

1696 State Border Control Act (official consolidated text) (ZNDM-2-UPB1), Page 4913.

In accordance with Article 153 Paragraph 2 of the National Assembly of Slovenia Rules of Procedure and the resolution of the National Assembly dated 22 September 2009, the National Assembly has endorsed, on 20 April 2010 on its session, the official consolidated text of the State Border Control Act, which includes:

– State Border Control Act – ZNDM-2 (Official Gazette of the RS, No 60/07 dated 6 July 2007) and

– Act Amending the State Border Control Act – ZNDM-2A (Official Gazette of the RS, No 77/09 dated 2 October 2009).

No 212-08/10-10/2

Ljubljana, on 20 April 2010

EPA 973-V

National Assembly
of the Republic of Slovenia
Pavel Gantar, PhD
The President

STATE BORDER CONTROL ACT official consolidated text (ZNDM-2-UPB1)

I. GENERAL PROVISIONS

Article 1

(Scope of the Act)

- (1) This Act shall lay down the organization and method of conducting state border control, carrying out of compensatory measures and international police cooperation.
- (2) In accordance with the Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OG L 105, 13 April 2006, p. 1, hereinafter the “Schengen Borders Code”), this Act shall lay down also the competent authorities in the Republic of Slovenia for the implementation of the Schengen Borders Code and sanctions for breaches of its provisions.
- (3) The activities and measures according to the Schengen Borders Code shall be considered state border control pursuant to this Act.
- (4) International police cooperation shall cover the activities of foreign police authorities in the national territory of the Republic of Slovenia or the activities of Slovenian police authorities in a foreign territory, cooperation with foreign security forces, and secondment of liaison officials and acceptance of foreign liaison officers.

(5) The implementation of state border control pursuant to this Act shall be without prejudice to the exercise of powers of other national authorities in accordance with the legislation in force.

Article 2

(Purpose of state border control)

State border control shall be conducted in order to:

- protect life and health of people;
- prevent and detect criminal offences and misdemeanours, and detect and apprehend the perpetrators thereof;
- prevent illegal migration;
- ensure the safety of people, property and the environment;
- prevent and detect other threats to public safety and order.

Article 3

(Meaning of terms)

For the purpose of this Act the following terms shall have the following meanings:

1. the border line shall demarcate the territory of the Republic of Slovenia from the territories of the neighbouring states;
2. for the purpose of this Act the state border shall be the land and sea border, and airports and ports that handle international traffic;
3. the areas of border crossing, to which the Council Decision of 6 December 2007 on the full application of the provisions of the Schengen acquis in the Czech Republic, the Republic of Estonia, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic (OG L No 323 of 8 December 2007, p. 34) applies, have the status of border crossing for the purpose of management and spatial arrangement;
4. Established international practice shall be the rules of general practice and generally recognized rules applying to the content and issues governed by this Act;
5. border road connection is a road, railway or path, crossing the border line out-side the border crossings.

II. AUTHORITY CONDUCTING STATE BORDER CONTROL AND POWERS

Article 4

(Authority conducting state border control)

The police shall be responsible for conducting state border control.

Article 5

(Powers)

(1) In order to conduct state border control tasks, male police officers and female police officers (hereinafter the "police officers") shall have the powers laid down by this Act, the powers laid down by other acts and powers laid down by the European Union acquis.

(2) Unless otherwise provided by this or another regulation police officers carrying out the tasks according to this Act must observe established international practice.

Article 6

(Risk prevention measures)

In order to conduct state border control the police may, if special powers are not provided separately by this Act or other acts, adopt and implement other measures required to prevent risks that in specific cases constitute a direct threat to public safety and order, particularly to the life and health of people and to property.

Article 7

(Principle of proportionality)

(1) When conducting the state border control tasks the police may employ only that power by which the task is carried out with the least detrimental effects on an individual.

(2) The execution of powers must not cause damage clearly disproportional to their purpose and the set objectives of their use.

(3) The police officer must cease to exercise powers immediately when there are no longer any reasons for their use.

Article 8

(Facilitating state border control)

(1) The police may set up signs with warnings and other notices, or install and use technical and other devices for conducting state border control or preventing illegal crossing of state border. The maintenance of signs, other notices and other technical devices under this Article shall be the responsibility of the police.

(2) Police officers may, when necessary for successful implementation of tasks under this Act and tasks under the European Union acquis, use the land and water surfaces irrespective of its ownership.

(3) Owners and possessors of land and water surfaces must permit free passage and movement for the unhindered implementation of state border control tasks.

Article 9

(Use of vehicles and vessels)

In order to implement state border control tasks, police officers may irrespective of other regulations employ all types of vehicles, vessels, and aircraft in the frontier area along the state border, however, in other areas they may only be employed if this is required to access such area.

III. BORDER LINE

Article 10

(Marking of border line)

(1) Upon the proposal of individual ministries, the Government of the Republic of Slovenia shall appoint delegation members for interstate commissions for marking and maintaining state borders established on the basis of existing international agreements. The ministry responsible for foreign affairs shall coordinate the implementation of tasks relating to the marking of border line and demarcation with other responsible ministries.

(2) Professional and technical tasks relating to marking the border line shall be implemented by the administrative body responsible for land surveying.

(3) On main roads leading towards the border line within the internal borders it shall be notified by signs on the arrival to the territory of the Republic of Slovenia or on approaching to the territory of the neighbouring states. The arrival on the territory of the Republic of Slovenia is notified by signs also on the airports and ports.

(4) If the course of the border line is not sufficiently clear, the vicinity of the border line must be marked on roads and other communication links by warning signs drawing attention to the vicinity of the border line.

(5) It is prohibited to affix or place anything on warning signs and other notices, as well as any other action obscuring the visibility of the signs or notices shall be prohibited.

(6) Owners and operators of roads, paths and other land must allow passage free of charge and shall be obliged to facilitate the installation of warning signs and other notices free of charge in a way which does not interfere with the value of real estate. The sign referred to in Paragraph 3 of this Article and special warning signs referred to in Paragraph 4 of this Article shall install and maintain the ministry responsible for internal affairs. Other traffic signage referred to in Paragraph 4 of this Article on public roads shall be installed and maintained by the road manager.

(7) The signage referred to in Paragraph 4 of this Article shall be registered in state border records kept by the administrative body responsible for land surveying. The entry and changes of the entry of signage referred to in Paragraph 4 of this Article shall be performed by the administrative body responsible for land surveying upon the proposal of the police.

(8) The minister responsible for internal affairs in agreement with the minister responsible for transportation shall issue the rules regulating in detail the implementation of Paragraph 3 of this Article. The minister responsible for internal affairs shall issue the rules regulating the implementation of Paragraph 4 of this Article.

Article 11

(Closing of border traffic connections)

(1) The border traffic connections are closed by the barriers or in another way to prevent the illegal crossing of the state border.

(2) An easement is established to the public benefit in accordance with the regulations, establishing easement relationships and in accordance with the regulation, regulating the expropriation and ownership right limitation on the land, on which the border traffic connections are closed in a way referred to in the previous paragraph in order to enable the access, construction and installation and for the time of installation of the barriers or other methods of closing.

(3) The list of border traffic connections, which close, is determined by the Government of the Republic of Slovenia.

(4) The execution of works, by which the border traffic connections, which are set out by the list referred to in the previous paragraph, are closed in the manner referred to in Paragraph 1 of this Article, is regarded as a public benefit work, for which in accordance with the regulation, regulating building construction, no construction permit is required and may be started without the location information.

Article 12

(Visibility of border line and prohibition of activities along border line)

(1) If on the basis of the international agreement the border line must be free of trees, bushes and other vegetation reducing the visibility of border markings or the course of the border line, and unless otherwise provided by the international agreement, the administrative body responsible for land surveying shall be responsible for ensuring visibility.

(2) The minister responsible for internal affairs may issue on the grounds of public order a temporary prohibition on road or railway traffic, flights by aircraft or other flying devices, sailing, hunting, fishing, and movement or stopping of persons along the border line. The prohibition shall last as long as the grounds of public order remain.

(3) In order to ensure the visibility of border line the police may prohibit by a decision the planting and sowing of certain species of trees and other plants along the border line. An appeal shall be decided on by the ministry responsible for internal affairs.

(4) Persons affected by Paragraph 2 of this Article shall not be entitled to compensation due to the implementation of the measures required by this Article.

Article 13

(Arrangement of the area along the border line)

When a municipal spatial-planning document relates to an area within 50 meters from the border line, the police shall participate in the drawing up and adoption of the spatial planning document in accordance with the law governing spatial planning, in the part referring to the 50-meter zone.

Article 14

(Border incidents)

(1) In cases when the police determine any conduct by foreign state authorities in the territory of the Republic of Slovenia that is not permitted by international agreements, the regulations of the Republic of Slovenia or European Union acquis, or any prohibited activity affecting the environment and spatial planning along the border line of the Republic of Slovenia performed by foreign state authorities or other persons, it shall inform the ministry responsible for foreign affairs thereof.

(2) The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of this Article.

IV. CROSSING OF THE STATE BORDER AND BORDER CROSSING POINTS

Article 15

(Crossing the state border)

(1) Crossing the state border shall mean any movement of people across the state border.

(2) A person crossing the state border because of force majeure outside of the state border point or outside operating hours must inform the police thereof as soon as it becomes possible.

Article 16

(Transit traffic)

(1) Transit shall mean entry into the Republic of Slovenia from the first country, crossing of the territory of the Republic of Slovenia and entry into the other country.

(2) Persons crossing the state border by air transport shall not be subject to border checks:

– if after landing at an airport they take another flight without delay and do not leave the aircraft or premises designed for transit of passengers in this time;

– in the case of the over flight of an aircraft without interim landing.

(3) The provisions of the preceding paragraph shall be applied mutatis mutandis to maritime transport.

Article 17

(Designation of border crossing)

Border crossing points, operating hours and the extent of use of the border crossing points shall be designated by the Government of the Republic of Slovenia by a decree.

Article 18

(Designation of border crossing points for specific groups of person)

(1) The police may, given a demonstrated justified interest, establish by a decision a border crossing point for individually named persons. When establishing the border crossing point for groups of persons also an agreement of the administrative authority responsible for customs affairs, in which the conditions and costs of carrying out the customs controls, is required. An appeal shall be decided on by the ministry responsible for internal affairs.

(2) A border crossing point under this Article may be established for a maximum of three years.

(3) The decision shall contain, in addition to the location of the border crossing point for groups of persons, a list of names of persons permitted to use the border crossing point, operating hours, extent of use of the border crossing point and other conditions.

Article 19

(Designation of temporary border crossing points)

(1) The police may establish by a decree a temporary border crossing point if this is required for the effective implementation of short-term cross-border activities, such as:

- Natural and other disaster exercises;
- Sporting events;
- Traffic redirection measures;
- Cultural, scientific, professional and tourist events and activities;
- Implementation of activities based on international agreements;
- Agricultural, forestry and other works and tasks of wider public interest.

(2) In the event that a temporary border crossing point is established at an airport, runway or a railway line, the police shall issue a decision in agreement with the ministry responsible for transport.

(3) When establishing temporary border crossing point also the agreement of the administrative authority responsible for customs affairs, in which the conditions and costs of carrying out the customs control are determined, is required.

(4) The initiator of the establishment of the temporary border crossing point for road and railway transportation must inform the neighbouring security authorities in due time about this.

(5) A temporary border crossing point under this Article shall be established for a maximum of six months out of twelve months except for the reasons referred to in Paragraph 1 Item 6 of this Article, for which a border crossing point shall be established for the duration of the works or for the duration of the wider public interest.

(6) The decision shall set out in addition to the place of the opening of the temporary border crossing point, its operating hours, extent of use of the border crossing point and other conditions.

(7) An appeal relating to the matters referred to in Paragraph 1 of this Article shall be decided on by the ministry responsible for internal affairs.

Article 20

(Costs of establishing a border crossing point)

The costs of establishing and operating a border crossing point for a specific group of persons and a temporary border crossing point shall be borne by the initiator of the establishment of such border crossing point. In this case the costs may be charged at a flat rate with respect to estimated costs of state border and customs control. The costs shall be fixed in a decision on determination of such border crossing point.

Article 21

(Arrangement of a border crossing point)

(1) Border crossing points must be arranged to enable the reasonable, effective, simple and economic operation of services at the state border crossing point.

(2) Operators of airports, ports and railway stations must provide appropriate facilities and organizational measures so that police can conduct the state border control.

(3) The operators referred to in the preceding paragraph must provide for the police suitable office premises and a sufficient number of parking spaces, as well as free access to their facilities and devices and free transport for the implementation of their tasks and also in a timely manner and free of charge provide information on timetables, flight schedules and all actual traffic movements.

Article 22

(Border crossing zone)

- (1) All border crossing points, except border crossing points laid down in Article 18 of this Act, must be provided with a border crossing zone, including the direct vicinity facilities required for effective and safe traffic. The area required for conducting border checks is a part of the border crossing zone. The border crossings under Article 19 and Article 36 Paragraph 4 shall consist of the border crossing zone only exceptionally.
- (2) The border crossing zone for railway traffic shall consist also of the railway track including the appertaining functional land from the border line to the border crossing point.
- (3) The director of a police directorate shall determine the border crossing zone by a decision in agreement with the director of the competent customs office. The director of the competent police directorate shall determine a border crossing zone at the airport by a decision in agreement with the competent internal organizational unit of the ministry responsible for transportation for civil aviation. The ministry responsible for internal affairs shall decide on appeal.
- (4) Movement and stopping in the border crossing zone shall only be permitted for persons who intend to cross the state border or who have already crossed it and remain at the border crossing point due of border checks, and to other persons with justified reasons.
- (5) In the border crossing zone it is prohibited to collect any duties, contributions and fees, except those, collected under the law.
- (6) The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of Paragraph 1 and 2 of this Article.

Article 23

(Marking a border crossing point and its zone)

- (1) A border crossing point and its zone shall be marked by warning, information and supplementary signs.
- (2) The installation of the warning, information and supplementary boards shall not be required at the border crossing points under Articles 18, 19 and 36 Paragraph 4 of this Act.
- (3) The form, content and method of installing the warning, information and supplementary signs shall be determined by the minister responsible for internal affairs, who shall issue the rules, in agreement with the minister responsible for transportation.

Article 24

(Obligation of passengers and other persons)

Passengers and other persons at the border-crossing zone must observe the instructions and orders issued by officials performing border checks.

Article 25

(Construction and installation of facilities at the border crossing zone)

(1) The construction or change in intended use of facilities according to the regulation on building construction and devices in the border-crossing zone shall require a consent issued by the director of police directorate and the director of customs office. The ministry responsible for internal affairs shall decide on the appeal against the decision of the director of police directorate; the ministry responsible for finances shall decide on the appeal against the decision of the director of customs office.

(2) The consent referred to in Paragraph 1 of this Article shall not be issued if the facility, device or the activity would hinder the implementation of border check, other security measures at the state border or would reduce visibility.

(3) The consent shall be valid until the relevant construction or other permit is issued but no longer than two years.

Article 26

(Obligations of a shipmaster)

(1) Upon arrival from abroad a shipmaster must ensure that the crew members and passengers do not leave the vessel before the border check is conducted, if conducted on board.

(2) The shipmaster or the representative of the shipping company must prior to the ship sailing into the port or no later than upon landing in the port notify the police of all passengers without valid documents required to cross the state border.

(3) The shipmaster must take the necessary measures to ensure that the passengers without valid for state border crossing or those refused entry to the Republic of Slovenia do not disembark without permission of the police.

(4) The provisions of this Article shall apply mutatis mutandis in air traffic while the provisions of Paragraph 1 and 2 of this Article shall apply mutatis mutandis to bus and railway traffic.

V. BORDER CHECKS

Article 27

(Obligation of submission to border check)

(1) A person intending to cross or having already crossed the border line must present a valid document required to cross the state border and submit to a border check and must not leave the border-crossing zone until the border check is completed, evade the border check or retire from the intended crossing of the state border in any manner.

(2) The citizen of the third country, intending to cross or having already crossed the border line must explain to the police officer conducting the border check any circumstances relevant to crossing of the state border.

(3) The person referred to in Paragraph 1 and 2 of this Article must act according to the instructions and orders issued by officers conducting border checks.

Article 28

(Border check)

(1) The border check is conducted exclusively in the case of intended crossing of the state border.

(2) A police officer conducting a border check may:

– Request the presentation of valid documents required to cross the state border for persons and objects;

– Insert into the documents required to cross the state border any information concerning the circumstances relevant to entry into or departure from the state;

– Perform a personal check, a vehicle check or check of the person's possessions;

– Detain a person for a reasonable period, but not more than 48 hours.

(3) Where a police officer performs border checks at the border crossing point in the immediate vicinity of a customs officer, the police officer shall normally, prior to the check according to the Item 3 of the preceding paragraph, enable the person subject to the border check to present the goods to the customs authority.

(4) The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of the second indent of the first paragraph of this Article.

Article 29

(Checks on persons, vehicles and goods)

(1) A personal check shall be a check consisting of the verification of documents required to cross the state border including verification of biometrical data and establishing the identity of a person intending to cross the state border, and of other conditions for crossing the border, and arrest-warrant and technical checking of a person by taking fingerprints and palm prints, and checking other physical identification features. Police office may request that the person shows its possessions.

(2) A police officer may examine and search a person in the event of a suspicion of possession of prohibited items or objects or to establish identity. The examination referred to in this Article does not include the examination of body cavities.

(3) A vehicle check shall be a check consisting of external and internal visual inspection of a vehicle and the examination of the vehicle.

(4) A police officer may examine a vehicle with the aim of preventing illegal entry to Slovenia or in the event of a suspicion that a person is within the vehicle transporting prohibited objects or items that would help establish the person's identity or the identity of other passengers; this means a detailed inspection of all parts including dismantling individual parts of the vehicle.

(5) A goods check shall consist of the check of objects and items that a person intending to cross the state border has on his or her person or in a vehicle.

(6) A police officer may examine and search objects or items in the event of a suspicion that the objects or item, which the person is carrying with it or in the vehicle are prohibited objects or items, which would help establish the person's identity or the identity of other passengers; this means a detailed inspection of all parts including dismantling individual parts.

(7) When conducting personal checks, and checks on vehicles and goods, a police officer may use appropriate technical aids.

Article 30

(Right to be present)

The owner of a vehicle and the owner of goods or the person possessing them shall have the right to be present at the inspection and examination.

Article 31

(Application of other regulations)

(1) If during the inspection or examination of a person, goods or vehicle a police officer finds goods that may be seized pursuant to the provisions of the act regulating criminal proceeding, or act regulating misdemeanours, the police officer shall continue the procedure according to the provisions of such acts.

(2) If during the inspection or examination of a person, goods or vehicle a police officer finds goods that are not included among the goods referred to in the preceding paragraph but in accordance with the regulation fall under the supervision of another state authority, he shall leave them to the competent authority for further procedure.

Article 32

(Detention of a person)

(1) A police officer may detain a person for a necessary time but for no more than 48 hours, intending to cross or having already crossed the border line if there is reason to suspect that this person has illegally crossed the state border and detention is required in order to establish all necessary facts and circumstances of the crossing of the state border concerned, or in order not

to admit a foreign person not meeting the conditions for admission to the state, and who cannot for justified grounds be immediately directed from the state.

(2) The detained person must be immediately informed of the grounds for detention.

(3) If the detention referred to in the preceding paragraph of this Article lasts more than six hours, the police officer must immediately inform the detained person by a written decision of the grounds for detention. A detained person shall be entitled to appeal against the decision on detention during detention. The competent district court must decide on the appeal within 48 hours. The appeal shall not stay the execution of detention.

Article 33

(Border check area)

(1) Border check area is part of the border crossing point, where the police office conducts border check.

(2) Border checks shall be normally performed by police officers at a border crossing point, i.e. the border-crossing zone. In the event that a person is caught illegally crossing the state border or afterwards, a police officer shall perform a border check in the area where this person was apprehended.

(3) A border check or part of border check may be performed, if so determined by an international agreement, in the territory of another state or on the train that has crossed or will cross the state border.

Article 34

(Relaxation of border checks)

(1) In case of the relaxation of border checks pursuant to the Schengen Borders Code the police officer responsible for the organization and management of border checks shall lay down priority objectives of border checks that must be adapted to specific security situation.

(2) If security situation so allows, director general of the police may order that border checks be conducted in the form of police patrols insofar as this is not in contravention of international obligations of the Republic of Slovenia or public interest.

VI. COMPENSATORY MEASURES

Article 35

(Compensatory measures)

(1) In order to establish illegal entry and checking of the legality of residence on the territory of the Republic of Slovenia and preventing and detecting prohibited migrations and cross-border crime, police officers may implement compensatory measures against the person, for whom a reasonable suspicion exists, that has crossed the internal border, as provided by law.

(2) The following police powers fall under the compensatory measures: documentation check, examination of a person, check of a person and check of the vehicle and items.

(3) Police officers implement powers within the compensatory measures by random and non-discriminatory check of persons, crossing the internal border.

Article 35.a

(Document check and check on persons)

(1) A police officer may demand from a person to hand him over the documents for a check, proving that the person has entered into the Republic of Slovenia in a permitted way and permits and documents proving the legality of residence in the territory of the Republic of Slovenia.

(2) A police officer may conduct the check of documents including the check with the application of technical means and devices in order to search for the signs of document forgery.

(3) A police officer may verify personal data of the person in databases, managed by the ministry responsible for internal affairs and databases to which the police officers have accesses based on the European Union acquis or international agreements.

(4) Should it not be possible to establish the identity of the person based on the submitted documents or in case of doubt in the identity of the person, police officer may check biometrical data in the databases referred to in previous paragraph, including by taking fingerprints and palm prints and check other body identifications characteristics, if they arise from the databases.

Article 35.b

(Checks on persons, vehicles and items)

(1) Police officer may conducts checks on person, its vehicle and items in the possession of the person or under its control:

– in the event of a suspicion that a person is having in its possession or within the vehicle transporting prohibited objects or items

– in the event of a suspicion that a person possesses forged documents;

– in the event of a suspicion that other persons are hiding in the vehicle.

(2) Prior to beginning of the check the police officers requests the person to show what is in its possession or in the vehicle, except if this would present threat to the safety of persons or property.

(3) Check on persons must be conducted by the person of the same sex, except if it is not possible to postpone the procedure.

(4) By the check on person the police officer palpates the clothing of the person and inspects the content of object, which the person has in its possession, under its control or in the vehicle.

(5) Check on vehicle includes external and internal inspection of the vehicle including its concealed parts.

(6) By the check on items and vehicle the police officers may use technical means and devices and if necessary may inspect specific parts of the vehicle.

(7) If during the check referred to in this Article a police officer finds objects or items that may be seized pursuant to the provisions of the act regulating criminal proceeding, or act regulating misdemeanours, the police officer shall continue the procedure according to the provisions of such acts. If the found objects and items are not included among the objects and items referred to herein but in accordance with the regulation fall under the supervision of another state authority, they shall leave them to the competent authority for further procedure.

VII. TEMPORARY REINTRODUCTION OF BORDER CONTROL

Article 36

(Temporary reintroduction of border control at internal borders)

(1) On proposal of the minister responsible for interior affairs, the Government adopts the decision on temporary reintroduction of border control at internal borders in accordance with Title III Chapter II of the Schengen Borders Code.

(2) On proposal of the ministry responsible for interior affairs, the ministry responsible for foreign affairs is responsible for notification or sending the information on temporary reintroduction or on prolongation of border control at internal borders to other Member States, Commission and European Parliament in accordance with Title III Chapter II of the Schengen Borders Code, for consultation, confirmation of the date of conducted control and sending the report.

(3) The ministry responsible for interior affairs informs the public on reintroduction and cancellation of border control.

(4) In case the temporary border control at internal borders is reintroduced in accordance with Title III Chapter II of the Schengen Borders Code the minister responsible for interior affairs defines the border crossing points, on which it is permitted to cross the state border.

VIII. INTERNATIONAL COOPERATION

Article 37

(Entry or transit of foreign security forces)

(1) Entry or transit to the Republic of Slovenia may be permitted to the members of foreign security forces in uniform, carrying weapons and vehicles marked with their signs and emblems.

(2) A permit for the entry or transit of foreign security forces to the territory of the Republic of Slovenia shall be issued by police. The permit may contain special conditions for entry or transit.

(3) On a reciprocal basis, members of foreign security forces within official delegations on official visits may enter the Republic of Slovenia and without a special permit wear uniforms and carry personal weapons if they are part of their uniform.

(4) Members of foreign security forces accompanying a representative of a state on an official visit to the Republic of Slovenia may bring and carry short-barrel weapons and accompanying ammunition based on the notification of the foreign delegation to the ministry responsible for foreign affairs, which the notified this notification in due course to police. Members of foreign security forces may use weapons only if they cannot protect lives of people or avert a direct illegal attack on themselves by which their life is endangered.

Article 38

(Cooperation with foreign security forces)

(1) Notwithstanding the provisions of the preceding Article authorized persons of foreign states may enter the Republic of Slovenia and implement the measures of state border control determined by an international agreement and other tasks of international police cooperation, and Slovenian police officers may also implement such measures and tasks abroad in accordance with international agreements.

(2) In the territory of the Republic of Slovenia, members of foreign security forces implementing the tasks and measures referred to in the preceding paragraph may wear uniform, carry personal weapons or other coercive devices in Slovenia if they are part of their official equipment without a special permit; however they may only use the weapons and other coercive devices if required to avert an illegal attack on themselves or on another person at that time, by which their life is endangered.

Article 39

(Liaison officer)

The Government of the Republic of Slovenia may second a liaison officer abroad, which shall lay down in detail the tasks and competences of the liaison officer.

IX. COLLECTION OF PERSONAL DATA AND THE RECORDS

Article 40

(Photographic and recording devices)

(1) The police may install photographic and recording devices in the border-crossing zones and other areas along the state border in order to conduct the state border control.

(2) Persons located in zones, in which the photographic and recording devices are installed, must be informed of such devices in accordance with the act regulating data protection.

(3) Should personal data be recorded, the recordings must be destroyed within one year unless they are required for persecuting a criminal offence or misdemeanour.

(4) The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of Paragraphs 1 of this Article.

Article 41

(Automatic collection of data)

The police may directly collect personal data kept in the records under this Act from the persons undergoing border checks, and for this they may use appropriate technical devices; furthermore they may use other data from the existing records.

Article 42

(Records)

In order to implement the compensatory measures the police may keep records of persons subject to procedure according to Articles 35.a and 35.b of this Act, whereby such records do not include biometrical data, even if they were applied to establish the identity.

Article 43

(Personal data)

(1) In the records referred to in the previous Article only the following data may be collected and kept: personal name, information on birth, personal identification number, if one has been allocated to the person, identification number of an individual in the police records – CR, sex, address of permanent and temporary residence, citizenship, data on the document, based on which the identity has been established, and circumstances of establishment of identity.

(2) Data, collected under the previous paragraph, may be kept for five years after being entered into records.

(3) An individual has the right to view its data in the records.

X. AUTHORITIES

Article 44

(Competent authorities)

(1) The competent authority of the Republic of Slovenia for implementation of the Schengen Borders Code is police, except for the provisions of Paragraphs 2, 3 and 4 of this Article.

(2) The competent authority of the Republic of Slovenia for implementation of Article 34 of the Schengen Borders Code is ministry responsible for internal affairs.

(3) The competent authority of the Republic of Slovenia for implementation of Article 21 Item b) and Point 2.1.1. of Annex VI of the Schengen Borders Code is ministry responsible for transportation.

(4) The competent authority of the Republic of Slovenia for implementation of Point 4.3. of Annex VII of the Schengen Borders Code is ministry responsible for foreign affairs.

(5) The implementation of this Act is supervised by police.

XI. PENAL PROVISIONS

Article 45

A fine of a minimum of EUR 400 shall be imposed on a natural person committing an offence by:

1. failing to permit free passage for implementation of the state border control tasks (Article 8 Paragraph 3);
2. sowing or planting specific species of trees or plants in contravention of the decision (Article 12 Paragraph 3);
3. crossing the state border outside a border crossing point or out of the operating hours (Article 4 Paragraph of the Schengen Borders Code);
4. crossing the state border due to force majeure and not immediately notifying the police thereof (Article 15 Paragraph 2);
5. moving or stopping in the border crossing area without having a reasonable ground to do so (Article 22 Paragraph 4);
6. failing to observe the instructions and orders issued at the border-crossing zone by officials of the agency conducting border checks (Article 24);
7. making any alterations to the intended use of the facility or device located at the border-crossing zone without consent (Article 25 Paragraph 1);
8. a shipmaster or another person not complying with the obligations of a shipmaster (Article 26 Paragraphs 1, 2 and 3);
9. evading border check or trying to evade border check (Article 27 Paragraph 1);
10. self-willed leaving the border crossing zone before the border check is completed (Article 27 Paragraph 1);
11. identifying him or herself at a border check with an invalid document required for crossing to state border or with a document required for crossing to state border of another person (Article 27 Paragraph 1);
12. not explaining all circumstances, important for the state border crossing or failing to observe the instructions and orders of police officers, conducting the border check (Article 27 Paragraph 2 and 3).

Article 46

A fine of a minimum of EUR 600 shall be imposed on a natural person committing an offence by:

1. continues flying without authorisation (Point 2.1.4. of Annex VI of the Schengen Borders Code);
2. fails to notify the police of arrival or departure of aircrafts (Point 2.2.3. of Annex VI of the Schengen Borders Code);
3. fails to send general declaration and the information on passengers (Point 2.3.1. of Annex VI of the Schengen Borders Code);
4. fails to hand over the list to the police or another competent authority (Point 3.1.2. of Annex VI of the Schengen Borders Code);
5. fails to notify the police of all changes to the composition of the crew or the number of passengers (Point 3.1.4. of Annex VI of the Schengen Borders Code);
6. fails to notify the police of the presence on board of stowaways (Point 3.1.4. of Annex VI of the Schengen Borders Code);
7. fails to notify the police in due time on ship's departure (Point 3.1.5. of Annex VI of the Schengen Borders Code);
8. fails to send to the respective police officers the plan of the itinerary and the programme of the cruise (Point 3.2.1. of Annex VI of the Schengen Borders Code);
9. fails to send to the respective police officers or sends incomplete nominal lists (Point 3.2.4. of Annex VI of the Schengen Borders Code);
10. fails to notify the police of entering in the port other than a border crossing point of a pleasure boat (Point 3.2.6. of Annex VI of the Schengen Borders Code);
11. fails to notify the police of any alteration to the crew or to the presence of any passengers (Point 3.2.9. of Annex VI of the Schengen Borders Code).

Article 47

A fine of a minimum of EUR 200 shall be imposed on a natural person committing an offence by:

1. affixing any other boards, inscriptions, posters, and similar to the warning signs and other notices installed under this Act or the regulations issued on the basis thereof (Article 10 Paragraph 5);
2. conducting road or railway transportation, flying with airplanes or other flying devices, sailing, hunting, fishing, moving or stopping along the border line when this is prohibited by a decree (Article 12 Paragraph 2);
3. collecting duties in the border crossing area contrary to the Article 22 Paragraph 5 of this Act.

Article 48

(1) A fine of a minimum of EUR 2,000 shall be imposed on a legal entity or independent entrepreneur or an individual performing an activity who:

1. fails to permit free passage for undisturbed implementation of the state border control tasks (Article 8 Paragraph 3);
2. fails to ensure that border checks could be performed in accordance with the provisions of this Act (Article 21 Paragraph 2);
3. fails to provide office premises, parking spaces, access to the facilities and premises, free transport, timetables, and failing to communicate or failing to communicate in due time actual traffic movements (Article 21 Paragraph 3);
4. makes any alterations to the intended use of the facility or device located at the border-crossing zone without consent (Article 25 Paragraph 1);
5. legal entity, the shipmaster or another person of which fails to fulfil obligations of a shipmaster (Article 26 Paragraphs 1, 2 and 3).

(2) A fine of a minimum of EUR 1,000 shall be imposed on a responsible person of the legal entity or independent entrepreneur or an individual performing an activity who commits a misdemeanour referred to in the previous paragraph.

Article 49

(1) A fine of a minimum of EUR 2,000 shall be imposed on a legal entity or independent entrepreneur or an individual performing an activity who:

1. fails to adopt required measures under Point 2.1.3. Paragraph 2 of Annex VI of the Schengen Borders Code;
2. contravenes Point 3.1.2. of the Annex VI of the Schengen Borders Code;
3. contravenes Point 3.1.4. of the Annex VI of the Schengen Borders Code;
4. contravenes Point 3.1.5. of the Annex VI of the Schengen Borders Code.

(2) A fine of a minimum of EUR 1,000 shall be imposed on a responsible person of the legal entity or independent entrepreneur or an individual performing an activity who commits a misdemeanour referred to in the previous paragraph.

State Border Control Act – ZNDM-2 (Official Gazette of the RS, No 60/07) includes the following transitional and final provisions:

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 50

(Implementing regulation)

(1) The Government adopts the list of road connections, through which the border crossing traffic referred to in Article 11 Paragraph 3 of this Act is not carried out within six months after entering in force of this Act.

(2) The minister responsible for internal affairs issues regulations referred to in Article 10 Paragraph 8, Article 14 Paragraph 2, Article 22 Paragraph 6, Article 23 Paragraph 3, Article 28 Paragraph 4 and Article 40 Paragraph 4 of this Act within 12 months after entering in force of this Act.

Article 51

(Application of the act at internal borders)

(1) Until entering into force of the Decision of the EU Council, adopted based on Article 3 Paragraph 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustment to the Treaties on which the European Union is founded (Official Gazette of the RS – MP, No 3/04), in the Republic of Slovenia, the provisions of this Act and of the Schengen Borders Code, applying to external borders, apply at internal borders.

(2) As of the date of entering into force of the Decision of the EU Council, adopted based on Article 3 Paragraph 2 of the Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustment to the Treaties on which the European Union is founded (Official Gazette of the RS – MP, No 3/04), in the Republic of Slovenia, the provision of Chapter IV and V of this Act cease to be applied at the internal borders, except in case of temporary reintroduction of border control at internal borders in accordance with Article 36 of this Act.

Article 52

(Regulations which shall cease to have effect)

(1) As of the date of entering into force of this Act the following regulations shall cease to have effect:

– State Border Control Act (Official Gazette of the RS, No 87/02, 126/03, 69/05 – decision of the Constitutional Court, 83/05 –decision on correct adhering to the decision of the Constitutional Court and 69/06),

– Decree on the implementation of Council Regulation (EC) on the requirement for the competent authorities of the Member States to stamp systematically the travel documents of third country nationals when they cross the external borders of the Member States and amending the provisions of the Convention implementing the Schengen agreement and the Common manual to this end (Official Gazette of the RS, No 39/05),

– Rules on the implementation of the National Border Control Act (Official Gazette of the RS, No 45/04 and 39/05),

– Rules regarding the Signs identifying a Border Crossing and a Border Crossing Zone (Official Gazette of the RS, No 45/04).

(2) Regulation referred to in Item 3 and 4 of the previous paragraph shall apply mutatis mutandis until the adoption of the regulation referred to in Article 50 Paragraph 2 of this Act, if not contrary to this Act.

Article 53

(Entering into force of the Act)

This Act shall enter into force on the 15th day after the publication in the Official Gazette of the Republic of Slovenia.

Act Amending the State Border Control Act – ZNDM-2A (Official Gazette of the RS, No 77/09) includes the following provision:

FINAL PROVISION

Article 14

This Act shall enter into force on the 15th day after the publication in the Official Gazette of the Republic of Slovenia, except for the provisions of Articles 8, 9, 10 and 12 of this Act, which shall enter into force six months after the publication in the Official Gazette of the Republic of Slovenia.