

*Slovenia*

**REPORT**  
**on the Free Movement of Workers**  
**in Slovenia in 2005**

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September 2006



## **Introductory remarks**

1. The period covered by this report is characterized by the ongoing process of the harmonisation of the Slovenian legal system with the EC law and by the decision of the Government in May 2006 to abolish the reciprocity and to introduce the free movement of all workers, citizens of the EU and EEA.
2. The number of EU citizens working in Slovenia remains to be relatively small. This might be one of the reasons why there no disputes and it is not possible to report on the respective case-law in Slovenia.

## Chapter I

### Entry, residence, departure

#### Entry

##### *Text in force*

In October 2005 the officially revised text of the Aliens Act has been (amended) published (Act on Amendments to Aliens Act, Ur.l. RS, No.93/2005). The Act has been once again revised in July 2006 (Ur.l. RS, No. 79/2006) In the framework of amendments a new chapter under the title “Entry and residence of the citizens of the EU Member States, their family members and the family members of the citizens of the Republic of Slovenia” has been included into the Act. The purpose of the amendments was to transpose Directives 2001/40/EC, 2001/51/EC, 2002/90/EC, 2003/86/EC, 2003/109/EC, 2003/110/EC, 2004/38/EC, the Council Decision 94/795/PNZ and the Regulation 2004/2252/EC into the legal order of the Republic of Slovenia (RS).

According to the amended Aliens Act (Ur.l. RS, No. 61/1999, 87/20002, 93/2005, 112/2005-officially revised text, 79/2006) *citizens of the EU* may enter RS if they are in possession of a valid identity card or valid passport.

Entry may only be refused to an EU citizen:

- if he/she does not have a valid identity card or a valid passport;
- if his/her staying in the RS poses a threat to public order, security or international relations of RS;
- if it is suspected that his/her staying in the country will be linked to the execution of terrorist or other violent activities, illegal intelligence activities, drug trafficking or the performance of other criminal activity;
- if he/she is coming from the territory with infectious or epidemic diseases and is without a proof of being vaccinated.

The decision to refuse entry shall be taken by the border control authority in accordance with an instruction issued by the minister responsible for internal affairs. EU citizen may appeal against the decision to refuse entry. The competent authority to decide on appeal is the Ministry of Internal Affairs. The appeal against the decision shall not withhold the execution of the decision.

#### Residence

##### *Text in force*

New provisions have been laid down by the Amended Aliens Act in this regard. EU citizen who has entered RS with a valid identity card or valid passport and wishes to reside on the territory of RS for a period longer than three months has to register his residence by the competent authority. He/she is issued a *registration certification* for one of the following reasons:

1. the employment or work,
2. self-employment,
3. performance of services,
4. studies or other forms of schooling,
5. other reasons.

Conditions, under which one of the above mentioned registration certificates are issued, are laid down by the Act. E.g., a registration certificate is issued to a EU citizen, who wishes to be employed or work or to be self-employed, if he/she obtains a valid identity card or passport, a confirmation of engagement from the employer or a certificate of employment and a valid work permit, if such is required by the Employment and Work of Aliens Act (e.g. in the case of those EU-15 /EEA Member

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States which do not allow the free access to their labour market and they need a work permit to be employed on the Slovenian territory), or the proof that he/she is a self-employed person.

The registration for e.g. employment or work *shall not expire*:

1. if the EU citizen's employment has terminated due to temporary incapacity to work because of his/her illness or accident,
2. if after the period of one year of employment he/she became unemployed,
3. if he/she was included into the professional training.

Registration of the residence may be *refused* to the EU citizen on the following grounds:

1. he/she is not in possession of the documents that are required to obtain one of the above mentioned registration certificates,
2. his/her staying in RS represents a threat to public order, security or international relations of RS or there is suspicion that his/her residence in the country is linked to the execution of terrorist or other violent activities, illegal intelligence activities, drug trafficking or the performance of other criminal activity,
3. he/she is coming from the territory with infectious and/or epidemic diseases and is without a proof of being vaccinated,
4. the period of time for which he/she is prohibited to entry into country has not expired yet,
5. it is found out that he/she performs work in RS in a way which is not in accordance with the labour law or regulations on employment.

### *Miscellaneous*

According to the data processed by the Ministry of interior 93 permanent residence permits and 2033 temporary residence permits and/or registration certifications have been issued to the EU citizens in 2005. As regards the different permits and/or certification one has to bear in mind that two different acts were in force in 2005 : at the beginning of the year the Aliens Act (Ur.l. RS, 108/2002-officially revised text) and at the end of the year the Aliens Act (Ur.l.RS, 112/2005-officially revised text).

In 2005 there were 21 refusals to issue residence permits and/or registration certifications, out of which there was only 1 refusal of the permanent residence permit. There were only 2 appeals against the decision to refuse the issue of a permit.

On 31 December 2005 there were 987 EU citizens with the permanent residence permits and 2309 with the temporary residence permits and/or registration certifications.

## **Departure**

### *Text in force*

The new chapter on entry and residence of the EU citizens and their family member of the amended Aliens Act does not include explicit provisions on their departure from the country. It may be presumed that those who have a valid identity card or passport shall be free to leave the country.

### *Draft legislation*

### *Literature*

- *Gregor Maučec*, Pravica državljanov EU do prostega gibanja in prebivanja na ozemlju držav članic EU, Pravna praksa- Priloga, št. 27/2006.
- *Željka Cilenšek Bončina*, Pravica do vstopa, izstopa in prebivanja po direktivi 2004/38/ES, Pravna praksa, št. 28/2006.

## Chapter II

### Access to employment

#### *Texts in force*

As regards *discrimination in employment* the following is important:

The Constitution of the RS (Ur.l. RS/I, 33/1991, 47/1997, 66/2000, 24/2003, 69/2004) guarantees to each individual equal human rights and fundamental freedoms *irrespective of national origin, ...or any other personal circumstance*. (Article 14) General prohibition of discrimination in employment also derives from the constitutional provision on the freedom of work (Article 49), which provides that “there shall be no unjust discrimination in work opportunities available to each person”.

According to the Employment and Unemployment Insurance Act (Ur.l.RS, 5/1991, 12/1993, 71/1994, 38/1994, 69/1998, 67/2002, 79/2006) citizens of the EU Member States are equal to the Slovenian citizens as regards rights and duties, laid down by the Act. (Article 4.c)

Employment Relationships Act (Ur.l.RS 42/2002) has laid down that “employers may not place a job seeker or a worker in an unequal position on the basis of...national and social origin,...or any other personal circumstance. (Article 6) Direct and indirect discrimination on different grounds, nationality included, is also expressly forbidden. It is also provided, that national and social origin is not a valid reason for the termination of employment relationship at the initiative of the employer. (Article 89)

Act concerning the Exercise of the Principle of Equal Treatment (Ur.l. RS 50/2004), by which Directive 2000/78/EC has been transposed into Slovenian legal order, determines common bases and premises for ensuring equal treatment of all persons in performing their rights and duties and their basic freedoms in every field of social life, especially in the field of employment relationships, freedom of association, education, social security, access to and supply of goods and services. This shall be “available irrespective of personal circumstances such as nationality,...or other personal circumstances.” (Article 1)

It is possible to penalise an employer for discrimination in employment. Penal Code of 1994 (Ur.l. RS, 95/2004) makes it a criminal offence to deprive anyone – for reasons connected with nationality, ... or any other circumstance – of any of the human rights or fundamental freedoms recognised by the international community or laid down by the Constitution or by a statute, to restrict those rights or freedoms or to grant a right or a specific advantage for such discriminatory reasons.(Article 141) In pursuance of Article 206/1 of the Penal Code, the infringement of the right of free access to employment on the basis of equal conditions is an offence. Both offences are punishable by a fine or by a maximum of one year’s imprisonment.

It has to be mentioned that RS is a contracting party to all the most important international instruments, adopted in the framework of UN, ILO and the Council of Europe, concerning the prohibition of discrimination on different grounds. Due to the monistic system are the ratified international treaties in principle directly applicable in our internal legal system.

As regards *language requirement* the knowledge of the Slovenian language is not required by the legislation which covers private sector (e.g. Commercial Companies Act, Employment Relationships Act etc.) As regards provision of services see Chapter XI.

The field of recognition of diplomas is regulated by the Recognition and Assessment of Education Act (Ur.l.RS, no.73/04), which has entered into force in January 2005. It introduces a modern system of recognition of foreign certificates and diplomas and assessment of certificates and diplomas obtained in Slovenia and abroad, taking account, in the procedures and criteria, of the principles of education system reforms as well as respecting and continuing the tradition of transparency provided for by the previous Act regulating the recognition of foreign school certificates.

The act inter alia provides procedures of i) recognition with a view to access to education in the Republic of Slovenia and ii) recognition with a view to access to employment in the Republic of Slovenia.

The contents and the form of specimen applications for recognition or assessment of education, documents, costs, and the manner of keeping records in recognition or assessment procedures are specified by ‘The Rules on forms, documents, fees and record keeping in procedures for recognition and assessment of education‘ (Ur.l.RS, no. 6/05).

*Recognition with a view to access to education* in the Republic of Slovenia is a procedure by which, in the course of enrolment, holders of foreign certificates and diplomas are issued decisions recognising their right to continue education in the Republic of Slovenia.

The procedure is initiated by holders of foreign certificates and diplomas submitting the special form to schools, other educational establishments or higher education institutions in the Republic of Slovenia, where they seek to pursue their education.

The procedure is free of charge.

*Recognition with a view to access to employment* in the Republic of Slovenia is a procedure leading to a decision stating the following:

- the level of the Slovene education system equivalent to the level of foreign education;
- the major or discipline of the completed foreign education programme if it is stated by the certificate or diploma;
- foreign vocational, professional or academic title.

If so required by the applicant, the procedure can also lead to a decision on the equivalence of foreign vocational, professional or academic titles to Slovene ones, but just in cases where a comparable programme is offered in the Republic of Slovenia. Decisions on the equivalence of foreign professional and academic titles to Slovene ones entail additional costs charged to applicants by the higher education institution stated in individual applications, as the opinion on the equivalence is issued by that institution.

The procedure for recognition with a view to access to employment is initiated by the holder of a foreign certificate or diploma submitting the special form to the Ministry of Education and Sport or Ministry of Higher Education, Science and Technology.

The procedure is administered in compliance with the General Administrative Procedure Act. The decision shall be issued within two months after the day of submitting a complete application.

As regards *mutual recognition of qualifications in EU* special emphasis has to be given to the system of Recognition of qualifications for the pursuit of regulated professions in the Republic of Slovenia. This field is regulated by:

Act regulating the recognition procedure for qualifications of citizens of EU Member States relating to access to regulated professions and professional activities in the Republic of Slovenia (Ur.l. RS, No. 21/02),

Rules on detailed rules for the procedure of recognition of qualifications for the pursuit of regulated professions or regulated professional activities in the Republic of Slovenia on the basis of Sectoral Directives (Ur.l. RS, No.41/04),

Rules on detailed rules for the procedure of recognition of qualifications for the pursuit of regulated professions or regulated professional activities on the basis of the first and second Directives of the general system for the recognition of qualifications (Ur.l. RS, No. 41/04),

Rules on detailed rules for the procedure for recognition of qualifications for the pursuit of regulated professions or regulated professional activities on the basis of third Directive of the general system for recognition of qualifications (Ur.l. RS, No. 41/04),

Rules about more detailed contents and mode of keeping records in the field of mutual recognition of qualifications of nationals of the EU Member States for the pursuit of regulated professions or regulated professional activities in the Republic of Slovenia (Ur.l. RS, No. 41/04),

Record of regulated professions or regulated professional activities in the Republic of Slovenia (Ur.l. RS, No. 44/04).

The system of mutual recognition of qualifications within EU Member States applies to the nationals of EU Member States and, in Slovenia, also to the nationals of third countries who have obtained their qualifications in the territory of the EU and who wish to pursue in the Republic of Slovenia a certain regulated profession or professional activity either in a status of employee or self-employed person. The system of recognition, based on agreements between the EU and other countries, also applies to the nationals and qualifications of country-signatories to the Agreement on the European Economic Area (Norway, Iceland and Liechtenstein) and Switzerland.

System applies to professionals who are legally exercising a regulated profession or activity in a Member State. It is imperative to point out that the system of recognition only refers to fully qualified professionals who are already exercising a profession in their Member State of origin or who possess

all the qualifications required for the exercise of the profession in that country. The system is not addressed to students or people not fully qualified in professional terms and wishing to validate their education in order to study or continue their studies in another EU Member State. These situations have to be resolved by making use of the existing national academic recognition mechanisms in the education institutions or national authorities of each EU Member State.

System only refers to regulated professions and professional activities. Regulated professions and regulated professional activities are those professions and activities that an EU Member State defines as regulated professions for which a person who wishes to pursue a certain profession has to fulfil other conditions determined by law or another legal act. Where a profession is not regulated in EU Member State or the activity in question is not legally reserved only for professionals with certain qualifications, the judgment of whether a person has suitable qualifications for the pursuit of that profession is only a matter for employers and the labour market. Professions or professional activities regulated in Slovenia are published in the Record of regulated professions and regulated professional activities in the Republic of Slovenia. This record also lists the ministries regulating each profession and is published in the Official Journal of the Republic of Slovenia and on the Internet pages of the Ministry of Labour, Family and Social Affairs: [http://www.gov.si/mddsz/pdf/evidenca\\_reg\\_poklici.pdf](http://www.gov.si/mddsz/pdf/evidenca_reg_poklici.pdf).

Specific qualification is recognised by decision of Minister of labour, family and social affairs. Procedure is started on applicant's request, which must consist of documentary evidence of citizenship, higher education diploma, which is subject of recognition and evidence on education program, its duration etc. The act has foreseen the option to require the applicant to complete an adaptation period or take an aptitude test, if the Minister would had considered applicants qualification as inadequate.

As regards the *nationality condition for captains of ships* there is no such condition required in Maritime Code (Ur.l. RS, No. 26/01, 37/04-officially revised text.) Same is situation in aviation. The legislation ( Aviation Act, Ur.l. RS, No. 18/2001) allows the employment of foreign pilots in Slovenia if they fulfill conditions such as: they obtain pilot licence, health etc.

#### *Miscellaneous*

According to the Elementary Schools Act (Ur.l.RS, No. 12/1996, 33/1997, 59/20001). Children of migrant workers are subject to compulsory primary education on the same basis as Slovenian children. The children of aliens with the permanent residence in RS also have access to secondary and university education. All foreign children registered in primary and secondary schools receive special teaching in the Slovenian language.

As the language of the receiving country is a vital factor for integration of migrant workers and for equality of treatment it might be interesting to point out courses "Slovenian for foreigners" organised each year by the University of Ljubljana.

Children of foreign workers lawfully residing within Slovenian territory may receive additional optional teaching of their mother language in the primary and secondary schools. As an example lessons in Hungarian can be mentioned.



### **Chapter III**

## **Equality of treatment on the basis of nationality**

#### *Texts in force*

As regards general provisions on equality of treatment from the point of view of working conditions see report under previous chapter.

As regards social advantages we shall focus ourselves primarily on advantages, deriving from article 7 of the Regulation 1612/68 EC. It means that we shall limit ourselves mostly on issues which are not connected with rights legally based on social insurances, in principle covered with Regulation 1408/71 EC.

The field of job-seeking regulates Employment and Unemployment Insurance Act, adopted in 1991 and lastly changed in 2002. There is a provision that nationals of a member state are in view of rights and obligations from the Act in the same position as Slovenians (Art.4.c). That means that job-seeker, national of a member state, is entitled to the same measures (also social advantages) not connected with social insurance, as Slovenian job-seeker. One of the main social advantages derived from this Act is right to active employment policy.

Right to social assistance in Slovenia is regulated by Social Assistance Act. Right to social assistance consists of social welfare services and social assistance benefit in cash as means tested benefit. Among services act regulates social, personal and family counselling, institutional care, etc. The act as alternative to condition of nationality for aliens for all services and financial assistance as well stipulates condition of permanent residence permit. System of acquisition of these permits is described in Chapter I.

The field of family benefits regulates Parental Protection and Family Benefits Act. There are two groups of rights, one connected with social insurance for parental protection and therefore based on paid contributions, the other based exclusively on state funds and therefore not connected with employment. Within the scope of the latter there are three types of benefits, where permanent residence is not condition for entitlement: Parental allowance, Child benefit and Partial payment for lost income.

Tax status of workers coming from EU member states depends on whether he/she has a status of resident according to the national tax legislation. According to Personal Income Tax Act (Ur.l.RS, no.21/06- officially revised text) a taxpayer is any natural person with permanent residence in the Republic of Slovenia (resident) receiving in its territory, in individual calendar years, income for which the law expressly stipulates that it is subject to the payment of income tax. As resident is considered also taxpayer who is not a resident of the Republic of Slovenia but has resided in the territory of the Republic of Slovenia for at least 6 months and was receiving in its territory income that is subject to income taxation under the law. Being a resident or non-resident is relevant for workers' obligation to fulfil tax declaration and for scope of taxation as well.

Personal Income tax Act treats EU worker, resident according to tax legislation, the same as Slovenian worker, special treatment is stipulated for non-residents. This special treatment applies to tax exemptions and tax relief. Non-residents are not obliged to pay income tax out of capital profits and savings profits with its source in Slovenia.

Non-residents can enforce general tax relief, special tax relief for persons older than 65 years and special tax relief designed for taxpayers' children.

## **Chapter IV**

### **Employment in the Public Sector**

#### *Texts in force*

Civil Servants Act (Ur.l.RS, 32/2006 – officially revised text) does not require nationality of the RS as a condition for access to positions of civil servants. The same is true for the inspectors. On the other hand nationality of the RS is still required for the following functions:

- within the courts (Court Service Act, Ur.l. RS, 41/2006-officially revised text);
- the public prosecutor's office (Public Prosecutor Act, Ur.l. RS, 63/1994, 59/1999, 56/2002, 110/2002);
- the attorney general's office (Attorney General Act, 20/1997, 56/2002, 17/2006);
- the police (Police Act, Ur.l.RS 3/2006-officially revised text);
- the defence (Defence Act, Ur.l. RS, 82/1994, 44/1997, 87/1997, 13/1998, 32/2000, 87/2001, 42/2002, 40/2004, 138/2004, 53/2005);
- the customs service (Customs Act, Ur.l. RS, 103/2004-officially revised text);
- notary's office (Notary Act, Ur.l.RS, 4/2006-officially revised text);
- human rights ombudsman's office (Ombudsman Act, Ur.l. RS, No. 71/1993, 15/1994).

According to the Health Services Act (Ur.l.RS, 23/2005-officially revised text) health services may be performed with permission of the Ministry of Health by national and foreign legal entities and physical persons provided that they fulfil the conditions laid down by this act. (See also chapter XI)

System of recognition of diplomas, described in Chapter II does not make any distinction for posts in the public sector in comparison to posts in the private sector.

## Chapter V Members of the family

### *Text in force*

The *definition of family members* of the EU citizen and of the Slovene citizen has been incorporated into the Aliens Act in 2005 (Art. 93.k). For the purpose of this act family members shall mean:

- the spouse;
- unmarried<sup>1</sup> children under the age of 21;
- unmarried children of the spouse under age 21;
- unmarried children above the age of 21 and the parents who according the Slovenian legislation have the right to be maintained by the EU citizen or the Slovene citizen;
- unmarried children above the age of 21 and the spouse's parents who according to the Slovenian legislation have the right to be maintained by the spouse of the EU citizen or the Slovene citizen;
- parents of the EU citizen and the Slovene citizen under his age of 21.

The same definition is also included in the Employment and Work of Aliens Act (Ur.l. RS, No 101/2005, 4/2006-the officially revised text).

A competent body shall have the discretion to recognize a status of a family member also to another relative, if this would be in favour of the unification of a family.

In order to *enter* the RS, a *family member having the nationality of a Member State* must be in possession of a valid identity card or a valid passport. Irrespective of the reason of the entry no visas or resident permits shall be required. As regards *third-country family members*, they may enter the country with a valid passport and visa. If RS has does not require visa for nationals of a respective third country any more, a third-country family member must be in possession of a valid passport and a residence permit which was issued by another Member State, unless otherwise provided by an international treaty.

Third-countries family members who wish to *reside* on the territory of RS for more than three months have to apply for a temporary residence permit. It shall be issued under the following conditions: 1. he/she is a family member of a EU citizen who is residing in RS and has been issued the residence certificate, 2. he/she has a valid identity card or passport, 3. he/she has sufficient resources for maintenance which are higher than the threshold provided for the entitlement to social assistance, 4.he/she has a suitable health insurance, 5. he/she has legally entered the territory of RS, 6. it has been established that marriage has not been concluded exclusively or mainly in order to obtain the residence permit, 7. there are no reasons, that are provided for by law, to reject the issue of the residence permit.

The amended Aliens Act has also laid down conditions under which the third-country family member retains temporary residence permit in the case of death of EU citizen or the Slovenian citizen with whom he/she has resided in RS for at least one year, in the case of divorce or in the case of the annulment of the marriage.

According to the amended Aliens Act third-country family member, who has legally resided in RS for continuous period of five years, shall be entitled to a permanent residence permit. It is also providing conditions relating to the issue of the permanent residence permit to a third-country family member before the expiration of five years, to the annulment of temporary and permanent residence permit of a family member and to the termination of the validity of the permit.

As regards the *refusal* of entry of the family members, in principle, the same reasons and the same procedure that apply for the EU citizens, apply also for the family members.

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1 The requirement to be unmarried might not be in compliance with Article 10(1) of the Regulation 1612/68 and its doctrinal understanding.

## Chapter VI

### Influence of recent judgements of the Court of Justice

In this regard we can refer only to the regulation of *free movement in the sports sector* to point out that the Court of Justice judgements did not have any influence on what is going on in some sport associations (collective sports), though they are aware that practice in respective clubs which are their members is not in accordance with the case law of the Court of Justice.

As an example we can mention the case of the Basketball Association of the RS. According to its Regulation concerning Registration, 2004, each club, which participates in the I.A men's league, may register unlimited number of foreign players (citizens of the EU are not expressly mentioned). But it is provided that in the first part of each year's competition at least five Slovenian players have to participate in each match. For the second part of the second part of the competition the number of the Slovenian players is reduced to four. In the women's league the situation is similar. The number of the registered foreign players in a respective club may be unlimited, but there is a fixed minimal number of the Slovenian players (9) that have to represent a club in each match.

One cannot find similar provisions in the Regulation concerning the Registration and the Status of Players, adopted by the Football Association of the RS in 2003. The said Regulation is relatively old and does not distinguish between the EU and the third countries citizens and still requires work permit for all foreign players (it means that citizens of the EU-10 Member States are included). It contains some new provisions on the transfer and transfer fees but they are not of special relevance for this report. It might be interesting to mention the provision, according to which a player not having reached the age of 18, is not allowed to trespass to a club abroad except in the case his family has moved to another state for reasons that were not connected with the football.

## **Chapter VII**

### **Policies, texts and/or practices of a general nature with repercussions on free movement of workers**

#### *Texts in force*

In 2000 the Employment and Work of Aliens Act has laid down that the Government shall, in accordance with its migration policy and taking into account the conditions and fluctuations of the labour market, annually determine the quota of work permits and in this way restrict the number of aliens on the labour market and in due time prevent disturbances on the labour market. The said Act has explicitly provided that the quota shall not include aliens who, on the basis of an agreement with the EU, have been granted equality with the Slovenian citizens, nor shall it include aliens for whom the Act does not require personal work permits. According to the Act quota were divided into groups of work permits for different purposes: employment of aliens in the RS, aliens posted to the RS, training and advanced training, seasonal work, individual services provided by aliens. According to the Act quota were divided into three priorities: valid work permits, work permits issued on the basis of international agreements which already include agreed-upon quotas, new work permits).

Up till now the Government of RS adopted a quota of work permits for employment of third countries' citizens three times: for years 2004, 2005 and 2006. In 2005 16.700 work permits were approved by the Government's Decree.

In November 2002 the Resolution on Migration Policy of the Republic of Slovenia has been adopted by the Parliament (Ur.l. RS, 106/2002). Out of the principles on which the Slovenian migration policy is supposed to be based, the principle of "the long-term macroeconomic advantage of the relatively free migration" might be pointed out.

In order to assure legally consistent regulation of the conditions and possibilities of employment and work of aliens in Slovenia and in order to implement principles and objectives laid down by the Resolution on Migration Policy of the RS Employment and work of Aliens Act has been amended in November 2005 (Ur.l.RS, 1001/2005; the officially revised text is published in : Ur.l. RS, 4/2006). The amendments inter alia relate to the following fields and/or categories:

- self-employed persons ( to prevent misuses of the personal work permits it has been provided, that personal work permit shall be issued to a self-employed person if he/she has resided in RS at least one year and if he/she is in possession of a residence permit for the future);
- the performance of cross-border services with the posted workers ( work permits shall be issued for the period of three months in a calendar year with the possibility of the extension for another three months; the condition of at least one year employment with the employer before being posted to Slovenia has also been introduced);
- additional training ( training of the posted workers in the commercial company registered in Slovenia is allowed; the posted workers themselves are allowed to perform training of the Slovenian workers; work permits may be issued for at most three months in the period of two years).

#### *Miscellaneous*

Slovenia has all the time since becoming the EU member endeavoured that the transitional period in relation to free movement of workers should as soon as possible be abolished. In March 2006 The Government has adopted a special Information on the restrictions of the free movement of workers prepared at the end of the two-years transitional period, which has shown that Slovenian citizens do not endanger labour markets of other EU Member States. On the basis of Information the position that the transitional period should be as soon as possible abolished was reaffirmed. Having in consideration different conclusions adopted in this regard and after the discussion in the tripartite Economic and Social Council (See also Chapter VIII – Miscellaneous) the Government decided (25 May 2006) to abolish reciprocity and to introduce free movement of workers, EU and EEA citizens. The pertinent legislation has to be adjusted to the said conclusion.

## Chapter VIII EU Enlargement

### *The present situation*

In accordance with the Treaty on the Accession (transitional provisions) and due to the application of the principle of reciprocity during the transitional period *different regimes of the employment of aliens* began to apply on the day the Republic of Slovenia entered the EU as a full member:

- the employment of the citizens of those EU-15 /EEA Member States which do not allow the free access to their labour market ; they need a *work permit* to be employed on the territory of the Republic of Slovenia;
- the employment of the citizens of the EU-10 Member States and Ireland, Sweden and UK, in which the free access to the labour market has been introduced; they are equal to the Slovene nationals, they do not need a work permit, but they have to be *registered* by the Employment Service of the Republic of Slovenia.;
- the employment of the third countries' nationals; they need a work permit.

Due to the withdrawal of the application of the principle of reciprocity the existing three regimes of employment of aliens in Slovenia have been changed. There are only two regimes to be applied in the future:

- EU/EEA citizens have the free access to the Slovenian labour market; they do not need work permit but they shall have to be registered by the Employment Service of the RS;
- third countries' nationals need a work permit.

As regards the third countries' nationals they may be employed in the Republic of Slovenia under conditions laid down by the Employment and Work of Aliens Act (Ur.l.RS, 66/2000, 101/2005, 4/2006-officially revised text). The said Act provides for quota of work permits, fixed each year by the Government. In accordance with the Act the Government adopted in 2004, 2005 and 2006 Decree fixing quotas of work permits limiting the number of aliens in the labour market (Ur.l.RS, št.33/2004; Ur.l. RS, št. 31/2005; 30/2006).

In relation to the above said, it can be summarised that the citizens of the Republic of Slovenia, the citizens of the EU-10 Member States and the citizens of Ireland, Sweden and UK enjoy priority in employment. Other citizens of the EU-15 Member States enjoy priority in employment in comparison to the third countries' nationals.

As regards the *citizens of the EU-15 Member States* (with the exception of Ireland, Sweden and UK) and their position during the transitional period, the following has to be added:

The free access to the Slovenian labour market applies for them under the following two conditions: 1. that on the day the Republic of Slovenia entered the EU as a full member they were in the possession of a work permit valid for a period of at least one year, or 2. that work permit, valid for a period of at least of one year, has been issued to them later on. They have to be registered with the Employment Service by their employer.

The free access to the labour market also applies to *family members of the citizens of the EU Member States*, to whom the free access to the Slovene labour market applies, who, on the day of the entrance to the EU, were legal residents of the Republic of Slovenia. To those, who received the residence permit later on, the free access to the labour market applies after the 18 months of legal residence in the Republic of Slovenia.

As regards the employment of the *citizens of the EU-10 Member States, of Ireland, Sweden and UK and aliens equal to them* free movement of persons applies to them. They do not need work permits, but they need the registration certificate issued by the Employment Service.

*The third countries' nationals* need work permits to be employed on the territory of the Republic of Slovenia.

In order to understand the statistics under the chapter IX better it might be useful to point out that the Employment and Work of Aliens Act in force differs three kinds of the above mentioned *work permits*: so-called personal work permit, a permit for employment and a permit for work.

A *personal work permit* is issued for a limited (in that case it is renewable) or indefinite period of time by the Employment Service. During its period of validity, it provides the alien with free access to the labour market. An alien who obtains it may be employed by any employer, or may become self-employed person. Aliens who are in possession of a personal work permit and who are job-seekers enjoy equal status with citizens of the Republic of Slovenia, and may enter in the register of unemployed persons. An application for a personal work permit valid for one year may be submitted by a refugee and an alien fulfilling the legally prescribed conditions for self-employment. An application for a personal work permit valid for a period of three years may be submitted inter alia: 1. by a Slovenian citizen's immediate family member who has been in possession of a valid permit for temporary residence for at least 3 years if, prior to submitting an application, he resided in the Republic of Slovenia on the basis of a permit for temporary residence, 2. a person, who is an immediate family member of an alien who is in possession of a personal work permit valid for an indefinite period of time, and who has been in possession of a permit for temporary residence for at least three years, if he resided in the Republic of Slovenia for at least 3 years, 3. an alien who has been employed in the Republic of Slovenia uninterruptedly by the same employer for five years and who has not committed an offence, 4. a self-employed alien, who has been self-employed in the Republic of Slovenia uninterruptedly for three years. A personal work permit for an indefinite period of time may be issued to an alien in possession of a permit for permanent residence in the Republic of Slovenia.

A *permit for employment* is a form of work permit linked to the permanent employment needs of an employer. An alien in possession of this type of work permit may be employed by an employer that has submitted an application for such a work permit but is not permitted to provide service for another employer.

A permit for employment may only be issued on the basis of an application submitted by an employer if the following conditions are fulfilled: 1. the employer fulfils the prescribed conditions, 2. the quota applying to this form of employment has not been filled, 3. the alien's employment has no negative effects on the labour market, 4. an alien has not committed an offence in accordance with the Act. The permit for employment is, as a rule, issued on the condition that there are no domestic job-seekers or people, who, with regard to employment rights, enjoy equal status with citizens of the Republic of Slovenia entered in the records of the Employment Service. The permit is issued for up to one year and is renewable.

Immediate family members of Slovenian citizens or of aliens in possession of a work permit are issued with a permit for employment for a period of validity of their permits for residence.

*Permit for work* is the third type of work permit on the basis of which an alien may be employed or may work in the Republic of Slovenia in accordance with the purpose for which the permit was issued. It can relate to: work performed by posted alien workers, training and advanced training of aliens, seasonal work of aliens, work performed by alien managers, individual services provided by aliens. The permit is issued within the quota determined for individual purpose. It may be renewed only in exceptional cases.

As regards the above mentioned registration certificates it might be useful to repeat that citizens of the EU Member States, citizens equal to the EU citizens and their family members, to whom the right to free movement applies, do not need work permits. They only have to be registered with the Employment Service of the Republic of Slovenia.

No condition on the side of workers has to be fulfilled. The register has been introduced to simply record aliens working on the Slovenian territory. It enabled us to assess the situation on the labour market and to collect better statistics.

According to new Regulation from April 2004 (Ur.l.RS, at. 45/2004) Employment Service keeps three different registers: register of employments, register of works performed on the basis of civil law contracts and register of posted workers, providing services on the territory of the Republic of Slovenia. 3941 registration certificates have been issued in the period between 1<sup>st</sup> May and 31<sup>st</sup> December 2004.

According to the Treaty on Accession the provision of services among the EU Member States is free. Germany and Austria are the only two exceptions. As long as they apply the national legislation relating to the freedom of movement of workers they are also limiting certain services provided by the Slovenian posted workers to Germany or to Austria. In this case Slovenia does not apply the principle of reciprocity.

## *Slovenia*

According to the Employment and Work of Aliens Act citizens of the EU and EEA Member States do not need work permits for the provision of services on the territory of the Republic of Slovenia. The customer of their services is obliged to register their work.

### *Miscellaneous*

Slovenia accepted the transitional provisions laid down in the Treaty on Accession and limiting the free movement of workers with a disappointment and regret. They were always understood as an unfounded discrimination. For this reason Slovenia throughout the first part of the seven years transitional period acted in favour of abolishing limitations to free movement of workers.

As already mentioned above (Chapter VII) in March 2006 the Government discussed the Information concerning the limitations of free movement of workers in certain EU Member States in the first part of the transitional period. It assessed that the citizens of RS are not threatening labour markets of other EU Member States and adopted a viewpoint that restrictions should be lifted as soon as possible. Respective bodies representing RS on international level ( in bilateral and multilateral meetings) were authorized to make this viewpoint known to other EU Member States. In addition Ministry of Labour has been authorized to prepare bilateral agreements (e.g. with Austria and Italy) to simplify the employment and to improve the cooperation between the Member States which shall extend the transitional period. The decision to support cooperation between the Member States in the field of collecting statistic data on employment of the EU citizens in the EU Member States, to prevent undeclared work and to strengthen the role of inspections was also adopted.

The fact that the first part of transitional period is coming to an end was the reason that on April 21, 2006 the Economic and Social Council, the tripartite body of the representatives of social partner and the Government, discussed the future implementation of reciprocal restrictions to nationals from EU-15 Member States applying restrictions. Social partners disagreed in this regard. Some of them pointed out the danger of social dumping and defended the maintenance of the reciprocity principle. Others were in favour of abolishing the application of the principle of reciprocity.

On 25 May 2006 the Government decided to withdraw the application of the principle of reciprocity. The legislation and its application shall have to be adapted to this new situation in future.

Some of the EU Member States have liberalised their labour markets at the end of the two –years transitional period, too. In addition to EU-10 Member States, Ireland, Sweden and UK free access to the labour market has been introduced for the Slovenian workers in Finland, Greece, Portugal, Spain, Island and Italy. Free access is still not allowed in Austria, Belgium, Denmark, Germany, Netherlands, Luxemburg, France, Norway and Lichtenstein. It has to be added that the Netherlands and France have nevertheless introduced some facilities relating to the acquirement of work permits in certain sectors.

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## Chapter IX

### Statistics<sup>2</sup>

Table 1: Number of foreign workers and workers from the EU Member States by the type of work permit on 31 December 2005

WORK PERMITS	PERSONAL	FOR EM-PLOYMENT	FOR WORK	WITHOUT WORK PERMIT	EU employed	EU WORK-civil law contract	EU SERVICES by posted workers	total
Austria	72	15	35			1	142	265
Belgium	10	5	3			1	1	20
Denmark	6	3	2				2	13
Finland	3						1	4
France	49	16	16		1	6	45	133
Greece	2						2	4
Ireland	4				2		1	7
Italy	117	32	33		2	9	31	224
Germany	89	15	20		1	6	33	164
Nederland	28	9	1		1		2	41
Portugal	1	1					1	3
Spain	4	3			1	4	1	13
Sweden	4	1			5	1	5	16
Great Britain	14	2	7		17	17	7	64
Cyprus	1				1	1		3
Czech Republic	24	1	1		46	3	10	85
Estonia	1							1
Hungary	22		3		74	5	14	118
Latvia					2			2
Lithuania	1				29			30
Malta					2			2
Poland	11	1	1		113	1	16	143
Slovakia	11		1	1	426	9	1365	1813
<b>Total</b>	<b>474</b>	<b>104</b>	<b>123</b>	<b>1</b>	<b>723</b>	<b>64</b>	<b>1679</b>	<b>3168</b>

Source: Employment service of Slovenia

2 Statistics are still prepared on the basis of three regimes of employment of aliens, introduced in accordance with the Treaty on Accession (transitional provisions) and due to the application of the principle of reciprocity during the first two years of the seven-years transitional period.

Slovenia

Table 2: Number of foreign workers and workers from the EU Member States by the type of work permit on 31 March 2006

WORK PERMITS	PERSONAL	FOR EMPLOYMENT	FOR WORK	WITHOUT WORK PERMIT	EU employed	EU WORK-civil law contract	EU SERVICES by posted workers	total
Austria	77	13	33			2	144	269
Belgium	12	3	3			1	1	20
Denmark	6	3	2			1	2	14
Finland	3				1	1	1	6
France	54	14	14		1	7	75	165
Greece	2						1	3
Ireland	4				2		1	7
Italy	121	31	34		2	9	85	282
Germany	94	18	22		5	5	43	187
Nederland	31	7	1		1		2	42
Portugal	1	2					3	6
Spain	5	3			1	5	33	47
Sweden	4	1			6	3	5	19
Great Britain	13	1	5		14	11	3	47
Cyprus	1				1	1		3
Czech Republic	24		1		40	1	24	90
Estonia	1							1
Hungary	22		3		52	4	52	133
Latvia					1			1
Lithuania	1				25			26
Malta					2			2
Poland	11	1	1		155	1	28	197
Slovakia	11		1	1	368	15	741	1137
<b>Total</b>	<b>498</b>	<b>97</b>	<b>120</b>	<b>1</b>	<b>677</b>	<b>1244</b>	<b>1988</b>	<b>2704</b>

Source: Employment service of Slovenia

Table 1 represents the number of the EU workers in Slovenia at the end of 2005. Together with table 2 it enables us to assess changes in the latest period.

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Table 3: Valid work permits on 31 March 2006

WORK PERMITS	PERSONAL	FOR EMPLOYMENT	FOR WORK	WITHOUT WORK PERMIT	EU REG-ISTR.	TOTAL
Austria	77	13	33		146	269
Belgium	12	3	3		2	20
Denmark	6	3	2		3	14
Finland	3				3	6
France	54	14	14		83	165
Greece	2				1	3
Ireland	4				3	7
Italy	121	31	34		96	282
Germany	94	18	22		53	187
Nederland	31	7	1		3	42
Portugal	1	2			3	6
Spain	5	3			39	47
Sweden	4	1			14	19
Great Britain	13	1	5		28	47
Cyprus	1				2	3
Czech Republic	24		1		65	90
Estonia	1					1
Hungary	22		3		108	133
Latvia					1	1
Lithuania	1				25	26
Malta					2	2
Poland	11	1	1		184	197
Slovakia	11		1	1	1124	1137
<b>Total</b>	<b>498</b>	<b>97</b>	<b>120</b>	<b>1</b>	<b>1988</b>	<b>2704</b>

States of the former Yugoslavia

WORK PERMITS	PERSONAL	FOR EMPLOYMENT	FOR WORK	WITHOUT WORK PERMIT	EU REG-ISTR	TOTAL
Bosnia and Hercegovina	13327	6605	2078		2	22012
Croatia	5498	1067	639	13	5	7222
Macedonia	1859	1417	956			4232
Serbia and Montenegro	4651	2342	2093			9086
<b>Total</b>	<b>25335</b>	<b>11431</b>	<b>5766</b>	<b>13</b>	<b>7</b>	<b>45552</b>

Source: Employment service of Slovenia

From the figures in the Table 3 it is clear that in the first months of 2006 the structure of the immigrants did not change drastically in comparison with the previous year. Comparing to the EU citizens those coming from the States of the former Yugoslavia prevail.

Table 4 gives us figures of the EU workers who were working in RS either on the basis of one of the existing types of work permits or without work permits, being registered with the Employment Agency on March 31, 2006.

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Table 4: Valid work permits and registrations of workers from EU on 31 March 2006

Personal work permit (PWP)	March 2006			
	STATES OF THE FORMER YUGO-SLAVIA	EU states	Other states	total
Residence in RS over 10 years	7	36	10	53
Refugee in RS	1			1
Self-employed for 1 year	1285	7	146	1438
Alien- immediate family member of Slovenian citizen	205	18	65	288
Alien- immediate family member of alien with PWP	14		1	15
Alien- employed for 5 years without interruption	3978	20	48	4046
Slovenian emigrant or his descendant	462	41	6	509
Self-employed for 3 years	206	2	16	224
PWP for indefinite period	12553	190	622	13365
PWP for indefinite period-replacement (transitional provision)	6624	11	3	6638
TOTAL	25335	325	917	26577

Permit for employment	March 2006			
	STATES OF THE FORMER YUGO-SLAVIA	EU states	Other states	total
For 1 year	1269	4	105	1378
New permit for employment	1438	9	174	1621
Permit for employment after 4 months	1791	17	149	1957
Prolongation for 1 year	6194	27	461	6682
Prolongation for 2 years	41	3	5	49
immediate family member	276	12	27	306
Without labour market control	384	25	81	490
New permit after permit for seasonal work	47			47
total	11431	97	1002	12530

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Permit for work	March 2006			
	STATES OF THE FORMER YUGO-SLAVIA	EU states	Other states	total
Contract between foreign and home company	277		16	293
Posted workers	975		16	991
Aliens working in foreign companies' affiliates in RS	13	2	9	24
Education and training managers	25	3	3	31
Individual contracts on the basis of permit for work	1777	114	278	2169
Individual contracts-1 year			3	3
Seasonal work.-general	4		22	26
Seasonal work in agriculture and forestry	2			2
Seasonal work in agriculture and forestry	88		10	98
Seasonal work in construction	2524	1	82	2607
Seasonal work in agriculture on civil law contract	81		46	127
total	5766	120	485	6371

	March 2006			
	STATES OF THE FORMER YUGO-SLAVIA	EU states	Other states	total
Artists-max 7 days-no work permit	7		4	11
Circusants-no work permit				
Trade fair services		1		1
After sales services	6			6
Emergency services				
total	13	1	4	18

EU registrations	March 2006			
	STATES OF THE FORMER YUGO-SLAVIA	EU states	Other states	total
employed		677	3	680
EU work-civil law contract		67	1	68
EU SERVICES by posted workers	7	1244	71	1322
total	7	1988	75	2070

Source: Employment service of Slovenia

Table 5

Region/type of work permit	personal	For employment	For work	Without permit	EU registration	total
Celje	7	4	2		378	391
Koper	69	18	23	1	189	300
Kranj	28	9	8		73	118
Ljubljana	282	50	66		1206	1604
Maribor	32	6	12		172	222
Murska Sobota	9	2	2		62	75
Nova Gorica	13	5	6		95	119
Novo mesto	14	3			45	62
Ptuj	3		1		88	92
Sevnica	5	1			15	21
Trbovlje	3	3	1		6	13
Velenje	9	3	2		137	151
Total	474	104	123	1	2466	3168

Source: Employment service of Slovenia

Table 5 gives figures on the EU citizens in respective regions of Slovenia by their types of work permits and/or by registration.

As regards the professions in which the EU citizens are mostly working, it comes out of the Information prepared for the Government by the Ministry of Labour that the following are most frequent: professions in construction (Slovakia, Poland), driver (Slovakia, Poland), dancers (Czech republic, Slovakia), butcher (Hungary) machinist (Slovakia) and welder (Slovakia).

Employment Agency of Slovenia does not dispose of exact figures on Slovenian citizens employed in the EU Member States. In 2005 6605 Slovenian citizens tried to get information about employment possibilities by EURES, but there are no figures how many have found employment in other EU Member States. This is the reason why the Government is very much interested in the introduction of the system of reciprocal exchange of statistics among the EU Member States.

## Chapter X Social security

### *The relationship between Regulation 1408/71 and 1612/68*

Slovenia has, as EU member since 1<sup>st</sup> May 2004, not yet faced itself with its own case law, connected with relationship between both regulations. Nevertheless, we are aware of the legal dimension between them. The fact is that Regulation 1408/71, which has its legal basis in Article 42 of the EC Treaty, takes precedence, as *lex specialis*, over the provisions of Regulation 1612/68. This means that in each particular situation at the beginning must be examined whether a particular problem falls within the scope of Regulation 1408/71. Despite rather broad scope of Regulation 1408/71 it must be taken into account the article 7 of Regulation 1612/68. Worker who is a national of a Member State shall enjoy the same *social* and tax advantages as national workers. Relevant are not just advantages linked with employment and not just those directly connected to the worker herself or himself. As social advantage can for instance be treated disability allowance for workers children, different advantages for large families etc.

### *Supplementary pension schemes*

#### *Texts in force*

Questions on relation between Regulation 1408/71 and 1612/68 on one and rights of migrant workers based on national supplementary pension schemes on the other side are relevant for achieving freedom of movement. National legislation on supplementary pension insurance is therefore an important factor for achieving free movement of workers within the Community. Protection of their supplementary pension rights is also an important social issue which could not be dealt only within the scope of regulation 1408/71. In order to safeguard vested rights and guarantee payments, which are not subject of Regulation 1408/71, Council adopt directive 98/48 on safeguarding the supplementary pension rights of employed and self-employed persons moving within the Community. Directive protects rights of members of supplementary pension schemes and others holding entitlement under such schemes.

Slovenian basic legislation regulating supplementary insurance schemes is Pension and Invalidity Insurance Act, adopted in 1999. Act was changed several times, including parts dealing with supplementary pension insurance. The fact is that this Act in principle does not have special provisions for workers moving within the Community, who are supplementary pension insured in Slovenia. That means that they are treated as Slovenian workers. The first measure of the directive, that is to ensure equality of treatment as regards preservation of pension rights, is therefore respected.

About cross border payments as a second measure in directive there is a provision in Pension and Invalidity Insurance Act which ensure an insured person who has acquired the right to supplementary old-age pension and has emigrated abroad on a permanent basis, payment of such pension to the territory of another state. Although this provision is not dedicated exclusively to workers from EU member state its applicability for them is not in question.

Special measure dedicated to posted workers concerning continuation of contribution payments in member state, where supplementary pension scheme was established, also during posting period in another member state, is non-problematic. Directive is in Slovenia applicable only for voluntary supplementary pension schemes, which means that worker posted to work in Slovenia would not be obliged to access in a pension scheme unless he wanted to. The same applies for Slovenian workers. Voluntary basis of supplementary pension scheme in Slovenia guarantee the continuation of payments of contribution in a member state, where particular scheme was established.

## Chapter XI

### Establishment, provision of services, students

#### *Texts in force*

A new chapter under the title “Performance of services and the practice of law by foreign lawyers in the Republic of Slovenia” has been included in the Lawyers Act (Ur.l.RS, št. 24/2001). It was set down that new provisions related to lawyers from the EU Member States shall enter into force on the day the Republic of Slovenia becomes a full EU Member State. According to the said amendments a lawyer from another EU Member State shall be entered in to the *register of foreign lawyers* who are permitted to practise law in the Republic of Slovenia *under the professional title the »lawyer«*, with all rights and duties in the practice of law, provided he fulfils the conditions set down by the Act and provided he has passed the test of knowledge of the legislation of the Republic of Slovenia. The contents of the test and the course of the test are regulated by the Regulation concerning the test of the lawyers from other countries (Ur.l. RS No. 132/2004). A lawyer from another EU Member State shall be entered in to the register of foreign lawyers who are permitted to practise law in the Republic of Slovenia *under the professional title of their home country* provided he submits a certificate of registration with the competent body of his home country. Lawyer who practises law under the professional title of his home country is allowed to provide legal advice on the legislation of his home country, the EU law, international law and the legislation of Republic of Slovenia. When carrying out legal services connected with the representation of clients before courts in our country, he must collaborate with a lawyer who has the right to practise law in the Republic of Slovenia under the title »lawyer«.

A lawyer from another EU Member State shall be entered in to the register of foreign lawyer permitted to practise law under the title »lawyer« regardless the provided conditions (e.g. the passed test) if he has actually and continually practised laws in the Republic of Slovenia for at least three years. Then there is the fourth possible category of foreign lawyers. Namely, a lawyer from another EU Member State who is not entered in the register of foreign lawyers may carry out individual services within the framework of the practice of law. He has to notify the Bar Association of Slovenia his intended activity.

In accordance with the Health Service Act (Ur.l. RS, št. 36/2004 – officially revised text) a special Act on the performance of health occupations by the citizens of other EU Member States on the territory of Slovenia has been adopted in 2002 (Ur.l. RS, št. 86/2002). It deals with the conditions that have to be fulfilled by a citizen of an EU Member States who would like to perform a health occupation in Slovenia. In addition it provides that a health worker is obliged to use the Slovenian language at his work (and in addition the Italian or Hungarian language in the regions where Italian or Hungarian minority live). The level of the knowledge of the Slovenian language has to be determined by his employer. The knowledge of the language as a condition to be able to perform a health profession in Slovenia has already been object to discussions as it was found to be the possible impediment to employ doctors coming from other EU Member States.

In relation to students the Higher Education Act (Ur.l. RS, no. 67/93, 99/99, 64/01, 100/03, 63/04, 100/04- officially revised text) has to be taken into consideration. Act was changed several times, in year 1999 also in order to harmonize its content with the EU standards. Since Slovenian membership in EU all students from EU have enjoyed the same status as Slovenian students. They have got the right to education at faculties under the same conditions as Slovenian students. Therefore it is not possible to provide obligation of EU students to pay for undergraduate study performed as public service, unless a specific study exceeds certain by the state stipulated standards.

About entitlement of EU students to scholarship financed from public funds there must be mentioned Rules on scholarships (Ur.l. RS, no. 48/99, 43/00, 62/01, 85/02, 40/03, 64/04, 28/06) which demanded Slovenian citizenship as condition for entitlement. Provision stipulated that condition was annulled by Slovenian Constitutional Court in 2003. Nevertheless the same condition still applies for entitlement for students’ loan subvention, regulated in Rules on Study Loan (Ur.l. RS, no.61/99, 87/99, 78/00) and for state help with accommodation of students, regulated in Rules on subvention of student accommodation (Ur.l. RS, no. 22/01, 35/06), as well.



*Slovenia*

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*Internet sites where national legislation can be found:*

- <http://www.uradni-list.si/1/main.cp2> (address of the Official Gazette);
- <http://www.sigov.si/mddsz> (Ministry of Labour)