

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

Neuradno prečiščeno besedilo Zakona o kmetijskih zemljiščih obsega:

- Zakon o kmetijskih zemljiščih – ZKZ (Uradni list RS, št. 59/96 z dne 25. 10. 1996),
- Odločbo o ugotovitvi, da se razveljavi določba drugega odstavka 124. člena zakona o kmetijskih zemljiščih (Uradni list RS, št. 31/98 z dne 18. 4. 1998),
- Zakon o nadomestitvi indeksa drobnoprodajnih cen z indeksom cen življenjskih potrebščin – ZNIDC (Uradni list RS, št. 1/99 z dne 9. 1. 1999),
- Zakon o kmetijstvu – ZKme (Uradni list RS, št. 54/00 z dne 16. 6. 2000),
- Odločbo o razveljavitvi prvega stavka drugega odstavka 115. člena zakona o kmetijskih zemljiščih in odločba o razveljavitvi dela drugega stavka drugega odstavka 115. člena istega zakona (Uradni list RS, št. 68/00 z dne 31. 7. 2000),
- Odločbo o razveljavitvi III. poglavja zakona o kmetijskih zemljiščih z odloženim rokom enega leta (Uradni list RS, št. 27/02 z dne 28. 3. 2002),
- Zakon o morskem ribištvu – ZMR-1 (Uradni list RS, št. 58/02 z dne 4. 7. 2002),
- Zakon o spremembah zakona o kmetijskih zemljiščih – ZKZ-A (Uradni list RS, št. 67/02 z dne 26. 7. 2002),
- Zakon o urejanju prostora – ZUreP-1 (Uradni list RS, št. 110/02 z dne 18. 12. 2002),
- Zakon o graditvi objektov – ZGO-1 (Uradni list RS, št. 110/02 z dne 18. 12. 2002),

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The unofficial consolidated version of the Agricultural Land Act comprises:

- Agricultural Land Act – ZKZ (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 59/96 of 25 October 1996),
- Decision abrogating the provision of paragraph two of Article 124 of the Agricultural Land Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 31/98 of 18 April 1998),
- Replacement of the Retail Price Index by the Cost of Living Index Act – ZNIDC (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/99 of 9 January 1999),
- Agriculture Act – ZKme (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 54/00 of 16 June 2000),
- Decision abrogating the first sentence of paragraph two of Article 115 of the Agricultural Land Act and abrogating part of the second sentence of paragraph two of Article 115 of the same Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 68/00 of 31 July 2000),
- Decision abrogating Chapter III of the Agricultural Land Act with a suspensive deadline of one year (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 68/00 of 31 July 2000),
- Marine Fisheries Act – ZMR-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 58/02 of 4 July 2002),
- Act Amending the Agricultural Land Act – ZKZ-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 67/02 of 26 July 2002),
- Spatial Management Act – ZUreP-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 110/02 of 18 December 2002),
- Construction Act – ZGO-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 110/02 of 18 December 2002),

- Zakon o spremembah in dopolnitvah zakona o kmetijskih zemljiščih – ZKZ-B (Uradni list RS, št. 36/03 z dne 16. 4. 2003),
- Zakon o kmetijskih zemljiščih – uradno prečiščeno besedilo – ZKZ-UPB1 (Uradni list RS, št. 55/03 z dne 9. 6. 2003),
- Zakon o spremembah in dopolnitvah Zakona o kmetijskih zemljiščih – ZKZ-C (Uradni list RS, št. 43/11 z dne 3. 6. 2011),
- Zakon o kmetijskih zemljiščih – uradno prečiščeno besedilo – ZKZ-UPB2 (Uradni list RS, št. 71/11 z dne 9. 9. 2011),
- Zakon o spremembah in dopolnitvi Zakona o kmetijskih zemljiščih – ZKZ-D (Uradni list RS, št. 58/12 z dne 31. 7. 2012),
- Zakon o spremembah in dopolnitvah Zakona o kmetijskih zemljiščih – ZKZ-E (Uradni list RS, št. 27/16 z dne 11. 4. 2016),
- Zakon o spremembah in dopolnitvah Zakona o kmetijstvu – ZKme-1D (Uradni list RS, št. 27/17 z dne 2. 6. 2017),
- Zakon o spremembah in dopolnitvi Zakona o kmetijskih zemljiščih – ZKZ-F (Uradni list RS, št. 79/17 z dne 28. 12. 2017).

- Act Amending the Agricultural Land Act – ZKZ-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/03 of 16 April 2003),
- Agricultural Land Act – Official Consolidated Text – ZKZ-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 55/03 of 9 June 2003),
- Act Amending the Agricultural Land Act – ZKZ-C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 43/11 of 2 June 2011),
- Agricultural Land Act – Official Consolidated Text – ZKZ-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 71/11 of 9 September 2011),
- Act Amending the Agricultural Land Act – ZKZ-D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 58/12 of 31 July 2012),
- Act Amending the Agricultural Land Act – ZKZ-E (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 27/16 of 11 April 2016),
- Act Amending the Agriculture Act – ZKme-1D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 27/17 of 2 June 2017),
- Act Amending the Agricultural Land Act – ZKZ-F (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 79/17 of 28 December 2017).

ZAKON O KMETIJSKIH ZEMLJIŠČIH (ZKZ)

(neuradno prečiščeno besedilo št. 17)

I. SPLOŠNE DOLOČBE

1. člen

Ta zakon ureja varstvo kmetijskih zemljišč in njihovo upravljanje, tako da določa njihovo razvrstitev, rabo in obdelovanje, njihov promet in zakup, agrarne operacije in skupne pašnike.

Določbe tega zakona se smiselno uporabljajo tudi za gozdove, če ni z zakonom drugače določeno.

AGRICULTURAL LAND ACT (ZKZ)

(Unofficial consolidated version No. 17)

I. GENERAL PROVISIONS

Article 1

This Act regulates the protection and management of agricultural land by laying down its classification, use and cultivation, agricultural land transactions and lease arrangements, agricultural operations and common pasture.

The provisions of this Act shall also apply *mutatis mutandis* to forests unless otherwise provided by an Act.

1.a člen

Cilji tega zakona so:

- ohranjanje in izboljševanje pridelovalnega potenciala ter povečevanje obsega kmetijskih zemljišč za pridelavo hrane;
- trajnostno ravnanje z rodovitno zemljo;
- ohranjanje krajine ter ohranjanje in razvoj podeželja.

1.b člen

Za doseganje ciljev iz prejšnjega člena Vlada Republike Slovenije (v nadaljnjem besedilu: vlada) sprejme ukrepe kmetijske zemljiške politike.

Predmet ukrepov kmetijske zemljiške politike so kmetijska zemljišča iz drugega odstavka 2. člena tega zakona.

Sredstva za pripravo in izvajanje ukrepov kmetijske zemljiške politike se zagotavljajo iz:

- odškodnine zaradi spremembe namembnosti kmetijskega zemljišča;
- drugih sredstev iz proračuna Republike Slovenije;
- drugih virov.

Ukrepi kmetijske zemljiške politike so odpravljanje zaraščanja in izvedba agrarnih operacij.

Za izvajanje ukrepov iz prejšnjega odstavka je pristojna Agencija Republike Slovenije za kmetijske trge in razvoj podeželja. Za te ukrepe se glede upravičencev do sredstev uporabljajo določbe zakona, ki ureja kmetijstvo, glede postopka za izvajanje ukrepov pa določbe navedenega zakona, ki urejajo postopek za izvajanje ukrepov politike razvoja podeželja.

Ukrepe iz četrtega odstavka tega člena lahko izvaja tudi Sklad kmetijskih zemljišč in gozdov Republike Slovenije (v nadaljnjem besedilu: Sklad), poleg teh pa se za ukrep kmetijske zemljiške politike šteje tudi

Article 1a

The goals of this Act shall be the following:

- to preserve and improve production potential and increase agricultural land area intended for food production;
- to foster the sustainable management of fertile soil;
- to foster landscape preservation and preserve and develop rural areas.

Article 1b

In order to achieve the goals referred to in the preceding Article, the Government of the Republic of Slovenia (hereinafter: Government) shall adopt agricultural land policy measures.

The subject of agricultural land policy measures shall be agricultural land as referred to in paragraph two of Article 2 of his Act.

The funds for drawing up and implementing agricultural land policy measures shall be provided from:

- compensation due to the conversion of agricultural land to other uses;
- other budgetary funds of the Republic of Slovenia;
- other sources.

Agricultural land policy measures shall address the overgrowth of agricultural land and the implementation of agricultural operations.

The Agency of the Republic of Slovenia for Agricultural Markets and Rural Development shall be responsible for the implementation of the measures referred to in the preceding paragraph. For these measures, the provisions of the Act regulating agriculture shall apply to beneficiaries, while the provisions of the aforementioned Act that regulate the procedure for the implementation of rural development policy measures shall apply to the procedure for the implementation of measures.

The measures referred to in paragraph four of this Article may also be carried out by the Farmland and Forest Fund of the Republic of Slovenia (hereinafter: Fund); in addition, the purchase of agricultural land

nakup kmetijskih zemljišč, ki ga izvaja Sklad. Sklad izvaja te ukrepe v skladu s potrjenim letnim programom dela. Sredstva iz tretjega odstavka tega člena, ki jih pridobi Sklad za izvajanje ukrepov iz tega odstavka, sodijo med sredstva, ki jih Sklad pridobiva za svoje delovanje v skladu z zakonom, ki ureja Sklad kmetijskih zemljišč in gozdov Republike Slovenije.

1.ba člen

Sredstva, zbrana iz odškodnin zaradi spremembe namembnosti kmetijskih zemljišč, se lahko namenijo za financiranje gradnje, sanacije ali posodobitve vodnih zadrževalnikov, ki imajo status vodne infrastrukture v skladu s predpisi, ki urejajo vode, in so namenjeni tudi za namakanje kmetijskih zemljišč.

Višina financiranja, medsebojne pravice, obveznosti in roki se uredijo z medsebojno pogodbo med ministrstvom, pristojnim za kmetijstvo, in investitorjem del v vodni zadrževalnik iz prejšnjega odstavka. Delež financiranja del iz prejšnjega odstavka ne sme preseči deleža, do katerega je prostornina vodnega zadrževalnika namenjena namakanju kmetijskih zemljišč.

1.c člen

Za pripravo strokovnih podlag iz drugega odstavka 3.c člena tega zakona, elaborata iz osmega odstavka 3.c člena tega zakona, analiz iz petega in šestega odstavka 3.e člena tega zakona in za pripravo predlogov za uvedbo agrarnih operacij ter z agrarnimi operacijami povezanih elaboratov lahko organizacije iz 3.f člena tega zakona, izdelovalci in pripravljavci prostorskih aktov ter predlagatelji agrarnih operacij pridobivajo podatke iz uradnih zbirk podatkov, razen osebnih podatkov.

Predlagatelji agrarnih operacij lahko za pripravo predlogov za uvedbo agrarnih operacij ter z agrarnimi operacijami povezanih

by the Fund shall also be deemed to be an agricultural land policy measure. The Fund shall carry out these measures in accordance with the approved annual work programme. The funds referred to in paragraph four of this Article acquired by the Fund for the implementation of the measures referred to in this paragraph shall be included in the funds acquired by the Fund in accordance with the Act regulating the Farmland and Forest Fund of the Republic of Slovenia.

Article 1ba

The funds collected from compensation due to the conversion of agricultural land to other uses may be appropriated for the funding of the construction, remediation or modernisation of water reservoirs that have the status of water infrastructure in accordance with the regulations governing waters and are also intended for the irrigation of agricultural land.

The amount of funding as well as mutual rights, obligations and deadlines shall be stipulated by a contract between the ministry responsible for agriculture and the person investing in works on the water reservoir referred to in the preceding paragraph. The percentage of funds allocated for the works referred to in the preceding paragraph may not exceed the percentage of the volume of the water reservoir that is intended for the irrigation of agricultural land.

Article 1c

For the drawing up of the background documents referred to in paragraph two of Article 3c of this Act, the study referred to in paragraph eight of Article 3c of this Act and the analyses referred to in paragraphs five and six of Article 3e of this Act, and for the drawing up of proposals for the introduction of agricultural operations and studies related thereto, the organisations referred to in Article 3f of this Act, the producers and drafters of spatial planning documents and the entities proposing agricultural operations shall obtain data from official databases, except personal data.

For the drawing up of proposals for the introduction of agricultural operations and other studies related thereto, entities

elaboratov poleg podatkov iz prejšnjega odstavka pridobivajo in nadalje obdelujejo tudi naslednje osebne podatke iz zemljiške knjige: osebno ime, naslov prebivališča in enotno matično številko občana (v nadaljnjem besedilu: EMŠO) lastnika ali zakupnika.

Za potrebe izdelave elaborata iz osmega odstavka 3.c člena tega zakona in analiz iz šestega odstavka 3.e člena tega zakona lahko izdelovalci in pripravljavci prostorskih aktov pridobivajo in uporabljajo podatke o identifikacijskih številkah kmetijskih gospodarstev v povezavi s pripadajočimi grafičnimi enotami rabe zemljišč kmetijskih gospodarstev iz registra kmetijskih gospodarstev, ki se vodi po zakonu, ki ureja kmetijstvo.

Ministrstvo, pristojno za kmetijstvo, organizacije iz 3.f člena tega zakona, izdelovalci in pripravljavci prostorskih aktov in predlagatelji agrarnih operacij lahko pridobivajo podatke o kmetijskih zemljiščih iz uradnih zbirk podatkov brezplačno.

II. RAZVRSTITEV, VARSTVO, RABA IN OBDELOVANJE KMETIJSKIH ZEMLJIŠČ

2. člen

Kmetijska zemljišča po tem zakonu so zemljišča, ki so primerna za kmetijsko pridelavo in so kot kmetijska zemljišča določena v skladu z drugim oziroma tretjim odstavkom tega člena.

Kmetijska zemljišča se s prostorskimi akti lokalnih skupnosti določijo kot območja kmetijskih zemljišč in se razvrščajo v območja trajno varovanih kmetijskih zemljišč in območja ostalih kmetijskih zemljišč.

Za izvajanje 4. in 7. člena tega zakona in za izvajanje določb, ki se nanašajo na skupne pašnike, se poleg zemljišč iz prejšnjega odstavka za kmetijska zemljišča štejejo tudi zemljišča, ki so s prostorskimi akti lokalnih skupnosti določena za ne-kmetijsko namensko rabo in so v skladu z zakonom, ki ureja kmetijstvo, glede na evidenco dejanske rabe kmetijskih in gozdnih zemljišč (v nadaljnjem besedilu: evidenca dejanske

proposing agricultural operations may, in addition to the data referred to in the preceding paragraph, obtain and further process the following personal data from the land register: personal name, residential address and unique personal identification number (hereinafter: UPIN) of owners or lessees.

For the purpose of drawing up the study referred to in paragraph eight of Article 3c of this Act and the analyses referred to in paragraph six of Article 3e of this Act, producers and drafters of spatial documents may obtain and use data on the identification number of agricultural holdings in relation to the corresponding graphical land use units of agricultural holdings from the register of agricultural holdings kept in accordance with the Act regulating agriculture.

The ministry responsible for agriculture, the organisations referred to in Article 3f of this Act, the producers and drafters of spatial documents and entities proposing agricultural operations may obtain data on agricultural land from official databases free of charge.

II. THE CLASSIFICATION, PROTECTION, USE AND CULTIVATION OF AGRICULTURAL LAND

Article 2

Agricultural land under this Act shall mean land suitable for agricultural production that is designated as agricultural land in accordance with paragraphs two and three of this Article.

Agricultural land shall be determined by the spatial planning documents of local communities as areas of agricultural land and shall be classified as either areas of permanently protected agricultural land or areas of other agricultural land.

For the implementation of Articles 4 and 7 of this Act and the implementation of the provisions referring to common pastures, in addition to the land referred to in the preceding paragraph, land designated for non-agricultural use in spatial planning documents of local communities that is classified as arable fields, home gardens, grassland, permanent cropland and other agricultural land according to the records

rabe zemljišč) uvrščena med njive in vrtove, travniške površine, trajne nasade in druge kmetijske površine.

3. člen

Ministrstvo, pristojno za kmetijstvo, je nosilec urejanja prostora za področje kmetijskih zemljišč v postopkih prostorskega načrtovanja v skladu s predpisi, ki urejajo prostorsko načrtovanje.

Ministrstvo, pristojno za kmetijstvo, je nosilec urejanja prostora tudi v postopkih prostorskega načrtovanja, v katerih se spreminjata obseg in podrobnejša namenska raba površin z objekti za kmetijsko proizvodnjo znotraj območij proizvodnih dejavnosti.

3.a člen

Sklad na zahtevo ministrstva, pristojnega za kmetijstvo, sodeluje pri opravljanju nalog ministrstva, pristojnega za kmetijstvo, v postopkih prostorskega načrtovanja.

3.b člen

Ob upoštevanju državnega strateškega prostorskega akta vlada z uredbo določi območja za kmetijstvo in pridelavo hrane, ki so strateškega pomena za Republiko Slovenijo zaradi pridelovalnega potenciala kmetijskih zemljišč, njihovega obsega, zaokroženosti, zagotavljanja pridelave hrane ali ohranjanja in razvoja podeželja ter ohranjanja krajine.

Območja iz prejšnjega odstavka predstavljajo potencialna območja trajno varovanih kmetijskih zemljišč.

3.c člen

Predlog območij trajno varovanih kmetijskih zemljišč se določi glede na obseg in zaokroženost ob upoštevanju naslednjih pogojev:

of the actual use of agricultural and forest land (hereinafter: records of actual land use) in accordance with the Act regulating agriculture shall be deemed to be agricultural land.

Article 3

The ministry responsible for agriculture shall be responsible for agricultural land management in spatial planning procedures pursuant to the regulations governing spatial planning.

The ministry responsible for agriculture shall be responsible for land management also in spatial planning procedures where the surface area and the detailed designated use of land that includes agricultural production facilities within the production areas are subject to change.

Article 3a

At the request of the ministry responsible for agriculture, the Fund shall participate in carrying out the duties of the ministry responsible for agriculture in spatial planning procedures.

Article 3b

Taking into account the national strategic spatial planning document, the Government shall designate, by a regulation, the agricultural and food production areas of strategic importance for the Republic of Slovenia due to the production potential of the agricultural land, its surface area, territorial compactness, food production capacity, the preservation of its rural character, rural development and landscape preservation.

The areas referred to in the preceding paragraph shall represent potential areas of permanently protected agricultural land.

Article 3c

Proposals of permanently protected agricultural land areas shall be drawn up on the basis of the surface area and territorial

- boniteta kmetijskih zemljišč v skladu s predpisi, ki urejajo evidentiranje nepremičnin (v nadaljnjem besedilu: boniteta kmetijskih zemljišč), je višja od 35,
- nagib do 11 odstotkov,
- izvedene komasacije, osuševanje ali namakanje,
- razpoložljivost vodnih virov, primernih za namakanje,
- obstoj trajnih nasadov ali
- lokalne značilnosti kmetijske pridelave in rabe kmetijskih zemljišč.

Organizacija iz 3.f člena tega zakona za vsako lokalno skupnost na stroške ministrstva, pristojnega za kmetijstvo, preveri izpolnjevanje pogojev iz prejšnjega odstavka in pripravi strokovno podlago s področja kmetijstva (v nadaljnjem besedilu: strokovna podlaga), ki mora vsebovati ugotovitve o izpolnjevanju pogojev iz prejšnjega odstavka. Na zahtevo ministrstva, pristojnega za kmetijstvo, mora strokovna podlaga vsebovati ugotovitve o izpolnjevanju pogojev iz prejšnjega odstavka tudi za druga zemljišča, potencialno primerna za kmetijsko pridelavo.

V strokovni podlagi organizacija iz 3.f člena tega zakona na podlagi ugotovitev iz prejšnjega odstavka pripravi predlog območij:

- trajno varovanih kmetijskih zemljišč ob upoštevanju uredbe iz 3.b člena tega zakona in
- ostalih kmetijskih zemljišč.

Ministrstvo, pristojno za kmetijstvo, naroči izdelavo strokovnih podlag, ko je iz prostorskega informacijskega sistema v skladu z zakonom, ki ureja prostorsko načrtovanje, razvidno, da je bil sprejet sklep o začetku postopka priprave prostorskega akta, iz katerega izhaja, da se s prostorskim aktom predlaga sprememba namenske rabe kmetijskih zemljišč, v skladu z zakonom, ki ureja prostorsko načrtovanje.

Organizacija iz 3.f člena tega zakona izdelava strokovno podlago iz tega člena v roku največ treh mesecev od prejema naročila.

Ministrstvo, pristojno za kmetijstvo, na svoji spletni strani objavi

- compactness thereof, while taking into account the following conditions:
- the land rating of the agricultural land pursuant to the regulations governing real estate records (hereinafter: land rating of agricultural land) is higher than 35,
 - the inclination is not more than 11 percent,
 - land consolidation, drainage or irrigation have been carried out,
 - the availability of water sources suitable for irrigation,
 - the existence of permanent cropland, or
 - the local characteristics of agricultural production and use of agricultural land.

For each local community and at the expense of the ministry responsible for agriculture, an organisation referred to in Article 3f of this Act shall draw up a background document in the field of agriculture (hereinafter: background document) that must include findings on compliance with the conditions referred to in the preceding paragraph. At the request of the ministry responsible for agriculture, the background document must include findings on compliance with the conditions referred to in the preceding paragraph also for other land potentially suitable for agricultural production.

In the background document, the organisation referred to in Article 3f of this Act shall, based on the findings referred to in the preceding paragraph, draw up a proposal of areas of:

- permanently protected agricultural land with regard to the regulation referred to in Article 3b of this Act, and
- other agricultural land.

The ministry responsible for agriculture shall have background documents drawn up when it is evident from a spatial information system, in accordance with the Act regulating spatial planning, that a decision on the beginning of the procedure for drawing up a spatial planning document has been adopted from which it follows that the spatial planning document proposes a change to the designated use of agricultural land, pursuant to the Act regulating spatial planning.

An organisation referred to in Article 3f of this Act shall draw up the background document referred to in this Article within three months of receiving an order.

The ministry responsible for agriculture shall publish on its

predloge območij iz tretjega odstavka tega člena.

Lokalna skupnost mora pri pripravi osnutka prostorskega akta upoštevati podatke iz strokovne podlage in ob upoštevanju načel zakona, ki ureja prostorsko načrtovanje, načrtovati najprej na zemljiščih nekmetijske namenske rabe. Če to ni mogoče, pa je treba, ob upoštevanju predloga območij trajno varovanih in ostalih kmetijskih zemljišč, najprej načrtovati na območju predloga ostalih kmetijskih zemljišč ter šele nato na območju predloga trajno varovanih kmetijskih zemljišč, pri tem pa se na teh območjih najprej načrtuje na kmetijskih zemljiščih nižjih bonitet.

Lokalna skupnost mora osnutku prostorskega akta priložiti elaborat posegov na kmetijska zemljišča, iz katerega je razvidno, da so načrtovani posegi v prostor v skladu s prejšnjim odstavkom.

V prostorskem aktu lokalne skupnosti se določijo območja trajno varovanih in ostalih kmetijskih zemljišč.

Minister, pristojen za kmetijstvo, določi podrobnejšo vsebino strokovnih podlag iz drugega odstavka tega člena.

Minister, pristojen za kmetijstvo, v soglasju z ministrom, pristojnim za prostor, določi podrobnejšo vsebino elaborata iz osmega odstavka tega člena.

Minister, pristojen za kmetijstvo, določi podrobnejše pogoje iz prvega odstavka tega člena.

3.č člen

Lokalna skupnost lahko v prostorskem aktu lokalne skupnosti na območjih kmetijskih zemljišč dopusti gradnjo naslednjih objektov ali posegov v prostor:

- a) agrarne operacije in vodni zadrževalniki za potrebe namakanja kmetijskih zemljišč;

website the proposals of areas referred to in paragraph three of this Article.

In drafting a spatial planning document, the local community must take into account the data in the background document and planning shall first take place regarding land designated for non-agricultural use while taking into account the principles of the Act regulating spatial planning. If this is not possible, however, while taking into account the proposal of areas of permanently protected and other agricultural land, planning shall first take place regarding areas of the proposed other agricultural land and only subsequently regarding areas of the proposed permanently protected agricultural land; for such areas, planning shall first take place regarding agricultural land with a lower land rating.

The local community must attach to the draft spatial planning document a study of developments on agricultural land showing that the planned developments are in accordance with the preceding paragraph.

The spatial planning document of a local community shall determine areas of permanently protected and other agricultural land.

The minister responsible for agriculture shall determine the detailed content of the background documents referred to in paragraph two of this Article.

The minister responsible for agriculture, in agreement with the minister responsible for spatial planning, shall determine the detailed content of the study referred to in paragraph eight of this Article.

The minister responsible for agriculture shall determine the detailed conditions referred to in paragraph one of this Article.

Article 3č

In its spatial planning document, a local community may allow within agricultural land areas the construction of facilities or developments as follows:

- a) agricultural operations and water reservoirs for the purpose of irrigating agricultural land;

- b) enostavni in nezahtevni pomožni kmetijsko-gozdarski objekti v skladu z uredbo, ki ureja vrste objektov glede na zahtevnost, razen kleti in vinske kleti;
- c) objekti, ki so proizvod, dan na trg v skladu s predpisom, ki ureja tehnične zahteve za proizvode in ugotavljanje skladnosti, in se po uredbi, ki ureja vrste objektov glede na zahtevnost, lahko uvrstijo med pomožne kmetijsko-gozdarske objekte, razen kleti ter vinske kleti, po velikosti pa ne presegajo nezahtevnih objektov, razen grajenega rastlinjaka, ki lahko presega velikost nezahtevnih objektov;
- č) čebelnjak, to je lesen enoetažni pritlični objekt na točkovnih temeljih, namenjen gojenju čebel, tlorisne površine do vključno 40 m²;
- d) staja, to je lesen enoetažni pritlični objekt na točkovnih temeljih, namenjen zavetju rejnih živali na paši, tlorisne površine do vključno 100 m²;
- e) pomožna kmetijsko-gozdarska oprema (npr. brajda, klopotec, kol, količek, žična opora, opora za mrežo proti toči, opora za mrežo proti ptičem, obora, ograja za pašo živine, ograja ter opora za trajne nasade, ograja za zaščito kmetijskih pridelkov, premični tunel in nadkritje, zaščitna mreža);
- f) pomožni objekti za spremljanje stanja okolja in naravnih pojavov;
- g) raziskovanje podzemnih voda, mineralnih surovin in geotermičnega energetskega vira;
- h) začasni objekti in začasni posegi, in sicer za čas dogodka oziroma v času sezone:
- oder z nadstreškom, sestavljen iz montažnih elementov,
 - cirkus, če so šotor in drugi objekti montažni,
 - začasna tribuna za gledalce na prostem,
 - premični objekti za rejo živali v leseni izvedbi (npr. premični čebelnjak, premični kokošnjak, premični zajčnik);
- i) opazovalnica, to je netemeljena lesena konstrukcija (npr. lovska preža, ptičja opazovalnica);
- j) začasne ureditve za potrebe obrambe in varstva pred naravnimi in drugimi nesrečami;
- k) dostop do objekta, skladnega s prostorskim aktom, če gre za objekt, ki:
- ga je dopustno graditi na kmetijskih zemljiščih,
- b) simple and non-complex auxiliary agricultural and forestry facilities in accordance with the regulation governing the classification of structures with regard to their complexity, except cellars and wine cellars;
- c) structures that are products placed on the market pursuant to the regulation governing technical requirements for products and conformity assessment and which may be, in accordance with the regulation governing the classification of structures with regard to their complexity, classified as auxiliary agricultural and forestry facilities, except cellars and wine cellars, whose size shall not exceed the size of non-complex structures, except built greenhouses, which may exceed the size of non-complex structures;
- č) beehives, i.e. wooden, single-storey, ground-level structures on point foundations, intended for beekeeping, with a floor area up to and including 40 m²;
- d) sheds, i.e. wooden, single-storey, ground level structures on point foundations, intended for sheltering grazing farm animals, with a floor area up to and including 100 m²;
- e) auxiliary agricultural and forestry equipment (e.g. grape vine trellises, wind rattles, posts, poles, wire supports, hail protection net supports, bird protection net supports, pens, livestock grazing fences, fences and supports for permanent crops, fences for the protection of crops, movable tunnels and canopies, protective netting);
- f) auxiliary structures for monitoring the state of the environment and natural phenomena;
- g) research on subterranean waters, mineral resources and geothermal energy sources;
- h) temporary structures and temporary activities during events or seasons:
- a stage with a roof made of prefabricated components,
 - a circus if the tent and other structures are prefabricated,
 - a temporary open air gallery for an audience,
 - movable wooden structures for animal rearing (e.g. movable beehives, movable hen houses, movable rabbit houses);
- i) hides, i.e. wooden structures without foundations (hunting blinds, bird observatories);
- j) provisional arrangements for the purpose of defence and protection against natural and other disasters;
- k) access to a facility complying with a spatial planning document in the case of a facility that:
- is allowed to be built on agricultural land,

- je prepoznan kot razpršena gradnja (zemljišče pod stavbo izven območij stavbnih zemljišč) ali
 - ga je dopustno graditi na površinah razpršene poselitve;
- l) gradbeno inženirski objekti, ki so po predpisih o uvedbi in uporabi enotne klasifikacije vrst objektov in o določitvi objektov državnega pomena uvrščeni v skupini:
- daljinski cevovodi, daljinska (hrbtenična) komunikacijska omrežja in daljinski (prenosni) elektroenergetski vodi, s pripadajočimi objekti in priključki nanje, in
 - lokalni cevovodi, lokalni (distribucijski) elektroenergetski vodi in lokalna (dostopovna) komunikacijska omrežja, s pripadajočimi objekti in priključki nanje;
- m) rekonstrukcije občinskih in državnih cest v skladu z zakonom, ki ureja ceste. Dopustni so tudi objekti, ki jih pogojuje načrtovana rekonstrukcija ceste (npr. nadkrita čakalnica na postajališču, kolesarska pot in pešpot, oporni in podporni zidovi, nadhodi, podhodi, prepusti, protihrupne ograje, pomožni cestni objekti, urbana oprema) ter objekti gospodarske javne infrastrukture, ki jih je v območju ceste treba zgraditi ali prestaviti zaradi rekonstrukcije ceste;
- n) mala vetrna elektrarna do nazivne moči 1 MW, če gre za kmetijsko zemljišče z boniteto manj kot 35.

Ne glede na točko b) prejšnjega odstavka lahko lokalna skupnost v prostorskem aktu lokalne skupnosti na območjih trajno varovanih kmetijskih zemljišč dopusti gradnjo le naslednjih enostavnih in nezahtevnih pomožnih kmetijsko-gozdarskih objektov: rastlinjak, ograja za pašo živine, obora za rejo divjadi, ograja in opora za trajne nasade in opora za mreže proti toči, ograja za zaščito kmetijskih pridelkov, kozolec, dvojni kozolec (topljar), molzišče, napajalno korito, krmišče, kmečka lopa.

Ne glede na točko c) prvega odstavka tega člena lahko lokalna skupnost v prostorskem aktu lokalne skupnosti na območjih trajno varovanih kmetijskih zemljišč dopusti gradnjo le naslednjih objektov, ki so proizvod, dan na trg v skladu s predpisom, ki ureja tehnične zahteve za proizvode in ugotavljanje skladnosti, ki po velikosti ne presegajo nezahtevnih objektov, razen grajenega rastlinjaka, ki lahko presega velikost nezahtevnih objektov: rastlinjak, ograja za pašo živine, obora za rejo divjadi, ograja in opora za trajne nasade in opora za mreže proti toči, ograja za zaščito kmetijskih pridelkov, kozolec, dvojni kozolec (topljar),

- is recognised as a dispersed construction (land underneath buildings outside areas of construction land), or
 - is allowed to be built within the area of a dispersed settlement;
- l) civil engineering facilities that are classified into two groups according to the regulations on the introduction and application of the uniform classification of facilities and on the designation of facilities of national importance:
- long distance pipelines, long distance (backbone) communication networks and long distance power transmission lines, along with the associated facilities and connections thereto, and
 - local pipelines, local (distribution) power lines and local (access) communication networks, along with the associated facilities and connections thereto;
- m) the reconstruction of municipal and state roads in accordance with the Act regulating roads. Also permitted are facilities required for the planned reconstruction of roads (e.g. roofed bus stop shelters, cycling trails and hiking trails, retaining and support walls, overpasses, underpasses, culverts, noise barriers, auxiliary road structures, urban equipment) and public utility infrastructure structures that must be built or relocated along a road due to road reconstruction;
- n) small wind farms with a nominal power up to 1 MW, in the case of agricultural land with a land rating of less than 35.

Notwithstanding point b) of the preceding paragraph, in its spatial planning document a local community may allow only the following simple and non-complex auxiliary agricultural and forestry facilities to be built in areas with permanently protected agricultural land: greenhouses, fences for livestock grazing, game pens, fences and supports for permanent crops, supports for anti-hail nets, fences for crop protection, hayracks, double hayracks, milking parlours, watering troughs, and farm sheds.

Notwithstanding point c) of paragraph one of this Article, in its spatial planning document a local community may only allow the following facilities that are products placed on the market pursuant to the regulation governing technical requirements for products and conformity assessment and whose size does not exceed the size of non-complex structures, except built greenhouses, which may exceed the size of non-complex structures, to be built in areas of permanently protected agricultural land: greenhouses, fences for livestock grazing, game pens, fences and supports for permanent crops, supports for anti-hail nets, fences for crop

molzišče, napajalno korito, krmišče, kmečka lopa.

Lokalna skupnost lahko v prostorskem aktu lokalne skupnosti za gradnjo staj iz točke d) prvega odstavka tega člena, pomožnih kmetijsko-gozdarskih objektov iz točk b) in c) prvega odstavka tega člena ter objektov iz drugega in tretjega odstavka tega člena, ki so po predpisu, ki ureja razvrščanje objektov glede na zahtevnost gradnje, nezahtevni objekti, razen rastlinjaka, ograje za pašo živine, obore za rejo divjadi, ograje in opore za trajne nasade in opore za mreže proti toči ter ograje za zaščito kmetijskih pridelkov, predpiše strožje pogoje kot so določeni v 3.čla členu tega zakona glede zahtevanih površin kmetijskih zemljišč, ki jih mora izpolnjevati investitor, da lahko gradi na kmetijskem zemljišču.

Poleg pogojev iz prejšnjega odstavka lahko lokalna skupnost v prostorskem aktu lokalne skupnosti za gradnjo objektov iz prvega odstavka tega člena, razen začasnih ureditev za potrebe obrambe in varstva pred naravnimi in drugimi nesrečami, predpiše tudi dodatne pogoje in kriterije, ki jih mora za gradnjo na kmetijskem zemljišču izpolnjevati investitor.

Na območjih trajno varovanih kmetijskih zemljišč ni dopustno vzpostavljati območij za omilitvene in izravnalne ukrepe po zakonu, ki ureja ohranjanje narave.

Ne glede na prejšnji odstavek se na območju trajno varovanih kmetijskih zemljišč lahko izjemoma vzpostavljajo območja za omilitvene in izravnalne ukrepe po zakonu, ki ureja ohranjanje narave, ki so povezani z obstoječimi ali načrtovanimi prostorskimi ureditvami državnega pomena s področja cestne in železniške infrastrukture iz prvega ali drugega odstavka 3.e člena tega zakona, če jih ni mogoče umestiti na druga zemljišča.

Pomožni kmetijsko-gozdarski objekti iz točk b) in c) prvega odstavka tega člena ter drugega in tretjega odstavka tega člena, čebelnjaki iz točke č) prvega odstavka tega člena ter staje iz točke d) prvega odstavka tega člena se lahko uporabljajo le v kmetijske namene.

protection, hayracks, double hayracks, milking parlours, watering troughs, and farm sheds.

In its spatial planning document, a local community may prescribe conditions stricter than those laid down in Article 3ča of this Act regarding the required surface area of agricultural land that must be met by investors in order to build the sheds referred to in point d) of paragraph one of this Article, auxiliary agricultural and forestry facilities referred to in points b) and c) of paragraph one of this Article, and structures referred to in paragraphs two and three of this Article that are classified as non-complex structures pursuant to the regulation governing the classification of structures with regard to their complexity, except greenhouses, fences for livestock grazing, game pens, fences and supports for permanent crops and supports for hail nets and fences for the protection of agricultural products.

In addition to the conditions referred to in the preceding paragraph, in its spatial planning document a local community may prescribe additional conditions and criteria that must be met by investors in order to build on agricultural land, which shall apply to the construction of structures referred to in paragraph one of this Article, except provisional arrangements for the purpose of defence and protection against natural and other disasters.

On permanently protected agricultural land it shall not be permitted to establish areas for mitigation and compensatory measures under the Act regulating nature conservation.

Notwithstanding the preceding Article, areas for mitigation or compensatory measures under the Act regulating nature conservation that are related to existing or planned spatial developments of national importance in the field of road and railway infrastructure referred to in paragraph one or two of Article 3e of this Act may be exceptionally established on permanently protected agricultural land if they cannot be located on other land.

The auxiliary agriculture and forest facilities referred to in points b) and c) of paragraph one of this Article and paragraphs two and three of this Article, the beehives referred to in point č) of paragraph one of this Article and the sheds referred to in point d) of paragraph one of this Article may be used exclusively for agricultural purposes.

Minister, pristojen za kmetijstvo, v soglasju z ministrom, pristojnim za obrambo, podrobneje določi vrste začasnih ureditev za potrebe obrambe in varstva pred naravnimi in drugimi nesrečami iz točke j) prvega odstavka tega člena.

3.ča člen

Ne glede na zakon, ki ureja graditev objektov, lahko staje in pomožne kmetijsko-gozdarske objekte, ki so po predpisu, ki ureja razvrščanje objektov glede na zahtevnost gradnje, nezahtevni objekti, razen rastlinjaka, ograje za pašo živine, obore za rejo divjadi, ograje in opore za trajne nasade in opore za mreže proti toči ter ograje za zaščito kmetijskih pridelkov, na kmetijskem zemljišču gradi investitor, ki ima v lasti oziroma zakupu:

- a) najmanj 1 ha zemljišč, ki so glede na evidenco dejanske rabe zemljišč uvrščena med njive in vrtove, travniške površine, trajne nasade in druge kmetijske površine, ali
- b) najmanj 5.000 m² zemljišč, ki so glede na evidenco dejanske rabe zemljišč uvrščena med trajne nasade.

3.d člen

Območja trajno varovanih kmetijskih zemljišč se ne smejo spreminjati najmanj deset let od uveljavitve prostorskega akta lokalne skupnosti, s katerim so bila ta območja določena.

Ne glede na prejšnji odstavek se lahko na območju trajno varovanih kmetijskih zemljišč v prostorskih aktih lokalnih skupnosti s spremembo kmetijske namenske rabe pred iztekom roka iz prejšnjega odstavka načrtujejo:

- objekti cestne infrastrukture lokalnega pomena, nujno potrebni zaradi navezave na cestno infrastrukturo iz prvega ali drugega odstavka 3.e člena tega zakona,
- preselitve kmetijskih gospodarstev delno ali v celoti, ki so povezane z

The minister responsible for agriculture shall, in accordance with the minister responsible for defence, specify in further detail the types of provisional arrangements for the purpose of defence and protection against natural and other disasters referred to in point j) of paragraph one of this Article.

Article 3ča

Notwithstanding the Act regulating construction, sheds and auxiliary agriculture and forest facilities that are classified as non-complex structures pursuant to the regulation governing the classification of structures with regard to their complexity, except greenhouses, fences for livestock grazing, game pens, fences and supports for permanent crops and supports for hail nets and fences for the protection of agricultural products, shall be built on agricultural land by investors who are owners or lessees of:

- a) at least 1 ha of land classified as arable fields, home gardens, grassland, permanent cropland and other agricultural land according to the records of actual land use, or
- b) at least 5,000 m² of land classified as permanent cropland according to the records of actual land use.

Article 3d

Areas of permanently protected agricultural land may not be changed for at least ten years from the entry into force of the spatial planning document of a local community by which such areas were determined.

Notwithstanding the preceding paragraph, the following facilities may be planned within areas of permanently protected agricultural land in the spatial planning documents of local communities by converting the agricultural use of land to other uses before the expiration of the period referred to in the preceding paragraph:

- road infrastructure of local importance necessary for connection to the road infrastructure referred to in paragraph one or two of Article 3e of this Act,
- the partial or complete relocation of agricultural holdings related to the

načrtovanjem cestne infrastrukture iz prvega ali drugega odstavka 3.e člena tega zakona, in

- objekti vodne infrastrukture in vodne ureditve, nujno potrebne zaradi varstva pred škodljivim delovanjem voda, in objekti vodne infrastrukture in vodne ureditve lokalnega pomena, nujno potrebne zaradi prostorskih ureditev državnega pomena iz prvega ali drugega odstavka 3.e člena tega zakona.

Lokalna skupnost mora ureditve iz prejšnjega odstavka načrtovati najprej na zemljiščih nekmetijske namenske rabe. Če to ni mogoče, jih je treba najprej načrtovati na območju ostalih kmetijskih zemljišč ter šele nato na območju trajno varovanih kmetijskih zemljišč, pri tem pa se na teh območjih najprej načrtuje na kmetijskih zemljiščih nižjih bonitet.

Območja ostalih kmetijskih zemljišč se lahko spreminjajo v postopku prostorskega načrtovanja lokalnih skupnosti tudi pred iztekom roka iz prvega odstavka tega člena. Pri tem se morajo upoštevati načela zakona, ki ureja prostorsko načrtovanje, in načrtovati najprej na zemljiščih nekmetijske namenske rabe. Če to ni mogoče, pa je treba najprej načrtovati na območju ostalih kmetijskih zemljišč nižjih bonitet.

Lokalna skupnost mora osnutku prostorskega akta iz tega člena priložiti elaborat posegov na kmetijska zemljišča, iz katerega je razvidno, da se načrtujejo posegi v prostor v skladu s tretjim odstavkom tega člena ali prejšnjim odstavkom.

Po izteku roka iz prvega odstavka tega člena se lahko sprememba območij trajno varovanih kmetijskih zemljišč in območij ostalih kmetijskih zemljišč izvede po postopku iz 3.c člena tega zakona, pri čemer organizacija iz 3.f člena tega zakona preveri podatke iz strokovne podlage.

Minister, pristojen za kmetijstvo, v soglasju z ministrom, pristojnim za prostor, določi podrobnejšo vsebino elaborata iz petega odstavka tega člena.

planning of the road infrastructure referred to in paragraph one or two of Article 3e of this Act,

- water infrastructure and water regulation developments of vital importance for protection against the harmful effects of water as well as the water infrastructure and water regulation developments of local importance referred to in paragraph one or two of Article 3e of this Act.

A local community must first plan the developments referred to in the preceding paragraph on land designated for non-agricultural use. If this is not possible, they must first be planned in areas of other agricultural land and only afterwards in areas of permanently protected agricultural land; in these areas, the planning shall first take place regarding agricultural land with a lower land rating.

In the spatial planning procedure of local communities, areas of other agricultural land may also be converted before the expiration of the period referred to in paragraph one of this Article. In such cases, the principle of the Act regulating spatial planning must be taken into account and the planning shall first take place regarding land designated for non-agricultural use. Where this is not possible, the planning shall first take place regarding areas of other agricultural land with a lower land rating.

The local community must attach to the draft spatial planning document referred to in this Article a study of developments on agricultural land showing that the developments are being planned in accordance with paragraph three of this Article or the preceding paragraph.

After the termination of the period referred to in paragraph one of this Article, the conversion of areas of permanently protected agricultural land and areas of other agricultural land may be carried out according to the procedure referred to in Article 3c of this Act, whereby an organisation referred to in Article 3f of this Act shall verify the data contained in the background document.

The minister responsible for agriculture, in agreement with the minister responsible for spatial planning, shall specify the detailed content of the study referred to in paragraph five of this Article.

3.e člen

Ne glede na določbe prvega odstavka prejšnjega člena se lahko na območjih trajno varovanih kmetijskih zemljišč pred iztekom roka iz prvega odstavka prejšnjega člena načrtujejo širitve območij obstoječih prostorskih ureditev državnega pomena.

Ne glede na določbe prvega odstavka prejšnjega člena se lahko na območjih trajno varovanih kmetijskih zemljišč pred iztekom roka iz prvega odstavka prejšnjega člena načrtujejo nove prostorske ureditve državnega pomena s področij:

- a) cestne infrastrukture;
- b) železniške infrastrukture;
- c) energetske infrastrukture za oskrbo z električno energijo, in sicer:
 - hidroelektrarne, vrtine za pridobivanje geotermalne energije, elektroenergetske vode, plinovode, vročevode in naftovode ter priključke nanje;
 - vetrne elektrarne na kmetijskih zemljiščih z boniteto kmetijskih zemljišč do vključno 40;
- č) vodne infrastrukture in vodne ureditve;
- d) obrambe in varstva pred naravnimi in drugimi nesrečami;
- e) zračnega prometa, in sicer radionavigacijske naprave za zračni promet.

Prostorske ureditve državnega pomena iz prvega in drugega odstavka tega člena se umeščajo najprej na zemljišča nekmetijske namenske rabe. Če to ni mogoče, se ob upoštevanju območij trajno varovanih in ostalih kmetijskih zemljišč prostorske ureditve državnega pomena umeščajo najprej na območja ostalih kmetijskih zemljišč ter šele nato na območja trajno varovanih kmetijskih zemljiščih, pri tem pa se na teh območjih najprej načrtuje na kmetijskih zemljiščih nižjih bonitet. Hkrati je treba v čim večji meri upoštevati obstoječa omrežja prometne in gospodarske javne infrastrukture ter načrtovati racionalno in tako, da se v čim večji meri ohranjajo kmetijska zemljišča in njihova zaokroženost.

Article 3e

Notwithstanding the provisions of paragraph one of the preceding Article, the expansion of areas of existing development projects of national importance may be planned within areas of permanently protected agricultural land before the termination of the period referred to in paragraph one of the preceding Article.

Notwithstanding the provisions of paragraph one of the preceding Article, the following new development projects of national importance in the following fields may be planned within areas of permanently protected agricultural land prior to the termination of the period referred to in paragraph one of the preceding Article:

- a) road infrastructure;
- b) railway infrastructure;
- c) energy infrastructure for electricity supply, as follows:
 - hydroelectric power plants, geothermal wells, power lines, natural gas pipelines, hot water pipelines and oil pipelines and connections thereto;
 - wind farms on agricultural land with a land rating up to and including 40;
- č) water infrastructure and water regulation projects;
- d) defences and protection against natural and other disasters;
- e) air transport, i.e. radio navigation devices in air traffic control.

Development projects of national importance referred to in paragraphs one and two of this Article shall first be sited on land designated for non-agricultural use. Where this is not possible, development projects of national importance shall, while taking into account areas of permanently protected and other agricultural land, first be sited within areas of other agricultural land and only afterwards within areas of permanently protected agricultural land and within these areas, planning shall first take place regarding agricultural land with a lower land rating. At the same time, existing networks of transport and public utility infrastructure must be taken into account to the greatest extent possible and the planning must be carried out rationally and in a manner enabling the maximum preservation of agricultural land and its territorial compactness.

Pobudnik v skladu z zakonom, ki ureja umeščanje prostorskih ureditev državnega pomena v prostor (v nadaljnjem besedilu: pobudnik), mora pri pripravi pobude za pripravo državnega prostorskega načrta upoštevati območja trajno varovanih in ostalih kmetijskih zemljišč za tiste lokalne skupnosti, katerih območje naj bi bilo zajeto v območje načrta.

Če se prostorska ureditev državnega pomena načrtuje na območjih trajno varovanih in ostalih kmetijskih zemljišč, izdelovalec prostorskega akta za pripravo študije variant, ki jo določajo predpisi s področja umeščanja prostorskih ureditev državnega pomena v prostor, izdelava analizo posegov na kmetijska zemljišča, ki vsebuje:

- obseg posega posamezne variante glede na boniteto kmetijskih zemljišč;
- obseg posega posamezne variante na območje izvedenih agrarnih operacij;
- način poseganja na zaokrožena območja kmetijskih zemljišč.

V fazi izdelave osnutka državnega prostorskega načrta se za izbrano varianto izdelava analiza posegov na kmetijska zemljišča, ki vsebuje obseg posega prostorskih ureditev na grafične enote zemljišč kmetijskih gospodarstev za posamezna kmetijska gospodarstva v skladu z zakonom, ki ureja kmetijstvo.

3.ea člen

Lokalna skupnost lahko, če to ni v nasprotju s strateškimi usmeritvami prostorskega razvoja lokalne skupnosti, z občinskim podrobnim prostorskim načrtom v skladu z zakonom, ki ureja prostorsko načrtovanje (v nadaljnjem besedilu: OPPN), na kmetijskih zemljiščih brez spremembe namenske rabe načrtuje naslednje kmetijske objekte, ki so neposredno namenjeni kmetijski dejavnosti:

- a) stavbe za rastlinsko pridelavo, če je način pridelave neposredno vezan na kmetijsko zemljišče;
- b) stavbe za rejo živali (perutninske farme, hlevi, svinjaki, staje, kobilarne in podobne stavbe za rejo živali), vključno z objekti za skladiščenje gnoja in gnojevke, razen objektov, za katere je treba

In preparing an initiative for the drawing up of the national spatial plan, an initiator pursuant to the Act regulating the siting of development projects of national importance (hereinafter: initiator) must take into account areas of permanently protected and other agricultural land for local communities whose territory is to be included in the plan.

When a development project of national importance is planned in areas of permanently protected and other agricultural land, the producer of the spatial planning document for the preparation of a study of variants provided by the regulations governing the siting of development projects of national importance shall conduct an analysis of the impact of developments on agricultural land, containing:

- the extent of the impact of individual variants with respect to the land rating of agricultural land;
- the extent of the impact of individual variants on the area of agricultural operations that have been carried out;
- types of developments and their impact on territorially compact agricultural land areas.

In the stage of drafting the national spatial plan, an analysis of the impact of developments on agricultural land shall be conducted for the selected variant, which shall contain the extent of the impact of development projects on graphical units of land use of agricultural holdings for individual agricultural holdings in accordance with the Act regulating agriculture.

Article 3ea

In its municipal detailed spatial plan (hereinafter: MDSP), a local community may, in accordance with the Act regulating spatial planning and provided that this is not in contravention of the strategic spatial development guidelines of the local community, plan the following agricultural facilities directly intended for agricultural activity:

- a) structures for crop production, if the manner of production is directly linked to agricultural land;
- b) structures for animal husbandry (poultry farms, stalls, piggeries, sheds, stud farms and similar facilities for animal husbandry), including facilities for manure and slurry storage, except facilities for

izvesti presojo vplivov na okolje po predpisu, ki ureja vrste posegov v okolje, za katere je treba izvesti presojo vplivov na okolje;

- c) stavbe za spravilo pridelka (kmetijski silosi, kašče, kleti, seniki, skednji, kozolci, koruznjaki in podobne stavbe za spravilo pridelka, razen vinskih kleti in zidanic) in stavbe za predelavo lastnih kmetijskih pridelkov (sirarne, sušilnice sadja ipd.);
- č) druge nestanovanjske kmetijske stavbe (stavbe za shranjevanje kmetijskih strojev, orodja in mehanizacije).

Objekti iz tega člena se najprej načrtujejo v bližini obstoječe lokacije kmetijskega gospodarstva oziroma zadruga, registrirane za dejavnost kmetijstva, če pa to ni mogoče, pa se jih prednostno načrtujejo na kmetijskih zemljiščih nižjih bonitet.

Za načrtovanje objektov po tem členu mora lokalna skupnost osnutku OPPN priložiti elaborat, iz katerega je razvidno, da se objekti iz tega člena načrtujejo v skladu s prejšnjim odstavkom.

V postopek priprave OPPN iz tega člena so lahko vključene le pobude subjektov, ki izpolnjujejo naslednje pogoje:

- a) v primeru kmetije po zakonu, ki ureja kmetijstvo, mora biti nosilec te kmetije obvezno pokojninsko in invalidsko zavarovan na podlagi 17. člena Zakona o pokojninskem in invalidskem zavarovanju (Uradni list RS, št. 96/12, 39/13, 99/13 – ZSVarPre-C, 101/13 – ZIPRS1415, 44/14 – ORZPIZ206, 85/14 – ZUJF-B, 95/14 – ZUJF-C, 90/15 – ZIUPTD in 102/15);
- b) v primeru kmetijskega gospodarstva po zakonu, ki ureja kmetijstvo, organiziranega kot samostojni podjetnik ali pravna oseba, mora to kmetijsko gospodarstvo v letu pred vložitvijo pobude iz petega odstavka tega člena z opravljanjem kmetijske dejavnosti doseči najmanj 60 odstotkov svojega letnega prihodka, pri čemer mora biti ta prihodek večji od 30.000 eurov;
- c) v primeru zadruga, registrirane za dejavnost kmetijstva, mora zadruga v letu pred vložitvijo vloge iz petega odstavka tega člena z opravljanjem kmetijske dejavnosti doseči najmanj 50.000 eurov svojega letnega prihodka;

which an environmental impact assessment must be conducted in accordance with the regulation governing activities subject to an environmental impact assessment;

- c) facilities for crop storage (farm silos, granaries, cellars, haylofts, barns, drying frames, corn granaries and similar structures for crop storage, except wine cellars and vineyard houses) and facilities for the processing of own agricultural products (cheese dairies, fruit-drying kilns, etc.);
- č) other non-residential agricultural facilities (structures for the storage of agricultural equipment, tools and machinery).

The facilities referred to in this Article shall be planned in the vicinity of the existing location of the agricultural holding or cooperative registered for agricultural activity; where this is not possible; however, they shall first be planned regarding agricultural land with a lower land rating.

For planning the facilities under this Article, a local community must attach a study to the draft MDSP showing that the facilities referred to in this Article are planned in accordance with the preceding paragraph.

Only initiatives regarding subjects that meet the following conditions may be included in the procedure for the drawing up of a MDSP referred to in this Article:

- a) in the case of a farm under the Act regulating agriculture, the holder of such a farm must be covered by obligatory pension and disability insurance pursuant to Article 17 of the Pension and Disability Insurance Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 96/12, 39/13, 99/13 – ZSVarPre-C, 101/13 – ZIPRS1415, 44/14 – ORZPIZ206, 85/14 – ZUJF-B, 95/14 – ZUJF-C, 90/15 – ZIUPTD and 102/15);
- b) in the case of an agricultural holding under the Act regulating agriculture organised as a sole proprietor or a legal entity, such agricultural holding must generate at least 60 percent of its annual income through agricultural activity in the year prior to the submission of the initiative referred to in paragraph five of this Article, whereby such income must exceed EUR 30,000;
- c) in the case of a cooperative registered for agricultural activity, the cooperative must generate at least EUR 50,000 of its annual income through agricultural activity in the year prior to the submission of the initiative referred to in paragraph five of this Article;

č) v primeru agrarne skupnosti, registrirane v skladu z Zakonom o agrarnih skupnostih (Uradni list RS, št. 74/15), mora agrarna skupnost imeti v lasti najmanj 20 ha kmetijskih zemljišč.

Pobuda iz prejšnjega odstavka se vloži na lokalno skupnost.

Ne glede na določbe zakona, ki ureja prostorsko načrtovanje, lokalna skupnost s sklepom o začetku priprave OPPN ugotovi tudi izpolnjevanje pogojev iz točke a), točke b), točke c) oziroma iz točke č) četrtega odstavka tega člena.

Če se objekti po tem členu načrtujejo na kmetijskem zemljišču v lasti Republike Slovenije, mora z načrtovanimi objekti soglašati upravljavec kmetijskega zemljišča, ki je v lasti Republike Slovenije.

Za potrebe odmere komunalnega prispevka se zemljišča v območju OPPN iz tega člena štejejo za stavbna zemljišča.

Ne glede na prvi odstavek tega člena se z OPPN lahko načrtuje preselitev kmetijskih gospodarstev v celoti, pri čemer se sme ne glede na zakon, ki ureja graditev objektov, dovoljenje za gradnjo stanovanjskega objekta izdati šele po pridobitvi uporabnega dovoljenja za kmetijske objekte iz prvega odstavka tega člena.

Kmetijski objekti iz prvega odstavka tega člena se lahko uporabljajo le v kmetijske namene.

Ne glede na zakon, ki ureja prostorsko načrtovanje, se prostorski akt lokalne skupnosti, ki določa namensko rabo prostora, z uveljavitvijo OPPN iz tega člena nadomešča z OPPN v delu, ki ga določa OPPN. Lokalna skupnost ob prvi spremembi prostorskega akta lokalne skupnosti spremembe, ki so nastale z uveljavitvijo OPPN, vnese v prostorski akt lokalne skupnosti po postopku, kot to določa zakon, ki ureja prostorsko načrtovanje.

č) in the case of an agricultural community registered pursuant to the Agricultural Communities Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 74/15), such agricultural community must own at least 20 hectares of agricultural land.

An initiative referred to in the preceding paragraph shall be submitted to the local community:

Notwithstanding the provisions of the Act regulating spatial planning, a local community shall, by a decision on the drawing up of the MDSP, verify compliance with the conditions referred to in points a), b), c) and č) of paragraph four of this Article.

When the facilities under this Article are planned regarding agricultural land owned by the Republic of Slovenia, a manager of agricultural land owned by the Republic of Slovenia must agree to the planned facilities.

For the purpose of assessing the public utilities charge, land within the MDSP referred to in this Article shall be deemed to be construction land.

Notwithstanding paragraph one of this Article, the MDSP may be used to plan the relocation of an entire agricultural holding, whereby a permit for the construction of a residential building may, notwithstanding the Act regulating construction, be issued only after obtaining an operating permit for agricultural facilities referred to in paragraph one of this Article.

The agricultural facilities referred to in paragraph one of this Article may be used exclusively for agricultural purposes.

Notwithstanding the Act regulating spatial planning, a local community's spatial planning document that specifies the designated use of land shall be replaced by the MDSP in the part determined by the MDSP upon the MDSP entering into force. On the first occasion of amending the local community's spatial planning document, the local community shall enter the changes that occurred upon the MDSP entering into force into the local community's spatial planning document according to the procedure laid down by the Act regulating spatial planning.

3.f člen

Strokovne podlage iz 3.c člena tega zakona izdelajo organizacije, ki izpolnjujejo predpisane tehnične, strokovne in organizacijske pogoje in jih ministrstvo, pristojno za kmetijstvo, izbere v skladu s predpisi, ki urejajo javno naročanje. Seznam organizacij ministrstvo, pristojno za kmetijstvo, objavi na svoji spletni strani.

Minister, pristojen za kmetijstvo, določi tehnične, strokovne in organizacijske pogoje iz prejšnjega odstavka.

3.g člen

Investitor, ki vloži vlogo za izdajo dovoljenja za gradnjo objekta, katerega tlorisna površina ali del tlorisne površine leži na kmetijskem zemljišču (v nadaljnjem besedilu: tlorisna površina kmetijske rabe) in ima zemljiška parcela, na kateri leži tlorisna površina kmetijske rabe, v skladu s predpisi, ki urejajo evidentiranje nepremičnin, boniteto zemljišča več kot 50, mora plačati odškodnino zaradi spremembe namembnosti kmetijskega zemljišča (v nadaljnjem besedilu: odškodnina zaradi spremembe namembnosti).

Za tlorisno površino iz prejšnjega odstavka se šteje tlorisna velikost stavbe na stiku z zemljiščem v skladu s predpisom, ki ureja projektno dokumentacijo.

Za kmetijsko zemljišče iz prvega odstavka tega člena se šteje zemljišče, ki je po dejanski rabi, kot je razvidna iz projektne dokumentacije, njiva in vrt, travniška površina, trajni nasad in druga kmetijska površina.

Poleg sestavin, ki jih določa predpis, ki ureja projektno dokumentacijo, mora projektna dokumentacija za objekte, za katere je določena obveznost plačila odškodnine zaradi spremembe namembnosti, vsebovati tudi podatek o vrsti in površini dejanske rabe, na kateri leži tlorisna površina objekta, pri čemer se dejanska raba povzame iz

Article 3f

The background documents referred to in Article 3c of this Act shall be drawn up by organisations that meet the prescribed technical, professional and organisational conditions and which are selected by the ministry responsible for agriculture in accordance with the regulations governing public procurement. The ministry responsible for agriculture shall publish the list of organisations on its website.

The minister responsible for agriculture shall specify the technical, professional and organisational conditions referred to in the preceding paragraph.

Article 3g

An investor applying for a building permit for the construction of a facility whose floor area or part thereof lies on agricultural land (hereinafter: floor area for agricultural use) and the land parcel on which the floor area for agricultural use is located has a land rating of more than 50 in accordance with the regulations governing real estate records must pay compensation due to the conversion of agricultural land to other uses (hereinafter: land use conversion compensation).

The floor area referred to in the preceding paragraph shall be deemed to be the gross floor area of a facility at the ground level pursuant to the regulation governing design documentation.

Agricultural land referred to in paragraph one of this Article shall be deemed to be land that, as is evident from the design documentation, is used as arable fields, home gardens, grassland, permanent cropland or other agricultural land.

In addition to the components laid down by the regulation governing design documentation, the design documentation for facilities for which the payment of land use conversion compensation is obligatory must also include data on the type and surface area of the actual use of land on which the floor area of the facility is located, whereby the actual

evidence dejanske rabe v skladu z zakonom, ki ureja kmetijstvo.

Odškodnina zaradi spremembe namembnosti se izračuna po naslednji enačbi:

$$\text{odškodnina zaradi spremembe namembnosti} \\ = \text{tlorisna površina kmetijske rabe} \times A,$$

pri čemer se faktor A določi glede na boniteto zemljišča, na katerem leži tloris objekta in ki se vodi v zemljiškem katastru, in znaša:

- a) za gradnjo objektov, ki so po predpisih o uvedbi in uporabi enotne klasifikacije vrst objektov uvrščeni v skupino objektov transportne infrastrukture in drugih gradbeno inženirskih objektov:
- boniteta zemljišča od 51 do 60: 1 euro,
 - boniteta zemljišča od 61 do 75: 3 eure,
 - boniteta zemljišča od 76 do 100: 5 eurov;
- b) za gradnjo drugih objektov:
- boniteta zemljišča od 51 do 60: 4 eure,
 - boniteta zemljišča od 61 do 75: 12 eurov,
 - boniteta zemljišča od 76 do 100: 20 eurov.

Če tloris objekta leži na parcelah različnih bonitet, se za vsak del tlorisa kmetijske rabe upošteva pripadajoča boniteta.

Če tloris objekta leži na parceli, ki ima poleg bonitete večje od 50 tudi boniteto nič, se za izračun odškodnine zaradi spremembe namembnosti upošteva boniteta večja od 50.

Če tloris objekta, za katerega je vložena vloga za izdajo dovoljenja za gradnjo, leži na zemljiški parceli, za katero je bila delno ali v celoti plačana odškodnina zaradi spremembe namembnosti odmerjena po prejšnjih predpisih, se za površino tlorisa objekta, ki leži na tej parceli, odškodnina zaradi spremembe namembnosti ne odmeri.

Ne glede na določbo prvega odstavka tega člena se odškodnina zaradi spremembe namembnosti ne odmeri v postopkih izdaje dovoljenj za gradnjo, ki se nanašajo na:

use shall be extracted from the records of actual land use in accordance with the Act regulating agriculture.

Land use conversion compensation shall be calculated using the following equation:

$$\text{land use conversion compensation} = \\ \text{agricultural land area} \times A,$$

whereby the A factor shall be determined on the basis of the land rating of the land on which the facility's layout is located and is registered in the land cadastre, amounting to:

- a) for the construction of facilities that are, pursuant to regulations on the introduction and application of the uniform classification of facilities, classified in the group of transport infrastructure facilities and other civil engineering facilities,
- a land rating of 51–60: EUR 1,
 - a land rating of 61–75: EUR 3,
 - a land rating of 76–100: EUR 5;
- b) for the construction of other facilities:
- a land rating of 51-60: EUR 4,
 - a land rating of 61-75: EUR 12,
 - a land rating of 76-100: EUR 20.

If the layout of a facility is located on parcels with various land ratings, the corresponding land rating shall be taken into account for each part of the layout.

If the layout of a facility is located on a parcel with a land rating of zero in addition to a land rating of over 50, the land rating of over 50 shall be taken into account for the calculation of land use conversion compensation.

If the layout of a facility for which an application for the issuance of a building permit has been submitted is located on a parcel of land for which the land use conversion compensation that was partially or fully paid had been assessed and levied under previous regulations, land use conversion compensation shall not be assessed for the surface area of the facility's layout located on such parcel.

Notwithstanding the provision of paragraph one of this Article, land use conversion compensation shall not be assessed in procedures for issuing building permits that refer to:

- rekonstrukcijo ali odstranitev objektov po predpisih, ki urejajo graditev objektov;
- gradnjo nezahtevnih objektov po predpisih, ki urejajo vrste objektov glede na zahtevnost;
- spremembo namembnosti objektov po predpisih, ki urejajo graditev objektov;
- nadzidavo objektov po predpisih, ki urejajo graditev objektov;
- gradnjo kmetijskih objektov, ki so po predpisih o uvedbi in uporabi enotne klasifikacije vrst objektov in o določitvi objektov državnega pomena uvrščeni v skupino nestanovanjskih kmetijskih stavb;
- gradnjo gradbenih inženirskih objektov, ki so po predpisih o uvedbi in uporabi enotne klasifikacije vrst objektov in o določitvi objektov državnega pomena uvrščeni v skupino cevovodov, komunikacijskih omrežij in elektroenergetskih vodov.

3.h člen

Odškodnino zaradi spremembe namembnosti odmeri v upravnem postopku organ, pristojen za izdajo dovoljenj za gradnjo, ki hkrati nadzoruje pobiranje, vplačevanje in evidentiranje obveznih dajatev in drugih javnofinančnih prihodkov v skladu s predpisom, ki ureja podračune ter način plačevanja obveznih dajatev in drugih javnofinančnih prihodkov, po uradni dolžnosti, in sicer po prejemu vloge iz prvega odstavka prejšnjega člena. Za reševanje pritožb v zadevah odmere odškodnine zaradi spremembe namembnosti je na drugi stopnji pristojno ministrstvo, pristojno za graditev.

Odškodnina zaradi spremembe namembnosti je namenski prihodek državnega proračuna Republike Slovenije in se nakazuje na podračun javnofinančnih prihodkov v skladu s predpisom, ki ureja podračune ter način plačevanja obveznih dajatev in drugih javnofinančnih prihodkov. Sredstva, zbrana iz odškodnin zaradi spremembe namembnosti, se namenijo za financiranje priprave in izvedbe ukrepov kmetijske zemljiške politike iz četrtega in šestega odstavka 1.b člena tega

- the reconstruction or removal of facilities pursuant to the regulations governing construction;
- the construction of non-complex structures pursuant to the regulations governing the classification of structures with regard to their complexity;
- changes in the designated use of facilities pursuant to the regulations governing construction;
- additions to buildings pursuant to the regulations governing construction;
- the construction of agricultural facilities classified as non-residential agricultural facilities pursuant to regulations on the introduction and application of the uniform classification of facilities and on the designation of facilities of national importance;
- the construction of civil engineering facilities classified under the group of pipelines, communication networks and electricity lines pursuant to regulations on the introduction and application of the uniform classification of facilities and on the designation of facilities of national importance.

Article 3h

Land use conversion compensation shall be assessed in an administrative procedure *ex officio*, upon receipt of the application referred to in paragraph one of the preceding Article, by an authority responsible for issuing building permits, which at the same time controls the collection, payment and recording of compulsory charges and other general government revenues in accordance with the regulation governing sub-accounts and the method of payment of compulsory charges and other general government revenues. The ministry responsible for construction shall be competent for the handling of complaints in matters of the assessment of land use conversion compensation at the second instance.

Land use conversion compensation shall be assigned revenue of the budget of the Republic of Slovenia and shall be transferred to the sub-account of general government revenue in accordance with the regulation governing sub-accounts, the method of payment of compulsory charges, and other general government revenues. The funds collected from land use conversion compensation payments shall be allocated for the funding of the preparation and implementation of the agricultural land

zakona, del iz 1.ba člena tega zakona, izdelave strokovnih podlag iz 3.c člena tega zakona ter drugih strokovnih podlag s področja kmetijske zemljiške politike in varstva kmetijskih zemljišč.

Plačilo odškodnine zaradi spremembe namembnosti je eden od pogojev za izdajo dovoljenja za gradnjo v skladu z zakonom, ki ureja gradnjo objektov.

Organ iz prvega odstavka tega člena za namen spremljanja terjatev, obveznosti in vplačil iz naslova odškodnin vzpostavi in vodi evidenco, ki vsebuje naslednje podatke: številko odločbe o odmeri odškodnine zaradi spremembe namembnosti, osebno ime in naslov oziroma firmo in naslov investitorja, parcelno številko in katastrsko občino zemljiške parcele, na katero se odškodnina zaradi spremembe namembnosti nanaša, ter znesek in datum vplačila oziroma vračila.

Če investitor, ki je plačal odškodnino zaradi spremembe namembnosti, ne dobi pravnomočnega dovoljenja za gradnjo oziroma ne začne z gradnjo objekta, za katerega je odškodnina zaradi spremembe namembnosti plačana, ima pravico v enem letu od pravnomočnosti odločbe o zavrnitvi dovoljenja za gradnjo ali pravnomočnosti sklepa o ustavitvi postopka oziroma po izteku veljavnosti dovoljenja za gradnjo zahtevati njeno vračilo.

O vračilu odškodnine zaradi spremembe namembnosti po tem členu in napačno plačanih ali preplačanih odškodninah odloča v upravnem postopku organ iz prvega odstavka tega člena na zahtevo investitorja ali po uradni dolžnosti. Kritje za vračilo odškodnine zaradi spremembe namembnosti se zagotavlja iz namenskih sredstev državnega proračuna Republike Slovenije.

3.ha člen

Ne glede na tretji odstavek prejšnjega člena je pogoj za izdajo dovoljenja za gradnjo v skladu z zakonom, ki ureja gradnjo objektov za objekte državnega pomena, katerih investitor je Republika Slovenija in za katere je odmerjena odškodnina zaradi spremembe namembnosti višja od

policy measures referred to in paragraphs four and six of Article 1b of this Act, the operations referred to in Article 1.ba of this Act, the drawing up of the background documents referred to in Article 3c of this Act and other background documents in the field of agricultural land policy and the protection of agricultural land.

The payment of land use conversion compensation is one of the conditions for issuing a building permit in accordance with the Act regulating construction.

For the purpose of monitoring claims, liabilities and payments deriving from compensation, an authority referred to in paragraph one of this Article shall establish and keep records of the following data: the number of decisions on the assessment of land use conversion compensation, the personal name and address or registered office of investors, the parcel number and cadastral municipality of the land parcel to which the land use conversion compensation refers and the amount and date of payment or repayment.

If an investor who paid land use conversion compensation fails to obtain a final building permit or fails to start building the facility for which land use the conversion compensation has been paid, he or she shall have the right to claim a refund thereof within one year of the decision on the refusal to issue a building permit becoming final or the decision to terminate the procedure or upon the expiry of the building permit.

Decisions on the refund of land use conversion compensation under this Article and wrongly paid or overpaid compensation shall be adopted in an administrative procedure by an authority referred to in paragraph one of this Article at the request of the investor or *ex officio*. The refund of land use conversion compensation shall be covered from assigned funds of the national budget of the Republic of Slovenia.

Article 3ha

Notwithstanding paragraph three of the preceding Article, the condition for issuing a building permit in accordance with the Act regulating construction shall be the payment of half of the assessed land use conversion compensation for facilities of national importance whose

2.000.000 eurov, plačilo polovice vrednosti odmerjene odškodnine zaradi spremembe namembnosti. Plačilo druge polovice je eden od pogojev za pridobitev uporabnega dovoljenja.

Če je objekt iz prejšnjega odstavka vodni objekt v skladu z zakonom, ki ureja vode, in je namenjen tudi odvzemu vode za namakanje kmetijskih zemljišč, se odškodnina zaradi spremembe namembnosti na podlagi sklepa vlade zniža za vrednost investicije v ureditve, ki so namenjene odvzemu vode za namakanje kmetijskih zemljišč, in sicer se ta vrednost odšteje od dela odmerjene odškodnine zaradi spremembe namembnosti, ki jo mora investitor plačati za pridobitev uporabnega dovoljenja, vendar največ za polovico celotne odškodnine.

3.i člen

Ne glede na določbo tretje alinee devetega odstavka 3.g člena tega zakona se investitorju, ki vloži vlogo za izdajo dovoljenja za gradnjo za dela, ki so v zvezi s spremembo namembnosti kmetijskega objekta iz pete alinee devetega odstavka 3.g člena, za katerega ni bila plačana odškodnina zaradi spremembe namembnosti po tem zakonu, odškodnina zaradi spremembe namembnosti odmeri.

4. člen

Kmetijska zemljišča je treba uporabljati v skladu z njihovim namenom ter preprečevati njihovo onesnaževanje ali drugačno degradiranje in onesnaževanje ali drugačno zaviranje rasti rastlin.

Kmetijska zemljišča so onesnažena takrat, kadar tla vsebujejo toliko škodljivih snovi, da se zmanjša njihova samoočiščevalna sposobnost, poslabšajo fizikalne, kemične ali biotične lastnosti, zavirata ali preprečujeta rast in razvoj rastlin, onesnažuje podtalnica oziroma rastline ali je zaradi škodljivih snovi kako drugače okrnjena trajna rodovitnost tal.

Trajna rodovitnost tal je zagotovljena, če tla:

investor is the Republic of Slovenia and for which the assessed land use conversion compensation exceeds EUR 2,000,000. The payment of the other half shall be one of the conditions for obtaining an operating permit.

If a facility referred to in the preceding paragraph is a water facility in accordance with the Act regulating waters and is also intended for water abstraction for the irrigation of agricultural land, the land use conversion compensation shall, based on the Government's decision, be reduced by the value of investments in projects intended for water abstraction for the irrigation of agricultural land. This amount shall be deducted from the part of the assessed land use conversion compensation the investor must pay in order to obtain an operating permit, but it shall not exceed half the entire compensation.

Article 3i

Notwithstanding the provision referred to in indent three of paragraph nine of Article 3g of this Act, an investor who applies for a building permit for the construction of an agricultural facility shall be assessed the land use conversion compensation for operations related to changes in the designated use of an agricultural facility referred to in indent five of paragraph nine of Article 3g of this Act for which the land use conversion compensation under this Act has not been paid.

Article 4

Agricultural land must be used in accordance with its designated use and its pollution or other degradation as well as the pollution of plants or any other inhibition of plant growth must be prevented.

Agricultural land shall be deemed to be polluted when the soil contains such quantities of harmful substances that its self-cleaning capacity is reduced, its physical, chemical and biotic properties deteriorate, plant growth and development is inhibited or prevented, groundwater or plants are polluted or the permanent soil fertility is reduced in any other manner due to harmful substances.

Permanent soil fertility is ensured when soil:

- niso izpostavljena eroziji;
- niso zbita;
- vsebujejo zadostno količino humusa;
- ne omejujejo nemotene rasti rastlin;
- dolgoročno omogočajo razvoj in kakovost kmetijskih ter gozdnih rastlin (vegetacije);
- imajo lastnost razgrajevati snovi kot so odmrli ostanki rastlinskega in živalskega izvora, živalski ali človeški izločki in ostanki sredstev za varstvo rastlin ter druge snovi, ki se kot sekundarne surovine vračajo v naravni obtok snovi;
- optimalno sprejemajo, zadržujejo in oddajajo vodo. Vlada Republike Slovenije (v nadaljnjem besedilu: vlada) predpiše podrobnejša merila o trajni rodovitnosti tal in onesnaženosti rastlin ter z njimi povezane obvezne ukrepe.

4.a člen

Na zemljiščih, ki so po namenski in dejanski rabi kmetijska, je nasade miskanta ter nasade lesnih, grmovnih in drevesnih vrst, ki niso namenjene pridelavi sadja in oljk, dopustno saditi le, če imajo boniteto manj od 30.

Za nasad po tem členu se šteje strnjen nasad rastlin za gospodarsko rabo z gostoto 50 ali več rastlin na ha.

5. člen

Pravna ali fizična oseba, ki je lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča (v nadaljnjem besedilu: lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča) mora na svojih, zakupljenih ali drugače dodeljenih neobdelovalnih kmetijskih zemljiščih dopustiti drugim čebelarjenje, lov in rekreativno nabiranje plodov prostorastočih rastlin, zelnatih prostorastočih rastlin, gob in prostoživečih živali v skladu s predpisi ter dopustiti prosto gibanje drugim osebam po neobdelovalnih kmetijskih zemljiščih, če se s tem ne povzroči škoda.

Povzročitelj škode na zemljišču ali pridelku je odškodninsko

- is not exposed to erosion;
- is not compacted;
- contains an adequate quantity of humus;
- does not inhibit undisturbed plant growth;
- enables the long-term development and quality of crops and forest plants (vegetation);
- is capable of decomposing organic residues of plant and animal origin, animal or human excrement, residues of pesticides and other substances that return to the natural cycle of matter as secondary raw materials;
- optimally absorbs, retains and releases water. The Government of the Republic of Slovenia (hereinafter: the Government) shall prescribe detailed criteria for permanent soil fertility and plant pollution and mandatory measures related thereto.

Article 4a

On land that is classified as agricultural land according to its designated and actual use, the planting of plantations of miscanthus and plantations of woody, shrub and tree species that are not intended for the cultivation of fruits and olives shall be permitted only when its land rating is less than 30.

A plantation under this Article shall mean a compact plantation of plants intended for commercial use with a density of 50 or more plants per hectare.

Article 5

Legal entities or natural persons that are the owners, lessees or other users of agricultural land (hereinafter: owner, lessee or other user of agricultural land) must allow other persons to carry out, in accordance with regulations, beekeeping, hunting and the recreational gathering of fruits of wild plants, herbaceous wild plants, mushrooms and wild animals on non-arable agricultural land owned or leased by them or otherwise allotted to them and allow other persons free access to non-arable agricultural land provided that no damage is caused by doing so.

Persons responsible for damage to land or crops shall be liable

odgovoren lastniku, zakupniku ali drugemu uporabniku kmetijskega zemljišča oziroma pridelka v skladu s predpisi.

6. člen

Določbe tega zakona o rabi in obdelovanju kmetijskih zemljišč se uporabljajo tudi za zemljišča, ki so s planskim aktom določena za stavbna zemljišča oziroma za nekmetijske namene, dokler za njih ni v skladu s predpisi izdano dovoljenje za gradnjo oziroma drug ustrezen akt.

7. člen

Lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča iz tretjega odstavka 2. člena tega zakona mora:

- obdelovati kmetijsko zemljišče kot dober gospodar;
- preprečevati zaraščanje kmetijskih zemljišč, razen kmetijskih zemljišč, ki glede na predpis, ki ureja vrste dejanske rabe kmetijskih zemljišč, izpolnjuje pogoje za vrsto rabe »drevesa in grmičevje«;
- uporabljati zemljiščem in kraju primerne metode kmetovanja za preprečevanje zbitosti tal, erozije in onesnaženja ter za zagotavljanje trajne rodovitnosti zemljišč.

Za učinkovitejše izvajanje prve alinee prejšnjega odstavka zadostuje, ne glede na določbe stvarnopravnega zakonika, za določitev uporabnika kmetijskega zemljišča in načina rabe zemljišča:

- soglasje solastnikov, katerih idealni deleži predstavljajo več kot polovico površine zemljišča, če je kmetijsko zemljišče v solastnini,
- soglasje več kot polovice lastnikov, če je kmetijsko zemljišče v skupni lastnini.

Če kmetijska inšpekcija ugotovi, da lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča ne ravna v skladu s prvo alineo prvega odstavka tega člena, z odločbo naloži izvedbo primernih ukrepov. Lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča mora te ukrepe izvesti v skladu z roki, določenimi v odločbi, ki pa ne smejo biti daljši od enega

for compensation for damage to the owner, lessee or other user of agricultural land or crops in accordance with regulations.

Article 6

The provisions of this Act with regard to the use and cultivation of agricultural land shall also apply to land that is designated as construction land or non-agricultural land in a spatial planning document until a building permit or another relevant act is issued for such land in accordance with regulations.

Article 7

An owner, lessee or other user of agricultural land referred to in paragraph three of Article 2 of this Act must:

- cultivate agricultural land with due diligence;
- prevent the natural succession of vegetation on agricultural land, except on agricultural land that, in accordance with the regulation governing the records of actual land use, meets the conditions for land use classified as "trees and shrubs";
- use farming methods appropriate for the land and location in order to prevent soil compaction, erosion and pollution and to ensure the permanent fertility of land.

For more efficient implementation of indent one of the preceding paragraph, notwithstanding the provisions of the Law of Property Code, the following shall be sufficient for the determination of agricultural land user and land use practices:

- the consent of co-owners whose undivided interest represents more than half of the surface area of the land, if agricultural land is co-owned,
- the consent of more than half of the owners if agricultural land is co-owned.

If the agricultural inspection authority establishes that an owner, lessee or other user of agricultural land fails to act in accordance with indent one of paragraph one of this Article, it shall impose the implementation of appropriate measures by a decision. An owner, lessee or other user of agricultural land must carry out such measures within the

leta.

Če kmetijska inšpekcija ugotovi, da lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča ne ravna v skladu z drugo alineo prvega odstavka tega člena, z odločbo naloži izvedbo primernih ukrepov. Lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča mora te ukrepe izvesti najpozneje v enem letu od vročitve odločbe, sicer se izvedejo potrebni ukrepi na stroške lastnika, zakupnika ali drugega uporabnika kmetijskega zemljišča v izvršilnem postopku.

Če izvedbe ukrepov iz druge alinee prvega odstavka tega člena ni mogoče naložiti lastniku kmetijskega zemljišča, ker je neznanega prebivališča in nima zastopnika, se to zemljišče prenese v začasno upravljanje Skladu.

Kmetijski inšpektor o tem, da je lastnik kmetijskega zemljišča neznanega prebivališča in da nima zastopnika, obvesti upravno enoto, ki izvede postopek prenosa tega zemljišča v začasno upravljanje Skladu. Upravna enota posreduje centru za socialno delo predlog za postavitve skrbnika za poseben primer, ki sodeluje v postopku prenosa tega zemljišča v začasno upravljanje na Sklad.

Pravica do začasnega upravljanja kmetijskih zemljišč se po uradni dolžnosti vpiše v zemljiško knjigo na podlagi pravnomočne odločbe upravne enote. Po istem postopku se opravi tudi izbris.

Lastnik lahko na upravni enoti vloži vlogo za prenehanje začasnega upravljanja. Začasno upravljanje preneha s pravnomočnostjo odločbe o prenehanju začasnega upravljanja. Če je bilo to kmetijsko zemljišče dano v zakup, lastnik in zakupnik pa se ne dogovorita drugače, zakup preneha tri leta po pravnomočnosti odločbe o prenehanju začasnega upravljanja, zakupnik pa ima pravico obdelovati zemljišče do spravila pridelka, vendar najdlje do konca koledarskega leta.

V primeru iz prejšnjega odstavka je lastnik kmetijskega

time limits set by the decision, which, however, may not exceed a period of one year.

If the agricultural inspection authority establishes that an owner, lessee or other user of agricultural land fails to act in accordance with indent two of paragraph one of this Article, it shall impose the implementation of appropriate measures by a decision. An owner, lessee or other user of agricultural land must carry out such measures no later than within a year of being served the decision; otherwise, the necessary measures shall be carried out at the expense of the owner, lessee or other user of agricultural land in an executive procedure.

If the implementation of the measures referred to in indent two of paragraph one of this Article cannot be imposed upon the owner of agricultural land because his or her residence is unknown and he or she has no legal representative, such land shall be transferred to the Fund for temporary management.

An agricultural inspector shall notify an administrative unit of the owner of agricultural land with an unknown residence and without a legal representative and carry out the procedure for the transfer of such land to the Fund for temporary management. An administrative unit shall submit a proposal to a social work centre that a trustee be appointed for this specific case, who shall participate in the procedure for the transfer of such land to the Fund for temporary management.

The right to the temporary management of agricultural land shall *ex officio* be entered in the land register on the basis of the final decision of an administrative unit.

An owner may submit an application to an administrative unit for the cessation of temporary management. Temporary management shall cease upon the decision on the cessation of temporary management becoming final. If such agricultural land has been leased out and the owner and lessee do not agree otherwise, the lease shall cease three years after the decision on the cessation of temporary management becomes final, while the lessee shall have the right to cultivate the land until the crops have been harvested, but no later than until the end of the calendar year.

In cases referred to in the preceding paragraph, the owner of

zemljišča dolžan Skladu in morebitnemu zakupniku povrniti vse stroške in vlaganja, povezana s tem zemljiščem, če je bilo to zemljišče dano v zakup, pa mu za dobo zakupa v času začasnega upravljanja pripada polovica zakupnine.

Vlada določi podrobnejša merila za presojo, ali lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča ravna kot dober gospodar.

Oseba, ki ni lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča, uporablja kmetijska zemljišča na lastno odgovornost.

8. člen
(prenehal veljati)

9. člen

Rodovitna zemlja po tem zakonu je material površinskega sloja tal, ki zaradi fizikalnih, kemičnih in mikrobioloških lastnosti omogoča rast rastlin in jo je treba varovati pred trajno izgubo.

Rodovitna zemlja, odrinjena pri gradbenih posegih, se uporabi za izboljšanje kmetijskih zemljišč, urejanje javnih zelenih površin ali sanacijo degradiranih območij, razen kadar se rodovitna zemlja uporabi za ureditev okolice objekta, zaradi gradnje katerega je bila odrinjena.

Vlada določi obvezna pravila ravnanja z rodovitno zemljo v skladu s predpisi, ki urejajo varstvo okolja.

10. člen
([prenehal veljati](#))

3. Odškodnina zaradi spremembe namembnosti kmetijskega zemljišča in gozda
([prenehal veljati](#))

agricultural land shall be obliged to refund to the Fund or possible lessee all expenses and investments related to the land; if the land was leased out, the owner shall be entitled to half of the rent over the lease period during temporary management.

The Government shall determine detailed criteria for assessing whether an owner, lessee or other user of agricultural land has acted with due diligence.

Persons who are not owners, lessees or other users of agricultural land shall use agricultural land on their own responsibility.

Article 8
(Ceased to be in force)

Article 9

Fertile soil under this Act shall mean the material of the surface layer of soil that enables the growth of plants due to its physical, chemical and microbiological properties and such must be protected from permanent loss.

Fertile soil removed in construction operations shall be used for the improvement of agricultural land, the management of public green areas or the remediation of degraded areas, except where fertile soil is used for landscaping purposes in the vicinity of the structure due to the construction of which it was removed.

The Government shall lay down obligatory rules of fertile soil management in accordance with the regulations governing environmental protection.

Article 10
(Ceased to be in force)

3. Land use conversion compensation for agricultural land and forests
(Ceased to be in force)

11. člen
([prenehal veljati](#))

Article 11
(Ceased to be in force)

12. člen
([prenehal veljati](#))

Article 12
(Ceased to be in force)

13. člen
([prenehal veljati](#))

Article 13
(Ceased to be in force)

14. člen
([prenehal veljati](#))

Article 14
(Ceased to be in force)

15. člen
([prenehal veljati](#))

Article 15
(Ceased to be in force)

16. člen
([prenehal veljati](#))

Article 16
(Ceased to be in force)

III. PROMET S KMETIJSKIMI ZEMLJIŠČI, GOZDOVI IN KMETIJAMI

III. TRANSACTIONS INVOLVING AGRICULTURAL LAND, FORESTS AND FARMS

17. člen

Article 17

Za promet s kmetijskimi zemljišči, gozdovi ali kmetijami po tem zakonu se šteje pridobitev lastninske pravice s pravnimi posli med živimi in v drugih primerih, ki jih določa ta zakon.

Transactions involving agricultural land, forests and farms under this Act shall be deemed to be acquisition of the right of ownership thereof through legal transactions between living parties and in other events specified by this Act.

Promet s kmetijskimi zemljišči, gozdovi ali kmetijami teče po postopku in na način določen s tem zakonom, če ni glede predkupne pravice kmetijskih zemljišč, gozdov in kmetij z drugim zakonom določeno drugače.

Transactions involving agricultural land, forests and farms shall be carried out in accordance with the procedure and in the manner laid down by this Act unless otherwise specified by another Act as regards a pre-emption right to agricultural land, forests and farms.

17.a člen

Lastnik lahko sklene darilno pogodbo, katere predmet so kmetijska zemljišča, gozdovi ali kmetija, le z:

- zakoncem oziroma zunajzakonskim partnerjem, otroci oziroma posvojenci, starši oziroma posvojitelji, brati oziroma sestrami, nečaki oziroma nečakinjami in vnuki oziroma vnukinjami;
- zetom, snaho oziroma zunajzakonskim partnerjem otroka ali posvojenca, če so člani iste kmetije;
- nosilcem kmetije, ki je nosilec kmetije v skladu z zakonom, ki ureja kmetijstvo, in je pridobil sredstva iz programa razvoja podeželja kot mladi prevzemnik kmetije, če od prevzema kmetije ni minilo več kot pet let;
- lokalno skupnostjo ali državo.

Predmet prodaje po tem zakonu in pogodbe iz tretje alinee prejšnjega odstavka je lahko le cel lastninski ali solastninski delež kmetijskega zemljišča, gozda ali kmetije.

18. člen

Zaščiteni kmetija iz 2. člena zakona o dedovanju kmetijskih gospodarstev (Uradni list RS, št. 70/95 in 54/99 – odločba US) se v prometu ne sme deliti, razen v naslednjih primerih:

- če se povečuje, zaokrožuje obstoječa zaščiteni kmetija ali nastaja nova zaščiteni kmetija;
- če se na ta način povečuje ali zaokrožuje druga kmetija oziroma se povečuje ali zaokrožuje kmetijsko zemljišče, ki je v lasti kmetijske organizacije ali samostojnega podjetnika posameznika;
- če se odtujijo stavbna zemljišča;
- če se odtujijo zemljišča, ki se jih po predpisih o dedovanju kmetijskih gospodarstev sme nakloniti z oporoko;
- če pridobi lastninsko pravico na zaščiteni kmetiji Republika Slovenija oziroma občina;
- če lastnik poveča ali vzpostavi solastninski delež na zaščiteni kmetiji v

Article 17a

An owner may conclude a deed of gift whose subject is agricultural land, a forest or a farm only with:

- a spouse or cohabiting partner, children or adopted children, parents or adoptive parents, brothers or sisters, nephews or nieces and grandchildren;
- a son-in-law, daughter-in-law, or a child's or adoptive child's cohabiting partner, provided they are members of the same farm;
- a farm holder who is a farm holder in accordance with the Act regulating agriculture and has obtained funds from the rural development programme as a young transferee of a farm, if no more than five years have passed since the transfer of the farm;
- a local community or the state.

The subject of a sale under this Act and a deed referred to in indent three of the preceding paragraph may only be the entire ownership or a co-ownership share of agricultural land, a forest or a farm.

Article 18

When placed on the market, the protected farms referred to in Article 2 of the Inheritance of Agricultural Holdings Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 70/95 and 54/99 – Dec. Of the CC) shall not be divided, except in the following cases:

- when an existing protected farm is being expanded or territorially consolidated or when a new protected farm is being formed;
- when another farm is being expanded or territorially consolidated in this manner or when agricultural land owned by an agricultural organisation or a sole proprietor is being expanded or territorially consolidated;
- when construction land is alienated;
- when land that is allowed to be disposed of by a will pursuant to the regulations governing the inheritance of agricultural holdings is alienated;
- when the ownership right to a protected farm is obtained by the Republic of Slovenia or a municipality;
- when the owner increases or establishes his or her co-ownership

korist solastnika, zakonca ali zunajzakonskega partnerja, potomca, posvojenca ali njegovega potomca tako, da zaščiteni kmetija še naprej izpolnjuje pogoje po predpisih o dedovanju kmetijskih gospodarstev.

19. člen

Pravni posel odobri upravna enota.

Odobritev ni potrebna, če gre za pridobitev kmetijskega zemljišča, gozda ali kmetije:

- a) v okviru agrarnih operacij;
- b) med zakoncema oziroma zunajzakonskima partnerjema, lastnikom in njegovim zakonitim dedičem, razen če gre za promet z zaščiteni kmetijo, ki ni v skladu s prejšnjim členom;
- c) med solastniki, kadar je kmetijsko zemljišče, gozd ali kmetija v lasti dveh ali več solastnikov, kadar pogodbo sklepajo vsi solastniki;
- č) na podlagi pogodbe o dosmrtnem preživljanju;
- d) na podlagi darila za primer smrti in izročilne pogodbe, razen če gre za promet z zaščiteni kmetijo, ki ni v skladu s prejšnjim členom;
- e) če gre za kmetijsko zemljišče, površine največ 1000 m², na katerem stoji manj zahteven ali zahteven objekt, ki ima v skladu z zakonom, ki ureja graditev objektov, izdano pravnomočno dovoljenje za gradnjo;
- f) na podlagi darilne pogodbe iz 17.a člena tega zakona;
- g) na podlagi pogodbe o preužitku, razen če gre za promet z zaščiteni kmetijo, ki ni v skladu s prejšnjim členom, ter razveze takšne pogodbe v skladu z zakonom, ki ureja obligacijska razmerja;
- h) na podlagi pogodbe o nakupu kmetijskega zemljišča, namenjenega gradnji gradbeno inženirskih objektov, ki so po predpisih o uvedbi in uporabi enotne klasifikacije vrst objektov in o določitvi objektov državnega pomena uvrščeni v skupino lokalni cevovodi, lokalni (distribucijski) elektroenergetski vodi in lokalna (dostopovna) komunikacijska omrežja, s pripadajočimi objekti in priključki nanje. Iz pogodbe mora biti jasno razvidno, da gre za nakup kmetijskega zemljišča, ki bo namenjeno gradnji objektov iz te točke;

share in a protected farm for the benefit of a co-owner, spouse or cohabiting partner, descendant, adoptee or his or her descendant in such a manner that the protected farm still meets the conditions under the regulations governing the inheritance of agricultural holdings.

Article 19

A legal transaction shall be approved by an administrative unit.

An approval shall not be necessary where the acquisition of agricultural land, a forest or a farm is carried out:

- a) within the scope of agricultural operations;
- b) between spouses or cohabiting partners, an owner and his or her intestate heir, except in the case of a protected farm that is not in accordance with the preceding Article;
- c) between co-owners when agricultural land, a forest or a farm is owned by two or more co-owners, when a contract is concluded by all co-owners;
- č) on the basis of a lifelong care agreement;
- d) on the basis of a deed of gift in the event of death and a deed of conveyance, except in the case of a protected farm that is not in accordance with the preceding Article;
- e) in the case of agricultural land with a surface area of no more than 1000 m² on which a non-complex or complex structure is standing, for which a final building permit has been issued in accordance with the Act regulating construction;
- f) on the basis of a deed of gift referred to in Article 17a of this Act;
- g) on the basis of a contract of subsistence, except in the case of a transaction involving a protected farm that is not in accordance with the preceding Article and the annulment of such contract in accordance with the Act regulating obligations;
- h) on the basis of a contract for the purchase of agricultural land intended for the construction of civil engineering facilities that are classified in the group of local pipelines, local (distribution) power lines and local (access) communication networks along with associated facilities and connections thereto in accordance with the regulations on the introduction and application of the uniform classification of facilities and on the designation of facilities of national importance. It must be clearly evident from the contract that its subject is the purchase of agricultural land that will be intended for

- i) na podlagi pogodbe o nakupu kmetijskega zemljišča, namenjenega rekonstrukciji občinske ali državne ceste v skladu z zakonom, ki ureja ceste, vključno z objekti, ki jih pogojuje načrtovana rekonstrukcija ceste (npr. nadkrita čakalnica na postajališču, kolesarska pot in pešpot, oporni in podporni zidovi, nadhodi, podhodi, prepusti, protihrupne ograje, pomožni cestni objekti, urbana oprema), ter objekti gospodarske javne infrastrukture, ki jih je v območju ceste treba zgraditi ali prestaviti zaradi rekonstrukcije ceste. Iz pogodbe mora biti jasno razvidno, da gre za nakup kmetijskega zemljišča, ki bo namenjeno gradnji objektov iz te točke;
 - j) na podlagi pogodbe o menjavi kmetijskega zemljišča, ki je v lasti lokalne skupnosti, za stavbno zemljišče;
 - k) na podlagi pogodbe, sklenjene med lokalno skupnostjo, lastnikom kmetijskega zemljišča in lastnikom stavbnega zemljišča, s katero lokalna skupnost kupi kmetijsko zemljišče in ga menja s stavbnim zemljiščem, če se predkupni upravičenec iz 2. točke prvega odstavka 23. člena tega zakona strinja z nakupom kmetijskega zemljišča in ima lastnik stavbnega zemljišča status kmeta po prvi alineji prvega odstavka 24. člena tega zakona ali če kmetijsko zemljišče, ki ga ima v lasti lastnik stavbnega zemljišča, meji na kmetijsko zemljišče, ki je predmet menjave;
 - l) na podlagi pogodbe o nakupu kmetijskega zemljišča, namenjenega gradnji objekta, ki je načrtovan z OPPN v skladu 3.ea členom tega zakona, v skladu z OPPN, ki velja za območje, na katerem to zemljišče leži. Iz pogodbe mora biti jasno razvidno, da je kupec kmetijskega zemljišča investitor, ki je podal pobudo za pripravo OPPN na lokalno skupnost;
 - m) na podlagi pogodbe o menjavi zemljišča, ki mu je v skladu z zakonom, ki ureja vode, prenehal status naravnega vodnega javnega dobra in je po namenski rabi kmetijsko zemljišče, z zemljiščem, ki je v skladu z zakonom, ki ureja vode, naravno vodno javno dobro tekočih celinskih voda, ali z zemljiščem, ki mu je v skladu z zakonom, ki ureja vode, podeljen status grajenega vodnega javnega dobra. Pogodbi mora biti priložena odločba o prenehanju statusa naravnega vodnega javnega dobra.
- the construction of facilities under this point;
 - i) on the basis of a contract for the purchase of agricultural land intended for the reconstruction of a municipal or state road in accordance with the Act regulating roads, including facilities required for the planned reconstruction of roads (e.g. roofed bus stop shelters, cycling trails and hiking trails, retaining and support walls, overpasses, underpasses, culverts, noise barriers, auxiliary road structures, urban equipment) and public utility infrastructure structures that must be built or relocated along the road due to road reconstruction. It must be clearly evident from the contract that its subject is the purchase of agricultural land that will be intended for the construction of facilities under this point;
 - j) on the basis of a contract on the exchange of agricultural land owned by a local community for construction land;
 - k) on the basis of a contract concluded between a local community, an agricultural land owner and a construction land owner, by which the local community purchases agricultural land and exchanges it for construction land provided that the pre-emption beneficiary referred to in point 2 of paragraph one of Article 23 of this Act agrees to the purchase of the agricultural land and the owner of the construction land has the status of farmer under indent one of paragraph one of Article 24 of this Act or provided that the agricultural land owned by the owner of the construction land borders the agricultural land that is the subject of the exchange;
 - l) on the basis of a contract for the purchase of agricultural land intended for the construction of a facility planned by the MDSP pursuant to Article 3ea of this Act, in accordance with the MDSP in force in the area where such land is located. It must be evident from the contract that the buyer of the agricultural land is the investor who submitted the initiative for the drawing up of the MDSP to the local community;
 - m) on the basis of a contract on the exchange of agricultural land whose status as a water public good pursuant to the Act regulating waters has expired and is agricultural land according to its designated use, for land that is classified as a natural water public good of inland running waters pursuant to the Act regulating waters, or for land that has been granted the status of an engineered water public good in accordance with the Act regulating waters. A decision on the termination of the status of a natural water public good must be attached to the contract.

Pravni posel za pridobitev kmetijskega zemljišča, gozda ali kmetije se ne odobri:

- če niso izpolnjeni pogoji iz prejšnjega člena;
- če promet ni potekal po postopku in na način, določen s tem zakonom;
- če ni upoštevan prednostni vrstni red kupcev po 23. členu tega zakona.

20. člen

Lastnik, ki namerava prodati kmetijsko zemljišče, gozd ali kmetijo, mora ponudbo predložiti upravni enoti na območju, kjer to kmetijsko zemljišče, gozd ali kmetija leži. Šteje se, da je lastnik s predložitvijo ponudbe upravni enoti upravno enoto pooblastil za prejem pisne izjave o sprejemu ponudbe.

Ponudba mora vsebovati:

- podatke o prodajalcu: osebno ime ter naslov stalnega ali začasnega prebivališča oziroma firmo in sedež;
- podatke o kmetijskem zemljišču, gozdu oziroma kmetiji (parcelna številka, katastrska občina, površina);
- ceno in
- morebitne druge prodajne pogoje.

Upravna enota, na območju katere to kmetijsko zemljišče, gozd ali kmetija leži, mora ponudbo iz prvega odstavka tega člena nemudoma objaviti na oglasni deski in na enotnem državnem portalu E-uprave. Upravna enota to ponudbo nemudoma pošlje lokalni skupnosti in krajevni uradu oziroma informacijski pisarni, da jo objavijo na oglasni deski.

Rok za sprejem ponudbe je 30 dni od dneva, ko je bila ponudba objavljena na oglasni deski upravne enote.

Če v roku iz prejšnjega odstavka nihče ne sprejme ponudbe, mora prodajalec, če še želi prodati kmetijsko zemljišče, gozd ali kmetijo, ponudbo ponoviti.

A legal transaction for the acquisition of agricultural land, a forest or a farm shall not be approved where:

- the conditions referred to in the preceding Article are not met;
- the transaction was not carried out in accordance with the procedure and in the manner determined by this Act;
- the order as to the priority of buyers in accordance with Article 23 of this Act was not observed.

Article 20

An owner intending to sell agricultural land, a forest or a farm must submit the offer to the administrative unit in the area where such agricultural land, forest or farm is located. It shall be deemed that by submitting the offer to the administrative unit, the owner authorised the administrative unit to receive a written statement accepting the offer.

The offer must include:

- details of the seller: personal name and address of permanent or temporary residence or corporate name and registered office;
- details of the agricultural land, forest or farm (parcel number, cadastral municipality, surface area);
- the price; and
- any other conditions of sale.

The administrative unit within the territory of which such agricultural land, forest or farm is located must immediately post the offer referred to in paragraph one of this Article on its notice board and on the E-uprava (E-Administration) national portal. The administrative unit shall immediately send the offer to the local community and a local office or information office to be posted on its notice board.

The deadline for accepting the offer shall be 30 days from the day on which the offer was posted on the notice board of the administrative unit.

If the offer is not accepted within the deadline referred to in the preceding paragraph, the seller must repeat the offer if he or she still wants to sell the agricultural land, forest or farm.

21. člen

Vsakdo, ki želi kupiti na prodaj dano kmetijsko zemljišče, gozd ali kmetijo, mora dati pisno izjavo o sprejemu ponudbe, ki jo pošlje priporočeno upravni enoti ali neposredno vloži na upravni enoti.

Upravna enota po preteku roka za sprejem ponudbe obvesti vse sprejemnike ponudbe in prodajalca priporočeno s povratnico o tem, kdo je sprejel ponudbo v roku iz četrtega odstavka prejšnjega člena.

Ko upravna enota prejme izjavo o sprejemu ponudbe na način, kot je določeno v prvem odstavku tega člena, je pravni posel sklenjen pod odložnim pogojem odobritve s strani upravne enote.

Če se izjava o sprejemu ponudbe pošlje priporočeno po pošti, se za dan, ko je upravna enota prejela izjavo o sprejemu ponudbe, šteje dan oddaje na pošto.

22. člen

Fizična ali pravna oseba, ki sklene pravni posel z lastnikom nepremičnine poda vlogo za odobritev pravnega posla. Vloga se vloži pri upravni enoti, na območju katere leži nepremičnina oziroma njen pretežni del. Vloga za odobritev pravnega posla se vloži najpozneje v tridesetih dneh po poteku roka iz četrtega odstavka 20. člena tega zakona. Vlogi je treba priložiti sklenjeno pogodbo o pravnem poslu, razen v primeru kupne pogodbe, če ta še ni sklenjena v pisni obliki.

Upravna enota odobri ali zavrne odobritev pravnega posla z odločbo. Stranke v postopku odobritve so pogodbene stranke in vsi, ki so sprejeli ponudbo v skladu s tem zakonom, in so v predpisanem roku vložili vlogo za odobritev pravnega posla.

Article 21

Anyone who wants to buy agricultural land, a forest or a farm that was offered for sale must give a written statement of acceptance of the offer, which shall be sent via registered mail to the administrative unit or directly submitted to the administrative unit.

After the expiry of the deadline for accepting the offer, the administrative unit shall notify all recipients of the offer and the seller, via registered mail with acknowledgment of receipt, of who accepted the offer within the deadline referred to in paragraph four of the preceding Article.

When the administrative unit receives the statement of acceptance of the offer in the manner specified in paragraph one of this Article, the legal transaction shall be concluded under the suspensive condition of approval by the administrative unit.

If the statement of acceptance of the offer is sent via registered mail, the date on which the statement was posted shall be deemed to be the date on which the administrative unit received the statement.

Article 22

A natural person or legal entity concluding a legal transaction with the owner of real property shall submit an application for the approval of the legal transaction. The application shall be submitted at the administrative unit on the territory of which the real property or major part thereof is located. An application for the approval of the legal transaction shall be submitted no later than within thirty days of the expiry of the deadline referred to in paragraph four of Article 20 of this Act. The concluded legal transaction agreement must be attached to the application unless a purchase agreement has not yet been concluded in written form.

An administrative unit shall approve or refuse to approve a legal transaction by a decision. The parties to the approval procedure shall be the contracting parties and all entities who accepted the offer in accordance with this Act and submitted an application for the approval of

O tem, ali odobritev pravnega posla ni potrebna, upravna enota izda odločbo.

O pritožbi zoper odločbo iz drugega in tretjega odstavka tega člena odloča ministrstvo, pristojno za kmetijstvo.

Overitev podpisa na zemljiškoknjižnem dovolilu je mogoča le na podlagi pravnomočne odločbe po tem členu.

23. člen

Pri nakupu kmetijskega zemljišča, gozda ali kmetije, če ni glede kmetijskega zemljišča, gozda ali kmetije z drugimi zakoni določeno drugače, lahko uveljavljajo predkupno pravico predkupni upravičenci po naslednjem vrstnem redu:

1. solastnik;
2. kmet, katerega zemljišče, ki ga ima v lasti, meji na zemljišče, ki je naprodaj;
3. zakupnik zemljišča, ki je naprodaj;
4. drug kmet;
5. kmetijska organizacija ali samostojni podjetnik posameznik, ki jima je zemljišče ali kmetija potrebna za opravljanje kmetijske oziroma gozdarske dejavnosti;
6. Sklad kmetijskih zemljišč in gozdov Republike Slovenije za Republiko Slovenijo.

Ob enakih pogojih se med kmeti, uvrščenimi na isto mesto v skladu s prejšnjim odstavkom, pravico do nakupa določi po naslednjem vrstnem redu:

1. kmet, ki mu kmetijska dejavnost pomeni edino ali glavno dejavnost;
2. kmet, ki zemljišče sam obdeluje;
3. kmet, ki ga določi prodajalec, razen v primeru, ko gre za prodajo kmetijskega zemljišča, gozda ali kmetije, ki je stvarno premoženje države in mora prodajalec določiti kmeta na podlagi metode javne dražbe.

the legal transaction within the determined time limit.

An administrative unit shall issue a decision on whether the approval of the legal transaction is required.

Complaints against the decisions referred to in paragraphs two and three of this Article shall be resolved by the ministry responsible for agriculture.

Authentication of a signature on a land register permission is possible only based on a final decision under this Article.

Article 23

When purchasing agricultural land, a forest or a farm, pre-emption beneficiaries may exercise their pre-emption right according to the following order of priority unless otherwise provided by other Acts:

1. a co-owner;
2. a farmer whose land, which is his property, borders the land that is put up for sale;
3. the lessee of the land that has been put up for sale;
4. another farmer;
5. an agricultural organisation or a sole proprietor requiring land or a farm to carry out its agricultural or forestry activity;
6. the Farmland and Forest Fund of the Republic of Slovenia for the Republic of Slovenia;

Under equal conditions, the right to purchase among farmers who are ranked equally pursuant to the preceding paragraph shall be determined according to the following order of priority:

1. a farmer who carries out an agricultural activity as his or her only or main activity;
2. a farmer who cultivates land on his or her own;
3. a farmer appointed by the seller, except in the case of the sale of agricultural land, a forest or a farm that is real property of the state and the seller must appoint a farmer based on the method of public auction.

Kmetijska dejavnost se šteje za edino in glavno dejavnost, če pridelki oziroma sredstva, pridobljena iz te dejavnosti, pomenijo tej osebi pglavitni vir za preživljanje.

Če nihče od predkupnih upravičencev ne uveljavlja predkupne pravice, lahko prodajalec proda kmetijsko zemljišče vsakomur, ki je sprejel ponudbo pravočasno in na način, predpisan s tem zakonom, če sklenjeno pogodbo odobri upravna enota v skladu z 22. členom tega zakona.

24. člen

V smislu tega zakona je kmet fizična oseba:

- ki je lastnica, zakupnica oziroma drugačna uporabnica kmetijskega zemljišča, to zemljišče obdeluje sama ali s pomočjo drugih, je za to obdelovanje ustrezno usposobljena in iz kmetijske dejavnosti pridobiva pomemben del dohodka;
- ki je družinski član osebe iz prejšnje alineje, če opravlja kmetijsko dejavnost na kmetiji kot edino oziroma glavno dejavnost in je za to ustrezno usposobljena. Kmetijska dejavnost se šteje za edino in glavno dejavnost v primerih, določenih v prejšnjem členu;
- ki je iz kmetijske dejavnosti na kmetiji pridobivala pomemben del dohodka, pa zaradi starosti ali delovne nezmožnosti ne opravlja kmetijske dejavnosti na kmetiji, če poskrbi za obdelavo kmetijskih zemljišč;
- ki da izjavo na zapisnik pri upravni enoti, da bo sama ali s pomočjo drugih obdelovala kmetijska zemljišča, za katera izkaže, da jih bo pridobila, da bo iz kmetijske dejavnosti na teh zemljiščih pridobivala pomemben del dohodka in izpolnjuje pogoje glede usposobljenosti iz tretjega odstavka tega člena.

Za kmetijsko dejavnost se šteje vse kmetijske dejavnosti po predpisih o standardni klasifikaciji dejavnosti. Kot pomemben dohodek iz kmetijske dejavnosti se po tem zakonu šteje vrednost kmetijskih pridelkov na kmetiji, vključno s prihodki iz naslova ukrepov kmetijske politike in iz

Agricultural activity shall be deemed to be the only or main activity when the products or resources derived from this activity represent the main source of subsistence of such person.

If no pre-emption beneficiary exercises a pre-emption right, the seller may sell the agricultural land to anyone who has accepted the offer in due time and in the manner prescribed by this Act, provided that the concluded agreement is approved by the administrative unit in accordance with Article 22 of this Act.

Article 24

For the purposes of this Act, a farmer shall mean a natural person:

- who owns, leases or otherwise uses agricultural land, cultivates such land on his or her own or with the help of others, is adequately qualified for such cultivation and generates a substantial part of his or her revenue from agricultural activity;
- who is a family member of a person referred to in the preceding indent if he or she carries out agricultural activity on the farm as the only or main activity and is adequately qualified to perform such activity. Agricultural activity shall be deemed to be the only or main activity in the cases specified in the preceding Article;
- who used to generate a substantial part of his or her revenue from agricultural activity on the farm but no longer carries out agricultural activity on the farm due to old age or inability to work, if he or she keeps agricultural land cultivated;
- who gives a deposition at the administrative unit that he or she will, on his or her own or with the help of others, cultivate the agricultural land he or she obtains (evidence must be provided that such land will be obtained), that he or she will generate a substantial part of his or her revenue from agricultural activity on such land, and that he or she meets the conditions as regards the qualifications referred to in paragraph three of this Article.

Agricultural activity shall be deemed to be any agricultural activity under the regulations governing the standard classification of activities. Under this Act, substantial revenue from agricultural activity shall be deemed to be the value of the agricultural products on the farm,

naslova državnih pomoči v gospodarskem letu pred ugotavljanjem pogojev, ki dosega najmanj 2/3 letne poprečne plače na zaposlenega v Republiki Sloveniji v istem obdobju.

Šteje se, da je kmet ustrezno usposobljen za opravljanje kmetijske dejavnosti, če ima strokovno izobrazbo najmanj IV. stopnje kmetijske smeri ali katerokoli smer izobrazbe najmanj IV. stopnje in opravljen preizkus znanja po veljavnem programu kmetijskih poklicnih ali srednjih šol s področja kmetijske dejavnosti, ki jo opravlja ali jo namerava opravljati ali če pridobi nacionalno poklicno kvalifikacijo za področje kmetijstva v skladu z zakonom, ki ureja nacionalne poklicne kvalifikacije.

Za samostojnega podjetnika posameznika po tem zakonu se šteje fizična oseba, ki je priglášena oziroma registrirana za kmetijsko dejavnost in ustvari več kot 50% prihodkov iz kmetijske dejavnosti, vključno s prihodki iz naslova ukrepov kmetijske politike in s prihodki iz naslova državnih pomoči, kar je razvidno iz potrjene zadnje bilance stanja in bilance uspeha.

Za kmetijsko organizacijo po tem zakonu se šteje gospodarsko družbo, kmetijsko zadrugo ali drugo pravno osebo, ki je registrirana za kmetijsko dejavnost in ustvari več kot 50% prihodkov iz kmetijske dejavnosti, vključno s prihodki iz naslova ukrepov kmetijske politike in s prihodki iz naslova državnih pomoči, kar je razvidno iz zadnjega revidiranega izkaza prihodkov in odhodkov oziroma izkaza poslovnega izida.

Če nastane dvom, ali je fizična oseba kmet oziroma samostojni podjetnik posameznik oziroma ali je pravna oseba kmetijska organizacija, odloča o tem upravna enota na območju katere leži pretežni del kmetijskega zemljišča, ki ga fizična oseba, samostojni podjetnik posameznik oziroma kmetijska organizacija uporabljajo.

Minister, pristojen za kmetijstvo, predpiše vsebino in način preizkusa znanja iz tretjega odstavka.

25. člen

including revenue from agricultural policy measures and state aid in the business year prior to the assessment of compliance with these conditions, which shall amount to at least 2/3 of the average annual salary of employees in the Republic of Slovenia in the same period.

It shall be deemed that a farmer is adequately qualified to carry out agricultural activities if he or she has completed at least a level IV professional education in the field of agriculture and has passed an examination under a valid programme for agricultural vocational or secondary schools in the field of the agricultural activity he or she performs or is planning to perform or if he or she acquires the national vocational qualification for this field of agriculture in accordance with the Act regulating national professional qualifications.

A sole proprietor under this Act shall be deemed to be a natural person who has notified or registered an agricultural activity and generates more than 50% of his or her revenue from an agricultural activity, including revenue from agricultural policy measures and state aid, which shall be evident from his or her most recent verified balance sheet and income statement.

An agricultural organisation under this Act shall be deemed to be a company, agricultural cooperative or other legal entity that is registered for an agricultural activity and generates more than 50% of his or her revenue from agricultural activity, including revenue from agricultural policy measures and state aid, which shall be evident from the most recent revised statement of revenue and expenditure or profit and loss statement.

In the event of doubt as to whether a natural person is a farmer or sole proprietor or whether a legal entity is an agricultural organisation, the decisions thereon shall be adopted by the administrative unit on the territory of which the major part of the agricultural land used by the natural person, sole proprietor or agricultural organisation is located.

The minister responsible for agriculture shall prescribe the content and manner of the examination referred to in paragraph three.

Article 25

Po končani javni dražbi kmetijskega zemljišča, gozda ali kmetije, mora izvršilno sodišče ponudnika, ki je ponudil najvišjo ceno napotiti na pristojno upravno enoto, da v roku, ki mu ga določi, poda vlogo za pridobitev odobritve pravnega posla.

Vlogi za pridobitev odobritve se priloži sklep sodišča o ponudniku, ki je ponudil najvišjo ceno. Če obstoji kateri od razlogov iz tretjega odstavka 19. člena tega zakona, upravna enota odobritev zavrne.

Prvi in drugi odstavek tega člena se smiselno uporabljata tudi za stečajne in likvidacijske postopke.

IV. ZAKUP KMETIJSKIH ZEMLJIŠČ

26. člen

Predmet zakupa je kmetijsko zemljišče s pripadajočimi objekti, napravami in dolgoletnimi nasadi.

Pogodba o zakupu kmetijskega zemljišča (v nadaljnjem besedilu: zakupna pogodba) mora vsebovati zlasti: zemljiškoknjižne in zemljiškokatastrske podatke o v zakup danih zemljiščih, opis in neamortizirano vrednost objektov, naprav in nasadov iz prejšnjega odstavka, amortizacijsko dobo trajnih nasadov, višino zakupnine, dobo in namen zakupa, ter določbo o tem, ali se zakupna pravica podeduje ali ne.

Če gre za dedni zakup, se za dedovanje zakupne pravice uporablja zakon o dedovanju kmetijskih gospodarstev, če kmetija oziroma zemljišča v lasti zakupnika sama ali pa skupaj z zemljišči oziroma s kmetijo, ki jih ima v zakupu, ali zakupljena zemljišča oziroma kmetija izpolnjuje pogoje za zaščiten kmetijo. Če ta pogoj ni izpolnjen, se zakupna pravica deduje po splošnih predpisih.

V primeru, da lastnik zemljišča ni tudi lastnik trajnih nasadov in drugih naprav, je predmet zakupa lahko samo zemljišče skupaj s

After the conclusion of a public auction for the sale of agricultural land, a forest or a farm, the executive court shall instruct the bidder who offered the highest price to apply for the approval of the legal transaction at the competent administrative unit within the determined time limit.

The court's decision on the bidder who offered the highest price shall be attached to the application to obtain the approval. If any of the reasons referred to in paragraph three of Article 19 of this Act exists, the administrative unit shall refuse the approval.

Paragraphs one and two of this Article shall apply *mutatis mutandis* also to bankruptcy and winding-up procedures.

IV. LEASE OF AGRICULTURAL LAND

Article 26

The subject of a lease shall be agricultural land with associated facilities, equipment and permanent crops.

A contract for the lease of agricultural land (hereinafter: lease contract) must in particular include: land register and land cadastre data on leased land, a description and the unamortised value of facilities, equipment and permanent crops referred to in the preceding paragraph, the depreciation period of long-term plantations, the rent amount, the period and purpose of the lease and a provision as to whether the leasehold right shall be inheritable or not.

In the case of a hereditary lease, the Inheritance of Agricultural Holdings Act shall apply to the inheritance of the leasehold right if a farm or land owned by a lessee on its own or together with land or a farm he or she leases, or the leased land or farm complies with the conditions for the farm to be protected. If this condition is not complied with, the leasehold right shall be inherited according to general regulations.

In cases where the landowner is not the owner of permanent crops and other equipment, the subject of the lease can only be the land

pripadajočimi trajnimi nasadi in napravami, kolikor jih ni mogoče brez škode odstraniti. Trajni nasad deli usodo zemljišča.

Zakupna pogodba mora biti sklenjena v pisni obliki. Zakupna pogodba, ki ni sklenjena v pisni obliki, nima pravnega učinka.

27. člen

Določbe 19. do 24. člena razen določb prvega, drugega in tretjega odstavka 23. člena tega zakona se smiselno uporabljajo tudi za zakup.

Pri zakupu kmetijskega zemljišča, gozda ali kmetije, če ni glede kmetijskega zemljišča, gozda ali kmetije z drugimi zakoni določeno drugače, lahko uveljavljajo prednostno pravico upravičenci po naslednjem vrstnem redu:

1. zakupnik;
2. zakupnik zemljišča, ki meji na zemljišče, ki se daje v zakup in kmet, katerega zemljišče, ki ga ima v lasti, meji na zemljišče, ki se daje v zakup;
3. drug kmet, kmetijska organizacija ali samostojni podjetnik posameznik, ki jim je zemljišče ali kmetija potrebna za opravljanje kmetijske oziroma gozdarske dejavnosti.

Zakupnik, s katerim je bila zakupna pogodba zaradi neizpolnjevanja njegovih obveznosti razdrta, ne more uveljavljati prednostne pravice iz 1. in 2. točke prejšnjega odstavka.

Ob enakih pogojih ima med prednostnimi upravičenci iz 2. in 3. točke drugega odstavka tega člena, uvrščenimi na isto mesto, prednostno pravico do zakupa tisti, ki mu kmetijska dejavnost pomeni edino ali glavno dejavnost in mu prihodki oziroma sredstva, pridobljena iz te dejavnosti, pomenijo poglavitni finančni vir preživljanja ali poslovanja.

Za zakupna razmerja po tem zakonu se uporabljajo določbe zakona o obligacijskih razmerjih, kolikor s tem zakonom ni drugače določeno.

along with the associated permanent crops or equipment if it cannot be removed without damage being caused. Permanent crops shall share the destiny of the land on which they grow.

A lease contract must be concluded in written form. A lease contract not concluded in written form shall have no legal effect.

Article 27

The provisions of Articles 19 through 24, except the provisions of paragraphs one, two and three of Article 23 of this Act, shall apply also to leases.

In leasing agricultural land, a forest or a farm, the prior right may be exercised by beneficiaries in accordance with the following order of priority unless provided otherwise by other acts with regard to agricultural land, a forest or a farm:

1. the lessee;
2. a lessee of land bordering the land that is being leased and a farmer who owns the land bordering the land that is being leased;
3. another farmer, agricultural organisation or sole proprietor who needs the land or the farm in order to carry out an agricultural or forestry activity.

A lessee whose lease contract was terminated due to his or her breach of obligations cannot exercise the prior right referred to in points 1 and 2 of the preceding paragraph.

Under equal conditions, among the prior beneficiaries referred to in points 2 and 3 of paragraph two of this Article who are equally ranked, the prior right to lease shall belong to the beneficiary whose agricultural activity is his or her only or main activity and whose revenue or resources derived from such activity represent his or her main financial source of subsistence or business operation.

For lease relationships under this Act, the provisions of the Obligations Act shall apply, unless otherwise provided by this Act.

V primeru, da so predmet zakupa nepremičnine, ki so v lasti Republike Slovenije ali občine, dovoljenje upravne enote in mnenje občine ni potrebno.

28. člen

Zakupno razmerje se v skladu s predpisi vknjiži v zemljiški knjigi in v zemljiškem katastru.

Zakupodajalec, če ni s pogodbo za to določen zakupnik, mora predlagati vpis zakupnega razmerja v zemljiško knjigo in zemljiški kataster v 30 dneh od prejema odobritve pravnega posla oziroma potrdila iz 19. člena tega zakona, izbris tega razmerja pa v 30 dneh od njegovega prenehanja.

29. člen

Doba zakupa mora ustrezati namenu uporabe zakupnega zemljišča in ne sme biti krajša kot:

- 25 let, če naj rabi zemljišče osnovanju vinogradov, sadovnjakov ali hmeljišča;
- 15 let, če naj rabi zemljišče osnovanju nasadov hitrorastočih listavcev;
- 10 let, če naj rabi zemljišče za druge namene.

Če trajni nasadi na zakupnem zemljišču že obstojajo, se zakupno razmerje lahko sklene tudi za dobo, dokler nasadi ne bodo amortizirani.

Če zakupodajalec po objavi ponudbe o zakupu na način iz 23. člena tega zakona v predpisanih rokih ne more skleniti zakupne pogodbe za dobo iz prvega odstavka tega člena ali če je tako določeno z zakonom, lahko da kmetijsko zemljišče v zakup tudi za krajši čas. Prav tako da lahko zakupodajalec zemljišča v zakup za krajši čas osebi, ki se po tem zakonu ne šteje za kmeta in v primerih, ko je vložena zahteva za vrnitev nepremičnine v naravi po določbah zakona o denacionalizaciji in zakona o

In the event the subject of the lease is real property owned by the Republic of Slovenia or a municipality, a permit from the administrative unit and the opinion of the municipality shall not be required.

Article 28

A lease relationship shall be entered in the land register and the land cadastre pursuant to regulations.

Provided that the lessee is not designated to do so by the contract, the lessor must propose the entry of a lease relationship in the land register and the land cadastre within 30 days of receipt of the approval of the legal transaction or the certificate referred to in Article 19 of this Act, while the deletion of such relationship must be proposed by the lessor within 30 days of its termination.

Article 29

The lease period must correspond to the purpose of the use of the leased land and may not be shorter than:

- 25 years if the land is to be used for the establishment of vineyards, orchards or hop fields;
- 15 years if the land is to be used for the establishment of plantations of fast-growing deciduous trees;
- 10 years if the land is to be used for other purposes.

Where permanent crops already exist on leased land, a lease relationship may be also concluded for the period until the crops are amortised.

If a lessor, after the announcement of a lease offer, is unable to conclude a lease contract in the manner referred to in Article 23 of this Act within the prescribed deadlines for the period referred to in paragraph one of this Article or if so provided by an Act, he or she may offer the agricultural land for lease for a shorter period. A lessor may also offer the agricultural land for lease for a shorter period to a person who is not deemed to be a farmer under this Act and in cases where a request for

ponovni vzpostavitvi agrarnih skupnosti.

30. člen

Za zakupna razmerja, ki se sklepajo zaradi posebnih razlogov, kot npr. zaradi odhoda k vojakom ali na začasno delo v tujino, zaradi bolezni in podobno, za čas, dokler ti razlogi trajajo, vendar ne več kot dve leti, določbe tega poglavja ne veljajo, razen določbe o sklenitvi pisne zakupne pogodbe in vpisu v zemljiško knjigo in zemljiški kataster.

31. člen

Zakupna pogodba se podaljša za prvotno dogovorjeno dobo, če najmanj v šestmesečnem roku pred iztekom pogodbe nobena pogodbeni stranka pisno ne odpove pogodbe razen, če se stranki dogovorita drugače.

32. člen

Zakupna pogodba lahko vsak čas sporazumno preneha.

Zakupna pogodba preneha tudi, če zakupno zemljišče v skladu z zakonom preneha biti kmetijsko zemljišče.

33. člen

Zakupodajalec sme od pogodbe odstopiti, če zakupnik:

- ne rabi zemljišča kot dober gospodar;
- obdeluje zakupno zemljišče v nasprotju s sklenjeno pogodbo;
- v nasprotju z zakupno pogodbo daje zakupno zemljišče v podzakup.

34. člen

the return of real property in kind has been submitted under the provisions of the Denationalisation Act or the Act on the Reestablishment of Agricultural Communities.

Article 30

For lease relationships that are being concluded for special reasons, e.g. due to joining the armed forces or temporary work abroad, due to illness, etc., the provisions of this Chapter shall not apply for the period of the duration of such reasons but for no longer than two years, except the provision on the conclusion of a written lease contract and the entry in the land register and land cadastre.

Article 31

A lease contract shall be extended for the initially agreed upon period if none of the contractual parties cancels the contract in writing at least six-months prior to the expiry of the contract, unless the parties agree otherwise.

Article 32

A lease contract may be terminated at any time by common consent.

A lease contract may be terminated also when agricultural land ceases to be agricultural land in accordance with an Act.

Article 33

A lessor may withdraw from the contract if a lessee:

- fails to use the land with due diligence;
- cultivates the leased land in contravention of the concluded contract;
- offers the leased land for sublease in contravention of the lease contract.

Article 34

Če bi zaradi dogodkov, ki jih ob času sklepanja zakupne pogodbe ni bilo mogoče pričakovati, izpolnitev obveznosti postala za eno od strank očitno pretežka ali bi ji povzročila preveliko izgubo, lahko prizadeta stranka zahteva, da se pogodba spremeni ali razveljavi.

Pri presoji, ali je zahteva za spremembo ali razveljavitev zakupne pogodbe utemeljena, je treba upoštevati koristi obeh strank, kakor na primer onemogočanje uvedbe prostorsko-ureditvenih operacij ter bolezen, onemoglost ali drugačno delovno nezmožnost zakupnika.

35. člen

Zakupna pogodba, s katero se zakupnina določi v obliki dela na kmetiji zakupodajalca ali v obliki deleža od pričakovanega pridelka oziroma predvidenega dohodka, je nična.

36. člen

Če zakupnik zasadi trajne nasade brez soglasja zakupodajalca, nima pravice do povračila neamortizirane vrednosti nasadov ob prenehanju zakupne pogodbe.

37. člen

Če zakupna pogodba drugače ne določa, lahko postavi zakupnik na zakupnem zemljišču pomožne objekte za smotno rabo zemljišča.

38. člen

Po prenehanju zakupa ima zakupodajalec pravico do zasajenih trajnih nasadov in zgrajenih objektov ter naprav, zakupniku pa mora plačati njihovo še neamortizirano vrednost, če so bili nasadi oziroma objekti in naprave napravljeni z njegovim soglasjem, če z zakupno pogodbo ni določeno drugače. Na zemljiščih, za katera je sklenjena

If the fulfilment of obligations becomes evidently too difficult for one of the parties or would result in excessive loss due to events that could not be anticipated at the time of the conclusion of the lease contract, the affected party may request that the agreement be amended or cancelled.

In assessing whether the request for the amendment or cancellation of a lease contract is well grounded, the benefits of both parties must be taken into consideration, such as the prevention of spatial planning operations or the lessee's illness, disability or other kind of incapacity to work.

Article 35

A lease contract by which the rent is determined in the form of work on the lessor's farm or in the form of a share in expected crop yield or anticipated income shall be void.

Article 36

If a lessee plants permanent crops without the lessor's consent, he or she shall have no right to a refund of the unamortised value of the permanent crops upon the termination of the lease contract.

Article 37

Unless stipulated otherwise in the lease contract, a lessee may build auxiliary facilities on the leased land in order to use the land in a rational manner.

Article 38

After the termination of a lease, the lessor shall have the right to planted permanent crops, built facilities and installed equipment, but must pay the lessee their unamortised value if such permanent crops, facilities and equipment were planted, built or installed with the lessor's consent, unless otherwise provided in the lease contract. On land for

zakupna pogodba na podlagi 17. člena zakona o Skladu kmetijskih zemljišč in gozdov Republike Slovenije in 5. člena zakona o lastninskem preoblikovanju podjetij, zakupnik nima pravice, da zahteva plačilo neamortizirane vrednosti trajnih nasadov, če zakupno razmerje preneha na njegovo zahtevo ali zaradi njegove krivde.

Trajni nasadi, objekti in naprave pripadajo zakupodajalcu brez odškodnine, če so bili napravljeni brez njegovega soglasja. Zakupnik ima pravico, da odstrani naprave, pri katerih je to mogoče brez škode.

V. AGRARNE OPERACIJE

1. Skupne določbe

39. člen

Z agrarnimi operacijami se urejajo kmetijska zemljišča oziroma kmetijski prostor zaradi izboljšanja kmetijskih zemljišč oziroma izboljšanja pogojev obdelave.

Agrarne operacije so: medsebojna menjava kmetijskih zemljišč, arondacije, komasacije in melioracije.

40. člen

Pobudo za agrarne operacije dajejo lastniki kmetijskih zemljišč oziroma njihove skupnosti ali druge pravne osebe, po pooblastilu lastnikov kmetijskih zemljišč.

Agrarne operacije se praviloma izvajajo sporazumno med lastniki kmetijskih zemljišč.

Agrarne operacije se lahko izvedejo tudi proti volji lastnikov kmetijskih zemljišč, vendar samo ob pogojih in po postopku, ki jih določa ta zakon.

which a lease contract was concluded on the basis of Article 17 of the Farmland and Forest Fund of the Republic of Slovenia Act and Article 5 of the Ownership Transformation of Companies Act, a lessee shall have no right to request the payment of the unamortised value of the permanent crops if the lease relationship is terminated at his or her request or due to his or her fault.

Permanent crops, facilities and equipment shall belong to the lessor without compensation if they were planted, built or installed without his or her consent. A lessee shall have the right to remove the equipment where this can be carried out without causing damage.

V. AGRICULTURAL OPERATIONS

1. Common provisions

Article 39

Agricultural operations are intended to manage agricultural land and farmland space in order to improve agricultural land and cultivation conditions.

Agricultural operations shall include the exchange of agricultural land, land re-parcelling, land consolidation and land improvement operations.

Article 40

An initiative for agricultural operations shall be given by agricultural land owners or their communities or other legal entities authorised by agricultural land owners.

Agricultural operations shall be carried out in agreement between agricultural land owners.

Agricultural operations may also be carried out against the will of agricultural land owners, but only under the conditions and according to the procedure laid down by this Act.

Lastnikom kmetijskih zemljišč pomaga pri oblikovanju pobude za uvedbo agrarne operacije pri uveljavljanju te pobude in v postopku izvajanja agrarne operacije kmetijska svetovalna služba.

41. člen

Lastniki, zakupniki oziroma drugi uporabniki kmetijskih zemljišč na območju agrarne operacije morajo dovoliti dostop na svoja zemljišča delavcem geodetskih, vodnogospodarskih in drugih organizacij, ki opravljajo dela v zvezi s pripravo in izvajanjem agrarnih operacij in delovanjem ter vzdrževanjem melioracijskih objektov in naprav, ter osebam, ki imajo pravico meriti, snemati, projektirati ali zaznamovati zemljišča in vode, kadar je to potrebno za agrarno operacijo.

Lastniki, zakupniki in drugi uporabniki zemljišč imajo pravico do odškodnine za škodo, povzročeno z deli iz prejšnjega odstavka.

Odločbo o dovolitvi dostopa na zemljišče po prvem odstavku tega člena in o odškodnini iz prejšnjega odstavka izda na zahtevo prizadetega upravna enota. Pritožba zoper to odločbo ne zadrži njene izvršitve.

42. člen

Upravna enota lahko odredi, da se v primernem roku odstranijo posamezni objekti, ki ovirajo izvedbo agrarnih operacij.

Odločba o odstranitvi se lahko izda šele, ko je odločba o uvedbi agrarne operacije dokončna oziroma, ko začne veljati predpis o uvedbi agrarne operacije.

Odškodnina za odstranjene objekte iz prvega odstavka tega člena, ki jo plačajo tisti, v katerih korist se izvaja agrarna operacija, se

The Agricultural Advisory Service shall provide assistance to agricultural land owners in preparing an initiative for the introduction of an agricultural operation, in promoting the initiative and during the implementation of the agricultural operation.

Article 41

The owners, lessees or other users of agricultural land within the area of an agricultural operation must allow access to their land to the employees of land surveying, water management and other organisations who carry out work related to the preparation and implementation of agricultural operations as well as to the operation and maintenance of land improvement facilities and equipment, and to persons who have a right to measure, record, design and mark land and water when this is required for an agricultural operation.

Owners, lessees and other users of land shall have the right to be compensated for damage caused by the activities referred to in the preceding paragraph.

A decision on allowing access to land under paragraph one of this Article and on the compensation referred to in the preceding paragraph shall be issued by an administrative unit at the request of the affected party. An appeal against the decision shall not stay its execution.

Article 42

An administrative unit may order that individual facilities that obstruct the implementation of agricultural operations be removed within an appropriate time limit.

A decision on the removal may be issued only upon the decision on the introduction of the agricultural operation becoming final or upon the decision on the introduction of the agricultural operation entering into force.

Compensation for removed facilities referred to in paragraph one of this Article to be paid by the parties benefitting from the agricultural

odmeri po predpisih o razlastitvi.

43. člen

Če se zaradi izgradnje infrastrukturnih objektov (ceste, vodne akumulacije, kanali in podobno) ali izgradnje stanovanjske in drugačne kompleksne graditve povzroči razdrobljenost kmetijskih zemljišč, težji dostop do njih ali težja obdelava, mora investitor takih objektov plačati stroške za potrebne agrarne operacije.

Potrebne agrarne operacije iz prejšnjega odstavka in obveznost plačila zanje se določijo v lokacijskem dovoljenju oziroma v dovoljenju za gradnjo takega objekta.

44. člen

Vpisi v zemljiško knjigo in geodetska dela v zvezi z agrarnimi operacijami veljajo za nujne.

2. Medsebojna menjava kmetijskih zemljišč

45. člen

Kot medsebojna menjava kmetijskih zemljišč po tem zakonu se šteje menjava, ki se izvaja zaradi racionalnejše rabe kmetijskega zemljišča in če vrednost enega zemljišča ne presega vrednosti drugega zemljišča za več kot 50%.

46. člen

Potrdilo o tem, da gre za medsebojno menjavo kmetijskih zemljišč po prejšnjem členu, izda upravna enota.

Če niso izpolnjeni pogoji za medsebojno menjavo zemljišč po

operation shall be assessed pursuant to the regulations governing expropriation.

Article 43

When the construction of infrastructure facilities (roads, water reservoirs, channels, etc.) or the construction of residential or other complex buildings results in the fragmentation of, reduced access to or more difficult cultivation of agricultural land, the party investing in such facilities must cover the costs associated with the required agricultural operations.

The required agricultural operations referred to in the preceding paragraph and the obligation to cover their costs shall be specified in the site permit or in the building permit for such facilities.

Article 44

Entries in the land cadastre and land surveying works related to agricultural operations shall be deemed to be urgent.

2. Exchange of agricultural land

Article 45

The exchange of agricultural land under this Act shall mean exchange that is carried for the purposes of more rational use of agricultural land, provided that the value of one land parcel does not exceed the value of the other land parcel by more than 50%.

Article 46

A certificate attesting that a transaction involves the exchange of agricultural land under the preceding Article shall be issued by an administrative unit.

If all of the conditions for the exchange of agricultural land

tem zakonu, se izdaja potrdila zavrne z odločbo v upravnem postopku.

3. Arondacija kmetijskih zemljišč

47. člen

Arondacija kmetijskih zemljišč (zaokrožitev) se lahko izvede v korist lastnika kmetijskega zemljišča, če bo zemljišče, ki se bo pripojilo, rabilo za kmetijsko proizvodnjo.

Arondacija se lahko izvede tudi v korist skupnosti na podlagi pogodbe, če gre za skupne pašnike, združeno obnovo ali napravo trajnih nasadov, ali če gre za združeno obdelovanje.

48. člen

Arondacijski upravičenci iz prejšnjega člena lahko vložijo predlog za arondacijo:

- če imajo na zaokroženem območju razdrobljena zemljišča ali če leži v strnjenem zemljiškem kompleksu tuje zemljišče;
- če nudijo lastniku za zemljišče, ki naj se pripoji, drugo ustrezno zemljišče enake katastrske kulture in katastrskega razreda ob upoštevanju predhodno usklajenega dejanskega stanja v zemljiškem katastru; če pa takega zemljišča nimajo, pa drugo zemljišče ustrezne velikosti, pri čemer se vrednost ugotovi po predpisani metodologiji iz 24. člena tega zakona ob upoštevanju predhodno usklajenega dejanskega stanja v zemljiškem katastru;
- če izkažejo, da razpolagajo z možnostmi za izvedbo namena, za katerega predlagajo arondacijo.

Ne glede na določbe druge alineje prejšnjega odstavka se lahko izplača denarna odškodnina, če se dotedanji lastnik s tako odškodnino strinja.

49. člen

under this Act are not fulfilled, the issuance of the certificate shall be rejected by a decision in an administrative procedure.

3. Reparcelling of agricultural land

Article 47

The reparcelling of agricultural land may be carried out for the benefit of an agricultural land owner if the land that is to be incorporated will be used for agricultural production.

Land reparcelling may also be carried out for the benefit of a community on a contractual basis in the case of common pastures, joint restoration or the establishment of permanent crops or joint cultivation.

Article 48

The land reparcelling beneficiaries referred to in the preceding Article may submit a proposal for land reparcelling:

- when they own fragmented land within a territorially compact area or when other land is located in the continuous land complex;
- when for the land that is to be incorporated they offer the owner other adequate land with the same cadastral land use type and within the same cadastral class while taking into account the pre-reconciled actual records in the land cadastre; if they have no such land, they shall offer other land of relevant size, whereby its value shall be established using the prescribed methodology referred to in Article 24 of this Act while taking into account the pre-reconciled actual records in the land cadastre;
- when they demonstrate the capacities to carry out the intention for which they propose that land reparcelling be carried out.

Notwithstanding the provisions of indent two of the preceding paragraph, monetary compensation may be paid if the previous owner agrees to such compensation.

Article 49

Predlagatelj arondacije mora navesti namen arondacije, izkazati, da so izpolnjeni pogoji iz 47. in 48. člena tega zakona, izjaviti, da prostovoljna medsebojna menjava kmetijskih zemljišč ni bila dosežena, priložiti predlogu seznam razdrobljenih zemljišč ali zemljišč v strnjem zemljiškem kompleksu, ki naj se arondirajo, seznam zemljišč, ki naj se pripoje, in seznam zemljišč, ki jih predlagatelj arondacije daje v odškodnino za pripojena zemljišča.

Predlagatelj priloži predlogu tudi mnenje kmetijske svetovalne službe o upravičenosti nameravane arondacije.

50. člen

Odškodnina za stavbe, druge objekte ali nasade se določa sporazumno. Če do sporazuma ne pride, se po pravnomočnosti odločbe o arondaciji o tej odškodnini odloči po predpisih o razlastitvi.

51. člen

O predlogu za arondacijo odloča v upravnem postopku upravna enota. Z odločbo o arondaciji upravna enota odloči tudi o pripojitvi zemljišča k zemljišču, ki se arondira, o zemljišču, ki se daje za pripojeno zemljišče, ter o odškodnini, za katero so se stranke sporazumele.

Stroške arondacijskega postopka trpi arondacijski upravičenec.

52. člen

Zemljišče, ki se z arondacijo pripoji, se izroči arondacijskemu upravičencu po pravnomočnosti odločbe o arondaciji.

The proposer of land reparcelling must indicate the intention of land reparcelling, demonstrate that the conditions referred to in Articles 47 and 48 of this Act are met, state that the voluntary exchange of agricultural land was not achieved, attach to the proposal the list of fragmented land parcels or land parcels within a continuous land complex that are to be reparcelled, the list of land parcels that are to be incorporated, and the list of land parcels the proposer of the land reparcelling is giving as compensation for the incorporated land.

The proposer shall attach to the proposal the opinion of the Agricultural Advisory Service on the eligibility of the intended land reparcelling.

Article 50

Compensation for buildings, other facilities or permanent crops shall be determined by mutual agreement. Where an agreement is not reached, such compensation shall be decided on pursuant to the regulations governing expropriation upon the decision on land reparcelling becoming final.

Article 51

The decision on a proposal for land reparcelling shall be adopted by an administrative unit in an administrative procedure. An administrative unit shall also, by a decision on land reparcelling, decide on the incorporation of land into the land that is being reparcelled, on land that is to be incorporated and on the compensation agreed upon by the parties.

The costs of the land reparcelling procedure shall be borne by the land reparcelling beneficiary.

Article 52

The land that is to be incorporated by land reparcelling shall be handed over to the land reparcelling beneficiary upon the decision on land

Prejšnji lastnik ima pravico obdržati pripojeno kmetijsko zemljišče v posesti dokler ne pospravi pridelkov, vendar najdalje do konca tekočega gospodarskega leta.

53. člen

Hipoteke in druga stvarna bremena, ki so vpisana na pripojenem zemljišču arondacijskega upravičenca, razen zemljiških služnosti, če so le-te potrebne, izgubijo pravno veljavnost in se izbrišejo iz zemljiške knjige.

Izbrisano breme se po uradni dolžnosti vknjiži na zemljišču, ki je bilo dano kot odškodnina za pripojeno zemljišče.

Potrebnost zemljiške služnosti iz prvega odstavka tega člena ugotavlja upravna enota. Zoper ta del izreka ni nadaljnje upravne poti, prizadeti pa lahko zahteva v 30 dneh od vročitve odločbe o arondaciji, naj pristojno redno sodišče odloči o potrebnosti zemljiške služnosti.

54. člen

Po pravnomočnosti odločbe o arondaciji lahko prejšnji lastnik pripojenega zemljišča zahteva pri upravni enoti, da razveljavi odločbo o arondaciji:

- če arondacijski upravičenec najpozneje v enem letu po pravnomočnosti odločbe o arondaciji ne začne urejati arondiranih zemljišč;
- če začete ureditve ne konča najpozneje v petih letih od začetka urejanja, ali
- če arondiranih zemljišč v enem letu po pravnomočnosti odločbe o arondaciji ne začne izkoriščati za kmetijsko proizvodnjo, razen v primeru, če je na podlagi upravnega akta ali predpisa bila spremenjena namembnost zemljišča.

Zahtevo iz prejšnjega odstavka lahko prejšnji lastnik vloži v treh

reparcelling becoming final.

The previous owner shall have the right to keep the incorporated agricultural land until the crops are harvested, but no longer than by the end of the current business year.

Article 53

Mortgages and other encumbrances registered against the incorporated land belonging to a land reparcelling beneficiary, except easements where they are required, shall lose their legal validity and shall be deleted from the land register.

A deleted encumbrance shall *ex officio* be registered against the land that was given as compensation for the incorporated land.

The necessity of an easement referred to in paragraph one of this Article shall be assessed by an administrative unit. There shall be no further administrative remedies available against this part of a decision; however, within 30 days of being served the decision on land reparcelling the affected party may request that the competent ordinary court of law decide on the necessity of the easement.

Article 54

Upon a decision on land reparcelling becoming final, the former owner of the incorporated land may request that the administrative unit annul the decision on land reparcelling if the land reparcelling beneficiary:

- fails to begin to manage the reparable land no later than within a year of the decision on land reparcelling becoming final;
- fails to complete the initiated management no later than within five years of the beginning of the operations;
- fails to begin to exploit the reparable land for agricultural production within one year of the decision on land reparcelling becoming final, except if the designated use of the land was changed on the basis of an administrative act or regulation.

A request referred to in the preceding paragraph shall be

mesecih od dneva, ko je za to zvedel, vendar najpozneje v enem letu po poteku rokov iz prejšnjega odstavka.

4. Komasacija

55. člen

Zemljišča na določenem območju se lahko zložijo in ponovno razdelijo med prejšnje lastnike tako, da dobi vsak čimbolj zaokrožena zemljišča (v nadaljnjem besedilu: komasacija).

Predmet komasacije so kmetijska zemljišča, lahko pa tudi gozdovi, nezazidana stavbna in druga zemljišča na komasacijskem območju ter naprave na teh zemljiščih (v nadaljnjem besedilu: komasacijski sklad).

56. člen

Uvedbo komasacijskega postopka lahko predlagajo lastniki zemljišč, v njihovem imenu pa komasacijski odbor, njihova skupnost na podlagi pogodbe, pravna oseba ali lokalna skupnost.

Upravičenci iz prejšnjega odstavka vložijo predlog za uvedbo komasacijskega postopka na upravno enoto.

Predlog za uvedbo komasacijskega postopka se lahko vloži, če se s komasacijo strinjajo lastniki kmetijskih zemljišč, ki imajo v lasti več kot dve tretjini površin kmetijskih zemljišč na predvidenem komasacijskem območju.

Ne glede na določbe stvarnopravnega zakonika se za posamezno zemljiško parcelo v solastnini šteje, da se lastniki strinjajo z uvedbo komasacije, če odločitev o tem sprejmejo s soglasjem

submitted by the previous owner within three months of the date he or she learned about the non-compliance referred to in the preceding paragraph but no later than within a year of the expiry of the deadlines referred to in the preceding paragraph.

4. Land consolidation

Article 55

Land within a certain area may be assembled and redistributed among the previous owners in such a manner that each of them is allotted land that is territorially compact to the highest extent possible (hereinafter: land consolidation).

The subject of land consolidation shall be agricultural land as well as forests, unbuilt-on construction land and other land within a land consolidation area as well as the equipment on such land (hereinafter: land consolidation fund).

Article 56

The initiation of a land consolidation procedure may be proposed by owners of land, a land consolidation committee on their behalf, their community on the basis of a contract, a legal entity or a local community.

The beneficiaries referred to in the preceding paragraph shall submit a proposal for the initiation of a land consolidation procedure to an administrative unit.

A proposal for the initiation of a land consolidation procedure may be submitted if agricultural land owners who own more than two thirds of the agricultural land within the planned land consolidation area agree to land consolidation.

Notwithstanding the provisions of the Law of Property Code, it shall be deemed that the owners agree to the introduction of land consolidation for any co-owned individual land parcel if a decision thereon

solastnikov, ki imajo v lasti več kot dve tretjini solastniških deležev.

Predlogu za uvedbo komasacijskega postopka je treba priložiti:

- predvidene meje komasacijskega območja;
- predlog celovite idejne zasnove ureditve komasacijskega območja, usklajen z drugimi sočasnimi agrarnimi operacijami;
- predvidena območja ureditve zemljiškega katastra na območju komasacije;
- mnenje javne službe kmetijskega svetovanja o upravičenosti komasacije z oceno pričakovanih učinkov;
- seznam lastnikov zemljišč s podatki o njihovih osebnih imenih in naslovih prebivališč, EMŠO, površinah, ki jih imajo v lasti na predvidenem komasacijskem območju, in upravno overjene izjave lastnikov, ki se strinjajo z uvedbo komasacijskega postopka. Če gre za pravno osebo, je treba predlogu za uvedbo priložiti podatek o firmi, sedežu, davčni številki, površinah zemljišč, ki jih ima v lasti na predvidenem komasacijskem območju, in upravno overjeno izjavo zastopnika pravne osebe, da se strinja z uvedbo komasacijskega postopka;
- imena članov komasacijskega odbora iz 61. člena tega zakona;
- podatke o firmi in sedežu investitorja komasacije, ki mora biti pravna oseba;
- predpisana soglasja ali dovoljenja pristojnih organov, če se predlaga uvedba komasacijskega postopka na območjih varovanj in omejitev po posebnih predpisih.

Soglasja ali dovoljenja iz osme alineje prejšnjega odstavka so sestavni del predloga za uvedbo komasacijskega postopka.

Upravna enota pri pristojnih organih preveri skladnost seznama lastnikov zemljišč in njihovih izjav za uvedbo komasacijskega postopka z lastniškim stanjem v zemljiški knjigi ter skladnost komasacije s prostorskim aktom lokalne skupnosti.

is adopted with the consent of co-owners who own more than two thirds of the co-ownership shares.

The following shall be attached to a proposal for the initiation of a land consolidation procedure:

- the proposed borders of the land consolidation area;
- the proposal of an integrated conceptual design of the land consolidation area, harmonised with other possible agricultural operations taking place at the same time;
- the proposed areas of the land cadastre update in the land consolidation area;
- the opinion of the public Agricultural Advisory Service on the eligibility of the land consolidation with an assessment of the expected effects;
- a list of the land owners containing details on their personal names and residential addresses, UPIN, the land areas they own within the planned land consolidation area and administratively authenticated statements of the owners who agree to the introduction of the land consolidation. For a legal entity, the details of its corporate name, registered office, tax identification number, the land areas it owns within the planned land consolidation area and an administratively authenticated statement of the entity's legal representative that it agrees to the introduction of the land consolidation must be attached to the proposal for the introduction of land consolidation.
- the names of land consolidation committee members referred to in Article 61 of this Act;
- the details of the corporate name and registered office of the land consolidation investor, which must be a legal entity;
- the prescribed consents or permits of the competent authorities if the introduction of land consolidation is proposed in protection and restriction areas under special regulations.

The consents or permits referred to in indent eight of the preceding paragraph shall be a constituent part of the proposal for the initiation of the land consolidation procedure.

An administrative unit shall verify with the competent authorities the agreement of the list of land owners and their statements regarding the initiation of the land consolidation procedure with the land ownership records in the land register and the conformity of the land consolidation with the spatial planning document of the local community.

Upravna enota izda odločbo o uvedbi komasacijskega postopka najpozneje v treh mesecih od dneva prejema popolnega predloga za uvedbo komasacijskega postopka.

Odločba o uvedbi komasacije preneha veljati, če se v petih letih po pravnomočnosti ne začne z izvajanjem komasacijskih del.

56.a člen

Kot komasacije po tem zakonu se štejejo tudi komasacije, pri katerih postopki zložbe in ponovne razdelitve potekajo na podlagi pogodbe o komasaciji, ki jo sklenejo vsi lastniki zemljišč na določenem območju (v nadaljnjem besedilu: pogodbeni komasacija).

Za izvajanje pogodbene komasacije morajo lastniki zemljišč pridobiti komasacijsko dovoljenje, ki ga izda upravna enota na podlagi vloge. Vlogi je treba priložiti pogodbo o komasaciji, iz katere morata biti razvidna seznam lastnikov zemljišč s podatki o površinah, ki jih imajo v lasti na območju pogodbene komasacije, ter načrt nove razdelitve zemljišč.

Komasacijsko dovoljenje se izda, če upravna enota ugotovi, da je pogodbeni komasacija v skladu s prostorskim aktom lokalne skupnosti in da je seznam lastnikov zemljišč v skladu z lastniškim stanjem v zemljiški knjigi.

57. člen

Komasacija se uvede z odločbo upravne enote.

V odločbi o uvedbi komasacije se lahko določi:

- da se v komasacijski sklad vključijo tudi gozdovi, vodna in druga

An administrative unit shall issue a decision on the initiation of the land consolidation procedure no later than within three months of the date of receipt of a complete proposal for the initiation of a land consolidation procedure.

A decision on the introduction of land consolidation shall cease to be in force if land consolidation operations are not initiated within five years of the decision becoming final.

Article 56a

Land consolidations where the assembly and redistribution procedures are conducted on the basis of a land consolidation contract concluded between all land owners within a certain area (hereinafter: contractual land consolidation) shall also be considered to be land consolidations under this Act.

In order to carry out a contractual land consolidation, the land owners must obtain a land consolidation permit issued by an administrative unit on the basis of an application. A land consolidation contract must be attached to the application containing a list of the land owners and data on the land areas owned by them within the area of the contractual land consolidation and the plan for the new distribution of land.

A land consolidation permit shall be issued if the administrative unit establishes that the contractual land consolidation complies with the spatial planning document of the local community and that the list of land owners corresponds to the ownership records in the land register.

Article 57

Land consolidation shall be introduced by a decision of the administrative unit.

The decision on the introduction of land consolidation may stipulate that:

- forests, water land and other land located within or extending into the

zemljišča, ki leže znotraj komasacijskega območja oziroma segajo vanj;

- da se v komasacijski sklad ne vključijo posamezni vinogradi, sadovnjaki, hmeljišča in druga zemljišča ali skupine takih zemljišč, če bi vključitev teh ovirala smotrno izvedbo komasacije.

Upravna enota lahko s spremembo ali dopolnitvijo pravnomočne odločbe o uvedbi komasacije naknadno spremeni meje komasacijskega območja, če gre za povečanje oziroma za zmanjšanje do 10% površine komasacijskega območja, če je to potrebno zaradi racionalnejše izvedbe komasacije.

Upravna enota poskrbi, da se uvedba komasacije zaznamuje v zemljiški knjigi in zemljiškem katastru.

58. člen

V komasacijskem postopku ni dovoljena vrnitev v prejšnje stanje in ne obnova postopka.

Če med izvajanjem komasacije nastopijo razmere, ki onemogočajo nadaljnjo komasacijo, lahko upravna enota ustavi komasacijo, če je posestno stanje, ki je bilo v naravi ob uvedbi komasacije, še nespremenjeno.

Stranke v komasacijskem postopku so lastniki zemljišč na komasacijskem območju (v nadaljnjem besedilu: komasacijski udeleženci) in drugi, ki imajo na zemljiščih v komasacijskem skladu stvarne pravice ali kakšen drug na zakon oprt pravni interes.

59. člen

Komasacijski postopek vodi upravna enota.

Upravna enota lahko za opravljanje posameznih opravil v komasacijskem postopku imenuje komasacijsko komisijo. Komasijsko

land consolidation area be included in the land consolidation fund;

- individual vineyards, orchards, hop fields or other land parcels or clusters of such land not be included in the land consolidation area if such inclusion would obstruct the effective implementation of land consolidation.

An administrative unit may subsequently change the borders of a land consolidation area by an amendment to or supplementation of the final decision on the introduction of land consolidation by an increase or reduction in the land consolidation area of up to 10% if this is required for more rational implementation of the land consolidation.

The administrative unit shall ensure that the land consolidation is entered in the land register and land cadastre.

Article 58

In a land consolidation procedure, neither restitution nor the reopening of the procedure shall be permitted.

If conditions arise during the implementation of land consolidation that prevent further land consolidation, the administrative unit may stay the land consolidation if the state of ownership as determined upon the introduction of the land consolidation remains unchanged.

Parties to a land consolidation procedure shall be the land owners within a land consolidation area (hereinafter: land consolidation participants) and others with real rights or other legal interests arising from an Act that concern the land within the land consolidation fund.

Article 59

Land consolidation procedures shall be conducted by an administrative unit.

The administrative unit may appoint a land consolidation commission to carry out individual tasks in the land consolidation

komisijo sestavlja najmanj pet članov, in sicer predvsem strokovnjaki s pravnega, agronomskega in geodetskega področja ter en komasacijski udeleženec. Predsednik komisije je praviloma diplomirani pravnik s pravosodnim oziroma pravniškim državnim izpitom.

Člani komasacijske komisije imajo položaj uradnih oseb in so lahko pooblaščen za vodenje komasacijskega postopka in opravljanje drugih dejanj v postopku.

60. člen

Z uvedbo komasacijskega postopka je na komasacijskem območju prepovedana parcelacija zemljišč, graditev in sajenje oziroma odstranjevanje nasadov ter gozdnega drevja, če ni z idejno zasnovo ureditve komasacijskega območja določeno drugače.

Promet z zemljišči je dovoljen do konca razgrnitve elaborata obstoječega stanja zemljišč komasacijskega sklada. Ne glede na fazo komasacije je dovoljen prenos lastništva, če gre za prenos lastništva na Republiko Slovenijo ali lokalno skupnost, za prenos lastništva zaradi izvedbe prostorskega izvedbenega akta ali za prenos zemljišč na komasacijskem območju, ki so v lasti enega ali več lastnikov, na enega dediča.

O spremembah lastništva med komasacijskim postopkom mora sodišče s sklepom o vknjižbi v zemljiško knjigo sproti obveščati upravno enoto, ki vodi komasacijski postopek. O izvedeni parcelaciji med komasacijskim postopkom mora pristojni geodetski organ z odločbo o parcelaciji sproti obveščati upravno enoto, ki vodi komasacijski postopek.

Pogodba, sklenjena v nasprotju s prvim ali drugim odstavkom tega člena, je nična. Lastnik tudi nima pravice do odškodnine za sredstva, vložena v gradnjo, sajenje ali odstranjevanje nasadov in spremembo kulture v nasprotju s prvim odstavkom.

procedure. A land consolidation commission shall be composed of at least six members, namely experts in the fields of law, agronomy and land surveying, as well as one land consolidation participant. As a rule, the chair of the commission shall be a law graduate who has passed the bar exam or state legal exam.

The members of a land consolidation commission shall have the status of officials and may be authorised to conduct the land consolidation procedure and perform other tasks within the procedure.

Article 60

Upon the initiation of a land consolidation procedure, the parcelling of land, building, planting and the removal of permanent crops and forest trees shall be prohibited on the land consolidation area unless provided otherwise by the conceptual design of the land consolidation area.

Land transactions shall be permitted until the conclusion of the public display of a study of the existing state of the land in the land consolidation fund. Regardless of the land consolidation stage, the transfer of ownership shall be permitted in the case of transfer to the Republic of Slovenia or a local community, transfer due to the implementation of an implementing spatial planning document or the transfer of land parcels within a land consolidation area that are owned by one or more persons to a single heir.

By a decision on entry in the land register, a court must promptly notify the administrative unit conducting the land consolidation procedure of any ownership changes during the land consolidation procedure. By a decision on parcellation, the competent land surveying authority must promptly notify the administrative unit conducting the land consolidation procedure of any parcellation carried out during the land consolidation procedure.

A contract concluded in contravention of paragraph one or two of this Article shall be void. An owner shall have no right to compensation for funds invested in the setting-up, planting or removal of permanent crops or the conversion of crops carried out in contravention of paragraph one.

Posledice uvedbe komasacijskega postopka po prvem odstavku tega člena prenehajo s pravnomočnostjo odločbe o ponovni razdelitvi zemljišč. Prav tako prenehajo te posledice v primeru, če se komasacija ne začne izvajati v dveh letih po pravnomočnosti odločbe o uvedbi komasacije.

61. člen

Komasacijski udeleženci pred vložitvijo vloge za uvedbo komasacije izvolijo izmed sebe komasacijski odbor, ki ima naslednje naloge:

- zastopa interese komasacijskih udeležencev;
- pripravlja predloge, ki jih posreduje upravni enoti;
- sodeluje pri pripravi predloga elaborata o vrednotenju in o razdelitvi zemljišč iz komasacijskega sklada.

Komasacijski odbor ne sme odločati o pravicah komasacijskih udeležencev.

62. člen

Pri vlaganju zemljišč v komasacijski sklad se upošteva:

- glede lastnine in drugih stvarnih pravic stanje v zemljiški knjigi;
- glede lege, površine, katastrske kulture in katastrskega razreda podatki zemljiškega katastra;
- glede drugih podatkov pa dejansko stanje.

Če se dejansko stanje glede lastninske pravice in drugih stvarnih pravic na zemljiščih, ki se vlagajo v komasacijski sklad, ne ujema s stanjem po zemljiški knjigi, se upošteva dejansko stanje, če to ni sporno. S tem pa ne smejo biti prizadete pravice, ki jih ima kdo na takem kmetijskem zemljišču.

Lastnik zemljišča lahko do razgrnitve elaborata obstoječega

The effects of the initiation of a land consolidation procedure in accordance with paragraph one of this Article shall cease upon the decision on the redistribution of land becoming final. Such effects shall also cease in the event land consolidation activities are not initiated within two years of the decision on the introduction of the land consolidation becoming final.

Article 61

Prior to applying for the introduction of land consolidation, the land consolidation participants shall appoint from among themselves a land consolidation committee, which shall carry out the following tasks:

- representing the interests of the land consolidation participants;
- drawing up proposals and submitting them to the administrative unit;
- participating in the preparation of a draft study on the evaluation and distribution of the land from the land consolidation fund.

A land consolidation committee may not decide on the rights of the land consolidation participants.

Article 62

The following shall be taken into account in putting land into a land consolidation fund:

- records in the land register as regards ownership and other real rights;
- data in the land cadastre as regards the location, land area, cadastre land use type and cadastre class;
- the actual state as regards other data.

If the actual state as regards ownership rights and other real rights regarding the land that is being put into the land consolidation fund does not correspond to the records in the land register, the actual state shall be taken into account provided that it is not disputable. However, this may not compromise the rights of anyone regarding such agricultural land.

Prior to the public display of the study of the actual state of the

stanja zahteva, da se mu na njegove stroške ugotovi dejanska površina zemljišča, ki ga ima v komasacijskem skladu.

63. člen

V postopku komasacije se izdelajo in razgrnejo naslednji elaborati:

- elaborat obstoječega stanja zemljišč na komasacijskem območju;
- elaborat vrednotenja zemljišč na komasacijskem območju;
- idejna zasnova ureditve komasacijskega območja;
- elaborat nove razdelitve zemljišč na komasacijskem območju.

Elaborate iz prvega odstavka tega člena izdelata in operativna geodetska dela izvaja geodetska organizacija, ki ima pooblastilo za izvajanje geodetskih upravnih storitev, z delavci, ki imajo pooblastilo za vodenje upravnega postopka. Geodetsko organizacijo izbere investitor.

Glede načina in postopka razgrnitve elaboratov po tem členu se smiselno uporabljajo ustrezne odločbe zakona o zemljiškem katastru. Kraj, čas in rok razgrnitve elaboratov iz prvega odstavka tega člena določi upravna enota. Rok razgrnitve ne sme biti krajši kot 15 dni. Sklep o razgrnitvi elaboratov se objavi na krajevno običajen način.

Komasacijski udeleženci lahko podajo na elaborate po tem členu pripombe in predloge na sami razgrnitvi, najpozneje pa v osmih dneh po izteku roka razgrnitve. Pripombe in predlogi na razgrnjene elaborate se obravnavajo v postopku pred izdajo odločbe o novi razdelitvi zemljišč, o njih pa se odloči z odločbo o novi razdelitvi zemljišč.

Na zahtevo in na stroške komasacijskega udeleženca se mu v času razgrnitve elaborata nove razdelitve zemljišč na komasacijskem območju v naravi pokažejo njemu namenjena kmetijska zemljišča.

land, the land owners may request that the actual surface area of their land in the land consolidation fund be established at their own expense.

Article 63

In a land consolidation procedure, the following studies shall be conducted and publicly displayed:

- a study of the existing state of the land within the land consolidation area;
- a study of the valuation of the land within the land consolidation area;
- the conceptual design of the land consolidation area;
- a study of the new distribution of the land within the land consolidation area.

The studies referred to in paragraph one of this Article shall be conducted and operational land surveying works shall be carried out by a land surveying organisation authorised to carry out land surveying administrative services, through employees authorised to conduct administrative procedures. The land surveying organisation shall be selected by the investor.

As regards the manner of and procedure for displaying the studies under this Article, the relevant provisions of the land cadastre Act shall apply *mutatis mutandis*. The place, time and duration of displaying the studies referred to in paragraph one of this Article shall be specified by the administrative unit. The duration of such display may not be shorter than 15 days. The decision on displaying such studies shall be published in the locally customary manner.

Land consolidation participants may submit opinions and proposals regarding studies under this Article during the display and no later than within eight days after the time limit for the duration of the display has expired. Opinions and proposals regarding the displayed studies shall be considered in the procedure prior to the issuance of a decision on the new distribution of land, while they shall be decided on by the decision on the new distribution of land.

At the request and expense of a land consolidation participant, he or she shall be shown his or her newly allotted agricultural land on-site during the display of the study of the new distribution of land within the

64. člen

Pri razdelitvi zemljišč iz komasacijskega sklada dobi komasacijski udeleženec čimbolj zaokroženo zemljišče.

Do komasiranih zemljišč je treba zagotoviti ustrezen dostop.

S komasacijo se ne smejo poslabšati dostopi do zemljišč izven komasacijskega območja.

65. člen

Komasacijski udeleženci dobijo iz komasacijskega sklada zemljišče približno enake skupne vrednosti. Razlika med skupno vrednostjo vloženih in dobljenih zemljišč praviloma ne sme presegati 5% vrednosti in 15% površine, pri tem pa ni všteto zmanjšanje površine po 67. členu tega zakona.

Na območjih, ki so predvidena za trajne nasade, osuševalne, namakalne in druge naprave, se dodelijo zemljišča tudi v skladu s tehničnimi pogoji za tako ureditev zemljišč.

Če dobi komasacijski udeleženec iz komasacijskega sklada zemljišče, ki je večje skupne vrednosti kot zemljišče, ki ga je vložil, mora v denarju vplačati razliko na podračun upravne enote. Če dobi komasacijski udeleženec zemljišče manjše skupne vrednosti, kot je vrednost zemljišča, ki ga je vložil, mu upravna enota v denarju izplača razliko v skladu z vrednostjo, kot je navedena v elaboratu vrednotenja zemljišč. Razliko je treba plačati v osmih dneh po prejemu odločbe o novi razdelitvi zemljišča. Če se v pritožbenem postopku ugotovi še nadaljnja razlika, se le-ta poravna praviloma v denarju po pravnomočnosti odločbe o novi razdelitvi kmetijskih zemljišč. V tem primeru se vrednost kmetijskega zemljišča, navedena v elaboratu vrednotenja zemljišč, valorizira glede na splošno gibanje cen. Za znesek vplačil iz prvega stavka tega odstavka se zniža obremenitev finančnega načrta upravne enote, vendar največ do višine

land consolidation area.

Article 64

In the distribution of land from the consolidation fund, each consolidation participant shall be allotted land that is territorially compact to the highest extent possible.

Adequate access to consolidated land must be ensured.

Land consolidation may not result in deteriorated access to land outside the land consolidation area.

Article 65

Land consolidation participants shall be allotted land of approximately the same total value from the consolidation fund. As a rule, the difference between the total value of the land put into the fund and the land subsequently allotted from the fund may not exceed 5% of the value and 15% of the land area, whereby the reduction in the land area in accordance with Article 67 of this Act shall not be taken into account.

In areas intended for the planting of permanent crops, drainage, irrigation and other operations, land shall also be allotted in accordance with the technical conditions for such land operations.

If a land consolidation participant is allotted land from the land consolidation fund whose total value is higher than the value of land he or she put into the fund, he or she must cover the difference by transferring the corresponding amount to a sub-account of the administrative unit. If a land consolidation participant is allotted land from the land consolidation fund whose total value is lower than the value of the land he or she put into the fund, the administrative unit shall refund him or her the difference in accordance with the value as stated in the land valuation study. The difference must be paid within eight days of receipt of the decision on the new distribution of land. If a further difference is established in the appeal procedure, it shall be settled in cash upon the decision on the new distribution of land becoming final. In such an event, the value of agricultural land stated in the land valuation study shall be valued in

izplačanih sredstev za ta namen. Če vplačila iz prvega stavka tega odstavka presegajo izplačila, se razlika nakaže na podračun javnofinančnih prihodkov, kot prihodek državnega proračuna. Če izplačila iz drugega stavka tega odstavka presegajo vplačila, razlika bremeni finančni načrt upravne enote.

Vodna zemljišča se iz komasacijskega sklada dodelijo lastnikom, določenim v predpisih o varstvu okolja oziroma o vodah.

66. člen

Pri vrednotenju zemljišč se zemljišča uvrščajo v vrednostne razrede. Vsakemu vrednostnemu razredu se določi vrednost enega kvadratnega metra v cenilnih enotah. Cenilni enoti se določi vrednost v denarju.

Metoda vrednotenja zemljišč iz prejšnjega odstavka temelji na oceni proizvodne sposobnosti zemljišča, ki se določi v obliki bonitetnih točk, ter vrednosti prostora.

Osebe za vrednotenje kmetijskih zemljišč po tem členu morajo imeti pooblastilo za bonitiranje v skladu z zakonom, ki ureja evidentiranje nepremičnin.

Sestavni del elaborata vrednotenja zemljišč na komasacijskem območju v skladu s 63. členom tega zakona je tudi elaborat spremembe bonitete zemljišč v skladu z zakonom, ki ureja evidentiranje nepremičnin. Ne glede na zakon, ki ureja evidentiranje nepremičnin, spremembe bonitete zemljišč Geodetska uprava Republike Slovenije po uradni dolžnosti evidentira v zemljiškem katastru ob evidentiranju nove razdelitve zemljišč na komasacijskem območju.

Podrobnejšo metodologijo vrednotenja zemljišč iz prvega in drugega odstavka tega člena predpiše minister, pristojen za kmetijstvo, v

accordance with general price developments. The amount of the covered difference referred to in the first sentence of this paragraph shall reduce the debit of the administrative unit's budget but only up to the amount of funds paid for this purpose. If the contributions referred to in the first sentence of this paragraph exceed the disbursements, the balance shall be transferred to a sub-account of general government revenue as budgetary revenue. If the disbursements referred to in the second sentence of this paragraph exceed the contributions, the balance shall be debited to the administrative unit's budget.

Water land shall be allotted from the land consolidation fund to the owners specified in the regulations governing environmental protection or waters.

Article 66

In land valuation, land shall be classified into value categories. Each value category shall be assigned the value of one square meter of land in valuation units. The value of a valuation unit shall be determined in monetary terms.

The land valuation method referred to in the preceding paragraph shall be based on an assessment of the production capacity of land, which shall be determined in the form of land rating points and the value of land.

The valuation of agricultural land in accordance with this Article shall be conducted by persons authorised carry out land rating in accordance with the Act regulating real estate records.

A constituent part of a study of the valuation of land within a land consolidation area in accordance with Article 63 of this Act shall be a study of changes in the land rating of land in accordance with the Act regulating real estate records. Notwithstanding the Act regulating real estate records, changes in the land rating of land shall be recorded in the land cadastre *ex officio* by an administrative unit at the time of the new distribution of land within the land consolidation area.

The detailed methodology for the valuation of land referred to in paragraphs one and two of this Article shall be prescribed by the minister

soglasju z ministrom, pristojnim za geodetske zadeve.

67. člen

Če se na komasacijskem območju zaradi celovite ureditve zemljišč zgradijo poti, melioracijski jarki, vetrobranski pasovi ali drugi javni objekti, ki so potrebni za izvedbo komasacije, in se zaradi tega zmanjša skupna površina zemljišč, ali se iz drugih vzrokov poveča skupna površina zemljišč, ki naj se razdelijo med komasacijske udeležence, se dodeli vsakemu komasacijskemu udeležencu sorazmerno z vloženim zemljiščem manjša oziroma večja površina zemljišč.

Določba prvega odstavka tega člena se smiselno uporablja tudi, če se zmanjša oziroma poveča skupna površina zemljišč v komasacijskem skladu zaradi višje sile med komasacijskim postopkom (odnašanje, nasipanje zemlje zaradi spremembe rečnega toka itd.).

68. člen

Služnosti in lastninske omejitve, ki po razdelitvi komasacijskega sklada udeležencu niso več potrebne, prenehajo, ustanovijo pa se nove, če je to potrebno glede na novo razdelitev zemljišč iz komasacijskega sklada.

Služnosti iz prejšnjega odstavka se ustanovijo z odločbo o novi razdelitvi zemljišč iz komasacijskega sklada.

69. člen

Hipoteke in druga stvarna bremena, ki so vpisana na zemljišču, ki ga posameznik vloži v komasacijski sklad, se ob razdelitvi komasacijskega sklada po uradni dolžnosti vpišejo na novo dodeljena zemljišča.

responsible for agriculture in agreement with the minister responsible for land surveying.

Article 67

If integrated spatial planning solutions require roads, drainage ditches, windbreaks or other public facilities to be constructed within the land consolidation area for the implementation of land consolidation and the total area of the land that is to be distributed among land consolidation beneficiaries decreases as a result of such activities or increases due to other reasons, each land consolidation beneficiary shall be allotted a smaller or larger land area in proportion to the area of land they put into the land consolidation fund.

The provision of paragraph one of this Article shall apply *mutatis mutandis* also if the total area of land in the land consolidation fund decreases or increases during the land consolidation procedure due to force majeure (the erosion or deposition of material due to the shifting of a river bed, etc.).

Article 68

Easements and ownership restrictions that are no longer needed by a participant after the distribution of land from the land consolidation fund shall cease and new ones shall be created if this is required with regard to the new distribution of land from the land consolidation fund.

The easements referred to in the preceding paragraph shall be created by a decision on the new distribution of land from the land consolidation fund.

Article 69

Mortgages and other encumbrances registered against the land an individual puts into a land consolidation fund shall be *ex officio* registered against the newly allotted land at the time of the distribution of land from the land consolidation fund.

70. člen

Najpozneje v šestih mesecih po razgrnitvi elaborata o novi razdelitvi zemljišč iz komasacijskega sklada izda upravna enota odločbo o novi razdelitvi zemljišč. Pred izdelavo te odločbe mora upravna enota pridobiti potrditev organa, pristojnega za vodenje zemljiškega katastra, da je elaborat o novi razdelitvi zemljišč iz komasacijskega sklada izdelan v skladu s predpisi o zemljiškem katastru, in seznaniti komasacijske udeležence z njim dodeljenimi zemljišči v naravi.

Komasacijski udeleženci morajo prevzeti njim dodeljena in pokazana zemljišča iz komasacijskega sklada v posest in obdelavo takoj po vročitvi odločbe o novi razdelitvi, razen, če je v odločbi naveden poseben rok za prevzem, svoja dosedanja zemljišča pa morajo prepustiti komasacijskim udeležencem, katerim so z odločbo o novi razdelitvi dodeljena.

Šteje se, da je s seznanitvijo komasacijskega udeleženca z dodeljenim zemljiščem v naravi prevzeta začasna posest, ki uživa posestno varstvo po pravilih varstva posesti po zakonu o pravnem postopku.

Pritožba zoper odločbo o razdelitvi zemljišč iz komasacijskega sklada ne zadrži njene izvršitve.

Če komasacijski udeleženci v začasno posest dodeljenih zemljišč ne obdelujejo, niso upravičeni do odškodnine zaradi izpada dohodka.

71. člen

V primeru velikega števila udeležencev se lahko posameznemu komasacijskemu udeležencu vroči le tisti del odločbe, ki se nanaša nanj.

Article 70

No later than within six months of the display of the study of the new distribution of land from the land consolidation fund, the administrative unit shall issue a decision on the new distribution of land. Prior to the issuance of the decision, the administrative unit must obtain the confirmation of the authority responsible for keeping the land cadastre that the study of the new distribution of land from the land consolidation fund is in accordance with the regulations governing the land cadastre and organise for the land consolidation participants an on-site presentation of the land that was allotted to them.

Immediately after being served a decision on the new distribution and consolidation, the participants must take over the land from the land consolidation fund that was allotted and shown to them for ownership and cultivation, unless a special time limit for the takeover is specified in the decision, while they must surrender their previous land to the land consolidation beneficiaries to whom it has been allotted by the decision on the new distribution.

It shall be deemed that temporary ownership, which enjoys property protection in accordance with the property protection rules under the Contentious Civil Procedure Act, is assumed when a land consolidation participant is presented the land that was allotted to him or her on-site.

An appeal against the decision on the distribution of land from the land consolidation fund shall not stay its execution.

If land consolidation participants do not cultivate the land that was allotted to them for temporary ownership, they shall not be eligible for compensation due to an income shortfall.

Article 71

In the event of a large number of participants, only the part of the decision relating to an individual land consolidation participant may be served on such participant.

Če je v pritožbenem postopku ugotovljeno, da je treba pritožbi ugoditi, se lahko spremeni tudi tisti del izreka odločbe, ki se ne nanaša na pritožnika.

Komasacijski udeleženci postanejo lastniki zemljišč z vpisom pravnomočne odločbe o novi razdelitvi zemljišč v zemljiško knjigo.

72. člen

O pritožbah na odločbe o novi razdelitvi zemljišč odloča ministrstvo, pristojno za kmetijstvo. Odločbo na drugi stopnji je treba izdati najpozneje v šestih mesecih po prejemu pritožbe s spisi.

Reševanje pritožb in reševanje upravnih sporov v zvezi s komasacijskim postopkom se šteje za nujno.

Ob reševanju pritožb lahko organ druge stopnje s posebnim sklepom razdruži odločbo o novi razdelitvi zemljišč v dva ali več delov tako, da izloči v posebno obravnavanje tisti del komasacijskega območja, na katerega se nanašajo vložene pritožbe, za ostali del odločbe o novi razdelitvi zemljišč komasacijskega območja pa ugotovi njeno pravnomočnost.

73. člen

Sredstva za komasacijo zagotavljajo:

- lastniki zemljišč s komasacijskega območja;
- občina iz proračuna;
- Republika Slovenija iz proračuna;
- iz drugih virov.

Ne glede na določbe prvega odstavka tega člena, krije stroške za komasacijo v skladu s 43. členom tega zakona investitor infrastrukturnega objekta, ki z gradnjo tega objekta povzroči razdrobitev

If it has been established in the complaint procedure that the complaint must be granted, the part of the decision referring to the complainant may also be amended.

Land consolidation participants shall become owners of land upon the entry of the final decision on the new distribution of land in the land register.

Article 72

Complaints against decisions on the new distribution of land shall be decided on by the ministry responsible for agriculture. Decisions at the second instance must be issued no later than within six months of receipt of the complaint with all relevant files.

The resolution of complaints and the settlement of legal disputes related to a land consolidation procedure shall be deemed to be urgent.

In considering complaints, the second instance authority may, by a special decision, separate the decision on the new distribution of land into two or more parts in such a manner that the part of the land consolidation area that the filed complaints refer to is separated for special consideration, while the remaining part of the decision on the new distribution of land within the land consolidation area shall be considered final.

Article 73

The funds for land consolidation shall be provided:

- by the owners of the land within the land consolidation area;
- by the municipality from its budget;
- by the Republic of Slovenia from its budget;
- from other sources.

Notwithstanding the provisions of paragraph one of this Article, the costs of land consolidation shall be covered, in accordance with Article 43 of this Act, by the investor of an infrastructure facility who

zemljišč in s tem poslabša pogoje za kmetijsko proizvodnjo.

74. člen

Investitor komasacije, ki sklepa pogodbo za izvajanje komasacij, ima proti komasacijskim udeležencem regresno pravico za vse stroške, ki jih morajo plačati ti udeleženci. Investitor mora zagotoviti sredstva za izvedbo vseh komasacijskih del vključno za stroške vpisa nove razdelitve zemljišč iz komasacijskega sklada v zemljiško knjigo in zemljiški kataster.

75. člen

Zemljišča, ki so bila komasirana, se lahko delijo le, če se z delitvijo ne poslabša stanje, ki je bilo doseženo s komasacijo.

76. člen

Podrobnejše predpise o izvajanju komasacij izda minister, pristojen za kmetijstvo, v soglasju z ministrom, pristojnim za geodetske zadeve.

5. Melioracije

77. člen

Melioracije po tem zakonu so osuševanje, namakanje in agromelioracije.

5.1 Agromelioracije

78. člen

causes the fragmentation of land by the construction of such facility, thus deteriorating the conditions for agricultural production.

Article 74

A land consolidation investor who concludes a contract for the implementation of land consolidation shall have the right to recourse against land consolidation participants for all expenses that must be paid by such participants. The investor must provide the funds for the implementation of all land consolidation activities and operations, including the costs of the entry of the new distribution of land from the land consolidation fund in the land register and the land cadastre.

Article 75

The land that was consolidated may be divided only when the state achieved by land consolidation does not deteriorate as a result of such division.

Article 76

Detailed regulations relating to the implementation of land consolidation shall be issued by the minister responsible for agriculture in agreement with the minister responsible for land survey matters.

5. Land improvement operations

Article 77

Land improvement operations under this Act shall include drainage, irrigation and agricultural land improvement.

5.1 Agricultural land improvement

Article 78

Agromelioracije obsegajo ukrepe, ki izboljšujejo fizikalne, kemijske in biološke lastnosti tal ter izboljšujejo dostop na kmetijsko zemljišče. Agromelioracije obsegajo ukrepe izravnave zemljišč, krčitev grmovja in dreves, nasipavanje rodovitne zemlje, odstranitve kamnitih osamelcev, ureditve poljskih poti, izdelave in razgradnje teras, ureditve gorskih in kraških pašnikov, ureditve manjših odvodnjavanj, apnenja in založnega gnojenja.

Agromelioracije se delijo na:

- zahtevne in
- nezahtevne.

Zahtevne agromelioracije so:

- a) izdelava in razgradnja teras,
- b) ureditev manjših odvodnjavanj, ki presegajo omejitve iz točke h) četrtega odstavka tega člena,
- c) ureditev novih poljskih poti,
- č) agromelioracije, katerih del je vnos:
 - zemeljskega izkopa, ki ne izhaja z območja predlagane agromelioracije, razen če gre za rodovitno zemljo, ali
 - umetno pripravljene zemljine.

Nezahtevne agromelioracije so:

- a) izravnava zemljišča,
- b) krčitev grmovja in dreves,
- c) izravnava mikrodepresij na njivskih površinah,
- č) nasipavanje rodovitne zemlje,
- d) odstranitev kamnitih osamelcev,
- e) ureditev obstoječih poljskih poti,
- f) ureditev gorskih in kraških pašnikov,
- g) apnenje,
- h) ureditev manjših odvodnjavanj na površini do 1 ha in
- i) založno gnojenje.

Za agromelioracije iz prejšnjega odstavka ni treba pridobiti odločbe o uvedbi agromelioracije, je pa treba pridobiti ustrezna soglasja ali dovoljenja pristojnih organov, če se bo predvidena nezahtevna

Agricultural land improvement encompasses measures that improve the physical, chemical and biological properties of soil and access to agricultural land. Agricultural land improvement includes measures of land levelling, the removal of scrubs and trees, adding fertile soil, the removal of rock monoliths, the construction and improvement of field roads, the construction and removal of terraces, the setting-up of mountain and karst pastures, the installation of small-scale drainage, liming and stock fertilisation.

Agricultural land improvement shall be classified as:

- complex, and
- non-complex.

Complex agricultural land improvement shall include:

- a) the construction and removal of terraces,
- b) the installation of small-scale drainage exceeding the limitations referred to in point h) of paragraph four of this Article,
- c) the construction of new field roads,
- č) agricultural land improvement, including:
 - excavated earth material not originating from the area of the proposed agricultural land improvement, except in cases of fertile topsoil, or
 - artificially created soil.

Non-complex agricultural land improvement shall include:

- a) land levelling,
- b) the removal of shrubs and trees,
- c) the levelling of micro depressions on arable land,
- č) adding fertile soil,
- d) the removal of rock monoliths,
- e) the improvement of existing field roads,
- f) the setting-up of mountain and karst pastures,
- g) liming,
- h) the installation of small-scale drainage within areas of up to one hectare, and
- i) long-term fertilisation.

For the agricultural land improvement referred to in the preceding paragraph, obtaining a decision on the introduction of the agricultural land improvement shall not be required. However, the relevant

agromelioracija izvedla na območjih varovanj in omejitev po posebnih predpisih.

Sanacija odlagališč in posledic izkoriščanja mineralnih surovin se ne štejeta za agromelioracijo po tem zakonu.

79. člen

Predlog za uvedbo zahtevne agromelioracije lahko vložijo lastniki kmetijskih zemljišč na predvidenem območju zahtevne agromelioracije oziroma fizične ali pravne osebe, ki jih pooblastijo lastniki zemljišč na predvidenem območju zahtevne agromelioracije, in imajo v lasti več kot dve tretjini površin kmetijskih zemljišč s predvidenega agromelioracijskega območja. Predlog za uvedbo zahtevne agromelioracije se vložijo pri ministrstvu, pristojnem za kmetijstvo.

Ne glede na določbe stvarnopravnega zakonika se za posamezno zemljiško parcelo v solastnini šteje, da se lastniki strinjajo z uvedbo agromelioracije, če odločitev o tem sprejmejo s soglasjem solastnikov, ki imajo v lasti več kot dve tretjini solastniških deležev.

Predlogu za uvedbo zahtevne agromelioracije je treba priložiti:

- a) grafično prilogo, vrisano v zemljiškokatastrskem prikazu oziroma zemljiškokatastrskem načrtu z razvidnimi mejami parcel in parcelnimi številkami ter navedbo katastrske občine (v merilu 1:2500 ali 1:5.000), iz katere mora biti razvidna meja območja zahtevne agromelioracije. Iz grafične priloge mora biti razvidno tudi, kateri lastniki se strinjajo z uvedbo zahtevne agromelioracije;
- b) seznam lastnikov zemljišč s podatki o njihovih osebnih imenih in naslovih prebivališč, EMŠO, površinah, ki jih imajo v lasti na predvidenem območju zahtevne agromelioracije, in upravno overjene izjave lastnikov, ki se strinjajo z uvedbo zahtevne agromelioracije. Če gre za pravno osebo, je treba predlogu za uvedbo priložiti podatek o

consents or permits of the competent authorities must be obtained if the planned non-complex agricultural land improvement is to be carried out within areas of protection and restriction under special regulations.

The remediation of landfills and the consequences of the extraction of mineral resources shall not be deemed to be agricultural land improvement under this Act.

Article 79

A proposal for the introduction of a complex agricultural land improvement may be submitted by the owners of agricultural land within the planned area of the complex agricultural land improvement or natural persons or legal entities authorised by the owners of land within the planned area of the complex agricultural land improvement who own more than two thirds of the agricultural land within the planned agricultural land improvement area. A proposal for the introduction of a complex agricultural land improvement shall be submitted to the ministry responsible for agriculture.

Notwithstanding the provisions of the Law of Property Code, it shall be deemed for an individual co-owned land parcel that its owners agree to the introduction of an agricultural land improvement if they adopt such decision with the consent of co-owners who own more than two thirds of the co-ownership shares.

The following shall be attached to a proposal for the introduction of a complex agricultural land improvement:

- a) a graphical attachment drawn on a land cadastre map or a land register map, with clearly visible parcel borders and parcel numbers and an indication of the cadastral municipality (at a scale of 1:2,500 or 1:5,000), from which the borders of the area of the complex agricultural land improvement must be evident. It must also be evident from the graphical attachment which owners agree to the introduction of the complex agricultural land improvement;
- b) a list of the land owners containing details of their personal names and residential addresses, personal identification numbers, land areas they own within the planned area of the complex agricultural land improvement and administratively authenticated statements of owners who agree to the introduction of the complex agricultural land

firmi, sedežu, davčni številki, površinah zemljišč, ki jih ima v lasti na predvidenem območju zahtevne agromelioracije, in upravno overjeno izjavo zastopnika pravne osebe, da se strinja z uvedbo zahtevne agromelioracije;

- c) načrt agromelioracijskih del skupaj s popisom del, ki ga izdelava javna služba kmetijskega svetovanja;
- č) predvideni datum zaključka agromelioracijskih del, ki ne sme biti daljši od dveh let od datuma pravnomočnosti odločbe o uvedbi zahtevne agromelioracije;
- d) predpisana soglasja ali dovoljenja pristojnih organov, če se predlaga uvedba zahtevne agromelioracije na območjih varovanj in omejitev po posebnih predpisih;
- e) okoljevarstveno dovoljenje v skladu z zakonom, ki ureja varstvo okolja, če gre za zahtevno agromelioracijo iz točke č) tretjega odstavka prejšnjega člena.

Soglasja ali dovoljenja iz točk d) in e) prejšnjega odstavka so sestavni del predloga za uvedbo zahtevne agromelioracije.

Ministrstvo, pristojno za kmetijstvo, pri pristojnih organih preveri skladnost seznama lastnikov zemljišč in njihovih izjav za uvedbo zahtevne agromelioracije ter skladnost zahtevne agromelioracije s prostorskim aktom lokalne skupnosti.

80. člen

Zahtevna agromelioracija se uvede z odločbo ministrstva, pristojnega za kmetijstvo, iz katere so razvidni:

- meja območja zahtevne agromelioracije;
- katastrske občine in parcelne številke, na katerih se uvede zahtevna agromelioracija;
- predvidena agromelioracijska dela, njihova količina in lokacija in

improvement. In the case of a legal entity, details of its corporate name, registered office, tax identification number, the land areas it owns within the planned area of the complex agricultural land improvement and an administratively authenticated statement of the entity's legal representative that it agrees to the introduction of the complex agricultural land improvement must be attached to the proposal for such introduction;

- c) an agricultural land improvement plan along with the schedule of works prepared by the Agricultural Advisory Service;
- č) the planned date of termination of the agricultural land improvement activities, which may not be set later than two years from the date of the decision on the introduction of the complex agricultural land improvement entering into force;
- d) the prescribed consents or permits of the competent authorities if the introduction of the complex agricultural land improvement is proposed within areas of protection and restriction under special regulations;
- e) an environmental permit in accordance with the Act regulating environmental protection in the case of a complex agricultural land improvement referred to in point č) of paragraph three of the preceding Article.

The consents or permits referred to in points d) and e) of the preceding paragraph shall be a constituent part of a proposal for the introduction of a complex agricultural land improvement.

The ministry responsible for agriculture shall verify with the competent authorities the agreement of the list of land owners and their statements regarding the introduction of the complex agricultural land improvement and the conformity of the complex agricultural land improvement with the spatial planning document of the local community.

Article 80

A complex agricultural land improvement shall be introduced by a decision adopted by the ministry responsible for agriculture, from which the following shall be evident:

- the borders of the area of the complex agricultural land improvement;
- the cadastral municipalities and parcel numbers on which the complex agricultural land improvement is to be introduced;
- the planned agricultural land improvement operations, and the scope

- predvideni datum zaključka agromelioracijskih del.

Grafična priloga točke a) tretjega odstavka prejšnjega člena in načrt agromelioracijskih del skupaj s popisom del iz točke c) tretjega odstavka prejšnjega člena sta sestavni del odločbe o uvedbi zahtevne agromelioracije in sta na vpogled strankam v postopku pri pristojnem organu.

Odločba o uvedbi zahtevne agromelioracije se vroči vsem lastnikom kmetijskih zemljišč na območju zahtevne agromelioracije. Če lastnik kmetijskega zemljišča za uvedbo zahtevne agromelioracije pooblasti fizično ali pravno osebo, se odločba o uvedbi zahtevne agromelioracije vroči tudi pooblaščenim osebam.

81. člen

Predlog za uvedbo agromelioracije na območju komasacije, ki je bila pravnomočno uvedena po 30. juniju 2014 (v nadaljnjem besedilu: agromelioracija na komasacijskem območju), lahko vložijo lastniki kmetijskih zemljišč na predvidenem območju agromelioracije oziroma fizične ali pravne osebe, ki jih pooblastijo lastniki zemljišč na predvidenem območju agromelioracije, in imajo v lasti več kot dve tretjini površin kmetijskih zemljišč s predvidenega agromelioracijskega območja. Predlog za uvedbo agromelioracije na komasacijskem območju se vložijo pri ministrstvu, pristojnem za kmetijstvo.

Predmet agromelioracij na komasacijskem območju so kmetijska zemljišča, lahko pa tudi gozdovi, nezazidana stavbna in druga zemljišča.

Površina agromelioracijskega območja je enaka površini območja komasacije.

- and location thereof, and
- the planned date of the conclusion of the agricultural land improvement operations.

The graphical attachment referred to in point a) of paragraph three of the preceding Article and the plan of the agricultural land improvement operations referred to in point c) of paragraph three of the preceding Article shall be a constituent part of the decision on the introduction of a complex agricultural land improvement and shall be available for inspection to the parties to the procedure at the competent authority.

The decision on the introduction of a complex agricultural land improvement shall be served on all agricultural land owners within the area of the complex agricultural land improvement. If an agricultural land owner authorises a natural person or legal entity to introduce a complex agricultural land improvement, the decision on the introduction of the complex agricultural land improvement shall be served on the authorised person as well.

Article 81

A proposal for an agricultural land improvement within a land consolidation area that was introduced *res judicata* after 30 June 2014 (hereinafter: agricultural land improvement within a land consolidation area) may be submitted by the owners of agricultural land within the planned agricultural land improvement area or natural persons or legal entities authorised by the owners of the land within the planned agricultural land improvement area who own more than two thirds of the agricultural land within the planned agricultural land improvement area. A proposal for the introduction of an agricultural land improvement within a land consolidation area shall be submitted to the ministry responsible for agriculture.

The subject of agricultural land improvements within a land consolidation area shall be agricultural land as well as forests, unbuilt-on construction land and other land.

The surface area of an agricultural land improvement area shall be the same as the surface area of the land consolidation area.

Ne glede na zahtevnost agromelioracije je treba odločbo o uvedbi agromelioracije na komasacijskem območju pridobiti za vse ukrepe, ki izboljšujejo fizikalne, kemijske in biološke lastnosti tal ter izboljšujejo dostop na zemljišče.

Ne glede na določbe stvarnopravnega zakonika se za posamezno zemljiško parcelo v solastnini šteje, da se lastniki strinjajo z uvedbo agromelioracije na komasacijskem območju, če odločitev o tem sprejmejo s soglasjem solastnikov, ki imajo v lasti več kot dve tretjini solastniških deležev.

Predlogu za uvedbo agromelioracije na komasacijskem območju je treba priložiti:

- a) pravnomočno odločbo o uvedbi komasacijskega postopka ali potrdilo pristojne upravne enote, da so vse odločbe o razdelitvi zemljišč komasacijskega sklada vročene, ali pravnomočno odločbo o razdelitvi zemljišč komasacijskega sklada;
- b) predlog idejne zasnove ureditve komasacijskega območja ali sklep o potrditvi idejne zasnove ureditve komasacijskega postopka. Iz predloga idejne zasnove ureditve komasacijskega postopka oziroma potrjene idejne zasnove ureditve komasacijskega postopka mora biti razvidno, katera agromelioracijska dela so na komasacijskem območju predvidena, v kakšnih količinah in na katerih lokacijah;
- c) grafično prilogo, vrisano v zemljiškokatastrskem prikazu oziroma zemljiškokatastrskem načrtu z razvidnimi mejami parcel in parcelnimi številkami ter navedbo katastrske občine (v merilu 1:2.500 ali 1:5.000), iz katere mora biti razvidna meja območja agromelioracije na komasacijskem območju. Iz grafične priloge mora biti razvidno tudi, kateri lastniki se strinjajo z uvedbo agromelioracije na komasacijskem območju;
- č) seznam lastnikov zemljišč s podatki o njihovih osebnih imenih in naslovih prebivališč, EMŠO, površinah, ki jih imajo v lasti na predvidenem območju agromelioracije na komasacijskem območju, in upravno overjene izjave lastnikov, ki se strinjajo z uvedbo

Regardless of the complexity of an agricultural land improvement, a decision on the introduction of the agricultural land improvement within a land consolidation area shall be obtained for all measures that improve the physical, chemical and biological properties of the soil and access to land.

Notwithstanding the provisions of the Law of Property Code, it shall be deemed for an individual land parcel in co-ownership that the owners agree to the introduction of an agricultural land improvement within a land consolidation area if the decision thereon is made with the consent of co-owners who own more than two thirds of the co-ownership shares.

The following must be attached to a proposal for the introduction of an agricultural land improvement within a land consolidation area:

- a) the final decision on the initiation of a land consolidation procedure or a certificate from the competent administrative unit that all decisions on the distribution of land from the land consolidation fund have been served or a final decision on the distribution of land from the land consolidation fund;
- b) the proposal of a conceptual design of the land consolidation area or a decision on the approval of a conceptual design of the land consolidation procedure. It must be clearly evident from the proposal of the conceptual design of the land consolidation procedure or the approved conceptual design of the land consolidation procedure which agricultural land improvement operations are planned within the land consolidation area as well as their scope and location;
- c) a graphical attachment drawn on a land cadastre map or a land register map, with clearly visible parcel borders and parcel numbers and an indication of the cadastral municipality (at a scale of 1:2,500 or 1:5,000), from which the borders of the area of the agricultural land improvement within the land consolidation area must be evident. It must also be evident from the graphical attachment which owners agree to the introduction of the agricultural land improvement within the land consolidation area.
- č) a list of the land owners containing details of their personal names and residential addresses, personal identification numbers, the land areas they own within the planned area of the agricultural land improvement within the land consolidation area and administratively

agromelioracije na komasacijskem območju. Če gre za pravno osebo, je treba predlogu za uvedbo priložiti podatek o firmi, sedežu, davčni številki, površinah zemljišč, ki jih ima v lasti na predvidenem območju agromelioracije na komasacijskem območju, in upravno overjeno izjavo zastopnika pravne osebe, da se strinja z uvedbo agromelioracije na komasacijskem območju;

- d) predvideni datum zaključka agromelioracijskih del, ki ne sme biti daljši od petih let od datuma pravnomočnosti odločbe o uvedbi agromelioracije na komasacijskem območju;
- e) predpisana soglasja ali dovoljenja pristojnih organov, če se predlaga uvedba agromelioracije na območjih varovanj in omejitev po posebnih predpisih;
- f) okoljevarstveno dovoljenje v skladu z zakonom, ki ureja varstvo okolja, če gre za vnos umetno pripravljene zemljine ali nasipavanje kmetijskih zemljišč z zemeljskim izkopom, ki ne izhaja z območja predlagane agromelioracije na komasacijskem območju, razen če gre za vnos rodovitne zemlje.

Soglasja ali dovoljenja iz točk e) in f) prejšnjega odstavka so sestavni del predloga za uvedbo agromelioracije na komasacijskem območju.

Ministrstvo, pristojno za kmetijstvo, pri pristojnih organih preveri skladnost seznama lastnikov zemljišč in njihovih izjav za uvedbo agromelioracije na komasacijskem območju ter skladnost agromelioracije na komasacijskem območju s prostorskim aktom lokalne skupnosti.

Če se agromelioracija uvede na območju, kjer se izvaja komasacijski postopek, pri katerem je bila odločba o novi razdelitvi zemljišč komasacijskega sklada že vročena vsem komasacijskim udeležencem, se soglasja za uvedbo agromelioracije na komasacijskem

authenticated statements of the owners who agree to the introduction of the agricultural land improvement within the land consolidation area. In the case of a legal entity, the details of its corporate name, registered office, tax identification number, the land areas it owns in the planned area of the agricultural land improvement within the land consolidation area and an administratively authenticated statement of the entity's legal representative that it agrees to the introduction of the agricultural land improvement within the land consolidation area must be attached to the proposal for the introduction;

- d) the planned date of the termination of the agricultural land improvement operations, which may not be set later than five years from the date of the decision on the introduction of the agricultural land improvement within the land consolidation area entering into force;
- e) the prescribed consents or permits of the competent authorities if the introduction of an agricultural land improvement within a land consolidation area is proposed within areas of protection and restriction under special regulations;
- f) an environmental permit in accordance with the Act regulating environmental protection in the case of the introduction of artificially created soil or the deposition of excavated material not originating from the area of the proposed agricultural land improvement within a land consolidation area on agricultural land, except in cases of fertile soil.

The consents or permits referred to in points e) and f) of the preceding paragraph shall be a constituent part of a proposal for the introduction of an agricultural land improvement within a land consolidation area.

The ministry responsible for agriculture shall verify with the competent authorities the agreement of the list of land owners and their statements regarding the introduction of the agricultural land improvement within the land consolidation area and the conformity of the agricultural land improvement within the land consolidation area with the spatial planning document of the local community.

If agricultural land improvement is introduced in an area where a land consolidation procedure is taking place within which a decision on the new distribution of land from the land consolidation fund has already been served on all land consolidation participants, consents for the

območju pridobivajo od lastnikov zemljišč, kot to izkazuje odločba o novi razdelitvi zemljišč komasacijskega sklada. Če je v teh primerih treba za izvedbo agromelioracije pridobiti tudi dovoljenje za gradnjo v skladu z zakonom, ki ureja graditev objektov, se to izda na zemljiškokatastrsko stanje parcel, kot to izkazuje odločba o novi razdelitvi zemljišč komasacijskega sklada. Tudi odločba o uvedbi agromelioracije na komasacijskem območju se v teh primerih izda na zemljiškokatastrsko stanje parcel, kot to izkazuje odločba o novi razdelitvi zemljišč komasacijskega sklada.

Agromelioracija na komasacijskem območju se uvede z odločbo ministrstva, pristojnega za kmetijstvo, iz katere so razvidni:

- meja območja agromelioracije na komasacijskem območju;
- površina območja agromelioracije;
- katastrske občine in parcelne številke, na katerih se uvede agromelioracija;
- predvidena agromelioracijska dela, njihova količina in lokacija, kot je razvidno iz predloga celovite idejne zasnove ureditve komasacijskega območja oziroma potrjene idejne zasnove ureditve komasacijskega območja, in
- predvideni datum zaključka agromelioracijskih del.

Grafična priloga iz točke c) šestega odstavka tega člena je sestavni del odločbe o uvedbi agromelioracije na komasacijskem območju in je na vpogled strankam v postopku pri pristojnem organu.

Odločba o uvedbi agromelioracije na komasacijskem območju se vroči vsem lastnikom kmetijskih zemljišč na območju agromelioracije. Če lastnik kmetijskega zemljišča za uvedbo agromelioracije na komasacijskem območju pooblasti fizično ali pravno osebo, se odločba o uvedbi agromelioracije na komasacijskem območju vroči tudi pooblaščenim osebam.

introduction of the agricultural land improvement within the land consolidation area shall be obtained from the land owners as is evident from the decision on the new distribution of land from the land consolidation fund. If a building permit in accordance with the Act regulating construction must be obtained in these cases in order to carry out agricultural land improvement, it shall be issued on the basis of the state of the land parcels in the land cadastre as is evident from the decision on the new distribution of land from the land consolidation fund. The decision on the introduction of the agricultural land improvement within the land consolidation area shall in these cases also be issued on the basis of the state of the land parcels in the land cadastre as is evident from the decision on the new distribution of land from the land consolidation fund.

An agricultural land improvement within a land consolidation area shall be introduced by a decision of the ministry responsible for agriculture, from which the following must be evident:

- the borders of the area of the agricultural land improvement within the land consolidation area;
- the surface area of the agricultural land improvement area;
- the cadastral municipalities and parcel numbers on which the agricultural land improvement is to be carried out;
- the planned agricultural land improvement operations as well as the scope and location thereof as is evident from the proposal of the integrated conceptual design of the land consolidation area or the approved conceptual design of the land consolidation area; and
- the planned date of the termination of the agricultural land improvement operations.

The graphical attachment referred to in point c) of paragraph six of this Article shall be a constituent part of the decision on the introduction of an agricultural land improvement within a land consolidation area and shall be available for inspection to the parties to the procedure at the competent authority.

The decision on the introduction of an agricultural land improvement within a land consolidation area shall be served on all owners of agricultural land within the area of the agricultural land improvement. If an agricultural land owner authorises a natural person or legal entity to introduce an agricultural land improvement within a land consolidation area, the decision on the introduction of the agricultural land

5.2 Osuševanje

82. člen

Osuševalni sistem je skup objektov in naprav za urejanje in vzdrževanje talnega vodnega režima.

Osuševalni sistem je sestavljen iz primarne in sekundarne odvodnje.

Primarna odvodnja je mreža osuševalnih jarkov.

Sekundarna odvodnja je drenažna odvodnja na parcelah.

Izgradnja novih osuševalnih sistemov ni dopustna.

83. člen

Osuševalni sistem se lahko ukine:

- če osuševanje na območju osuševalnega sistema zaradi spremembe talnega vodnega režima ni več potrebno ali
- če se z ukinitvijo strinjajo lastniki kmetijskih zemljišč, ki imajo v lasti več kot dve tretjini površin kmetijskih zemljišč na območju osuševalnega sistema, in če se z ukinitvijo strinjata dve tretjini lastnikov kmetijskih zemljišč na območju osuševalnega sistema.

Območje osuševalnega sistema se lahko spremeni na predlog izvajalca javne službe upravljanja in vzdrževanja, izbranega v skladu z zakonom, ki ureja kmetijstvo (v nadaljnjem besedilu: izvajalec državne javne službe), lastnika osuševalnega sistema ali lastnika kmetijskega zemljišča, ki izkazuje, da parcela ni del osuševalnega sistema.

V primerih iz prvega odstavka tega člena ministrstvo, pristojno

improvement within the land consolidation area shall be served on the authorised person as well.

5.2 Drainage

Article 82

A drainage system shall mean an assembly of facilities and equipment for the regulation and maintenance of a soil water regime.

A drainage system shall be composed of primary and secondary drainage.

Primary drainage shall mean a network of drainage ditches.

Secondary drainage shall mean surface water drainage on land parcels.

The construction of new drainage systems shall not be permitted.

Article 83

A drainage system may be put out of operation:

- if drainage is no longer required within the drainage system area due to changes to the soil water regime;
- if owners of agricultural land who own more than two thirds of the agricultural land area within the drainage system area and more than two thirds of the agricultural land owners agree that the drainage system is to be put out of operation.

A drainage system area may be changed on the proposal of the provider of the public service of the management and maintenance thereof selected in accordance with the Act regulating agriculture (hereinafter: national public service provider), the owner of the drainage system or an owner of agricultural land who demonstrates that the parcel is not part of the drainage system.

In the cases referred to in paragraph one of this Article, the

za kmetijstvo, odloči na podlagi vloge izvajalca državne javne službe ali lastnika osuševalnega sistema. Vlogi v primerih iz prve alineje prvega odstavka tega člena je treba priložiti študijo, ki jo izdelata hidrogeolog in agronom in jo financira lastnik osuševalnega sistema. Vlogi v primerih iz druge alineje prvega odstavka tega člena je treba priložiti upravno overjena soglasja lastnikov kmetijskih zemljišč.

V primerih iz drugega odstavka tega člena ministrstvo, pristojno za kmetijstvo, odloči na podlagi vloge izvajalca državne javne službe, lastnika osuševalnega sistema ali lastnika kmetijskega zemljišča, ki je predmet spremembe območja osuševalnega sistema. Vlogi je treba priložiti elaborat, ki ga izdelata hidrogeolog in agronom, financira pa ga pobudnik iz drugega odstavka tega člena.

Na podlagi pravnomočne odločbe iz tretjega in četrtega odstavka tega člena se sprememba evidentira v evidenci melioracijskih sistemov in naprav, ki se vodi v skladu z zakonom, ki ureja kmetijstvo (v nadaljnjem besedilu: evidenca melioracijskih sistemov in naprav).

Ukinitev osuševalnega sistema ne pomeni tudi njegove razgradnje v skladu z zakonom, ki ureja graditev objektov.

84. člen

Lastniki kmetijskih zemljišč na območju osuševalnega sistema lahko zaradi usklajevanja in zastopanja interesov pri vzdrževanju osuševalnega sistema ustanovijo osuševalno društvo v skladu z zakonom, ki ureja društva. Kot reprezentativno se šteje tisto osuševalno društvo, ki združuje lastnike zemljišč, ki imajo v lasti več kot polovico površin zemljišč na območju osuševalnega sistema.

Lastniki kmetijskih zemljišč na območju osuševalnega sistema lahko zaradi prenosa lastninske pravice na primarni odvodnji osuševalnega sistema ter prenosa upravljanja in vzdrževanja osuševalnega sistema na osuševalno zadrugo ustanovijo osuševalno zadrugo v skladu s tem zakonom in v skladu z zakonom, ki ureja zadruge.

ministry responsible for agriculture shall decide on the basis of an application of the national public service provider or the owner of the drainage system. A study conducted by a hydro geologist and an agronomist, which shall be funded by the owner of the drainage system, must be attached to the application in the cases referred to in indent one of paragraph one of this Article. Administratively authenticated consents of the owners of the agricultural land must be attached to the application in the cases referred to in indent two of paragraph one of this Article.

In the cases referred to in paragraph two of this Article, the ministry responsible for agriculture shall decide on the basis of an application submitted by the national public service provider, the owner of the drainage system or the owner of the agricultural land that is subject to a change in the drainage system area. A study conducted by a hydro geologist and an agronomist and funded by initiator referred to in paragraph two of this Article must be attached to the application.

Based on the final decision referred to in paragraphs three and four of this Article, a change shall be recorded in the Record of Irrigation and Drainage Systems and Equipment kept in accordance with the Act regulating agriculture (hereinafter: Record of Irrigation and Drainage Systems and Equipment).

Putting a drainage system out of operation shall not entail its dismantling in accordance with the Act regulating construction.

Article 84

Owners of agricultural land within a drainage system area may establish a drainage society in accordance with the Act regulating societies in order to harmonise and represent their interests in the maintenance of a drainage system. A society associating land owners who own more than half of the land area within a drainage system area shall be deemed to be representative.

Owners of agricultural land within a drainage system area may establish a drainage cooperative in accordance with the Act regulating cooperatives in order to transfer ownership rights regarding the primary drainage of the drainage system and to transfer the management and maintenance of the drainage system to the drainage cooperative. The

Akt o ustanovitvi in zadružna pravila morajo biti sprejeti s soglasjem lastnikov zemljišč, ki imajo v lasti več kot polovico površin zemljišč na območju osuševalnega sistema.

**85. člen
(črtan)**

86. člen

Če lokalna skupnost izkaže interes za prenos lastninske pravice na primarni odvodnji osuševalnega sistema in se s pogodbo med ministrstvom, pristojnim za kmetijstvo, lastniki zemljišč, po katerih poteka primarna odvodnja osuševalnega sistema, in lokalno skupnostjo lastninska pravica prenese na lokalno skupnost, se hkrati s prenosom lastninske pravice preneseta tudi upravljanje in vzdrževanje tega sistema.

Če lokalna skupnost ne izkaže interesa za prenos lastninske pravice na primarni odvodnji osuševalnega sistema in se s pogodbo med ministrstvom, pristojnim za kmetijstvo, lastniki zemljišč, po katerih poteka primarna odvodnja osuševalnega sistema, in osuševalno zadrugo lastninska pravica prenese na osuševalno zadrugo, se hkrati s prenosom lastninske pravice preneseta tudi upravljanje in vzdrževanje tega sistema.

87. člen

Upravljanje in vzdrževanje osuševalnih sistemov je predmet javne službe upravljanja in vzdrževanja v skladu z zakonom, ki ureja kmetijstvo (v nadaljnjem besedilu: državna javna služba).

Upravljanje in vzdrževanje osuševalnih sistemov, katerih lastnik primarne odvodnje osuševalnega sistema je lokalna skupnost (v nadaljnjem besedilu: osuševalni sistemi, ki so v lasti lokalnih skupnosti), se izvaja kot lokalna javna služba.

instrument of establishment and the rules of the cooperative must be adopted with the consent of owners who own more than two thirds of the land area within the drainage system area.

**Article 85
(Deleted)**

Article 86

If a local community demonstrates an interest in transferring the ownership right regarding the primary drainage of a drainage system and the ownership right is transferred to the local community by a contract between the ministry responsible for agriculture, the owners of the land on which the primary drainage of the drainage system is installed and the local community, the management and maintenance of such system shall also be transferred along with the transfer of the ownership right.

If the local community does not demonstrate an interest in transferring the ownership right regarding the primary drainage of a drainage system and the ownership right is transferred to a drainage cooperative by a contract between the ministry responsible for agriculture, the owners of the land on which the primary drainage of the drainage system is installed and the drainage cooperative, the management and maintenance of such system shall also be transferred along with the transfer of the ownership right.

Article 87

The management and maintenance of drainage systems shall be carried out by the provider of the public service of the management and maintenance in accordance with the Act regulating agriculture (hereinafter: national public service).

The management and maintenance of drainage systems where the owner of the primary drainage of the drainage system is a local community (hereinafter: drainage systems owned by local communities) shall be carried out as a local public service.

88. člen

Nadomestila za kritje stroškov vzdrževanja osuševalnih sistemov, ki so predmet državne javne službe, in osuševalnih sistemov, ki so v lasti lokalnih skupnosti, zagotavljajo lastniki zemljišč v sorazmerju s površino kmetijskega zemljišča, ki je vključena v območje osuševalnega sistema.

Podlaga za določitev višine nadomestila na hektar za kritje stroškov vzdrževanja osuševalnih sistemov, ki so predmet državne javne službe, so programi vzdrževanja osuševalnih sistemov, ki jih pripravi izvajalec državne javne službe. Podlaga za določitev višine nadomestila na hektar za kritje stroškov vzdrževanja osuševalnih sistemov, ki so v lasti lokalnih skupnosti, so programi vzdrževanja osuševalnih sistemov, ki jih pripravijo izvajalci lokalnih javnih služb.

Predlog višine nadomestila na hektar za kritje stroškov vzdrževanja osuševalnih sistemov, ki so predmet državne javne službe, in osuševalnih sistemov, ki so v lasti lokalnih skupnosti, morajo izvajalec državne javne službe in izvajalci lokalnih javnih služb na ministrstvo, pristojno za kmetijstvo, posredovati do 1. novembra leta pred odmero nadomestila. Višino nadomestila na hektar za kritje stroškov vzdrževanja osuševalnih sistemov na predlog izvajalca državne javne službe in izvajalcev lokalnih javnih služb predpiše minister, pristojen za kmetijstvo.

Lastniki ali zakupniki kmetijskih zemljišč na območju osuševalnega sistema, ki je predmet državne javne službe, lahko vzdrževalna dela opravijo sami po predhodnem soglasju izvajalca državne javne službe.

Lastniki ali zakupniki kmetijskih zemljišč na območju osuševalnega sistema, ki so v lasti lokalnih skupnosti, lahko vzdrževalna dela opravijo sami po predhodnem soglasju izvajalcev lokalnih javnih služb.

Article 88

Compensation for covering the costs of the maintenance of drainage systems that are the subject of a national public service and drainage systems owned by local communities shall be provided by the land owners in proportion to the surface area of the agricultural land included in the drainage system area.

The basis for determining the amount of compensation per hectare for covering the costs of the maintenance of drainage systems that are the subject of a national public service shall be the programmes for the maintenance of drainage systems prepared by the national public service provider. The basis for determining the amount of compensation per hectare for covering the costs of the maintenance of drainage systems owned by local communities shall be the programmes for the maintenance of drainage systems prepared by the local public service providers.

A proposal regarding the amount of compensation per hectare for covering the costs of the maintenance of drainage systems that are the subject of a national public service and drainage systems owned by local communities must be submitted by the national public service provider and the local public service providers to the ministry responsible for agriculture by 1 November of the year prior to the assessment of compensation. The amount of compensation per hectare for covering the costs of the maintenance of drainage systems shall be prescribed by the minister responsible for agriculture on the proposal of the national public service provider and the local public service providers.

Owners or lessees of the agricultural land within the area of a drainage system that is a subject of the national public service may carry out maintenance works on their own upon the prior consent of the national public service provider.

Owners or lessees of agricultural land within the area of a drainage system that is owned by local communities may carry out maintenance works on their own upon the prior consent of the local public service providers.

Ministrstvo, pristojno za kmetijstvo, do 15. decembra leta pred odmero nadomestila na davčni organ za posameznega lastnika ali zakupnika kmetijskih zemljišč na območju osuševalnih sistemov iz prvega odstavka tega člena v dogovorjeni strukturi posreduje:

- a) osebno ime, naslov prebivališča in EMŠO ali firmo, sedež in naslov ter matično številko, če gre za pravno osebo;
- b) imena in šifre osuševalnih sistemov, v katere so vključena kmetijska zemljišča;
- c) podatek o katastrskih občinah, parcelnih številkah, površinah in deležu vključenosti parcel v območja osuševalnih sistemov;
- č) višino nadomestila na hektar za kritje stroškov vzdrževanja posameznega osuševalnega sistema, kot je razvidno iz predpisa iz tretjega odstavka tega člena;
- d) višino nadomestila za kritje stroškov vzdrževanja osuševalnih sistemov po posameznem osuševalnem sistemu in
- e) skupno višino nadomestila za kritje stroškov vzdrževanja osuševalnih sistemov.

Podatke iz točke a) in točke c) prejšnjega odstavka ministrstvo, pristojno za kmetijstvo, prevzame iz zemljiškega katastra. Podatki morajo biti zajeti na dan 30. junij leta pred odmero nadomestila.

Za kmetijska zemljišča, ki so v lasti Republike Slovenije in z njimi upravlja Sklad, mora Sklad ministrstvu, pristojnemu za kmetijstvo, do 1. novembra leta pred odmero nadomestila posredovati podatke o zakupnikih kmetijskih zemljišč na posameznem osuševalnem sistemu, zajete na dan 30. junij leta pred odmero nadomestila.

Davčni organ na podlagi predpisa iz tretjega odstavka tega člena in na podlagi podatkov iz šestega odstavka tega člena izda odločbo o nadomestilu za kritje stroškov vzdrževanja osuševalnih sistemov za posameznega lastnika za tekoče leto, in sicer najpozneje do 31. januarja tekočega leta. Ne glede na zakon, ki ureja davčni postopek, se nadomestilo na hektar za kritje stroškov vzdrževanja osuševalnih

The ministry responsible for agriculture shall, by 15 December of the year prior to the assessment of compensation, communicate to the tax authority the following details regarding individual owners or lessees of the agricultural land within the drainage system areas referred to in paragraph one of this Article, structured as agreed upon:

- a) personal name, residential address and UPIN or corporate name, registered office, address and registration number in the case of a legal entity;
- b) the names and codes of drainage systems in which agricultural land is included;
- c) the details of the cadastral municipalities, parcel numbers, surface areas and the shares of parcels included in the drainage system areas;
- č) the amount of compensation per hectare for covering the costs of the maintenance of an individual drainage system as is evident from the regulation referred to in paragraph three of this Article;
- d) the amount of compensation for covering the costs of the maintenance of drainage systems by individual drainage system; and
- e) the total amount of compensation for covering the costs of the maintenance of drainage systems.

The data referred to in points a) and č) of the preceding paragraph shall be obtained from the land cadastre by the ministry responsible for agriculture. The data must be captured on 30 June of the year prior to the assessment of compensation.

For agricultural land owned by the Republic of Slovenia and managed by the Fund, the Fund must communicate the data on lessees of agricultural land within an individual drainage system that were captured on 30 June of the year prior to the assessment of compensation to the ministry responsible for agriculture by 1 November of the year prior to the assessment of compensation.

Based on the regulation referred to in paragraph three of this Article and the data referred to in paragraph six of this Article, the tax authority shall, no later than by 31 January of the current year, issue a decision on compensation for covering the costs of the maintenance of drainage systems for individual owners for the current year. Notwithstanding the Act regulating tax procedure, the compensation per

sistemov iz prvega odstavka tega člena odmeri, če presega 5 eurov.

Zbrana nadomestila za kritje stroškov vzdrževanja osuševalnih sistemov so namenski prihodek državnega proračuna Republike Slovenije in se nakazujejo na podračun javnofinančnih prihodkov v skladu s predpisom, ki ureja podračune ter način plačevanja obveznih dajatev in drugih javnofinančnih prihodkov.

Odmero, vplačevanje in vračanje nadomestila za kritje stroškov osuševalnih sistemov in prisilno izterjavo neplačanih stroškov vzdrževanja osuševalnih sistemov po tem členu izvrši davčni organ. Glede vprašanj odmere, vplačevanja in vračanja nadomestila za kritje stroškov vzdrževanja osuševalnih sistemov, postopka prisilne izterjave, odpisa zaradi neizterljivosti, ugotavljanja zastaranja pravice do izterjave ter pristojnosti davčnega organa, se uporabljata zakon, ki ureja davčni postopek, in zakon, ki ureja finančno upravo.

Če dajo lastniki kmetijska zemljišča v zakup, je zavezanec za plačilo nadomestila za kritje stroškov vzdrževanja osuševalnih sistemov zakupnik.

Davčni organ na ministrstvo, pristojno za kmetijstvo, posreduje podatke o vplačanih nadomestilih za kritje stroškov vzdrževanja osuševalnih sistemov, zajete na dan 31. marec, 15. september in 31. december tekočega leta oziroma na zahtevo ministrstva, pristojnega za kmetijstvo. Iz podatkov mora biti razvidno, kateri zavezanec za plačilo in v kakšni višini je plačal nadomestilo za kritje stroškov vzdrževanja osuševalnih sistemov.

Izvajalec državne javne službe ali lokalna skupnost lahko za financiranje investicijskega vzdrževanja osuševalnega sistema pridobi tudi druga sredstva.

Na podlagi zbranih nadomestil za kritje stroškov vzdrževanja osuševalnih sistemov iz desetega odstavka tega člena, za osuševalne sisteme, ki so predmet državne javne službe, ministrstvo, pristojno za

hectare for covering the costs of the maintenance of drainage systems referred to in paragraph one of this Article shall be assessed if it exceeds EUR 5.

The collected compensation for covering the costs of the maintenance of drainage systems shall be assigned revenue of the budget of the Republic of Slovenia and shall be transferred to the sub-account of general government revenue in accordance with the regulation governing sub-accounts, the method of payment of compulsory charges and other general government revenues.

The assessment, payment and refund of compensation for covering the costs of the maintenance of drainage systems and the forced recovery of unpaid costs of the maintenance of drainage systems under this Article shall be carried out by the tax authority. As regards the issues related to the assessment, payment and refund of the compensation for covering the costs of the maintenance of drainage systems, the procedure for forced recovery, write-off due to non-collectability, determination of the statute of limitations regarding the right to recovery and the competence of the tax authority, the Act regulating tax procedure and the Act regulating financial administration shall apply.

If the owners offer agricultural land for lease, the lessee shall be liable for the payment of compensation for covering the costs of the maintenance of drainage systems.

The tax authority shall communicate to the ministry responsible for agriculture the data on paid compensation for covering the costs of the maintenance of drainage systems captured on 31 March, 15 September and 31 December of the current year or at the request of the ministry responsible for agriculture. From the data it must be evident which persons liable for payment and in what amount they paid compensation for covering the costs of the maintenance of drainage systems.

The national public service provider or a local community may also obtain other funds for the funding of large-scale maintenance of a drainage system.

Based on the collected compensation for covering the costs of the maintenance of drainage systems referred to in paragraph ten of this Article, the ministry responsible for agriculture and the national public

kmetijstvo, in izvajalec državne javne službe skleneta pogodbo o financiranju vzdrževalnih del na osuševalnih sistemih, ki so predmet državne javne službe. V pogodbi se natančneje določijo medsebojne pravice, obveznosti, roki in način plačila.

Na podlagi zbranih nadomestil za kritje stroškov vzdrževanja osuševalnih sistemov iz desetega odstavka tega člena, za osuševalne sisteme, ki so v lasti lokalne skupnosti, ministrstvo, pristojno za kmetijstvo, in lokalna skupnost skleneta pogodbo o financiranju vzdrževalnih del na osuševalnih sistemih, ki so v lasti lokalne skupnosti. V pogodbi se natančneje določijo medsebojne pravice, obveznosti, roki in način plačila.

5.3 Namakanje

89. člen

Namakalni sistem je skup naprav za zagotovitev vode, njeno distribucijo in rabo z namenom zagotoviti rastlinam zadostno količino vode v tleh. Kot namakalni sistemi se štejejo tudi oroševalni sistemi za protislansko zaščito.

Namakalni sistem je sestavljen iz odzemnega objekta, dovodnega omrežja in namakalne opreme.

Odvzemni objekt je črpališče, vodnjak ali objekt za odzem vode iz akumulacije.

Dovodno omrežje sestavlja oprema za dovod vode od vodnega vira do posamezne parcele, vključno s hidrantom.

Odvzemni objekt in dovodno omrežje se lahko zgradi tudi na zemljišču nekmetijske namenske rabe, če to ni v nasprotju s prostorskim aktom lokalne skupnosti.

Namakalna oprema je omrežje s pripadajočo opremo za razvod vode po parcelah, ki se namakajo oziroma se na njih preprečuje zmrzal. Namakalna oprema je last uporabnikov namakalnega sistema.

service provider shall, for drainage systems that are the subject of the national public service, conclude a contract on the funding of maintenance works on drainage systems that are the subject of the national public service. The contract shall specify the mutual rights, obligations, deadlines and manner of payment.

Based on the collected compensation for covering the costs of the maintenance of drainage systems referred to in paragraph ten of this Article, the ministry responsible for agriculture and the local community shall, for drainage systems owned by the local community, conclude a contract on the funding of maintenance works on drainage systems owned by the local community. The contract shall specify the mutual rights, obligations, deadlines and manner of payment.

5.3 Irrigation

Article 89

An irrigation system shall mean an assembly of facilities and equipment for the delivery of water, and its distribution and use intended to provide crops with an adequate quantity of water in the soil. Sprinkler systems for frost protection shall also be deemed to be irrigation systems.

An irrigation system shall be composed of a water abstraction facility, a supply network and irrigation equipment.

A water abstraction facility shall mean a pumping station, a water well or a facility for the abstraction of water from a reservoir.

A supply network shall consist of equipment for the conveyance of water from a water source to individual parcels, including the hydrant.

A water abstraction facility and a supply network may also be built on land with a dedicated non-agricultural use if this is not in contravention of the spatial planning document of the local community.

Irrigation equipment shall mean a network with accompanying equipment for the distribution of water on parcels subject to irrigation or frost prevention. Irrigation equipment shall be the property of the users of

Območje namakalnega sistema je območje, ki omogoča namakanje kmetijskih zemljišč.

Namakalni sistemi se delijo na:

- javne namakalne sisteme, ki so v lasti lokalnih skupnosti (v nadaljnjem besedilu: lokalni namakalni sistem);
- javne namakalne sisteme, ki so v lasti Republike Slovenije in so predmet državne javne službe (v nadaljnjem besedilu: državni namakalni sistem);
- zasebne namakalne sisteme, ki so v lasti fizičnih ali pravnih oseb.

Če lokalni namakalni sistem leži na območju dveh ali več lokalnih skupnosti, se lokalne skupnosti dogovorijo o lastninski pravici na namakalnem sistemu.

Če dovodno omrežje, ki ne leži znotraj območja lokalnega namakalnega sistema, leži na območju dveh ali več lokalnih skupnosti, je lastnik tega omrežja lokalna skupnost, v kateri leži območje lokalnega namakalnega sistema.

90. člen

Uvedbo namakalnega sistema lahko predlagajo:

- lokalne namakalne sisteme: lokalne skupnosti;
- zasebne namakalne sisteme: lastniki kmetijskih zemljišč na predvidenem območju namakalnega sistema ali fizične ali pravne osebe, ki jih pooblastijo lastniki zemljišč na predvidenem območju namakalnega sistema.

91. člen

Predlog za uvedbo namakalnega sistema se vloži pri ministrstvu, pristojnem za kmetijstvo.

Predlog za uvedbo lokalnega namakalnega sistema se lahko vloži, če pogodbo o namakanju iz točke a) petega odstavka tega člena podpišejo lastniki kmetijskih zemljišč, ki imajo v lasti več kot dve tretjini

the irrigation system.

An irrigation system area shall mean an area where the irrigation of agricultural land is enabled.

Irrigation systems shall be divided as follows:

- public irrigation systems owned by local communities (hereinafter: local irrigation system);
- public irrigation systems owned by the Republic of Slovenia that are the subject of the national public service (hereinafter: national irrigation system);
- private irrigation systems owned by natural persons or legal entities.

When a local irrigation system is located on the territory of one or more local communities, the local communities shall conclude an agreement on the ownership right regarding the irrigation system.

When a supply network that is not located within the area of a local irrigation system is located on the territory of one or more local communities, the owner of such network shall be the local community on the territory of which the area of the local irrigation system is located.

Article 90

The introduction of an irrigation system may be proposed by:

- for local irrigation systems: local communities;
- for private irrigation systems: owners of agricultural land within the planned area of the irrigation system or natural persons or legal entities authorised by the land owners within the planned area of the irrigation system.

Article 91

A proposal for the introduction of an irrigation system shall be submitted to the ministry responsible for agriculture.

A proposal for the introduction of a local irrigation system may be submitted if an irrigation contract as referred to in point a) of paragraph five of this Article is concluded by agricultural land owners who own more

površin kmetijskih zemljišč s predvidenega območja namakalnega sistema.

Predlog za uvedbo zasebnega namakalnega sistema se lahko vložijo, če se z uvedbo zasebnega namakalnega sistema strinjajo vsi lastniki kmetijskih zemljišč s predvidenega območja namakalnega sistema.

Ne glede na določbe stvarnopravnega zakonika se za posamezno zemljiško parcelo v solastnini šteje, da se lastniki strinjajo z uvedbo namakalnega sistema, če odločitev o tem sprejmejo s soglasjem solastnikov, ki imajo v lasti več kot dve tretjini solastniških deležev.

Predlogu za uvedbo lokalnega namakalnega sistema je treba priložiti:

- a) pogodbo med lastnikom kmetijskega zemljišča na predvidenem območju lokalnega namakalnega sistema in lokalno skupnostjo, s katero se lastnik kmetijskega zemljišča na predvidenem območju lokalnega namakalnega sistema strinja z uvedbo in se zavezuje, da bo najpozneje v štirih letih po izgradnji lokalnega namakalnega sistema lokalni namakalni sistem začel uporabljati in da bo kril stroške iz 96. člena tega zakona, ki bodo nastali v zvezi z uporabo lokalnega namakalnega sistema (v nadaljnjem besedilu: pogodba o namakanju), v sorazmerju s površino, ki je opredeljena v pogodbi o namakanju. Pogodba mora biti sklenjena najmanj za čas trajanja amortizacije lokalnega namakalnega sistema. Če lokalni namakalni sistem omogoča, se lahko stroški iz četrte in pete alineje tretjega odstavka 96. člena tega zakona obračunavajo po dejanski porabi. Če je kmetijsko zemljišče dano v zakup, je podpisnik pogodbe o namakanju tudi zakupnik;
- b) grafično prilogo, vrisano v zemljiškokatastrskem prikazu oziroma zemljiškokatastrskem načrtu z razvidnimi mejami parcel in parcelnimi številkami ter navedbo katastrske občine (v merilu 1:2.500 ali 1:5.000), iz katere morajo biti razvidni meja območja lokalnega namakalnega sistema, lokacija odvzemnega objekta in dovodno omrežje, ki ni znotraj meje območja lokalnega namakalnega sistema. Iz grafične priloge mora biti razvidno tudi, kateri lastniki so podpisali pogodbo o namakanju, in parcele lastnikov kmetijskih zemljišč, ki so želeli podpisati pogodbo o namakanju, a niso del predvidenega območja uvedbe lokalnega namakalnega sistema zaradi razlogov iz

than two thirds of the agricultural land within the planned irrigation system area.

A proposal for the introduction of a private irrigation system may be submitted if all the owners of agricultural land within the planned irrigation system area agree to the introduction of the private irrigation system.

Notwithstanding the provisions of the Law of Property Code, it shall be deemed for an individual co-owned land parcel that the owners agree to the introduction of an irrigation system if the decision thereon is adopted with the consent of co-owners who own more than two thirds of the co-ownership shares.

The following must be attached to a proposal for the introduction of a local irrigation system:

- a) a contract between owners of agricultural land within the planned area of the local irrigation system and the local community, by which the owners of agricultural land within the planned area of the local irrigation system agree to the introduction and undertake to begin using the local irrigation system no later than within four years of the construction of the local irrigation system and to cover the costs referred to in Article 96 of this Act resulting from the use of the local irrigation system (hereinafter: irrigation contract) in proportion to the surface area specified in the irrigation contract. The contract must be concluded at least for the duration of the depreciation of the local irrigation system. Provided that the local irrigation system enables it, the costs referred to in indents four and five of paragraph three of Article 96 of this Act shall be calculated in accordance with the actual consumption. If the agricultural land is leased out, the lessee shall also be a signatory to the irrigation contract;
- b) a graphical attachment drawn on a land cadastre map or a land register map, with clearly visible parcel borders and parcel numbers and an indication of the cadastral municipality (at a scale of 1:2,500 or 1:5,000), from which the borders of the local irrigation system area, the location of the water abstraction facility and any supply network not within the boundaries of the local irrigation system area must be evident. It must also be evident from the graphical attachment which owners have concluded an irrigation contract as well as the parcels of the land owners who wanted to conclude an irrigation contract but which fall outside the planned area of the introduction of the local

sedmega odstavka tega člena;

- c) seznam lastnikov zemljišč s podatki o njihovih osebnih imenih in naslovih prebivališč, EMŠO in površinah, ki jih imajo v lasti na predvidenem območju lokalnega namakalnega sistema. Če gre za pravno osebo, je treba predlogu za uvedbo priložiti podatek o firmi, sedežu, davčni številki in površinah zemljišč, ki jih ima v lasti na predvidenem območju lokalnega namakalnega sistema;
- č) investicijski program ali dokument identifikacije investicijskega projekta, ki mora biti izdelan v skladu s predpisi, ki urejajo enotno metodologijo za pripravo in obravnavo investicijske dokumentacije na področju javnih financ;
- d) predpisana soglasja ali dovoljenja pristojnih organov, če se predlaga uvedba lokalnega namakalnega sistema na območjih varovanj in omejitev po posebnih predpisih;
- e) vodna pravica za namakanje kmetijskih zemljišč, podeljena z aktom v skladu z zakonom, ki ureja vode (v nadaljnjem besedilu: vodna pravica). Ne glede na zakon, ki ureja vode, se vodna pravica po postopku, določenem z zakonom, ki ureja vode, podeli lokalni skupnosti, ki predlaga uvedbo lokalnega namakalnega sistema.

Meja območja lokalnega namakalnega sistema mora biti določena tako, da mejo območja namakalnega sistema iz točke b) prejšnjega odstavka tvori sklenjen pas kmetijskih zemljišč, katerih lastniki so podpisali pogodbo o namakanju, v okviru razpoložljivega vodnega vira oziroma finančnih sredstev lokalne skupnosti.

Če vodni vir oziroma finančna sredstva lokalne skupnosti ne omogočajo namakanja vseh kmetijskih zemljišč, katerih lastniki bi želeli podpisati pogodbo o namakanju, imajo prednost lastniki tistih kmetijskih zemljišč, katerih predvidena površina namakanja je večja.

Če območje lokalnega namakalnega sistema meji na nekmetijsko namensko rabo, sega meja območja lokalnega namakalnega sistema do nekmetijske namenske rabe, razen če gre za linijski infrastrukturni objekt nekmetijske namenske rabe.

irrigation system due to the reasons referred to in paragraph seven of this Article;

- c) a list of land owners containing details of their personal names and residential addresses, UPIN and the land they own within the planned area of the local irrigation system. In the case of a legal entity, details of its corporate name, registered office, tax identification number, and the land it owns within the planned local irrigation system must be attached to the proposal for the introduction of a local irrigation system.
- č) an investment programme or a document identifying an investment programme, which must be drawn up in accordance with the regulations governing the uniform methodology for the preparation and treatment of investment documentation in the field of public finance;
- d) the prescribed consents or permits of the competent authorities if the introduction of the local irrigation system is proposed within areas of protection and restriction under special regulations;
- e) the water right for the irrigation of agricultural land granted by a legal act in accordance with the Act regulating waters (hereinafter: water right). Notwithstanding the Act regulating waters, the water right shall be granted to the local community proposing the introduction of the local irrigation system under the procedure laid down by the Act regulating waters.

The border of a local irrigation system area must be delineated in such a way that the border of the local irrigation system area referred to in point b) of the preceding paragraph is constituted by a continuous strip of agricultural land whose owners have concluded an irrigation contract, within the frame of an available water source and the financial resources of the local community.

If the water source or the financial resources of the local community do not enable the irrigation of all the agricultural land whose owners would like to conclude an irrigation contract, the owners of agricultural land with a larger planned irrigation area shall be given priority.

If the local irrigation system area borders land with a designated non-agricultural use, the border of such local irrigation system area shall extend up to the designated non-agricultural use, except in the case of a linear infrastructure facility with a designated non-agricultural

Predlogu za uvedbo zasebnega namakalnega sistema je treba priložiti:

- a) grafično prilogo, vrisano v zemljiškokatastrskem prikazu oziroma zemljiškokatastrskem načrtu z razvidnimi mejami parcel in parcelnimi številkami ter navedbo katastrske občine (v merilu 1:2.500 ali 1:5.000), iz katere morajo biti razvidni meja območja zasebnega namakalnega sistema, lokacija odvzemnega objekta in dovodno omrežje, ki ni znotraj meje območja zasebnega namakalnega sistema;
- b) seznam lastnikov zemljišč s podatki o njihovih osebnih imenih in naslovih prebivališč, EMŠO, površinah, ki jih imajo v lasti na predvidenem območju zasebnega namakalnega sistema, in upravno overjene izjave lastnikov, ki se strinjajo z uvedbo zasebnega namakalnega sistema. Če gre za pravno osebo, je treba predlogu za uvedbo priložiti podatek o firmi, sedežu, davčni številki, površinah zemljišč, ki jih ima v lasti na predvidenem območju zasebnega namakalnega sistema, in upravno overjeno izjavo zastopnika pravne osebe, da se strinja z uvedbo zasebnega namakalnega sistema;
- c) predpisana soglasja ali dovoljenja pristojnih organov, če se predlaga uvedba zasebnega namakalnega sistema na območjih varovanj in omejitev po posebnih predpisih;
- č) sporazum o lastništvu bodočega zasebnega namakalnega sistema;
- d) vodna pravica. Ne glede na zakon, ki ureja vode, se vodna pravica po postopku, določenem z zakonom, ki ureja vode, podeli lastniku zasebnega namakalnega sistema, predvidenemu v sporazumu iz prejšnje točke.

Soglasja ali dovoljenja iz točke d) petega odstavka tega člena in točke c) prejšnjega odstavka so sestavni del predloga za uvedbo namakalnega sistema.

Ministrstvo, pristojno za kmetijstvo, pri pristojnih organih preveri skladnost seznama lastnikov zemljišč za uvedbo lokalnega namakalnega sistema, skladnost seznama lastnikov zemljišč in njihovih izjav za uvedbo zasebnega namakalnega sistema ter skladnost namakalnega sistema s prostorskim aktom lokalne skupnosti.

use.

The following must be attached to a proposal for the introduction of a private irrigation system:

- a) a graphical attachment drawn on a land cadastre map or a land register map, with clearly visible parcel borders and parcel numbers and an indication of the cadastral municipality (at a scale of 1:2,500 or 1:5,000), from which the borders of the private irrigation system area, the location of the water abstraction facility and any supply network not within the boundaries of the private irrigation system area must be evident.
- b) a list of the land owners containing details of their personal names and residential addresses, UPIN, the land areas they own within the planned area of the private irrigation system and administratively authenticated statements of the owners who agree to the introduction of the private irrigation system. In the case of a legal entity, details of its corporate name, registered office, tax identification number, the land areas it owns within the planned area of the private irrigation system and an administratively authenticated statement of the representative of the legal entity that it agrees to the introduction of the private irrigation system must be attached to the proposal for the introduction.
- c) the prescribed consents or permits of the competent authorities if the introduction of the private irrigation system is proposed within areas of protection and restriction under special regulations;
- č) an agreement on the ownership of the future private irrigation system;
- d) the water right. Notwithstanding the Act regulating waters, the water right, shall, pursuant to the procedure laid down by the Act regulating waters, be granted to the owner of the private irrigation system indicated in the agreement referred to in the preceding point.

The consents and permits referred to in point d) of paragraph five of this Article and point c) of the preceding paragraph shall be a constituent part of a proposal for the introduction of an irrigation system.

The ministry responsible for agriculture shall verify with the competent authorities the agreement of the list of land owners and their statements regarding the introduction of the private irrigation system and the conformity of the irrigation system with the spatial planning document of the local community.

92. člen

Namakalni sistem se uvede z odločbo ministrstva, pristojnega za kmetijstvo, iz katere so razvidni:

- meja območja namakalnega sistema;
- katastrske občine in parcelne številke zemljišč znotraj območja namakalnega sistema;
- katastrske občine in parcelne številke zemljišč, na katerih je predvidena gradnja odvzemnega objekta, in
- katastrske občine in parcelne številke zemljišč, na katerih je predvidena gradnja dovodnega omrežja, ki ni znotraj meje območja namakalnega sistema.

Grafična priloga iz točke b) petega odstavka prejšnjega člena oziroma točke a) devetega odstavka prejšnjega člena je sestavni del odločbe o uvedbi namakalnega sistema in je na vpogled strankam v postopku pri pristojnem organu.

Odločba o uvedbi lokalnega namakalnega sistema se vroči predlagatelju in vsem lastnikom kmetijskih zemljišč na območju namakalnega sistema, lastnikom zemljišč odvzemnega objekta ter lastnikom zemljišč dovodnega omrežja, ki ni znotraj meje območja lokalnega namakalnega sistema.

Odločba o uvedbi zasebnega namakalnega sistema se vroči vsem lastnikom kmetijskih zemljišč na območju zasebnega namakalnega sistema, lastnikom zemljišč odvzemnega objekta, lastnikom zemljišč dovodnega omrežja, ki ni znotraj meje območja zasebnega namakalnega sistema, in lastniku predvidenega zasebnega namakalnega sistema. Če lastnik kmetijskega zemljišča za uvedbo zasebnega namakalnega sistema pooblasti fizično ali pravno osebo, se odločba o uvedbi zasebnega namakalnega sistema vroči tudi pooblaščenim osebam.

Odločba o uvedbi namakalnega sistema preneha veljati, če se

Article 92

An irrigation system shall be introduced by a decision of the minister responsible for agriculture, from which the following shall be evident:

- the borders of the irrigation system area;
- the cadastral municipalities and parcel numbers of the land within the irrigation system area;
- the cadastral municipalities and parcel numbers of the land on which the construction of the water abstraction facility is planned;
- the cadastral municipalities and parcel numbers of land on which the construction of a supply network that is not located within the borders of the irrigation system area is planned.

The graphical attachment referred to in point b) of paragraph five of the preceding Article or point a) of paragraph nine of the preceding Article shall be a constituent part of the decision on the introduction of an irrigation system and shall be available at the competent authority for inspection by the parties to the procedure.

The decision on the introduction of a local irrigation system shall be served on the proposer and all owners of agricultural land within the irrigation system area, the owners of the land on which the water abstraction facility is located and the owners of the land outside the borders of the local irrigation system area on which the supply network is located.

The decision on the introduction of a private irrigation system shall be served on all owners of agricultural land within the area of the private irrigation system, the owners of the land on which the water abstraction facility is located, the owners of the land outside the borders of the private irrigation system area on which the supply network is located and the owner of the planned private irrigation system. If an owner of agricultural land authorises a natural person or legal entity to introduce a private irrigation system, the decision on the introduction of the private irrigation system shall also be served on the authorised person.

The decision on the introduction of an irrigation system shall

v petih letih po pravnomočnosti ne začne z izvajanjem del za izgradnjo namakalnega sistema. Prenehanje odločbe o uvedbi namakalnega sistema je razlog za izbris namakalnega sistema iz evidence melioracijskih sistemov in naprav. Ne glede na zakon, ki ureja vode, je prenehanje odločbe o uvedbi namakalnega sistema razlog za prenehanje vodne pravice. Ministrstvo, pristojno za kmetijstvo, o prenehanju odločbe o uvedbi namakalnega sistema obvesti organ, pristojen za podeljevanje vodnih pravic.

Namakalnega sistema na območju, kjer je že uveden drug namakalni sistem, ni mogoče uvesti.

Lokalni namakalni sistem se šteje kot javna korist.

Lokalna skupnost lahko uvede postopek za pridobitev služnosti v javno korist ali lastninske oziroma stavbne pravice v javno korist v skladu s tem zakonom in v skladu s predpisi, ki urejajo razlastitev.

Amortizacijska doba lokalnega namakalnega sistema je 20 let.

93. člen (črtan)

94. člen

Lastniki kmetijskih zemljišč, ki ležijo znotraj meje območja lokalnega namakalnega sistema, ki niso podpisali pogodbe o namakanju v skladu s točko a) petega odstavka 91. člena tega zakona, se lahko naknadno priključijo na lokalni namakalni sistem, če se z njihovo priključitvijo ohranjajo dosežene hidravlične značilnosti namakalnega sistema. V teh primerih z lastnikom lokalnega namakalnega sistema podpišejo pogodbo o namakanju v skladu s točko a) petega odstavka 91. člena tega zakona, s katero se zavežejo, da bodo uporabljali lokalni namakalni sistem in krili stroške iz tretjega odstavka 96. člena tega zakona.

cease to be in force if the operations for the construction of the irrigation system are not initiated within five years of the decision becoming final. The cessation of a decision on the introduction of an irrigation system shall constitute a reason for the deletion of the irrigation system from the Record of Irrigation and Drainage Systems and Equipment. Notwithstanding the Act regulating waters, the cessation of a decision on the introduction of an irrigation system shall constitute a reason for the termination of the water right. The ministry responsible for agriculture shall notify the authority responsible for granting water rights of the cessation of a decision on the introduction of an irrigation system.

An irrigation system may not be introduced in an area where another irrigation system has already been introduced.

A local irrigation system shall be deemed to be a public benefit.

A local community may initiate a procedure for the establishment of easements for the public benefit or for obtaining the right of ownership or the right of superficies for the public benefit in accordance with this Act and the regulations governing expropriation.

The depreciation period of a local irrigation system shall be 20 years.

Article 93 (Deleted)

Article 94

The owners of agricultural land located within the borders of a local irrigation system area who have not concluded an irrigation contract pursuant to point a) of paragraph five of Article 91 of this Act may subsequently connect to a local irrigation system if the attained hydraulic properties of the irrigation system are preserved regardless of their connection. In such cases, they shall conclude an irrigation contract with the owner of the local irrigation system pursuant to point a) of paragraph five of Article 91 of this Act by which they undertake to use the local irrigation system and cover the costs referred to in paragraph three of Article 96 of this Act.

Lastniki kmetijskih zemljišč, ki ne ležijo znotraj meje območja lokalnega namakalnega sistema, se lahko naknadno priključijo na lokalni namakalni sistem, če se z njihovo priključitvijo ohranjajo dosežene hidravlične značilnosti namakalnega sistema. V teh primerih z lastnikom lokalnega namakalnega sistema podpišejo pogodbo o namakanju, s katero se zavežejo, da bodo uporabljali lokalni namakalni sistem in krili stroške iz tretjega odstavka 96. člena tega zakona.

V primeru iz prejšnjega odstavka o spremembi območja lokalnega namakalnega sistema na podlagi vloge lastnika lokalnega namakalnega sistema odloči ministrstvo, pristojno za kmetijstvo. Vlogi je treba priložiti pogodbo o namakanju iz prejšnjega odstavka, vodno pravico ter predpisana soglasja ali dovoljenja pristojnih organov, če se sprememba območja lokalnega namakalnega sistema nanaša na območja varovanj in omejitev po posebnih predpisih. Stroške priključitve na lokalni namakalni sistem nosijo lastniki oziroma zakupniki kmetijskih zemljišč, ki se priključijo lokalnemu namakalnemu sistemu.

Lastniki kmetijskih zemljišč, ki ne ležijo znotraj meje območja državnega namakalnega sistema, se lahko naknadno priključijo na državni namakalni sistem, če se z njihovo priključitvijo ohranjajo dosežene hidravlične značilnosti državnega namakalnega sistema. V teh primerih z izvajalcem državne javne službe podpišejo pogodbo o namakanju v skladu z drugim odstavkom 98. člena tega zakona.

V primeru iz prejšnjega odstavka o spremembi meje območja državnega namakalnega sistema na podlagi vloge izvajalca državne javne službe odloči ministrstvo, pristojno za kmetijstvo. Vlogi je treba priložiti pogodbo o namakanju, sklenjeno v skladu z drugim odstavkom 98. člena tega zakona, vodno pravico ter predpisana soglasja ali dovoljenja pristojnih organov, če se sprememba območja državnega namakalnega sistema nanaša na območja varovanj in omejitev po posebnih predpisih. Stroške priključitve na državni namakalni sistem nosijo lastniki oziroma zakupniki kmetijskih zemljišč, ki se priključijo državnemu namakalnemu sistemu.

Območje zasebnega namakalnega sistema se lahko razširi ali

Owners of agricultural land not located within the borders of a local irrigation system area may subsequently connect to a local irrigation system if the attained hydraulic properties of the irrigation system are preserved regardless of their connection. In such cases, they shall conclude an irrigation contract with the owner of the local irrigation system by which they undertake to use the local irrigation system and cover the costs referred to in paragraph three of Article 96 of this Act.

In the cases referred to in the preceding paragraph, decisions regarding changes to the local irrigation system area shall be adopted by the ministry responsible for agriculture on the basis of an application submitted by the owner of the local irrigation system. Attached to the application must be the irrigation contract referred to in the preceding paragraph, the water right and the prescribed consents or permits of the competent authorities if the changes to the local irrigation system area refer to areas of protection and restrictions under special regulations. The costs of connecting to the local irrigation system shall be borne by the owners or lessees of the agricultural land connected to the local irrigation system.

Owners of agricultural land not located within the borders of a national irrigation system area may subsequently connect to a national irrigation system if the attained hydraulic properties of the national irrigation system are preserved regardless of their connection. In such cases, they shall conclude an irrigation contract with the national public service provider pursuant to paragraph two of Article 98 of this Act.

In the cases referred to in the preceding paragraph, the borders of the national irrigation system area shall be decided on by the ministry responsible for agriculture on the basis of an application submitted by the national public service provider. Attached to the application must be an irrigation contract concluded in accordance with paragraph two of Article 98 of this Act, the water right and the prescribed consents or permits of the competent authorities if the changes to the national irrigation system area refer to areas of protection and restrictions under special regulations. The costs of connecting to the national irrigation system shall be borne by the owners or lessees of the agricultural land connected to the national irrigation system.

A private irrigation system area may be expanded or reduced if

zmanjša, če se s tem strinjata lastnik zasebnega namakalnega sistema in lastnik kmetijskega zemljišča, ki je predmet spremembe območja zasebnega namakalnega sistema. Vlogo za spremembo območja zasebnega namakalnega sistema pri ministrstvu, pristojnem za kmetijstvo, vložijo lastnik zasebnega namakalnega sistema. Vlogi je treba priložiti izjavo lastnika zasebnega namakalnega sistema, da se strinja s širitvijo ali zmanjšanjem zasebnega namakalnega sistema, izjavo lastnika kmetijskega zemljišča, ki je predmet spremembe območja zasebnega namakalnega sistema, vodno pravico ter predpisana soglasja ali dovoljenja pristojnih organov, če se sprememba območja zasebnega namakalnega sistema nanaša na območja varovanj in omejitev po posebnih predpisih. O spremembi območja zasebnega namakalnega sistema odloči ministrstvo, pristojno za kmetijstvo.

Lokalni ali državni namakalni sistem se lahko ukine:

- če preneha vodna pravica, nove pa ni mogoče pridobiti,
- če se z ukinitvijo strinjajo lastniki kmetijskih zemljišč, ki imajo v lasti več kot 80 odstotkov površin kmetijskih zemljišč na območju lokalnega ali državnega namakalnega sistema, in če se z ukinitvijo strinja 80 odstotkov lastnikov kmetijskih zemljišč na območju lokalnega ali državnega namakalnega sistema, ki so podpisali pogodbo o namakanju, ali
- če ukinitiv z odločbo predlaga inšpektor, pristojen za kmetijstvo, ali inšpektor, pristojen za vode.

Zasebni namakalni sistem se lahko ukine:

- če preneha vodna pravica, nove pa ni mogoče pridobiti,
- če se z ukinitvijo strinja lastnik zasebnega namakalnega sistema ali
- če ukinitiv z odločbo predlaga inšpektor, pristojen za kmetijstvo, ali inšpektor, pristojen za vode.

Ne glede na zakon, ki ureja vode, je ukinitiv namakalnega sistema razlog za prenehanje vodne pravice. Po pravnomočnosti odločbe o ukinitvi namakalnega sistema ministrstvo, pristojno za kmetijstvo, o

the owner of the private irrigation system and the owner of agricultural land subject to a change in the area of the private irrigation system agree to such change. An application for a change in the area of a private irrigation system shall be submitted by the owner of the private irrigation system to the ministry responsible for agriculture. Attached to the application must be a statement of the owner of the private irrigation system that he or she agrees to the expansion or reduction of the private irrigation system, a statement of the owner of the agricultural land subject to a change in the area of the private irrigation system, the water right and the prescribed consents or permits of the competent authorities if the change in the area of the private irrigation system refers to areas of protection and restrictions under special regulations. A change in the area of a private irrigation system shall be decided on by the ministry responsible for agriculture.

A local or national irrigation system may be put out of operation:

- if the water right terminates and a new water right cannot be reinstated;
- if the owners of agricultural land owning more than 80 percent of the agricultural land area within the area of the local or national irrigation system and 80 percent of the owners within the area of the local or national irrigation system that concluded an irrigation contract agree to the irrigation system being put out of operation; or
- if an inspector responsible for agriculture or an inspector responsible for waters proposes that the irrigation system be put out of operation by a decision.

A private irrigation system may be put out of operation:

- if the water right terminates and a new water right cannot be reinstated;
- if the owner of the private irrigation system agrees to the irrigation system being put out of operation; or
- if an inspector responsible for agriculture or an inspector responsible for waters proposes that the irrigation system be put out of operation by a decision.

Notwithstanding the Act regulating waters, putting an irrigation system out of operation shall constitute a reason for the termination of the water right. Upon the decision on putting an irrigation system out of

ukinitvi namakalnega sistema obvesti organ, pristojen za podeljevanje vodnih pravic.

V primerih iz sedmega in osmega odstavka tega člena ministrstvo, pristojno za kmetijstvo, odloči na podlagi vloge lastnika namakalnega sistema, izvajalca državne javne službe ali na podlagi vloge inšpektorja, pristojnega za kmetijstvo, ali inšpektorja, pristojnega za vode. Vlogi je treba priložiti:

- akt, iz katerega je razvidno, da vodne pravice za namakanje kmetijskih zemljišč, v skladu z zakonom, ki ureja vode, ni mogoče pridobiti, po prvi alineji sedmega in prvi alineji osmega odstavka tega člena,
- odločbo, s katero inšpektor, pristojen za kmetijstvo, ali inšpektor, pristojen za vode, predlaga ukinitiv namakalnega sistema po tretji alineji sedmega odstavka in tretji alineji osmega odstavka tega člena,
- upravno overjena soglasja lastnikov kmetijskih zemljišč po drugi alineji sedmega odstavka tega člena ali
- izjavo lastnika zasebnega namakalnega sistema po drugi alineji osmega odstavka tega člena.

Na podlagi pravnomočne odločbe iz tretjega, petega in šestega odstavka tega člena ministrstvo, pristojno za kmetijstvo, mejo območja namakalnega sistema uskladi v evidenci melioracijskih sistemov in naprav.

Na podlagi pravnomočne odločbe iz desetega odstavka tega člena ministrstvo, pristojno za kmetijstvo, namakalni sistem izbriše iz evidence melioracijskih sistemov in naprav.

Ukinitiv namakalnega sistema ne pomeni tudi njegove razgradnje v skladu z zakonom, ki ureja graditev objektov.

95. člen

Pravno dejstvo, da je za kmetijsko zemljišče sklenjena pogodba

operation becoming final, the ministry responsible for agriculture shall notify the authority responsible for granting water rights of the irrigation system being put out of operation.

In the cases referred to in paragraphs seven and eight of this Article, the ministry responsible for agriculture shall adopt a decision based on an application by the owner of the irrigation system or the national public service provider or based on an application by an inspector responsible for agriculture or an inspector responsible for waters. The following must be attached to the application:

- a legal act from which it is evident that the water right for the irrigation of agricultural land cannot be obtained in accordance with the Act regulating waters in accordance with indent one of paragraph seven of this Article and indent one of paragraph eight of this Article,
- a decision by which an inspector responsible for agriculture or an inspector responsible for waters proposes that the irrigation system be put out of operation in accordance with indent three of paragraph seven and indent three of paragraph eight of this Article,
- administratively authenticated consents of the owners of the agricultural land in accordance with indent two of paragraph seven of this Article, or
- a statement of the owner of the irrigation system in accordance with indent two of paragraph eight of this Article.

Based on a final decision referred to in paragraphs three, five and six of this Article, the ministry responsible for agriculture shall adjust the Record of Irrigation and Drainage Systems and Equipment to reflect the borders of the irrigation system area.

Based on a final decision referred to in paragraph ten of this Article, the ministry responsible for agriculture shall delete an irrigation system from the Record of Irrigation and Drainage Systems and Equipment.

Putting an irrigation system out of operation shall not entail its dismantling in accordance with the Act regulating construction.

Article 95

The legal fact that an irrigation contract pursuant to Article 91 of

o namakanju v skladu z 91. členom tega zakona, se zaznamuje v zemljiški knjigi na podlagi pravnomočne odločbe o uvedbi lokalnega namakalnega sistema iz 92. člena tega zakona ali na podlagi pravnomočne odločbe iz tretjega odstavka prejšnjega člena. Vpis zaznambe v zemljiško knjigo je dolžan predlagati lastnik zemljišča v dveh mesecih po pravnomočnosti odločbe o uvedbi lokalnega namakalnega sistema iz 92. člena tega zakona ali iz tretjega odstavka prejšnjega člena, po tem roku pa ga lahko predlaga tudi vsakdo, ki ima pravni interes, da se zaznamba vpiše.

Pravno dejstvo, da je za kmetijsko zemljišče sklenjena pogodba o namakanju iz prvega odstavka prejšnjega člena ali drugega odstavka 98. člena tega zakona, se zaznamuje v zemljiški knjigi na podlagi pogodbe iz prvega odstavka prejšnjega člena ali drugega odstavka 98. člena tega zakona. Vpis zaznambe v zemljiško knjigo je dolžan predlagati lastnik zemljišča v dveh mesecih po podpisu pogodbe iz prvega odstavka prejšnjega člena ali drugega odstavka 98. člena tega zakona, po tem roku pa ga lahko predlaga tudi vsakdo, ki ima pravni interes, da se zaznamba vpiše.

96. člen

Upravljanje, vzdrževanje in delovanje lokalnih namakalnih sistemov je lokalna javna služba.

Lastniki kmetijskih zemljišč na območju lokalnega namakalnega sistema, ki so podpisali pogodbo o namakanju v skladu s točko a) petega odstavka 91. člena tega zakona, so dolžni plačevati stroške vzdrževanja in delovanja lokalnega namakalnega sistema v sorazmerju s površino kmetijskega zemljišča, ki je opredeljena v pogodbi o namakanju. Če lokalni namakalni sistem omogoča, se stroški iz četrte in pete alineje tretjega odstavka tega člena lahko obračunajo po dejanski porabi.

Stroški vzdrževanja in delovanja lokalnega namakalnega sistema vključujejo zlasti:

- stroške rednega in investicijskega vzdrževanja ter tehnoloških posodobitev;

this Act has been concluded for agricultural land shall be noted in the land register on the basis of a final decision on the introduction of a local irrigation system referred to in Article 92 of this Act or on the basis of a final decision referred to in paragraph three of the preceding Article. The land owner shall be obliged to propose the entry of a note in the land register within two months of the decision on the introduction of a local irrigation system referred to in Article 92 of this Act or the decision referred to in paragraph three of the preceding Article becoming final. After this deadline, it may be proposed by anyone with a legal interest for the note to be entered.

The legal fact that an irrigation contract pursuant to paragraph one of the preceding Article or paragraph two of Article 98 of this Act has been concluded for agricultural land shall be noted in the land register on the basis of a contract referred to in paragraph one of the preceding Article or paragraph two of Article 98 of this Act. The land owner shall be obliged to propose the entry of a note in the land register within two months of concluding a contract referred to in paragraph one of the preceding Article or paragraph two of Article 98 of this Act. After this deadline, it may be proposed by anyone with a legal interest for the note to be entered.

Article 96

The management, maintenance and operation of local irrigation systems shall be carried out as a local public service.

Owners of agricultural land within the area of a local irrigation system who have concluded an irrigation contract pursuant to point a) of paragraph five of Article 91 of this Act shall be obliged to pay the costs of the maintenance and operation of the local irrigation system in proportion to the surface area of the agricultural land specified in the irrigation contract. Provided that the local irrigation system enables it, the costs referred to in indents four and five of paragraph three of this Article may be calculated according to actual consumption.

The costs of the maintenance and operation of a local irrigation system shall in particular include:

- the costs of regular and large-scale maintenance and technological modernisation;

- zavarovanje lokalnega namakalnega sistema;
- stroške dela;
- stroške energije, ki je potrebna za delovanje sistema (elektrika, nafta, zemeljski plin ipd.), in
- dajatve za rabo naravnih dobrin, v skladu z zakonom, ki ureja vode.

Sredstva za kritje stroškov iz prejšnjega odstavka lastnikom kmetijskih zemljišč na območju lokalnega namakalnega sistema, ki so podpisali pogodbo o namakanju v skladu s točko a) petega odstavka 91. člena tega zakona, zaračunava izvajalec lokalne javne službe.

Lokalna skupnost lahko predpiše podrobnejše pogoje glede izvajanja lokalne javne službe.

Lokalna skupnost lahko za financiranje investicijskega vzdrževanja ali tehnološke posodobitve lokalnega namakalnega sistema pridobi tudi druga sredstva.

Če dajo lastniki kmetijska zemljišča v zakup, je zavezanec za plačilo stroškov po tem členu zakupnik.

97. člen

Lastniki kmetijskih zemljišč na območju namakalnega sistema lahko zaradi usklajevanja in zastopanja interesov pri upravljanju, vzdrževanju in delovanju namakalnega sistema ustanovijo namakalno društvo v skladu z zakonom, ki ureja društva. Kot reprezentativno se šteje tisto namakalno društvo, ki združuje lastnike zemljišč, ki imajo v lasti več kot polovico površin zemljišč na območju namakalnega sistema.

Lastniki kmetijskih zemljišč na območju državnega namakalnega sistema lahko zaradi prenosa lastninske pravice na državnem namakalnem sistemu, razen na namakalni opremi, ter prenosa upravljanja in vzdrževanja državnega namakalnega sistema na namakalno zadrugo ustanovijo namakalno zadrugo v skladu s tem zakonom in v skladu z zakonom, ki ureja zadruge. Akt o ustanovitvi in združna pravila morajo biti sprejeti s soglasjem lastnikov zemljišč, ki

- insurance of the local irrigation system;
- labour costs;
- the cost of the energy required for the system's operation (electricity, petrol, natural gas, etc.), and
- the charges for the use of natural assets pursuant to the Act regulating waters.

The funds for covering the costs referred to in the preceding paragraph shall be charged by the local public service provider to the owners of land within the local irrigation system area who concluded an irrigation contract pursuant to point a) of paragraph five of Article 91 of this Act.

A local community may prescribe detailed conditions with regard to the provision of a local public service.

A local community may also obtain other resources for the funding of the large-scale maintenance or technological modernisation of a local irrigation system.

If agricultural land owners lease out their land, the lessees shall be obliged to pay the costs under this Act.

Article 97

Owners of agricultural land within an irrigation system area may establish an irrigation society in accordance with the Act regulating societies for the purpose of coordinating and representing interests in the management, maintenance and operation of the irrigation system. An irrigation society comprising land owners that own more than half of the agricultural land area within the irrigation system area shall be deemed to be representative.

Owners of agricultural land within a national irrigation system area may establish an irrigation cooperative in accordance with this Act and in accordance with the Act regulating cooperatives in order to transfer legal title to the national irrigation system, except the irrigation equipment, and the transfer of the management and maintenance of the national irrigation system to the irrigation cooperative. The act of establishment and the rules of the cooperative must be adopted with the consent of land

imajo v lasti več kot polovico površin zemljišč na območju državnega namakalnega sistema.

97.a člen

Če lokalna skupnost izkaže interes za prenos lastninske pravice na državnem namakalnem sistemu, razen na namakalni opremi, in se lastninska pravica s pogodbo med ministrstvom, pristojnim za kmetijstvo, in lokalno skupnostjo prenese na lokalno skupnost, se hkrati s prenosom lastninske pravice preneseta tudi upravljanje in vzdrževanje tega sistema, razen upravljanja in vzdrževanja namakalne opreme. O prenosu lastninske pravice ter prenosu upravljanja in vzdrževanja iz tega odstavka ministrstvo, pristojno za kmetijstvo, obvesti lastnike zemljišč na območju namakalnega sistema. S prenosom iz tega odstavka državni namakalni sistem postane lokalni namakalni sistem.

Če lokalna skupnost ne izkaže interesa za prenos lastninske pravice na državnem namakalnem sistemu, razen na namakalni opremi, in se s pogodbo med ministrstvom, pristojnim za kmetijstvo, lastniki zemljišč, po katerih poteka državni namakalni sistem, in namakalno zadrugo lastninska pravica prenese na namakalno zadrugo, se hkrati s prenosom lastninske pravice preneseta tudi upravljanje in vzdrževanje tega sistema, razen upravljanja in vzdrževanja namakalne opreme. S prenosom iz tega odstavka državni namakalni sistem postane zasebni namakalni sistem.

98. člen

Upravljanje, vzdrževanje in delovanje državnih namakalnih sistemov je državna javna služba.

Lastniki kmetijskih zemljišč na območju državnega namakalnega sistema, ki z izvajalcem državne javne službe podpišejo pogodbo o namakanju, s katero se zavežejo, da bodo državni namakalni sistem uporabljali in krili stroške iz četrtega odstavka tega člena, so dolžni plačevati stroške delovanja in vzdrževanja državnega namakalnega

owners who own more than half of the land area within the national irrigation system area.

Article 97a

If a local community expresses an interest in transferring legal title to a national irrigation system, except the irrigation equipment, and the legal title is transferred to the local community by a contract concluded between the ministry responsible for agriculture and the local community, the management and maintenance of such system, except the management and maintenance of the irrigation equipment, shall also be transferred along with the transfer of legal title. The ministry responsible for agriculture shall notify the land owners within the irrigation system area of the transfer of the legal title and the transfer of the management and maintenance referred to in this paragraph. With the transfer referred to in this paragraph, the national irrigation system shall become a local irrigation system.

If a local community does not express an interest in transferring legal title to a national irrigation system, except legal title to the irrigation equipment, and legal title is transferred to an irrigation cooperative by a contract between the ministry responsible for agriculture, the owners of the land on which the national irrigation system is located and the irrigation cooperative, the management and maintenance of such system, except the management and maintenance of the irrigation equipment, shall also be transferred along with the transfer of the legal title. With the transfer referred to in this paragraph, the national irrigation system shall become a private irrigation system.

Article 98

The management, maintenance and operation of national irrigation systems shall be carried out as a national public service.

Owners of land within a national irrigation system area who conclude an irrigation contract with the national public service provider by which they undertake to use the national irrigation system and cover the costs referred to in paragraph four of this Article shall be obliged to cover the costs of the operation and maintenance of the national irrigation

sistema v sorazmerju s površino kmetijskega zemljišča, ki je opredeljena v pogodbi o namakanju. Če je kmetijsko zemljišče dano v zakup, je podpisnik pogodbe o namakanju tudi zakupnik.

Če državni namakalni sistem omogoča, se stroški iz četrte in pete alineje četrtega odstavka tega člena lahko obračunajo po dejanski porabi.

Stroški delovanja in vzdrževanja državnega namakalnega sistema vključujejo zlasti:

- stroške rednega in investicijskega vzdrževanja ter tehnoloških posodobitev;
- zavarovanje državnega namakalnega sistema;
- stroške dela;
- stroške energije, ki je potrebna za delovanje sistema (elektrika, nafta, zemeljski plin ipd.), in
- dajatve za rabo naravnih dobrin, v skladu z zakonom, ki ureja vode.

Sredstva za kritje stroškov iz prejšnjega odstavka lastnikom kmetijskih zemljišč na območju državnega namakalnega sistema, ki so podpisali pogodbo o namakanju iz drugega odstavka tega člena, zaračunava izvajalec državne javne službe.

Podlaga za določitev višine stroškov na hektar za delovanje in vzdrževanje državnega namakalnega sistema, so programi vzdrževanja državnih namakalnih sistemov, ki jih pripravi izvajalec državne javne službe. Predlog višine stroškov na hektar za delovanje in vzdrževanje državnih namakalnih sistemov, ki so predmet državne javne službe, mora izvajalec državne javne službe na ministrstvo, pristojno za kmetijstvo, posredovati do 1. novembra predhodnega leta. Višino stroškov na hektar delovanja in vzdrževanja državnih namakalnih sistemov na predlog izvajalca državne javne službe predpiše minister, pristojen za kmetijstvo.

Izvajalec državne javne službe lahko predpiše podrobnejše pogoje glede zaračunavanja stroškov iz četrtega odstavka tega člena. Nalogo iz tega odstavka opravlja izvajalec državne javne službe kot javno pooblastilo.

system in proportion to the surface area of the agricultural land specified in the irrigation contract. If the agricultural land is leased out, the lessee shall also be a signatory to the irrigation contract.

Provided that the national irrigation system enables it, the costs referred to in indents four and five of paragraph four of this Article may be calculated according to the actual consumption.

The costs of the operation and maintenance of a national irrigation system shall in particular include:

- the costs of regular and large-scale maintenance and technological modernisation;
- insurance of the national irrigation system;
- labour costs;
- the cost of the energy required for the system's operation (electricity, petrol, natural gas, etc.), and
- the charges for the use of natural assets pursuant to the Act regulating waters.

The funds for covering the costs referred to in the preceding paragraph shall be charged by the national public service provider to the owners of the agricultural land within the national irrigation system area who concluded an irrigation contract referred to in paragraph two of this Article.

The basis for determining the amount of the costs per hectare for the operation and maintenance of national irrigation systems shall be programmes for the maintenance of national irrigation systems prepared by the national public service provider. A proposal regarding the amount of the costs per hectare for the operation and maintenance of national irrigation systems that are the subject of the national public service shall be submitted by the national public service provider to the ministry responsible for agriculture by 1 November of the previous year. The amount of the costs per hectare for the operation and maintenance of national irrigation systems shall be prescribed by the minister responsible for agriculture on the proposal of the national public service provider.

The national public service provider may prescribe detailed conditions as regards charging the costs referred to in paragraph four of this Article. The task referred to in this paragraph shall be carried out by the national public service provider as a public authority.

Sredstva za kritje stroškov vzdrževanja in delovanja državnih namakalnih sistemov so namenski prihodek državnega proračuna Republike Slovenije in se nakazujejo na podračun javnofinančnih prihodkov v skladu s predpisom, ki ureja podračune ter način plačevanja obveznih dajatev in drugih javnofinančnih prihodkov.

Na podlagi zbranih sredstev za kritje stroškov vzdrževanja in delovanja državnih namakalnih sistemov iz prejšnjega odstavka, ministrstvo, pristojno za kmetijstvo, in izvajalec državne javne službe skleneta pogodbo o financiranju vzdrževanja in delovanja državnih namakalnih sistemov. V pogodbi se natančneje določijo medsebojne pravice, obveznosti, roki in način plačila.

Izvajalec državne javne službe lahko za financiranje investicijskega vzdrževanja ali tehnološke posodobitve državnega namakalnega sistema pridobi tudi druga sredstva.

Če dajo lastniki kmetijska zemljišča v zakup, je zavezanec za plačilo stroškov po tem členu zakupnik.

98.a člen

Podpisnik pogodbe o namakanju iz drugega odstavka prejšnjega člena lahko od pogodbe odstopi, če pogodbe podpiše manj kot deset odstotkov vseh lastnikov zemljišč na območju državnega namakalnega sistema in imajo v lasti manj kot deset odstotkov površin državnega namakalnega sistema.

Podpisnik pogodbe o namakanju iz točke a) petega odstavka 91. člena ali drugega odstavka prejšnjega člena lahko od pogodbe odstopi, če podpisnik pogodbe o namakanju zaradi višje sile ne more uporabljati namakalnega sistema ali če zakupnik kmetijskega zemljišča, ki je predmet pogodbe o namakanju, odpove pogodbo, lastnik kmetijskega zemljišča pa novega zakupnika ne uspe pridobiti.

VI. SKUPNI PAŠNIKI

The funds for covering the costs of the maintenance and operation of national irrigation systems shall be assigned revenue of the budget of the Republic of Slovenia and shall be transferred to the sub-account of general government revenue in accordance with the regulation governing sub-accounts, the method of payment of compulsory charges and other general government revenues.

Based on the collected funds for covering the costs of the maintenance and operation of national irrigation systems referred to in the preceding paragraph, the ministry responsible for agriculture and the national public service provider shall conclude a contract on the maintenance and operation of national irrigation systems. In the contract, the mutual rights, obligations, deadlines and manner of payment shall be specified in detail.

The national public service provider may also obtain other resources for the funding of the large-scale maintenance or technological modernisation of a national irrigation system.

If the owners put up agricultural land for lease, the lessee shall be liable for the payment of the costs under this Article.

Article 98a

A signatory to an irrigation contract referred to in paragraph two of the preceding Article may withdraw from the contract if such contracts are concluded by less than ten percent of all land owners within the area of the national irrigation system who own less than ten percent of the land within the national irrigation system area.

A signatory to an irrigation contract referred to in point a) of paragraph five of Article 91 or paragraph two of the preceding Article may withdraw from the contract if he or she is unable to use the irrigation system due to force majeure or if a lessee of agricultural land that is subject to the irrigation contract terminates the contract and the land owner is unable to find a new lessee.

VI. COMMON PASTURES

99. člen
([prenehal veljati](#))

Article 99
(Ceased to be in force)

100. člen
([prenehal veljati](#))

Article 100
(Ceased to be in force)

101. člen
([prenehal veljati](#))

Article 101
(Ceased to be in force)

102. člen
([prenehal veljati](#))

Article 102
(Ceased to be in force)

103. člen
([prenehal veljati](#))

Article 103
(Ceased to be in force)

104. člen
([prenehal veljati](#))

Article 104
(Ceased to be in force)

105. člen
([prenehal veljati](#))

Article 105
(Ceased to be in force)

VII. INŠPEKCIJA

VII. INSPECTION

106. člen

Article 106

Izvajanje določb tega zakona in predpisov, izdanih na njegovi podlagi, nadzorujejo kmetijski inšpektorji, v delu, ki se nanaša na gozd, pa gozdarski inšpektorji. Določbe 4. člena tega zakona ter predpisov, izdanih na njegovi podlagi, nadzorujejo tudi inšpektorji za varstvo okolja in gradbeni inšpektorji v skladu s svojimi pristojnostmi.

Implementation of the provisions of this Act and regulations issued pursuant thereto shall be supervised by agricultural inspectors, while in the part referring to forests implementation shall be supervised by forestry inspectors. The provisions of Article 4 of this Act and regulations issued pursuant thereto shall also be supervised by environmental protection inspectors and building inspectors in accordance with their respective competences.

107. člen

Kmetijski inšpektor ima poleg pooblastil po splošnih predpisih, ki urejajo inšpekcijo, še naslednja pooblastila in pristojnosti:

A) pooblastila:

- pregledovati zemljišča in primerjati dejansko stanje kmetijskih zemljišč s stanjem v registrih in uradnih evidencah, ki se nanašajo na kmetijska zemljišča;
- nadzirati, ali lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča obdeluje kmetijsko zemljišče kot dober gospodar;
- nadzirati kmetijska zemljišča glede preprečevanja in odpravljanja zaraščanja;
- ugotavljati nezakonito pridobitev sredstev po tem zakonu;

- nadzirati izpolnjevanje pogojev in delovanje organizacij iz 3.f člena tega zakona;
- nadzirati določbe o prometu in zakupu kmetijskih zemljišč, o pripravi in izvajanju agrarnih operacij ter o skupnih pašnikih, kadar za to ni pristojen drug organ;

- preverjati, ali so melioracije izvedene v skladu z odločbami o uvedbi melioracij;

- nadzirati delovanje in vzdrževanje namakalnih ter osuševalnih sistemov ter nedovoljene posege v namakalne in osuševalne sisteme;
- pri ugotovljenih nepravilnostih predlagati pristojnemu organu zadržanje plačila oziroma vračilo že plačanih sredstev za vzdrževanje hidromelioracijskih sistemov;
- pri ugotovljenih nepravilnostih predlagati pristojnemu organu zadržanje plačila oziroma vračilo že plačanih sredstev za izvedbo agrarnih operacij;
- nadzirati ravnanje z rodovitno zemljo.

B) pristojnosti:

- prepovedati uporabo kmetijskega zemljišča za drug namen kot za kmetijsko proizvodnjo, če to po zakonu ali predpisu, izdanem na podlagi zakona, ni dovoljeno, in odrediti vzpostavitev zemljišča v prejšnje stanje v določenem roku;

Article 107

Agricultural inspectors shall have, in addition to authorisations pursuant to the general regulations governing inspection, the following additional authorisations and competences:

A) authorisations:

- to inspect land and compare the actual state of agricultural land with the data in registers and official records that refer to agricultural land;
- to supervise whether an owner, lessee or other user of agricultural land is cultivating the agricultural land with due diligence;
- to supervise agricultural land with regard to the prevention and elimination of overgrowth;
- to determine whether funds have been obtained illegally in accordance with this Act;
- to supervise compliance with the conditions and operation of organisations referred to in Article 3f of this Act;
- to supervise the provisions on agricultural land transactions and lease arrangements, on the preparation and implementation of agricultural operations and common pastures when no other authority is competent for such matters;
- to check whether land improvement operations have been carried out in accordance with the provisions on the introduction of land improvement operations;
- to supervise the operation and maintenance of irrigation and drainage systems and activities affecting irrigation and drainage systems;
- in the event irregularities are detected, to propose that the competent authorities withhold the payment or refund of amounts paid for the maintenance of hydrological improvement systems;
- in the event irregularities are detected, propose that the competent authorities withhold the payment or refund of amounts paid for the implementation of agricultural operations;
- to supervise the management of fertile soil.

B) competences:

- to prohibit the use of agricultural land for purposes other than agricultural production if this is not permitted under Acts or regulations issued pursuant to this Act, and order the land to be restored to its previous state within a set time limit;

- izreči ukrepe, če lastnik, zakupnik ali drug uporabnik kmetijskega zemljišča ne obdeluje kmetijskega zemljišča kot dober gospodar;
- izreči ukrepe, če je kmetijsko zemljišče zaraščeno;
- izreči ukrepe za neustrezno porabo dodeljenih sredstev v okviru ukrepov kmetijske zemljiške politike iz 1.b člena tega zakona;
- v primeru ugotovljenih nepravilnosti predlagati odstop od pogodbe z organizacijo iz 3.f člena tega zakona;
- prepovedati onesnaževanje oziroma degradiranje kmetijskih zemljišč pri njihovi rabi in odrediti vzpostavitev v prejšnje stanje na stroške povzročitelja onesnaževanja oziroma degradiranja, ali lastnika kmetijskih zemljišč, če se ugotovi njegova odgovornost;
- odrediti ukrepe za odpravo nepravilnosti pri izvedbi melioracij;
- odrediti ukrepe za redno delovanje in vzdrževanje melioracijskih sistemov in naprav;
- odrediti lastnikom, zakupnikom ali drugim uporabnikom kmetijskih zemljišč, da začnejo predpisane postopke za vpis v registre oziroma uradne evidence, ki se nanašajo na kmetijska zemljišča;
- zadržati izvedbo nezakonitih dejanj, ki se nanašajo na kmetijska zemljišča;
- v nujnih primerih, ko bi sicer nastala škoda za splošni interes, odrediti ukrepe, da se škoda prepreči;
- prepovedati nepravilno ravnanje z rodovitno zemljo in izreči ustrezne ukrepe;
- prepovedati uporabo objekta iz točk b), c), č), d) in e) prvega odstavka ter drugega in tretjega odstavka 3.č člena tega zakona ali prvega odstavka 3.ea člena tega zakona, ki mu je bila spremenjena namembnost;
- prepovedati posege v lokalni ali državni namakalni sistem oziroma osuševalni sistem brez soglasja izvajalca lokalne javne službe ali izvajalca državne javne službe;
- izreči ukrepe, če se nasadi miskanta ter lesnih, grmovnih in drevesnih vrst, ki niso namenjene pridelavi sadja in oljk, sadijo na zemljiščih, ki so po namenski in dejanski rabi kmetijska in imajo boniteto 30 ali več.

VIII. KAZENSKE DOLOČBE

- to impose measures if an owner, lessee or other user of agricultural land fails to cultivate agricultural land with due diligence;
- to impose measures if agricultural land is overgrown;
- to impose measures for inappropriate use of allocated funds within the agricultural land policy measures referred to in Article 1b of this Act;
- in the event irregularities are detected, to propose withdrawal from a contract concluded with an organisation referred to in Article 3f of this Act;
- to prohibit the pollution or degradation of agricultural land while it is being used and to order that land be restored to its previous state at the expense of the person responsible for the pollution or degradation, or at the expense of the owner of the agricultural land provided that the responsibility thereof is established;
- to impose measures to eliminate irregularities in land improvement operations;
- to impose measures for the regular operation and maintenance of irrigation and drainage systems and equipment;
- to order the owners, lessees or other users of agricultural land to initiate the prescribed procedures for entry in registers or official records referring to agricultural land;
- to suspend illegal activities relating to agricultural land;
- in urgent cases, where damage to the general interest would occur, to impose measures to prevent the damage;
- to prohibit the improper management of fertile soil and impose appropriate measures;
- to prohibit the use of structures or facilities referred to in points b), c), č), d) and e) of paragraph one and paragraphs two and three of Article 3č of this Act or paragraph one of Article 3ea of this Act whose designated use has been changed;
- to prohibit activities affecting local or national irrigation systems or drainage systems without the consent of a local public service provider or national public service provider;
- to impose measures if plantations of miscanthus and plantations of woody, shrub and tree species not intended for the production of fruits and olives are planted on land that is designated as agricultural and has a land rating of 30 or higher.

VIII. PENALTY PROVISIONS

108. člen

Z globo od 5.000 do 100.000 eurov se za prekršek kaznuje pravna oseba, ki:

1. spremeni namembnost objekta iz točk b), c), č), d) in e) prvega odstavka, drugega ali tretjega odstavka 3.č člena tega zakona ali prvega odstavka 3.ea člena tega zakona (osmi odstavek 3.č člena ali deseti odstavek 3.ea člena);
2. uporabi kmetijsko zemljišče v nasprotju z njegovim namenom ali ga onesnaži ali kako drugače degradira ali onesnaži ali drugače zavira rast rastlin (prvi odstavek 4. člena);
3. ravna v nasprotju s prvim odstavkom 7. člena tega zakona;
4. ne ravna z rodovitno zemljo na predpisan način (drugi odstavek 9. člena);
5. ne dovoli pooblaščenim delavcem dejavnosti iz 41. člena tega zakona;
6. ne prepusti svojih dotedanjih zemljišč komasacijskim udeležencem, katerim so z odločbo o novi razdelitvi dodeljena (drugi odstavek 70. člena);
7. ne izvede predvidenih agromelioracijskih ali namakalnih del v skladu z odločbo o uvedbi (80. člen, 81. člen ali 92. člen) ali namakalnih del v skladu z odločbo iz 94. člena zakona;
8. ne zagotovi nemotenega delovanja in vzdrževanja osuševalnih ter namakalnih sistemov (87. člen, 96. člen ali 98. člen);
9. izvede poseg v lokalni ali državni namakalni sistem oziroma osuševalni sistem brez soglasja izvajalca lokalne javne službe ali izvajalca državne javne službe;
10. nasade miskanta ter nasade lesnih, grmovnih in drevesnih vrst, ki niso namenjene pridelavi sadja in oljk, sadi na zemljiščih, ki so po namenski in dejanski rabi kmetijska, in imajo boniteto 30 ali več (4.a člen).

Z globo od 10.000 do 200.000 eurov se za prekršek iz prejšnjega odstavka kaznuje pravna oseba, ki se po zakonu, ki ureja gospodarske družbe, šteje za srednjo ali veliko gospodarsko družbo.

Z globo od 2.000 do 50.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje samostojni podjetnik posameznik ali

Article 108

Legal entities shall be fined from EUR 5,000 to EUR 10,000 for the offences of:

1. changing the designated use of facilities or structures referred to in points b), c), č), d) and e) of paragraph one and paragraphs two and three of Article 3č of this Act or paragraph one of Article 3ea of this Act (paragraph eight of Article 3č or paragraph ten of Article 3ea);
2. using agricultural land in contravention of its intended use or polluting or otherwise degrading or polluting plants or otherwise inhibiting their growth (paragraph one of Article 4);
3. acting in contravention of paragraph one of Article 7 of this Act;
4. failing to manage fertile soil in the prescribed manner (paragraph two of Article 9);
5. not allowing authorised workers to perform the activities referred to in Article 41 of this Act;
6. failing to surrender their previous land to the land consolidation participants to which it was allotted pursuant to a decision on new land distribution (paragraph two of Article 70);
7. failing to carry out a planned agricultural land improvement or irrigation operations pursuant to a decision on the introduction thereof (Articles 80, 81 or 92) or irrigation operations pursuant to Article 94 of this Act;
8. failing to ensure the undisturbed operation and maintenance of drainage and irrigation systems (Articles 87, 96 or 98);
9. carrying out an activity affecting a local or national irrigation or drainage system without the consent of a local public service provider or national public service provider;
10. planting plantations of miscanthus and plantations of woody, shrub and tree species not intended for the production of fruits and olives on land that is designated as agricultural and has a land rating of 30 or higher (Article 4a).

Legal entities deemed to be medium-sized or large companies under the Act regulating companies shall be fined from EUR 10,000 to EUR 200,000 for the offences referred to in the preceding paragraph.

Sole proprietors or self-employed persons shall be fined from EUR 2,000 to EUR 50,000 for the offences referred to in paragraph one of

posameznik, ki samostojno opravlja dejavnost.

Z globo od 500 do 5.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi odgovorna oseba pravne osebe ali odgovorna oseba samostojnega podjetnika posameznika.

Z globo od 500 do 5.000 eurov se za prekršek kaznuje posameznik, če stori katero od dejanj iz prvega odstavka tega člena.

109. člen (črtan)

IX. PREHODNE IN KONČNE DOLOČBE

110. člen

Razvrstitev zemljišč v kategorije, določitev kmetijskih zemljišč in prvega ter drugega območja kmetijskih zemljišč v planskih aktih ostane v veljavi, dokler planski akti niso spremenjeni oziroma izdelani na novo v skladu z zakonom.

Razvrstitev zemljišč v kategorije se najpozneje v treh letih po uveljavitvi tega zakona vsebinsko in tehnično dopolni tako, da bo lahko podlaga za odmerjanje odškodnine zaradi spremembe namembnosti kmetijskih zemljišč in gozdov.

Določitev območij z omejenimi možnostmi za kmetijstvo, ki jo je po območjih za vso Slovenijo potrdil Republiški komite za kmetijstvo, gozdarstvo in prehrano aprila 1990, se uporablja, dokler ne bo izdelana in sprejeta nova razvrstitev v skladu z 10. členom tega zakona.

111. člen

Če nastane dvom o tem, ali je fizična oseba, ki se je štela za kmeta po prejšnjih predpisih, kmet tudi po tem zakonu, oziroma ali je kmetijska organizacija po prejšnjem zakonu kmetijska organizacija tudi po

this Article.

The responsible persons of legal entities or the responsible persons of sole proprietors shall be fined from EUR 500 to EUR 5,000 for the offences referred to in paragraph one of this Article.

Natural persons shall be fined from EUR 500 to EUR 5,000 for the offences referred to in paragraph one of this Article.

Article 109 (Deleted)

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 110

The classification of land into categories, the determination of agricultural land and the first and second zones of agricultural land in spatial planning documents shall remain in force until the spatial planning documents are amended or drawn up anew in accordance with this Act.

No later than within three years of the entry into force of this Act, the classification of land into categories shall be substantively and technically amended in such a manner that it can be used as a basis for assessing compensation due to the land use conversion of agricultural land and forests.

The designation of less favoured agricultural areas approved by regions and for Slovenia as a whole by the Republic Committee for Agriculture, Forestry and Food in April 1990 shall apply until a new classification is conducted and adopted in accordance with Article 10 of this Act.

Article 111

In case of doubt as to whether a natural person who was deemed to be a farmer under the previous regulations is a farmer also under this Act or whether an agricultural organisation under the previous

tem zakonu, se postopek preverjanja pogojev izvede po kriterijih, ki jih določa ta zakon.

Ne glede na določbe tretjega odstavka 24. člena tega zakona in prvega odstavka tega člena se šteje, da je kmet ustrezno usposobljen za opravljanje kmetijske dejavnosti, če je starejši od 30 let in ima od 15. leta starosti dalje najmanj pet let delovnih izkušenj na kmetiji ali v posamezni kmetijski dejavnosti.

112. člen
(prenehal veljati)

113. člen

Pogodbe o pravnem prometu in zakupu kmetijskih zemljišč, sklenjene in podpisane overjene pred uveljavitvijo tega zakona, se vpišejo v zemljiško knjigo po prejšnjem zakonu.

Odobritev pogodbe o prometu in zakupu kmetijskega zemljišča je potrebna za vse pravne posle, za katere so ponudbe že objavljene na oglasni deski ob uveljavitvi tega zakona.

Prodajalec lahko umakne ponudbo, ki jo je že poslal upravni enoti, v 15 dneh po uveljavitvi tega zakona.

114. člen

Po prej veljavnem zakonu o kmetijskih zemljiščih sklenjene zakupne pogodbe ostanejo v veljavi, za njihovo prenehanje pa se uporabljajo določbe tega zakona.

115. člen

Postopki o komasacijah, ki so bili uvedeni pred uveljavitvijo

Act is an agricultural organisation also under this Act, the procedure for the verification of conditions shall be carried out under the criteria laid down by this Act.

Notwithstanding the provisions of paragraph three of Article 24 of this Act and paragraph one of this Article, it shall be deemed that farmers are adequately qualified to carry out agricultural activity if they are over 30 years old and have at least five years of work experience on a farm or in an individual agricultural activity since they turned 15 years of age.

Article 112
(Ceased to be in force)

Article 113

Contracts pertaining to legal transactions and the lease of agricultural land concluded and signatures authenticated prior to the entry into force of this Act shall be entered in the land register pursuant to the previous Act.

The approval of contracts pertaining to legal transactions and the lease of agricultural land shall be required for all legal transactions for which offers have already been posted on a notice board as of the day of the entry into force of this Act.

Sellers may withdraw offers submitted to an administrative unit within 15 days of the entry into force of this Act.

Article 114

Lease agreements concluded under the Agricultural Land Act previously in force shall remain valid, while the provisions of this Act shall apply to the termination thereof.

Article 115

Land consolidation procedures introduced prior to the entry into

tega zakona se končajo po določbah predpisov, ki so veljali ob njihovi uvedbi. Ne glede na določbo prejšnjega stavka, se v teh postopkih uporablja določba tretjega odstavka 72. člena tega zakona.

Morebitne ugotovljene razlike med vrednostjo vloženih in novo dodeljenih zemljišč se poravnajo z denarno odškodnino po tržni vrednosti zemljišč ob izplačilu.

116. člen

Do uveljavitve novega zakona o vodah pridobi investitor namakanja koncesijo za izkoriščanje vode brez javnega razpisa.

117. člen

Upravljalac melioracijskega sistema izvede vpis melioracijskega sistema v kataster melioracijskih sistemov in naprav v enem letu po uveljavitvi predpisa iz drugega odstavka 93. člena tega zakona.

118. člen

O lastnini osuševalnih sistemov, ki so bili zgrajeni v večinskem delu iz javnih sredstev, ki jih je zagotovila Republika Slovenija do uveljavitve tega zakona, se dogovori s pogodbo med ministrstvom, pristojnim za kmetijstvo in lastniki zemljišč z melioracijskega območja.

Objekti in naprave velikih namakalnih sistemov, ki niso lastnina Republike Slovenije po drugih predpisih, ter primarno in sekundarno omrežje velikih namakalnih sistemov, ki so bili v večinskem delu zgrajeni iz javnih sredstev, ki jih je zagotovila Republika Slovenija do uveljavitve tega zakona, postanejo last Republike Slovenije, če se drugače ne dogovori s pogodbo med ministrstvom, pristojnim za kmetijstvo, in upravljalcem sistema oziroma lastniki zemljišč z melioracijskega območja.

force of this Act shall terminate pursuant to the regulations in force at the time of their introduction. Notwithstanding the provision of the preceding Article, the provision of paragraph three of Article 72 of this Act shall apply in these procedures.

Any established difference in value between land put into a land consolidation fund and newly allotted land shall be covered by monetary compensation according to the market value of the land on the date of payment.

Article 116

Until the entry into force of a new Act regulating waters, an irrigation investor shall be granted a concession for water exploitation without a public tender.

Article 117

An operator of a land improvement system shall enter the land improvement system in the Record of Irrigation and Drainage Systems and Equipment within one year of the regulation referred to in paragraph two of Article 93 of this Act entering into force.

Article 118

The ownership of drainage systems the majority of which were constructed using public funds provided by the Republic of Slovenia prior to the entry into force of this Act shall be agreed upon by a contract concluded between the ministry responsible for agriculture and the owners of land within the drainage area.

Facilities and large irrigation systems that are not the property of the Republic of Slovenia under other regulations and primary and secondary networks of large irrigation systems the majority of which were constructed using public funds provided by the Republic of Slovenia prior to the entry into force of this Act shall become the property of the Republic of Slovenia unless otherwise agreed by a contract concluded between the minister responsible for agriculture and the system operator

119. člen

Do dokončne zakonske ureditve statusa, organizacije, nalog, financiranja in drugih pogojev za delo kmetijske svetovalne službe se glede načina zagotavljanja in porabe sredstev za plače delavcev te službe in za izvajanje njenih programov smiselno uporabljajo predpisi, ki urejajo ta vprašanja za javne zavode, katerih ustanoviteljica je Republika Slovenija. Sredstva za izvajanje nalog kmetijske svetovalne službe, ki so poleg nalog po tem zakonu še naslednje: svetovanje, izobraževanje in usposabljanje kmetov ter prenos znanja do kmetov na tehnološkem, gospodarskem, okoljevarstvenem področju, načrtovanje in izvajanje programov celostnega razvoja podeželja in obnovo vasi in na drugih področjih, pomembnih za razvoj kmetijstva, živilstva na podeželju, se zagotavljajo v proračunu Republike Slovenije.

Organizacijo in sistemizacijo delovnih mest kmetijske svetovalne službe določi minister, pristojen za kmetijstvo, v enem mesecu po uveljavitvi tega zakona in jo predloži v soglasje vladi.

120. člen

Do pravnomočnosti odločb o vračilu podržavljenega premoženja agrarnim skupnostim, upravljajo s skupnimi pašniki pašni interesenti, določeni po prej veljavnem zakonu o kmetijskih zemljiščih.

Pašne skupnosti sprejmejo za skupne pašnike pašni red v enem letu po uveljavitvi tega zakona.

121. člen

Podzakonski predpisi, predvideni s tem zakonom, se izdajo v enem letu po uveljavitvi tega zakona.

122. člen

or the owners of land within the land improvement area.

Article 119

Until the final legal regulation of the status, organisation, tasks, funding and other conditions regarding the operation of the Agricultural Advisory Service, the regulations governing these matters with regard to public institutes whose founder is the Republic of Slovenia shall apply *mutatis mutandis*. The funds for performing the tasks of the Agricultural Advisory Service that include, in addition to the tasks under this Act, the education and training of farmers and the transfer of knowledge to farmers in technological, economic and environmental fields, the planning and implementation of programmes for the integrated rural development and revitalisation of villages, as well as activities in other fields important for the development of agriculture and the food sector in rural areas, shall be provided in the budget of the Republic of Slovenia.

The organisation and classification of jobs within the Agricultural Advisory Service shall be laid down by the minister responsible for agriculture within one month of the entry into force of this Act and the submission thereof to the Government for consent thereto.

Article 120

Until decisions on the return of nationalised property to agricultural communities become final, common pastures shall be managed by the parties with an interest in such pasture grazing pursuant to the Agricultural Land Act previously in force.

Grazing associations shall adopt pasture grazing orders for common pastures within one year of the entry into force of this Act.

Article 121

Implementing regulations in accordance with this Act shall be issued within one year of the entry into force of this Act.

Article 122

Do izdaje novih predpisov ostanejo v veljavi:

- uredba o ugotavljanju onesnaženosti kmetijskih zemljišč in gozda (Uradni list RS, št. 6/90);
- pravilnik o normativih, analitskih postopkih in metodah ugotavljanja onesnaženosti tal in vegetacije ter pogojih za uporabo nekaterih snovi v kmetijstvu (Uradni list RS, št. 7/90);
- odlok o proglasitvi zemljišč na območju protokolarnega objekta Brdo pri Kranju za zemljišča s posebnim namenom (Uradni list SRS, št. 7/80);
- odlok o uvedbi melioracijskega postopka v Polskavski dolini na območju občin Ptuj, Slovenska Bistrica in Maribor-Tezno (Uradni list SRS, št. 24/82);
- odlok o uvedbi melioracijskega postopka v Vipavski dolini na območju občin Ajdovščina in Nova Gorica (Uradni list SRS, št. 19/83);
- pravilnik o izdelavi agrokarte (Uradni list SRS, št. 7/86);
- pravilnik o uporabi kmetijskih zemljišč za gozdne plantaže (Uradni list SRS, št. 7/86);
- navodilo o izvedbi prenosa kmetijskih zemljišč od družbeno pravnih oseb, ki niso kmetijske organizacije, v kmetijski zemljiški sklad (Uradni list SRS, št. 15/79);
- navodilo o strokovnih merilih za določitev zemljišč v kategorije (Uradni list SRS, št. 45/82);
- navodilo o določitvi zemljišč, ki so temelj proizvodnje hrane v Republiki Sloveniji (Uradni list SRS, št. 29/86);
- navodilo tem, kdaj se šteje, da obdelovalec ravna kot dober gospodar (Uradni list SRS, št. 29/86);
- navodilo o opravljanju preizkusa znanja za ugotovitev ustrezne usposobljenosti za obdelovanje kmetijskih zemljišč (Uradni list SRS,

Until the adoption of new regulations, the following regulations shall remain in force:

- Decree on determining the pollution of agricultural land and forests (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 6/90);
- Rules on the norms, analytic procedures and methods for determining the pollution of soil and vegetation and conditions for the use of certain substances in agriculture (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 7/90);
- Ordinance of the designation of land in the area of the Brdo pri Kranju protocol building as special purpose land (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 7/80);
- Ordinance of the initiation of a land improvement procedure in the Polskava Valley in the territory of the municipalities of Ptuj, Slovenska Bistrica and Maribor-Tezno (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 24/82);
- Ordinance on the introduction of a land improvement procedure in the Vipava Valley on the territory of the municipalities of Ajdovščina and Nova Gorica (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 19/83);
- Rules on the creation of agricultural maps (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 7/86);
- Rules on the use of agricultural land for forest plantations (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 7/86);
- Rules on the implementation of the transfer of agricultural land from social-law entities that are not agricultural organisations to an agricultural land fund (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 15/79);
- Instruction on the professional criteria for the classification of land into categories (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 45/82);
- Instruction on the designation of land that constitutes a foundation for food production in the Republic of Slovenia (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 29/86);
- Instruction as to when a person cultivating land is deemed to be acting with due diligence (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 29/86);
- Instruction on the examination for determining adequate qualifications for the cultivation of agricultural land (Official Gazette of the Socialist

- št. 29/86);
- navodilo za izvajanje melioracij kmetijskih zemljišč (Uradni list SRS, št. 22/81);
- navodilo za vrednotenje zemljišč iz komasacijskega sklada (Uradni list SRS, št. 34/88);
- enotna metodologija za ugotavljanje vrednosti kmetijskih zemljišč in gozda (Uradni list SRS, št. 10/87 in 30/89);
- odloki občin o uvedbi melioracij;
- odredbe ministra, pristojnega za kmetijstvo, o uvedbi melioracij;
- odredbe ministra, pristojnega za kmetijstvo, o plačilu stroškov za vzdrževanje melioracijskih objektov in naprav.

123. člen

Z dnem uveljavitve tega zakona preneha veljati odlok o določitvi vrednosti točke za izračun odškodnine zaradi spremembe namembnosti kmetijskega zemljišča in gozda (Uradni list RS, št. 7/91-I).

124. člen

Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije.

- Republic of Slovenia [*Uradni list SRS*], No. 29/86);
- Instruction on conducting agricultural land improvement operations (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 22/81);
- Instruction on the evaluation of land from a land consolidation fund (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 34/88);
- Common methodology for determining the value of agricultural and forest land (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], Nos 10/87 and 30/89);
- Municipal ordinances on the introduction of an agricultural land improvement;
- Order of the minister responsible for agriculture on the introduction of an agricultural land improvement;
- Order of the minister responsible for agriculture on the payment of the costs of the maintenance of agricultural land improvement facilities and equipment.

Article 123

On the day this Act enters into force, the Ordinance determining the point value for the calculation of compensation for the conversion of the designated use of agricultural and forest land (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 7/91-I) shall cease to be in force.

Article 124

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