravljanje dejavnosti, ki so v javnem interesu, na podlagi pogodbe in v skladu zakonom, ki ureja javna naročila.

## X. SOCIETIES IN THE FIELD OF PLANT PROTECTION ACTING IN THE PUBLIC INTEREST

### Article 69 (Public interest)

Professional and amateur societies in the field of plant protection shall perform activities in the public interest in the part in which the purpose of founding and the activity itself of the society exceeds the fulfilment of interests of the members of the society.

A society shall act in the public interest:

- if it is active in the field of plant protection,
- **(Ceased to be in force)**,
- if it organises education about plant protection for members and non-members,
- **(Ceased to be in force)**,
- **(Ceased to be in force)**.

Detailed conditions related to the preceding paragraph may be prescribed by the minister.

### Article 70 (Status of the society)

The minister shall issue the decisions granting the status of performing the activity in the public interest to a society that fulfils the conditions referred to in the preceding paragraph, for a maximum period of five years with the option of an extension for the same period. **(Ceased to be in force)**

A society operating in the public interest may be financed from the budget of the Republic of Slovenia, or the local self-government unit may allocate funds from its budget for performing the activity in the public interest, on the basis of a contract and in compliance with the Act governing public procurement.

Društvu, ki ne izpolnjuje več pogojev iz prejšnjega člena, se odvzame status društva, ki deluje v javnem interesu, z odločbo ministra. **(prenehal veljati)**

**71. člen**  
**(prenehal veljati)**

**XI. STROKOVNI SVET ZA ZDRAVSTVENO VARSTVO RASTLIN**

**72. člen**  
**(strokovni svet za zdravstveno varstvo rastlin)**

Minister ustanovi svet za zdravstveno varstvo rastlin kot strokovno posvetovalno telo na področju zdravstvenega varstva rastlin, ki ga sestavljajo strokovnjaki s področja zdravstvenega varstva rastlin v kmetijstvu, gozdarstvu, znanosti in izobraževanju. Njegove naloge so zlasti, da:

- svetuje pri uvedbi ukrepov za preprečevanje vnosa, širjenja in zatiranje škodljivih organizmov;
- predlaga znanstvene in izobraževalne dejavnosti s področja zdravstvenega varstva rastlin;
- spremlja sistemska in razvojna vprašanja s področja zdravstvenega varstva rastlin in predlaga prednostne naloge;
- predlaga prednostne ocene tveganja zaradi nevarnosti škodljivih organizmov;
- predlaga razvojne načrte v zdravstvenem varstvu rastlin;
- sodeluje pri izdelavi podlag za pripravo zakonodaje.

Sestavo in način dela sveta določi minister.

**XII. PRISTOJNOSTI DRŽAVNIH ORGANOV**

**1. Vlada in minister**

The minister shall revoke the status of performing an activity in the public interest by a decision, if the society ceases to fulfil the conditions referred to in the preceding paragraph **(Ceased to be in force)**

**Article 71**  
**(Ceased to be in force)**

**XI. EXPERT COUNCIL FOR PLANT PROTECTION**

**Article 72**  
**(Expert council for plant protection)**

A council for plant protection as an expert advisory body in the field of plant protection, consisting of experts in the field of plant protection in agriculture, forestry, science and education, shall be founded by the minister. Its tasks shall be in particular:

- advising on the introduction of measures for preventing the introduction and spread of harmful organisms and their suppression;
- proposing scientific and educational activities in the field of plant protection;
- monitoring systemic and development issues in the field of plant protection, and proposing priority tasks;
- proposing priority pest risk assessments of the risk of harmful organisms;
- proposing development plans in plant protection;
- cooperating in the elaboration of groundwork for the preparation of legislation.

The composition and method of work of the council shall be prescribed by the minister.

**XII. COMPETENCES OF STATE BODIES**

**1. The Government and the minister**

### **72.a člen (Vlada)**

Vlada Republike Slovenije lahko v primeru množičnega izbruha rastlinskih škodljivih organizmov iz 12.a člena tega zakona naloži posebne naloge in izvedbo ukrepov izvajalcem javnih pooblastil zdravstvenega varstva rastlin, javni službi zdravstvenega varstva rastlin in drugim izvajalcem zdravstvenega varstva rastlin zaradi izvedbe predpisanih ukrepov na posebno nadzorovanem območju.

Vlada lahko, v primeru ugotovitve škodljive rastline iz 12.b člena tega zakona, naloži posebne naloge in izvedbo ukrepov izvajalcem javnih pooblastil zdravstvenega varstva rastlin, javni službi zdravstvenega varstva rastlin in drugim izvajalcem zdravstvenega varstva rastlin kot tudi izvajalcem javnih pooblastil za varstvo narave in okolja zaradi izvedbe predpisanih ukrepov na posebno nadzorovanem območju.

Vlada lahko za preprečevanje širjenja in zatiranje škodljivih organizmov v primerih iz prejšnjih odstavkov, če gre za naravne ali druge nesreče, odredi tudi obvezno sodelovanje Civilne zaščite, gasilcev in drugih sil za zaščito, reševanje in pomoč, policije ter drugih pristojnih institucij v državi.

### **73. člen (ukrepi ministra)**

Minister za izvajanje tega zakona lahko odredi naslednje ukrepe;

- na določenem območju odredi prepoved gojenja posameznih vrst, sort ali klonov rastlin;
- omeji ali prepove trgovanje s posameznimi vrstami rastlin;
- odredi obvezno sodelovanje imetnikov pri zatiranju škodljivih organizmov ter uporabo njihove opreme za ta namen;
- odreja vse druge ukrepe, potrebne za izvajanje tega zakona.

### **Article 72a (Government)**

In the event of a mass outbreak of organisms harmful to plants referred to in Article 12a of this Act, the Government of the Republic of Slovenia may order special tasks and the implementation of measures for performers of public authorisations of plant protection, for the public plant-health service, and for other providers of plant protection, with a view to implementing the prescribed measures in a specially regulated area.

In the event of finding a harmful plant referred to in Article 12b of this Act, the Government may delegate special tasks and the implementation of measures to the providers of public authorisations of plant protection, to the public service of plant protection, and to other providers of plant protection, as well as to the providers of public authorisations for the protection of nature and the environment, with a view to carrying out the prescribed measures in the specially regulated area.

In order to prevent the spread and suppression of harmful organisms in the cases referred to in preceding paragraphs, where natural or other diseases are involved, the Government of the Republic of Slovenia may also order the compulsory cooperation of the Civil Protection Service, the fire-fighting service and other protection, rescue and assistance services, the police and other competent institutions in the state.

### **Article 73 (Measures of the minister)**

The minister may order the following measures for the purpose of implementation of this Act:

- order the prohibition of production of individual species, varieties or clones of plants in a specified area;
- limit or ban trade in individual plant species;
- order mandatory cooperation of holders in the suppression of harmful organisms, and the use of their equipment for that purpose;
- order all other measures necessary for the implementation of this Act.



## 2. Uprava

### **74. člen (uprava)**

Uprava je osrednji odgovorni organ za zdravstveno varstvo rastlin v Republiki Sloveniji, za koordinacijo in izmenjavo informacij med organi in izvajalci javnih služb ter za poročanje Evropski Komisiji.

Upravne naloge in z njimi povezane strokovne naloge opravlja uprava.

V upravnih stvareh, o katerih odloča uprava, je ministrstvo organ druge stopnje.

### **75. člen (ukrepi predstojnika Uprave)**

Zaradi preprečevanja vnosa in širjenja škodljivih organizmov in njihovega zatiranja lahko, če obstaja nevarnost za zdravstveno varstvo rastlin, predstojnik Uprave z odločbo:

- določi meje posebno nadzorovanega območja oziroma
- omeji ali prepove premeščanje posameznih vrst rastlin na ozemlju Republike Slovenije oziroma
- omeji ali prepove vnos v Republiko Slovenijo ali tranzit posameznih vrst rastlin čez ozemlje Republike Slovenije oziroma
- določi nujne ukrepe za preprečevanje vnosa in širjenja škodljivih organizmov iz četrtega odstavka 14. člena tega zakona oziroma
- določi nujne ukrepe za preprečevanje vnosa rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki niso zajeti v seznamih iz prvega, drugega in tretjega odstavka 15. člena tega zakona.

Predstojnik Uprave izda odločbo iz prejšnjega odstavka v skladu s predpisi, ki urejajo ukrepe za preprečevanje vnosa v Skupnost in

## 2. Administration

### **Article 74 (Administration)**

The Administration shall be the central authority for plant protection in the Republic of Slovenia responsible for coordination and exchange of information between official authorities and providers of public services, and for reporting to the European Commission.

The Administration shall perform administrative tasks and related technical tasks.

In administrative matters decided by the Administration, the ministry shall be the body of second instance.

### **Article 75 (Measures of director of the Administration)**

If a threat exists to plant protection, the director of the Administration may, in order to prevent the introduction and spread of harmful organisms and their suppression, issue a decision:

- determining the boundaries of the regulated area, or
- restricting or banning the movement of individual species of plants in the territory of the Republic of Slovenia, or
- restricting or banning the introduction into, or transit of specific plant species across, the territory of the Republic of Slovenia, or
- laying down emergency measures for the prevention of introduction and spread of harmful organisms referred to in paragraph four of Article 14 of this Act, or
- laying down emergency measures for the prevention of introduction and spread of plants, plant products and regulated objects not included in lists referred to in paragraphs one, two and three of Article 15 of this Act.

The director of the Administration shall issue a decision pursuant to the preceding paragraph in accordance with the regulations

širjenja organizmov, ki so škodljivi za rastline ali rastlinske proizvode, v Skupnosti in o tem obvesti Komisijo.

Odločba iz prejšnjega odstavka se razveljavi z novo odločbo, če Komisija ne odobri ukrepov iz prejšnjega odstavka.

Odločba iz drugega odstavka tega člena velja do uveljavitve predpisa iz tretjega odstavka 12. člena oziroma četrtega odstavka 14. člena tega zakona, če Komisija odobri ukrepe iz drugega odstavka tega člena.

#### **76. člen (pooblastila in naloge uprave)**

Poleg pooblastil po drugih predpisih ima uprava po tem zakonu zlasti naslednje naloge in pooblastila:

1. sodelovanje pri oblikovanju in izvajanje politike zdravstvenega varstva rastlin;
2. sodelovanje pri pripravi predpisov in opravljanje upravnih nalog s področja zdravstvenega varstva rastlin in skrb za njihovo izvajanje;
3. izvajanje stalnega nadzora škodljivih organizmov;
4. analiziranje in ocenjevanje zdravstvenega stanja rastlin z namenom ugotovitve pojava in širjenja škodljivih organizmov v državi in tujini;
5. izvajanje laboratorijskih preiskav rastlin, rastlinskih proizvodov in nadzorovanih predmetov zaradi diagnostike škodljivih organizmov s seznamov I.A, II.A, I.B in II.B;
6. priprava ocen tveganja v primeru nevarnosti pojava ali ugotovitve novih škodljivih organizmov ali rastlin s škodljivim vplivom na gospodarstvo, okolje ali družbo, izdaja strokovnih navodil in ukrepov,
7. izdelava strokovnih podlag pri določitvi okuženih območij, ogroženih območij, posebej nadzorovanih območij in varovanih območij;
8. vzpostavitev in vodenje registra, evidenc in seznamov;
9. sprejemanje programov v zvezi z ukrepi za preprečevanje vnosa in

governing measures for the prevention of introduction into the Community and spread of organisms harmful to plants and plant products, within the Community, notifying the Commission thereof.

The decision referred to in the preceding paragraph shall be repealed by a new decision, if the Commission does not approve measures specified in the preceding paragraph.

The decision referred to in paragraph two of this Article shall apply until the entry into force of the regulation referred to in paragraph three of Article 12, or paragraph four of Article 14 of this Act, provided that the Commission approves the measures referred to in paragraph two of this Article.

#### **Article 76 (Powers and tasks of the Administration)**

In addition to the powers under other regulations, the Administration shall have, under this Act, the following tasks and powers in particular:

1. cooperating in the formulation and implementation of the policy of plant protection;
2. cooperating in the drafting of regulations and performance of other administrative tasks in the field of plant protection, and providing for their implementation;
3. carrying out surveillance of harmful organisms;
4. analysing and evaluating plant-health status with a view to determining the occurrence and spread of harmful organisms within the country and abroad;
5. carrying out laboratory tests of plants, plant products and regulated objects with a view to diagnosing harmful organisms indicated in Lists I.A, II.A, I.B, and II.B;
6. preparing risk assessments in the event of the risk of occurrence or detection of new harmful organisms or plants with harmful impact on the economy, environment or society, issuing technical instructions and measures;
7. elaborating technical bases when determining infected areas, threatened areas, regulated areas, and protected zones;
8. setting up and keeping registers, records and lists;
9. adopting programmes relating to preventive measures against the

širjenja škodljivih organizmov ter skrb za izvajanje programov;

10. izvajanje ukrepov za preprečevanje, zatiranje in izkoreninjanje škodljivih organizmov;
11. zagotavljanje fitosanitarnih ukrepov;
12. strokovni nadzor nad izvajanjem nalog javne službe v skladu s tem zakonom;
13. poročanje o pojavih, izbruhih in širjenju škodljivih organizmov v državi in tujini;
14. priprava poročil, analiz, informacij in drugih gradiv za organe in mednarodne organizacije, ki jim je Republika Slovenija dolžna poročati v skladu s predpisi in na podlagi mednarodnih pogodb;
15. obveščanje držav izvoznic o zadržanih pošiljkah zaradi neizpolnjevanja fitosanitarnih zahtev;
16. sodelovanje pri pripravi mednarodnih sporazumov, ki jih sklepa Vlada na področju zdravstvenega varstva rastlin in skrb za njihovo izvajanje;
17. skrb za obveščanje javnosti in zainteresiranih o zadevah s področja varstva rastlin in izdajanje publikacij;
18. skrb za izvajanje poenotnih postopkov dela v skladu s predpisi in mednarodnimi zahtevami;
19. vzpostavitev in vodenje informacijskega sistema na področju zdravstvenega varstva rastlin;
20. zagotovitev strokovnega usposabljanja delavcev uprave;
21. sodelovanje z drugimi organi in organizacijami v državi in tujini na delovnem področju;
22. zastopanje Republike Slovenije v mednarodnih organih in organizacijah na področju zdravstvenega varstva rastlin;
23. izdajanje rastlinskih potnih listov;
24. opravljanje fitosanitarnih pregledov;
25. zagotavljanje sistema izdaje fitosanitarnih spričeval;
26. izdajanje navodil za izvrševanje nalog iz 2.a člena tega zakona za odgovorne uradne organe iz drugega odstavka 2.b člena tega zakona;
27. opravljanje drugih nalog, povezanih z zdravstvenim varstvom rastlin.

**76.a člen**  
**(pooblastila za fitosanitarni pregled)**

introduction and spread of harmful organisms, and care for the implementation of programmes;

10. carrying out measures for prevention, suppression and eradication of harmful organisms;
11. ensuring phytosanitary measures;
12. professional supervision of the performance of public service tasks in compliance with this Act;
13. reporting on occurrences, outbreaks and spread of harmful organisms in the country and abroad;
14. preparing reports, analyses, information and other materials for official authorities and international organisations to whom the Republic of Slovenia is bound to report in compliance with regulations and on the basis of international treaties;
15. notifying exporting countries of consignments intercepted due to not meeting phytosanitary requirements;
16. cooperating in the preparation of international agreements concluded by the government in the field of plant protection, and care for their implementation;
17. care for notifying the public and those interested of matters in the field of plant protection, and issuing publications;
18. care for the carrying out of uniform work procedures pursuant to regulations and international requirements;
19. setting up and maintaining an information system in the field of plant protection;
20. providing technical training of Administration staff;
21. cooperating with other official authorities and organisations both in the country and abroad, in the field of work;
22. representing the Republic of Slovenia in international authorities and organisations in the field of plant protection;
23. issuing plant passports;
24. carrying out phytosanitary inspections;
25. providing the system for the issuing of phytosanitary certificates;
26. issuing instructions in relation to performing tasks referred to in Article 2a of this Act for responsible authorities referred to in paragraph two of Article 2b of this Act;
27. performing other tasks in relation to plant protection.

**Article 76a**  
**(Powers for phytosanitary inspection)**

Pooblastila za opravljanje fitosanitarnega pregleda po tem zakonu in predpisih, izdanih na njegovi podlagi, so:

1. dostop do rastlin, rastlinskih proizvodov ali nadzorovanih predmetov kadarkoli in povsod tam, kjer se le-ti premeščajo, pridelujejo, predelujejo, skladiščijo, prodajajo ali drugače uporabljajo;
2. dostop do rastlin, rastlinskih proizvodov ali nadzorovanih predmetov v prostorih kupcev in pri vnosu iz tretjih držav, izvozu ter tranzitu;
3. pregledovanje listin pravnih in fizičnih oseb v zvezi z zdravstvenim varstvom rastlin;
4. jemanje vzorcev rastlin, rastlinskih proizvodov in drugih predmetov brez nadomestila njihove vrednosti zaradi opravljanja laboratorijskih analiz;
5. preverjanje, če so pridelovalci, predelovalci, uvozniki in distributerji predpisanih vrst rastlin in rastlinskih proizvodov vpisani v register;
6. preverjanje, če so izpolnjeni pogoji za izdajo rastlinskih potnih listov;
7. izdajanje rastlinskih potnih listov v primeru iz tretje alineje tretjega odstavka 42. člena tega zakona in drugega odstavka 48. člena tega zakona;
8. preverjanje izpolnjevanje dolžnosti zavezancev iz registra v skladu s tem zakonom;
9. izdajanje fitosanitarna spričevala za izvoz in fitosanitarna spričevala za ponovni izvoz;
10. vpogled v registre in evidence, ki jih potrebuje pri izvajanju nadzora;
11. odrejanje in nadziranje izvajanja ukrepov po tem zakonu;
12. izvajanje drugih nalog povezanih z zdravstvenim varstvom rastlin.

Uradna oseba, ki izvaja javna pooblastila za opravljanje fitosanitarnega pregleda, mora imeti službeno izkaznico oziroma značko, s katero se izkazuje pri opravljanju tega pregleda.

Minister predpiše obliko in vsebino službene izkaznice in značke iz prejšnjega odstavka.

#### **76.b člen (fitosanitarni ukrepi)**

Uradna oseba mora o ugotovitvah fitosanitarnega pregleda iz prejšnjega člena, ki zahtevajo ukrepanje, obvestiti Upravo in pristojnega

The powers for carrying out phytosanitary inspection under this Act and regulations issued on the basis thereof shall be as follows:

1. access to plants, plant products or regulated objects at any time and at any place where these are moved, produced, processed, stored, offered for sale, or used otherwise;
2. access to plants, plant products or regulated objects on the premises of purchasers and upon introduction from third countries, export, or transit;
3. documentary check of legal and natural persons in relation to plant protection;
4. taking samples of plants, plant products or regulated objects for laboratory analysis, without any compensation for their value;
5. checking if the producers, processors, importers and distributors of the prescribed types of plants and plant products are listed in the register;
6. checking if the conditions are met for the issuing of plant passports;
7. issuing plant passports in the case referred to in indent three of paragraph three of Article 42 of this Act, and paragraph two of Article 48 of this Act;
8. checking if persons liable for entry in the register discharge their duties pursuant to this Act;
9. issuing phytosanitary certificates for export and phytosanitary certificates for re-export;
10. access to registers and records necessary for carrying out control;
11. ordering and supervising performance of measures under this Act;
12. performing other tasks in relation to plant protection.

An official performing public authorisations for carrying out phytosanitary inspection shall have a service card or a badge proving their identity.

The minister shall prescribe the form and content of the service card and badge referred to in the preceding paragraph.

#### **Article 76.b (Phytosanitary measures)**

An official shall notify the Administration and the competent phytosanitary inspector, who may order measures specified in items 1, 2,

inšpektorja, ki lahko odredi ukrepe iz 1., 2., 3., 4., 5., 6., 7., 8., 9., 10., 14., 15., 16. in 18. točke 80. člena tega zakona.

Uprava v primerih iz 12., 12.a in 12.b člena tega zakona z odločbo določi podrobnejši seznam žarišč in drugih okuženih, ogroženih ali neokuženih območij in za posamezno območje določi predpisane fitosanitarne ukrepe. Pritožba zoper odločbo ne zadrži izvršitve.

Uradna oseba lahko Upravi predlaga izbris iz registra oziroma razveljavitev dovoljenja za izdajo rastlinskih potnih listov, če po opravljenem fitosanitarnem pregledu ugotovi, da zavezanec iz registra ne izpolnjuje predpisanih obveznosti.

### 3. Inšpekcijsko nadzorstvo

#### **77. člen (inšpekcijsko nadzorstvo)**

Inšpekcijski nadzor nad izvajanjem tega zakona, predpisi, izdanimi na njegovi podlagi in predpisi Skupnosti o zdravstvenem varstvu rastlin, opravljajo fitosanitarni in gozdarski inšpektorji.

Ukrepe iz tega zakona odredi fitosanitarni ali gozdarski inšpektor z odločbo, izdano v upravnem postopku. Pritožba zoper odločbo ne zadrži izvršitve.

V upravnih stvareh, o katerih odloča pristojni inšpektor, je ministrstvo drugostopni organ.

#### **78. člen (fitosanitarna in gozdarska inšpekcija)**

Fitosanitarna in gozdarska inšpekcija zagotavljata enotno izvajanje postopkov dela in ukrepov na področju zdravstvenega varstva

3, 4, 5, 6, 7, 8, 9, 10, 14, 15, 16, and 18 of Article 80 of this Act, of all findings of phytosanitary inspection referred to in the preceding paragraph that require measures to be taken.

In the cases referred to in Articles 12., 12a and 12b of this Act, the Administration shall issue a decision in order to specify the list of sources of infection and of other infected, threatened or pest-free areas, and lay down the prescribed phytosanitary measures in respect of each individual area. An appeal against the decision shall not stay the execution of the decision.

An official may propose to the Administration deletion from the register or withdrawal of authorisation for the issuing of plant passports, if it is found during a phytosanitary inspection that a person liable to be entered in the register does not meet the mandatory obligations.

### 3. Inspection and supervision

#### **Article 77 (Inspection and supervision)**

Inspection and supervision of the implementation of this Act, of the regulations issued on its basis and of Community plant protection regulations shall be carried out by phytosanitary and forestry inspectors.

Measures under this Act shall be ordered by the phytosanitary or forestry inspector by a decision issued in an administrative procedure. An appeal against such decision shall not stay the execution of the decision.

The ministry shall be the official authority of second instance in administrative matters which are decided by a competent inspector.

#### **Article 78 (Phytosanitary and forestry inspection services)**

The phytosanitary and forestry inspection services shall ensure uniform implementation of work processes and measures in the field of

rastlin, izvajata inšpekcijsko spremljanje zdravstvenega stanja rastlin, zagotavljata strokovno usposabljanje inšpektorjev, sodelujeta pri pripravi predpisov s svojega delovnega področja ter opravljata druge zadeve, določene z zakonom ali z drugim predpisom.

Inšpekciji pri svojem delu sodelujeta z upravo, z drugimi inšpekcijami, zavodi in z drugimi organizacijami in s strokovnjaki za kmetijstvo in gozdarstvo v Republiki Sloveniji in tujini.

### **79. člen (naloge in pooblastila inšpektorjev)**

Poleg pooblastil po drugih predpisih lahko fitosanitarni ali gozdarski inšpektor po tem zakonu in predpisih izdanih na njegovi podlagi:

1. dostopa do rastlin, rastlinskih proizvodov ali nadzorovanih predmetov kadarkoli in povsod tam, kjer se le-ti premeščajo, pridelujejo, predelujejo, skladiščijo, prodajajo ali drugače uporabljajo, kot tudi v prostorih kupcev in pri vnosu iz tretjih držav, izvozu ter tranzitu;
2. opravlja inšpekcijske preglede rastlin, rastlinskih proizvodov in nadzorovanih predmetov, kadarkoli in povsod tam, kjer se le-ti premeščajo, pridelujejo, predelujejo, skladiščijo, prodajajo ali drugače uporabljajo, kot tudi v prostorih kupcev in pri vnosu iz tretjih držav, izvozu ter tranzitu;
3. pregleduje listine pravnih in fizičnih oseb v zvezi z zdravstvenim varstvom rastlin;
4. jemlje vzorce rastlin, rastlinskih proizvodov in drugih predmetov brez nadomestila njihove vrednosti zaradi opravljanja laboratorijskih analiz;
5. preverja, če so pridelovalci, predelovalci, uvozniki in distributerji predpisanih vrst rastlin in rastlinskih proizvodov vpisani v register;
6. preverja, če so izpolnjeni pogoji za izdajo rastlinskih potnih listov;
7. preverja izpolnjevanje dolžnosti zavezancev iz registra v skladu s tem zakonom;
8. preverja, ali izvajalci javnih služb, pravne in fizične osebe, ki jim je bilo dano pooblastilo po tem zakonu, izpolnjujejo predpisane pogoje;

plant protection, carry out official monitoring of plant-health status, provide professional training of inspectors, participate in the drafting of regulations in their field of work, and perform other matters provided by an act or other regulations.

In their work, the inspection services shall cooperate with the Administration, other inspection services, institutions and other organisations and experts for agriculture and forestry in the Republic of Slovenia and abroad.

### **Article 79 (Tasks and authorisations of inspectors)**

Besides authorisations under other regulations, a phytosanitary or forestry inspector may, pursuant to this Act and regulations issued on its basis:

1. have access to plants, plant products or regulated objects at any time and at any place where these are moved, produced, processed, stored, sold or otherwise used, as well as in the premises of purchasers and upon introduction from third countries, export and transit;
2. carry out inspection of plants, plant products and regulated objects at any time and at any place where these are moved, produced, processed, stored, sold or otherwise used, as well as in the premises of purchasers and upon introduction from third countries, export and transit;
3. examine documentation of legal and natural persons in relation to plant protection;
4. take samples of plants, plant products and other regulated objects without compensating for their value, with a view to carrying out laboratory analyses;
5. verify whether producers, processors, importers and distributors of the prescribed species of plants and types of plant products are entered in the register;
6. check whether they meet the conditions for the issuing of plant passports;
7. check whether liable persons in the register fulfil their obligations in compliance with this Act;
8. check whether providers of public services which are legal and natural persons that have been granted authorisation under this Act, meet the

9. opravlja nadzor nad opravljanjem nalog izvajalcev javnih služb;
10. opravlja nadzor nad izdajo rastlinskih potnih listov;
11. opravlja fitosanitarni pregled in odreja fitosanitarne ukrepe;
12. vpogleda registre in evidence, ki jih potrebuje pri izvajanju nadzora;
13. opravlja nadzor nad vnosom iz tretjih držav, gojenjem ali uporabo organizmov za biotično varstvo rastlin;
14. nadzira izvajanje ukrepov po tem zakonu;
15. izvaja druge naloge povezane z zdravstvenim varstvom rastlin.

### **80. člen (ukrepi inšpektorja)**

Pri opravljanju inšpekcijskega nadzora fitosanitarni ali gozdarski inšpektor po tem zakonu in predpisih, izdanih na njegovi podlagi, lahko z odločbo:

1. prepove vnos iz tretjih držav škodljivih organizmov s seznamov, predpisanih po tem zakonu, in drugih določenih škodljivih organizmov;
2. prepove vnos iz tretjih držav pošiljke in premeščanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov, ki ne izpolnjujejo pogojev v skladu s tem zakonom;
3. za določen čas prepove na mestu pridelave gojenje predpisanih vrst rastlin;
4. odredi ustrezno tretiranje pošiljk pri vnosu iz tretjih držav, izvozu in premeščanju ter rastlin, rastlinskih proizvodov in nadzorovanih predmetov, če ugotovi, da so okužene s predpisanimi škodljivimi organizmi;
5. odredi odstranitev samo okuženih delov pošiljke, če ni nevarnosti za širjenje škodljivih organizmov;
6. odredi, da pošiljke ni dovoljeno prepustiti uvozniku, prevozniku oziroma osebi, ki rastline, rastlinske proizvode in nadzorovane predmete vnašajo iz tretjih držav ali premeščajo, dokler ni zaključen fitosanitarni pregled oziroma niso znani rezultati preiskav in uradnih testov;
7. dovoli premeščanje rastlin, rastlinskih proizvodov in nadzorovanih predmetov (razen semena in rastlin za saditev) v primeru blage okužbe s škodljivimi organizmi, na območja, na katerih ne

- prescribed conditions;
9. carry out supervision of tasks performed by the providers of public services;
10. carry out supervision of the issuing of plant passports;
11. carry out phytosanitary inspection and order phytosanitary measures;
12. inspect registers and records which are necessary in exercising supervision;
13. perform controls of the introduction from third countries, cultivation and use of organisms for biological plant protection;
14. supervise the implementation of measures under this Act;
15. perform other tasks in relation to plant protection.

### **Article 80 (Measures of inspectors)**

When performing inspection and supervision a phytosanitary or forestry inspector may, under this Act and regulations issued on its basis, issue a decision in order to:

1. ban the introduction from third countries of harmful organisms indicated in the lists prescribed under this Act, and other specified harmful organisms;
2. ban the introduction from third countries of a consignment, and the movement of plants, plant products and regulated objects which do not meet the relevant conditions under this Act;
3. ban the cultivation of prescribed species of plants for a specified time at the place of production;
4. order the appropriate treatment of consignments during introduction from third countries, export and movement, and of plants, plant products and regulated objects if these are found to be infected with prescribed harmful organisms;
5. order removal of only the infected part of a consignment if there is no risk of harmful organisms spreading;
6. order that the consignment may not be handed over to an importer, transporter or persons who are introducing from third countries or moving plants, plant products and regulated objects until a phytosanitary inspection has been completed or until the results of investigations and official tests are known;
7. allow the movement of plants, plant products and regulated objects (except seeds and plants intended for planting) in the case of a mild infection with harmful organisms into areas where these do not pose a

- predstavljajo nevarnosti za širjenje škodljivih organizmov oziroma na mesta industrijske predelave, pod njegovim nadzorom;
8. odredi uničenje pošilk pri vnosu iz tretjih držav ali pri premeščanju ter rastlin, rastlinskih proizvodov in nadzorovanih predmetov, če obstaja nevarnost širjenja škodljivih organizmov oziroma če niso izpolnjeni pogoji po tem zakonu;
  9. začasno prepove dejavnosti pridelovalca oziroma predelovalca, v celoti ali deloma in izdajo rastlinskih potnih listov, dokler se ne ugotovi, da je nevarnost za širjenje škodljivih organizmov odpravljena;
  10. prepove izdajo rastlinskih potnih listov v primeru, da niso izpolnjeni pogoji za njihovo izdajo;
  11. predlaga upravi izbris iz registra, če ugotovi, da zavezanec iz registra ne izpolnjuje predpisanih obveznosti;
  12. predlaga upravi, da v primeru večkratnih kršitev oziroma prenehanju izpolnjevanja predpisanih pogojev razveljavi dovoljenje za izdajo rastlinskih potnih listov;
  13. do odločitve uprave prepove opravljanje javne službe izvajalcem javnih služb, če ne izpolnjujejo predpisanih pogojev, ter predlaga odvzem koncesije ali pooblastila;
  14. prepove vnos iz tretjih držav, gojenje ali uporabo organizmov za biotično varstvo rastlin, če niso izpolnjeni pogoji po tem zakonu;
  15. odredi ukrepe, da se nepravilnosti in pomanjkljivosti po tem zakonu in predpisih, izdanih na njegovi podlagi, odpravijo v roku, ki ga določi;
  16. odredi potrebne ukrepe in potrebna dejanja za preprečevanje vnosa, pojava, širjenja in za zatiranje škodljivih organizmov, za katera je pooblaščen z zakonom in drugim predpisom;
  17. izvede postopke v skladu z zakonom o prekrških oziroma prijavi kaznivo dejanje;
  18. odredi druge ukrepe v skladu s tem zakonom ali na njegovi podlagi izdanimi predpisi.

**81. člen**  
**(pogoji za imenovanje)**

- risk of the spread of harmful organisms, or to places of industrial processing under the inspector's control;
8. order the destruction of consignments upon introduction from third countries or movement, and of plants, plant products and regulated objects if there is a risk of harmful organisms spreading or if the conditions under this Act are not met;
  9. temporarily ban the activities of producers or processors in whole or in part, and the issuing of plant passports until it is established that the danger of spread of harmful organisms has been removed;
  10. ban the issuing of plant passports in cases where the conditions for their issuing are not met;
  11. propose to the Administration removal from the register if it is established that liable persons in the register do not meet the prescribed obligations;
  12. propose to the Administration that in the case of repeated violations or of ceasing to meet the prescribed conditions, authorisation for the issuing of plant passports should be withdrawn;
  13. pending the decision of the Administration, ban the performance of a public service by providers of public services if the prescribed conditions are not met, and propose that the concession or authorisation be withdrawn;
  14. ban the introduction from third countries, cultivation or use of organisms for biological plant protection if the conditions under this Act are not met;
  15. order measures for the elimination of irregularities and deficiencies under this Act, and regulations issued on its basis, within the time limit determined by the inspector;
  16. order necessary preventive measures and activities for the introduction, occurrence, spread and suppression of harmful organisms, for which the inspector is authorised by an Act and other regulations;
  17. carry out procedures pursuant to the Minor Offences Act, or report a criminal offence;
  18. order other measures pursuant to this Act or regulations issued on its basis.

**Article 81**  
**(Conditions for appointment)**



Za fitosanitarnega inšpektorja je lahko imenovana oseba, ki ima univerzitetno ali visoko strokovno izobrazbo iz kmetijstva, smer agronomija, in opravljen strokovni izpit s področja zdravstvenega varstva rastlin ter izpolnjuje druge splošne pogoje za delo v državni upravi.

Gozdarski inšpektor mora za opravljanje inšpekcijskega nadzora po tem zakonu poleg drugih predpisanih pogojev, imeti še opravljen strokovni izpit s področja zdravstvenega varstva rastlin.

Predpis o vsebini in načinu opravljanja strokovnega izpita iz tega člena izda minister.

#### **82. člen (inšpekcijska izkaznica)**

Fitosanitarni in gozdarski inšpektor morata imeti inšpekcijsko izkaznico, s katero se izkazujeta pri opravljanju inšpekcijskega nadzora.

Minister predpiše obliko in vsebino inšpekcijske izkaznice.

### **XII.a SODELOVANJE S PRISTOJNIMI ORGANI SKUPNOSTI**

#### **82.a člen (izvedenci Komisije)**

Odgovorni uradni organi iz 2.b člena tega zakona morajo zagotoviti sodelovanje z izvedenci Komisije pri izvajanju pregledov in drugih aktivnostih na ozemlju Republike Slovenije ter prostorske in tehnične pogoje za delo v skladu s predpisi, ki urejajo zdravstveno varstvo rastlin.

Oseba, pri kateri bo Komisija opravila pregled in druge aktivnosti iz prejšnjega odstavka, mora Komisiji kadarkoli zagotoviti zlasti dostop do rastlin, rastlinskih proizvodov ali nadzorovanih predmetov ter

A person who has acquired a university or professional higher education degree in agriculture, with focus on the study of agronomy, and has passed a proficiency examination in the field of plant protection, and meets other general conditions for work in state administration, may be appointed a phytosanitary inspector.

In order to perform inspection and supervision under this Act, the forestry inspector must have passed the proficiency examination in the field of plant protection, in addition to other prescribed conditions.

The regulations on the content and manner of passing the proficiency examination under this Article shall be prescribed by the minister.

#### **Article 82 (Inspection identification card)**

Phytosanitary and forestry inspectors shall have an inspection card for their identification when performing inspection and supervision.

The form and content of the inspection card shall be prescribed by the minister.

### **XII.a COOPERATION WITH THE COMPETENT COMMUNITY AUTHORITIES**

#### **Article 82a (Commission experts)**

Responsible official authorities referred to in Article 2b of this Act shall make provision for cooperation between Community experts in carrying out inspections and other activities in the territory of the Republic of Slovenia, as well as spatial and technical conditions for work in accordance with the regulations governing plant protection.

A person for whom the Commission will perform checking and other activities referred to in the preceding paragraph, shall ensure for the Commission access at any time, and in particular to plants, plant products

pregled listin v zvezi z zdravstvenim varstvom rastlin.

Minister v skladu s predpisom, sprejetim po postopku iz drugega odstavka 18. člena direktive, predpiše način sodelovanja in zagotavljanja prostorskih in tehničnih pogojev za izvajanje pregledov in drugih aktivnostih iz prvega odstavka tega člena.

### **82.b člen (obveščanje)**

Uprava pisno obvešča Komisijo oziroma druge države članice zlasti o:

- osrednjem odgovornem organu in drugih uradnih odgovornih organih, z vsemi spremembami;
- seznamu vstopnih mest, z vsemi spremembami;
- ugotovitvi navzočnosti škodljivih organizmov, v zvezi s katerimi je bilo Republiki Sloveniji priznано varovano območje in o rezultatih sistematičnih raziskav v tem varovanem območju;
- ugotovitvah in ukrepih v zvezi z rastlinami, rastlinskimi proizvodi in drugimi nadzorovanimi predmeti, ki izvirajo iz druge države članice in pri katerih je bilo z uradnimi pregledi ugotovljeno, da predstavljajo nevarnost za širjenje škodljivih organizmov;
- zadržanju rastlin, rastlinskih proizvodov in nadzorovanih predmetov iz tretjih držav, ki niso izpolnjevale zahtev glede zdravja rastlin ter o vzrokih zadržanja ne glede na ukrepe, ki so se ali se bodo izvedli;
- navzočnosti škodljivih organizmov iz 7. člena tega zakona na ozemlju Republike Slovenije, katerih navzočnost prej ni bila znana ter o sprejetih ukrepih;
- sumu ali ugotovitvi pojava škodljivih organizmov, ki niso navedeni v 7. členu tega zakona na svojem ozemlju, katerih navzočnost prej ni bila znana ter o sprejetih ukrepih;
- ukrepih v zvezi s pošiljkami rastlin, rastlinskih proizvodov in nadzorovanih predmetov iz tretjih držav, če se ugotovi navzočnost škodljivih organizmov iz 7. člena tega zakona;
- dodatnih začasnih ukrepih, če je to potrebno za preprečevanje vnosa in širjenja škodljivih organizmov iz 7. člena tega zakona na svojem ozemlju.

or regulated objects, and the inspection of documents in relation to plant protection.

The minister shall prescribe, in accordance with the regulation adopted under the procedure referred to in paragraph two of Article 18 of the Directive, the nature of cooperation and provision of spatial and technical conditions for carrying out the inspections and other activities referred to in paragraph one of this Article.

### **Article 82b (Notification)**

The Administration shall notify the Commission or other Member States in writing in particular of:

- the central responsible authority and other official responsible authorities, including any modifications;
- the list of points of entry, including any modifications;
- establishment of the presence of harmful organisms in respect of which the Republic of Slovenia has been recognised as a protected zone, and on the results of surveys in such a protected zone;
- findings and measures in relation to plants, plant products and regulated objects originating in another Member State and which have been found by means of official inspections to present a risk of the spread of harmful organisms;
- interception of plants, plant products and regulated objects from third countries which failed to comply with the requirements as to plant health, and of the reasons for such interception, regardless of the measures which have been or are to be carried out;
- the presence of harmful organisms referred to in Article 7 of this Act within the territory of the Republic of Slovenia, the presence of which has previously not been known, and on the adopted measures;
- suspected or established occurrence of harmful organisms not indicated in Article 7 of this Act, within its territory, the presence of which has previously not been known, and on the adopted measures;
- measures in relation to consignments of plants, plant products and regulated objects from third countries, if the presence is established of harmful organisms referred to in Article 7 of this Act;
- additional provisional measures, if necessary, in respect of prevention of introduction and spread of harmful organisms indicated in Article 7 of this Act within its territory.

**82.c člen  
(sodelovanje)**

Uradni odgovorni organi iz tega zakona sodelujejo z drugimi državami članicami in Komisijo v okviru Stalnega odbora za zdravstveno varstvo rastlin, ustanovljenega s Sklepom Sveta št. 76/894/EGS o ustanovitvi Stalnega odbora za zdravstveno varstvo rastlin (UL L, št. 340 z dne 9. 12. 1976) in drugimi organi Skupnosti.

XII.b SODELOVANJE Z ORGANI LOKALNIH SKUPNOSTI

**82.d člen  
(sodelovanje z občinami)**

Uradni odgovorni organi iz tega zakona sodelujejo pri izvajanju določb tega zakona z organi lokalnih skupnosti, jih obveščajo o ugotovitvah škodljivih organizmov ali škodljivih rastlin na njihovem območju in o določenih fitosanitarnih ukrepih iz tega zakona na njihovem območju.

Občine morajo pri sprejemanju predpisov in drugih aktov iz svoje pristojnosti upoštevati določene fitosanitarne ukrepe za preprečevanje širjenja in za zatiranje škodljivih organizmov in škodljivih rastlin znotraj območij občin.

XIII. KAZENSKÉ DOLOČBE

**83. člen  
(prekrški)**

Z globo od 800 do 33.000 eurov se za prekršek kaznuje pravna oseba:

1. če ne ravna v skladu z drugim odstavkom 5. člena ali s prvim, drugim oziroma četrtem odstavkom 6. člena,
2. če ne zavaruje in prepreči stika z drugimi rastlinami, rastlinskimi proizvodi in nadzorovanimi predmeti (drugi odstavek 9. člena),

**Article 82c  
(Cooperation)**

Official responsible authorities specified in this Act shall cooperate with other Member States and the Commission within the framework of the Standing Committee on Plant Health, set up by Council Decision No 76/894/EEC establishing a Standing Committee on Plant Health (OJ L 340, 9.12.1976, p. 25), and other Community bodies.

XII.b COOPERATION WITH LOCAL COMMUNITY AUTHORITIES

**Article 82d  
(Cooperation with municipalities)**

Responsible official authorities referred to in this Act shall cooperate in the carrying out of provisions of this Act with local community authorities, inform them of the findings of harmful organisms or harmful plants within their area, and of certain phytosanitary measures referred to in this Act within their area.

In adopting regulations and other acts that fall within their competence, municipalities shall take into account certain phytosanitary measures for preventing the spread of and suppressing harmful organisms and harmful plants within the areas of municipalities.

XIII. PENALTY PROVISIONS

**Article 83  
(Minor offences)**

A legal person shall be fined from EUR 800 to EUR 33,000 for the offences of:

1. failing to act in accordance with paragraph two of Article 5, or paragraphs one, two or four of Article 6;
2. failing to protect and prevent contact with other plants, plant products and regulated objects (paragraph two of Article 9),

3. če daje in objavlja podatke v nasprotju z določbami tretjega odstavka 11. člena,
  4. če daje in objavlja podatke o pojavu na novo odkritega škodljivega organizma v Republiki Sloveniji brez odobritve Uprave (četrti odstavek 11. člena),
  5. če ne izvaja ukrepov iz šestega odstavka 12.b člena,
  6. če vnaša in širi škodljive organizme v nasprotju s 14. členom,
  7. če vnaša in premešča rastline, rastlinske proizvode in nadzorovane predmete v nasprotju s 15. členom,
  8. če ravna v nasprotju s prvim odstavkom 16. člena,
  9. če ravna v nasprotju s prvim in drugim odstavkom 19. člena,
  10. če ravna v nasprotju s prvim odstavkom 22. člena,
  11. če ne vnaša pošiljk rastlin iz tretjih držav čez določena vstopna mesta (prvi odstavek 24. člena),
  12. če vnaša pošiljke s seznama V.B., ki niso fitosanitarno pregledane, iz tretjih držav (drugi odstavek 25. člena),
  13. če vnaša pošiljke s seznama V.B. brez fitosanitarnega spričevala iz tretjih držav (prvi ali četrti odstavek 25.a člena),
  14. če o prispetju pošiljk rastlin ne obvesti fitosanitarnega inšpektorja (prvi odstavek 30. člena),
  15. če ne izvaja ukrepov, ki jih odredi fitosanitarni inšpektor (tretji odstavek 30. člena) oziroma ne zagotovi, da se pošiljka ne spremeni (četrti in peti odstavek 36. člena),
  16. če ravna v nasprotju s 37. členom,
  17. če premešča rastline, rastlinske proizvode in nadzorovane predmete v nasprotju z 38. členom ali prvim odstavkom 39. člena,
  18. če ne zagotovi fitosanitarnega pregleda, rastlin, rastlinskih proizvodov in nadzorovanih predmetov (prvi in drugi odstavek 41. člena),
  19. če izdaja rastlinske potne liste brez dovoljenja Uprave (2. alineja tretjega odstavka 42. člena),
  20. če izda rastlinski potni list v nasprotju s 46. členom,
  21. če ravna v nasprotju s 47. členom,
  22. če ravna v nasprotju s 48. členom,
  23. če ravna v nasprotju s 49. členom,
  24. če ravna v nasprotju s prvim ali tretjim odstavkom 50. člena,
  25. če vnaša, goji ali uporablja domorodne vrste organizmov v nasprotju z drugim odstavkom 52. člena,
3. providing and publishing data contrary to the provisions of paragraph three of Article 11,
  4. providing and publishing data on the occurrence of a newly discovered harmful organism in the Republic of Slovenia without the approval of the Administration (paragraph four of Article 11);
  5. failing to carry out the measures referred to in paragraph six of Article 12b,
  6. introducing or spreading harmful organisms contrary to Article 14;
  7. introducing and moving plants, plant products and regulated objects contrary to Article 15;
  8. acting contrary to paragraph one of Article 16;
  9. acting contrary to paragraphs one and two of Article 19;
  10. acting contrary to paragraph one of Article 22;
  11. not introducing consignments of plants from third countries through the specified points of entry (paragraph one of Article 24);
  12. introducing consignments from List V.B, which have not been subjected to a phytosanitary inspection, from third countries (paragraph two of Article 25);
  13. introducing consignments from List V.B without a phytosanitary certificate, from third countries (paragraphs one or four of Article 25a);
  14. not notifying a phytosanitary inspector of the arrival of consignments of plants (paragraph one of Article 30);
  15. failing to implement measures ordered by the phytosanitary inspector (paragraph three of Article 30), or failing to ensure that the consignment remains unchanged (paragraphs four and five of Article 36),
  16. acting contrary to Article 37;
  17. moving plants, plant products and regulated objects contrary to Article 38 or paragraph one of Article 39;
  18. not ensuring phytosanitary inspection of plants, plant products and regulated objects (paragraphs one and two of Article 41);
  19. issuing plant passports without the permission of the Administration (indent two of paragraph three of Article 42);
  20. issuing plant passports contrary to Article 46;
  21. acting contrary to Article 47;
  22. acting contrary to Article 48;
  23. acting contrary to Article 49;
  24. acting contrary to paragraph one or three of Article 50;
  25. introducing, cultivating or using native species of organisms contrary to paragraph two of Article 52;

26. če vnaša iz tretjih držav ali uporablja tujerodne organizme v nasprotju z drugim, tretjim in četrtem odstavkom 53. člena,
27. če ravna v nasprotju s tretjim odstavkom 55. člena,
28. če kot izvajalec zdravstvenega varstva rastlin ne vodi in sproti dopolnjuje predpisanih evidenc, registrov in baz podatkov v skladu s prvim odstavkom 56. člena.
29. če kot izvajalec javne službe ne opravlja obveznosti iz prvega odstavka 62. člena,
30. če kot izvajalec javne službe ne uporablja finančnih sredstev v skladu z drugim odstavkom 63. člena,
31. če ravna v nasprotju s tretjim odstavkom 92. člena.

Z globo od 400 do 16.000 eurov se za prekršek iz prejšnjega odstavka kaznuje samostojni podjetnik posameznik.

Z globo od 200 do 1.200 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi odgovorna oseba pravne osebe ali odgovorna oseba samostojnega podjetnika posameznika.

Z globo od 200 do 600 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi fizična oseba.

#### **84. člen (črtan)**

### XIV. PREHODNE IN KONČNE DOLOČBE

#### **85. člen (uprava in izvajanje nalog)**

Uprava se ustanovi najkasneje do 31. 12. 2001. Do ustanovitve uprave opravlja naloge uprave po tem zakonu ministrstvo, pristojno za kmetijstvo, gozdarstvo in prehrano.

#### **86. člen (uvoz)**

26. introducing from third countries or using exotic species of organisms contrary to the paragraphs two, three and four of Article 53;
27. acting contrary to paragraph three of Article 55;
28. as a provider of plant protection, failing to maintain and keep up-to-date mandatory records, registers and databases pursuant to paragraph one of Article 56;
29. as a provider of a public service, failing to carry out the responsibilities referred to in paragraph one of Article 62;
30. as a provider of a public service, failing to use funds in accordance with paragraph two of Article 63;
31. acting contrary to paragraph three of Article 92.

An individual sole trader shall be fined from EUR 400 to EUR 16,000 for the offences referred to in the preceding paragraph.

The responsible person of a legal person or a responsible person of an individual sole trader shall be fined EUR 200 to EUR 1,200 for the offences referred to in paragraph one of this Article.

An individual shall be fined from EUR 200 to EUR 600 for the offences referred to in paragraph one of this Article.

#### **Article 84 (Deleted)**

### XIV. TRANSITIONAL AND FINAL PROVISIONS

#### **Article 85 (Administration and task implementation)**

The Administration shall be established no later than by 31 December 2001. Pending the establishment of the Administration, the tasks of the Administration under this Act shall be performed by the ministry responsible for agriculture, forestry and food.

#### **Article 86 (Import)**

Do polnopravnega članstva Republike Slovenije v Evropski uniji se šteje za uvoz v Republiko Slovenijo uvoz iz katerekoli države, po tem datumu pa iz vseh držav, ki niso države članice Evropske unije.

**87. člen  
(premeščanje)**

Do polnopravnega članstva Republike Slovenije v Evropski uniji se šteje za premeščanje le premeščanje znotraj Republike Slovenije, po tem datumu pa znotraj držav članic Evropske unije.

**88. člen  
(obveščanje)**

Od dne polnopravnega članstva Republike Slovenije v Evropski uniji mora uprava o vseh ukrepih, ki se izvajajo v skladu s tem zakonom in predpisi, izdanimi na njegovi podlagi, obveščati druge države članice Evropske unije in Komisijo Evropske unije.

**89. člen  
(vpis v register)**

Zavezanci iz drugega odstavka 19. člena tega zakona so se dolžni vpisati v register najkasneje v enem letu po uveljavitvi tega zakona.

**90. člen  
(potrdilo o zdravstvenem stanju posevkov ali objektov)**

Do začetka uporabe določb iz drugega odstavka 98. člena tega zakona, ki se nanašajo na rastlinske potne liste, morajo biti predpisani posevki za pridelovanje semenskega materiala (v nadaljnjem besedilu: posevki) in objekti za pridelovanje sadilnega materiala večletnih rastlin, enoletnic in okrasnih rastlin (v nadaljnjem besedilu: objekti) med rastno

Pending the full membership of the Republic of Slovenia in the European Union, imports from any country, and after the date of full membership import from all countries other than Member States of the European Union, shall be considered imports into the Republic of Slovenia.

**Article 87  
(Movement)**

Pending the full membership of the Republic of Slovenia in the European Union, only movement within the Republic of Slovenia, and after the date of full membership movement within Member States of the European Union, shall be considered movement.

**Article 88  
(Notification)**

As from the date of full membership of the Republic of Slovenia in the European Union, the Administration shall notify other Member States of the European Union and the European Commission of all measures implemented in compliance with this Act and regulations issued on its basis.

**Article 89  
(Entry in the register)**

Liable persons referred to in paragraph two of Article 19 of this Act shall be entered in the register no later than one year after this Act enters into force.

**Article 90  
(Certificate of plant-health status of crops or facilities)**

Pending the application of provisions referred to in paragraph two of Article 98 of this Act relating to plant passports, the prescribed crops for the production of propagating material (hereinafter: crops) and facilities for the production of planting material for perennial plants, annual crops and ornamental plants (hereinafter: facilities) shall be subjected to a plant-

dobro obvezno zdravstveno pregledani v skladu s predpisi. O zdravstvenem stanju posevkov in objektov se izda potrdilo o zdravstvenem stanju posevka ali objekta na predpisan način.

Obvezne zdravstvene preglede in izdajanje potrdil o zdravstvenem stanju posevkov oziroma objektov opravljajo pooblaščen organizacije v skladu s predpisi do 1. januarja 2003.

Če se pri obveznem zdravstvenem pregledu ugotovi na posevku ali objektih iz prejšnjega odstavka škodljivi organizem s seznamov I.A in II.A, pristojni inšpektor odredi ukrepe za njegovo zatiranje in izkoreninjenje.

V primeru, da za posevke in objekte ni bil opravljen obvezni zdravstveni pregled in izdano potrdilo o zdravstvenem stanju posevka ali objekta, semenski in sadilni material, ki izvirata iz teh posevkov ali objektov, ne smeta biti v prometu.

V primeru neizpolnjevanja določb tega člena pristojni inšpektor prepove promet.

#### **91. člen**

##### **(spričevalo o zdravstvenem stanju rastlin na notranjem tržišču)**

Do začetka uporabe določb zakona, ki se nanašajo na rastlinske potne liste, fitosanitarni inšpektor izdaja spričevala o zdravstvenem stanju rastlin na notranjem tržišču za predpisane pošiljke semenskega in sadilnega materiala, ki se prevažajo na ozemlju Republike Slovenije.

Spričevalo iz prejšnjega odstavka se izda, če je bil semenski ali sadilni material zdravstveno pregledan pred odpravo iz objekta, v katerem je bil pridelan, dodelan ali pakiran in ni okužen s škodljivim organizmom s seznama I.A in II.A in določenim drugim škodljivim organizmom nad predpisanim odstotkom.

Prepovedan je promet s semenskim ali sadilnim materialom, za katerega ni izdano spričevalo iz prejšnjega odstavka.

health inspection during their cycle of vegetation in compliance with regulations. A certificate stating the plant-health status of crops or facilities shall be issued in the prescribed manner.

By 1 January 2003, the compulsory plant-health inspections and issue of certificates of the plant-health status of crops or facilities shall be carried out by authorised organisations in compliance with regulations.

If during the compulsory plant-health inspection of crops or facilities referred to in the preceding paragraph, harmful organisms indicated in List I.A and List II.A are found, the competent inspector shall order measures for their suppression and eradication.

In the event that the compulsory health inspection of crops and facilities has not been carried out and a certificate of the plant-health status of crops or facilities has not been issued, the seed and planting material originating from these crops or facilities may not be placed on the market.

Where the provisions referred to in this Article are not met, trade shall be banned by the competent inspector.

#### **Article 91**

##### **(Certificate of plant-health status on the internal market)**

Pending the application of provisions of the Act which relate to plant passports, the phytosanitary inspector shall issue certificates on the plant-health status of plants in the internal market for prescribed consignments of seeds and planting material transported in the territory of the Republic of Slovenia.

The certificate referred to in the preceding paragraph shall be issued if the seeds or planting material have been inspected prior to removal from the facility in which they were produced, processed or packed, and were found to be free from harmful organisms indicated in Lists I.A and List II.A and from certain other harmful organisms above the prescribed percentage.

Trade in seeds or planting material for which the certificate referred to in the preceding paragraph has not been issued shall be banned.

V primeru neizpolnjevanja določb tega člena fitosanitarni inšpektor prepove promet.

**92. člen**  
**(spremljanje zdravstvenega stanja uvoženega sadilnega materiala večletnih rastlin)**

Do polnopravnega članstva Republike Slovenije v Evropski uniji se zdravstveno stanje predpisanega uvoženega sadilnega materiala večletnih rastlin, s katerim se lahko prenesejo škodljivi organizmi iz seznamov I.A in II.A, katerih navzočnosti ni mogoče ugotoviti pri inšpekcijskem pregledu ob uvozu, obvezno spremlja pri končnem uporabniku.

Uvoznik sadilnega materiala iz prejšnjega odstavka mora pristojnemu inšpektorju ob uvozu predložiti pisno prijavo s predpisanimi podatki o končnem uporabniku.

Med spremljanjem zdravstvenega stanja pri končnem uporabniku se sadilni material iz prvega odstavka tega člena ne sme premeščati brez dovoljenja uprave.

Zdravstveno stanje uvoženega sadilnega materiala iz prvega odstavka tega člena spremlja v rastni dobi pristojni inšpektor na predpisan način.

**93. člen**  
**(odškodnina)**

Do ustanovitve uprave opravlja naloge iz 59. člena tega zakona Inšpektorat Republike Slovenije za kmetijstvo, gozdarstvo in lovstvo.

**94. člen**  
**(Urad Republike Slovenije za varstvo in registracijo sort rastlin)**

Po preteku treh mesecev od ustanovitve uprave preneha

In the event that the provisions of this Article are not met, trade shall be banned by the phytosanitary inspector.

**Article 92**  
**(Monitoring the plant-health status of imported planting material of perennial plants)**

Pending the full membership of the Republic of Slovenia in the European Union, the plant-health status of the prescribed imported planting material of perennial plants which may carry harmful organisms from Lists I.A and List II.A whose presence cannot be determined in an inspection on import, shall be monitored at the place of the final user.

The importer of planting material referred to in the preceding paragraph shall, at the time of import, submit to the competent inspector a written declaration including the prescribed data on the final user.

During the monitoring of the plant-health status at the place of the final user, planting material referred to in paragraph one of this Article shall not be moved without the permission of the Administration.

The plant-health status of the imported planting material referred to in paragraph one of this Article shall be monitored during its cycle of vegetation by a competent inspector in the prescribed manner.

**Article 93**  
**(Compensation)**

Pending the establishment of the Administration, the tasks referred to in Article 59 of this Act shall be carried out by the Inspectorate of the Republic of Slovenia for Agriculture, Forestry, Hunting and Fisheries.

**Article 94**  
**(Office for the Protection and Registration of Species of Plants of the Republic of Slovenia)**

After the expiry of three months following the establishment of



delovati Urad Republike Slovenije za varstvo in registracijo sort rastlin kot organ v sestavi Ministrstva za kmetijstvo, gozdarstvo in prehrano. Njegove naloge, pristojnosti, delavce, arhive in premoženje prevzame uprava.

**95. člen**  
**(rok za izdajo predpisov na podlagi tega zakona)**

Predpisi na podlagi tega zakona se izdajo najkasneje v dveh letih po uveljavitvi tega zakona, razen predpisov na podlagi 20., 21., 22. in 23. člena tega zakona, ki se izdajo v šestih mesecih po uveljavitvi tega zakona.

Minister lahko poleg predpisov, predvidenih v posameznih členih tega zakona, izda tudi druge predpise, potrebne za izvedbo tega zakona.

**96. člen**  
**(predpisi, ki se uporabljajo do izdaje novih)**

Do izdaje predpisov na podlagi tega zakona veljajo oziroma se uporabljajo naslednji predpisi:

- pravilnik o zdravstveni kontroli pošiljk rastlin pri trgovanju čez državno mejo in na notranjem tržišču (Uradni list RS, št. 38/96 in 57/00),
- odredba o pogojih za tranzit pošiljk krompirja, ki se prekladajo v Luki Koper (Uradni list RS, št. 32/00),
- odredba o ukrepih za omejevanje in preprečevanje širjenja rizomanije, ki jo povzroča virus Beet necrotic yellow vein furovirus, (Uradni list RS, št. 86/00),
- odredba o ukrepih za preprečevanje širjenja in zatiranje šarke, ki jo povzroča virus Plum pox potyvirus (Uradni list RS, št. 32/00, 39/00 in 21/01),
- odredba o izvajanju sistematičnega nadzora in ukrepov za preprečevanje širjenja in zatiranje krompirjeve obročkaste gnilobe, ki

the Administration, the Office for the Protection and Registration of Species of Plants of the Republic of Slovenia shall cease to operate as a body within the Ministry of Agriculture, Forestry and Food. Its tasks, responsibilities, staff, archives and assets shall be taken over by the Administration.

**Article 95**  
**(Time limit for the issue of new statutory regulations)**

The statutory regulations provided for by this Act shall be issued no later than within two years of the entry into force of this Act, except for the regulations on the basis of Articles 20, 21, 22, and 23 of this Act, which are to be issued within six months of the entry into force of this Act.

In addition to the regulations provided for in individual Articles of this Act, other plant protection regulations necessary for the implementation of this Act and of the Community regulations may also be issued by the minister.

**Article 96**  
**(Regulations applicable until the issue of new regulations)**

Pending the issuing of regulations on the basis of this Act, the following regulations shall be in force or apply:

- Rules on Health Control of Consignments of Plants in Cross border and Domestic Trade (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 38/96 and 57/00),
- Order on Conditions to be Met for the Transit of Potato Consignments Transhipped in the Port of Koper (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 32/00),
- Order on Measures for the Control and Prevention of the Spread of Rhizomania, Caused by the Beet Necrotic Yellow Vein Furovirus, (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 86/00),
- Decree on Measures for Preventing the Spread and for Control of Sharka, Caused by the Plum Pox Potyvirus (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 32/00, 39/00 and 21/01),
- Order on the Implementation of Systematic Control and Measures for the Prevention of Spreading and Eradication of Potato Ring Rot

- jo povzročča bakterija *Clavibacter michiganensis* (Smith) Davis et al. ssp. *sepedonicus* (Spieckermann et Kotthoff) Davis et al. (Uradni list RS, št. 54/99),
- odredba o izvajanju sistematičnega nadzora in ukrepov za preprečevanje širjenja in zatiranje krompirjeve rjave gnilobe, ki jo povzročča bakterija *Ralstonia solanacearum* /Smith/Yabuuchi et al. (Uradni list RS, št. 85/99),
  - odredba o ukrepih za preprečevanje širjenja in zatiranje krompirjevega raka (*Synchytrium endobioticum* (Schilb.) Perc.) in krompirjevih ogorčic (*Globodera rostochiensis* Woll. in *Globodera pallida* Stone) (Uradni list RS, št. 51/98),
  - odredba o pogojih za uvoz krompirja, da se prepreči nevarnost vnosa povzročitelja rjave gnilobe (*Ralstonia/Pseudomonas/solanacearum*/Smith/Yabuuchi et al.) (Uradni list RS, št. 76/97 in 96/99),
  - odredba o določitvi mejnih prehodov, preko katerih se lahko uvažajo, izvažajo oziroma prevažajo v tranzitu pošiljke rastlin, za katere je obvezen zdravstveni pregled (Uradni list RS, št. 92/99 in 11/01 – ZFfS),
  - odločba o pooblastitvi organizacij za spremljanje zdravstvenega stanja sadilnega materiala večletnih rastlin iz uvoza (Uradni list RS, št. 39/93),
  - pravilnik o obrazcu izkaznice, znaku in znački mejnega fitosanitarnega inšpektorja (Uradni list RS, št. 47/93),
  - navodilo o objavljanju podatkov o pojavu in razširjenosti na novo odkritih karantenskih rastlinskih boleznih in škodljivcev (Uradni list SFRJ, št. 40/91),
  - odredba o ukrepih za preprečevanje širjenja in zatiranje bakterijskega hruševega ožiga (Uradni list SFRJ, št. 13/91),
  - pravilnik o obveznem zdravstvenem pregledu posevkov in objektov, semena in sadilnega materiala kmetijskih in gozdnih rastlin (Uradni list SFRJ, št. 52/86 in 3/87 – popr.),
  - odločba o pooblastitvi Inštituta za hmeljarstvo in pivovarstvo Žalec za nadzor škodljivih organizmov na hmelju (Uradni list RS, št. 86/00),
- Caused by the Bacteria *Clavibacter Michiganensis* (Smith) Davis et al. ssp. *Sepedonicus* (Spieckermann et Kotthoff) Davis et al. (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 54/99),
- Order on Systematic Control and Measures for the Prevention of Spread and Eradication of Brown Potato Rot Caused by Bacteria *Ralstonia Solanacearum* (Smith) Yabuuchi et al. (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 85/99),
  - Order on the Protective Measures Against the Spread of Potato Wart Disease (*Synchytrium endobioticum* (Schilb.) Perc.) and Potato Cyst Nematodes (*Globodera rostochensis* Woll. and *Globodera pallida* Stone) and Their Eradication (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 51/98),
  - Order on the Conditions for Import of Potatoes to Prevent the Danger of the Introduction of Potato Brown Rot (*Ralstonia/ Pseudomonas/ solanacearum*/Smith/Yabuuchi et al) (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 76/97 and 96/99),
  - Order on Determination of Border Crossings Across Which Consignments of Plants for Which a Plant Health Inspection is Compulsory May be Imported, Exported or Transported in Transit (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 92/99 and 11/01-ZFfS),
  - Decision Granting Authorisation for Monitoring the Plant-Health Status of Imported Planting Material of Perennial Plants to Certain Organisations (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 39/63),
  - Rules Concerning the Form of Identification Card, Stamp and Badge of the Border Phytosanitary Inspector (Official Gazette of the Republic of Slovenia [Uradni list RS], No. 47/93),
  - Instructions on Publishing Data on the Occurrence and Spread of New Discovered Quarantine Plant Diseases and Harmful Organisms (Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 40/91),
  - Order on Measures for the Prevention of Spread and Suppression of Bacterial Pear Fire Blight (Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 13/91),
  - Rules on Mandatory Plant Health Survey of Crops and Objects, Seeds and Planting Material of Agricultural and Forest Plants ((Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], Nos 52/86 and 3/87 – corr.),
  - Decision on the Authorisation of the Institute for Hop Growing and Brewing, Žalec, for Controlling Harmful Organisms on Hops (Official

- odredba o pogojih, ki jih morajo izpolnjevati strokovne organizacije združenega dela za opravljanje obveznih zdravstvenih pregledov kmetijskih posevkov za pridelovanje semena, objektov za pridelovanje gozdnega semena in objektov za pridelovanje sadilnega materiala (Uradni list SRS, št. 4/78),
- pravilnik o načinu uničevanja rastlin, za katere je odrejeno, da se uničijo (Uradni list SFRJ, št. 4/78),
- pravilnik o načinu pošiljanja poročil in podatkov o pojavih rastlinskih boleznih in škodljivcev ter o ukrepih za preprečevanje njihovega širjenja in njihovo zatiranje (Uradni list SFRJ, št. 61/77),
- pravilnik o pogojih, ki jih morajo izpolnjevati karantenski objekti za preverjanje zdravstvenega stanja rastlin (Uradni list SFRJ, št. 53/77),
- odredba o pogojih za promet s kostanjevim rakom okuženih plodov in lesa pravega kostanja (Uradni list SFRJ, št. 40/77),
- vsi drugi predpisi, izdani v obdobju od 21. marca 2001 do uveljavitve tega zakona.

- Gazette of the Republic of Slovenia, No. 86/00),
- Order on the Conditions to be Met by Professional Organisations of Associated Labour in the Performance of Mandatory Health Inspections of Agricultural Crops for Seed Production, Objects for the Production of Forest Seed, and Objects for the Production of Planting Material (Official Gazette of the Socialist Republic of Slovenia [Uradni list SRS], No. 4/78),
- Rules on the Method of Destroying Plants for Which an Order for Destruction has been Issued ((Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 4/78),
- Rules on the Manner of Submission of the Reports and Data on Occurrences of Plant Diseases and Harmful Organisms, and on the Measures for Preventing Their Spread and Suppression (Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 61/77),
- Rules on the Conditions to be Met by Quarantine Facilities for the Verification of Plant-Health Status ((Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 53/77),
- Order on Conditions for Trade in Chestnut Blight Infected Fruit and Wood of True Chestnut (Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 40/77),
- all other regulations issued in the period from 21 March 2001 until the entry into force of this Act.

**97. člen**  
**(predpisi, ki se prenehajo uporabljati oziroma prenehajo veljati)**

Z dnem uveljavitve tega zakona prenehajo veljati:

- zakon o zdravstvenem varstvu rastlin (Uradni list RS, št. 82/94, 8/00 – ZUT, 11/01 – ZFfS);
- tarifna številka 52 iz IX. poglavja Taksne tarife zakona o upravnih taksah (Uradni list RS, št. 8/00, 44/00, 81/00 in 33/01 – ZVet-1);
- pravilnik o kriterijih za podelitev statusa društva, ki deluje v javnem interesu na področju kmetijstva, gozdarstva, lovstva, ribištva, veterinarstva ali prehrane, v delu, ki se nanaša na varstvo rastlin (Uradni list RS, št. 52/98 in 60/98).

**Article 97**  
**(End of validity)**

On the day this Act enters into force, the following regulations shall cease to be in force:

- Plant Health Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 82/94, 8/00 – ZUT, 11/01 – ZFfS);
- Tariff number 52 from Section IX on Tax Tariff of the Administrative Fees Act (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 8/00, 44/00, 81/00 and 33/01 – ZVet-1),
- Rules on the Criteria for Granting the Status of a Society Operating in the Public Interest in the Field of Agriculture, Forestry, Hunting, Fisheries, Veterinary Services or Nutrition, in the Part Relating to Plant Protection (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 52/98 and 60/98).

Z dnem uveljavitve tega zakona se prenehajo uporabljati:

- odredba o območjih, ki so okužena s karantenskimi boleznimi in škodljivci (Uradni list SFRJ, št. 67/78),
- odlok o zatiranju prosene (koruzne) vešče na območju SR Slovenije (Uradni list SRS, št. 20/78),
- odlok o obveznem uničevanju češminovega grma ter divjega oziroma podivjanega hmelja (Uradni list SRS, št. 20/78),
- uredba o območjih, na katerih je dovoljeno gojiti ribez in zeleni bor (Uradni list SRS, št. 4/78).

Do uveljavitve predpisa iz petega odstavka 58. člena tega zakona se še naprej uporablja tarifna številka 52 iz IX. poglavja taksne tarife zakona o upravnih taksah (Uradni list RS, št. 8/00, 44/00, 81/00 in 33/01 – ZVet-1).

#### **98. člen (uveljavitev zakona)**

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Določbe 38., 39., 40., 42., 43., 44., 45., 46., 47., 48., 49., 50., 58., 10. točke 79. člena in 9., 10., 11. in 12. točke 80. člena tega zakona, ki se nanašajo na rastlinske potne liste, se začnejo uporabljati 1. januarja 2003.

On the day this Act enters into force, the following regulations shall cease to apply:

- Order on the Regions Which are Infected With Quarantine Diseases and Harmful Organisms (Official Gazette of the Socialist Federal Republic of Yugoslavia [Uradni list SFRJ], No. 67/78),
- Ordinance on the Suppression of European Corn Borer Within the Territory of the Socialist Republic of Slovenia (Official Gazette of the Socialist Republic of Slovenia [Uradni list SRS], No. 20/78),
- Ordinance on Mandatory Destruction of Barberry Shrubs and Wild or Semi-Wild Hops (Official Gazette of the Socialist Republic of Slovenia [Uradni list SRS], No. 20/78),
- Decree on the Regions Where Cultivation of Current and Green Pine is Permitted (Official Gazette of the Socialist Republic of Slovenia [Uradni list SRS], No. 4/78).

Pending the entry into force of the regulation referred to in paragraph five of Article 58 of this Act, the tariff number 52 from Section IX on Tax Tariffs of the Administrative Fees Act (Official Gazette of the Republic of Slovenia, No. 8/00, 44/00, 81/00 and 33/01 – ZVet-1) shall apply.

#### **Article 98 (Entry into force)**

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

The provisions of Articles 38, 39, 40, 42, 43, 44, 45, 46, 47, 48, 49, 50, 58, point 10 of Article 79, and points 9, 10, 11 and 12 of Article 80 of this Act relating to plant passports shall apply as of 1 January 2003.