

Opozorilo: Besedilo osnovnega predpisa

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## **ZAKON O FITOFARMACEVTSKIH SREDSTVIH (ZFfS-1)**

## **PLANT PROTECTION PRODUCTS ACT (ZFfS-1)**

### **I. SPLOŠNE DOLOČBE**

### **I. GENERAL PROVISIONS**

#### **1. člen (vsebina)**

#### **Article 1 (Subject)**

(1) Ta zakon v skladu z Direktivo 2009/128/ES Evropskega parlamenta in Sveta z dne 21. oktobra 2009 o določitvi okvira za ukrepe Skupnosti za doseganje trajnostne rabe pesticidov (UL L št. 309 z dne 24.11.2009, str. 71), zadnjič popravljeno s Popravkom Direktive 2009/128/ES Evropskega parlamenta in Sveta z dne 21. oktobra 2009 o določitvi okvira za ukrepe Skupnosti za doseganje trajnostne rabe pesticidov (UL L št. 161 z dne 29.6.2010, str. 11), (v nadaljnjem besedilu: Direktiva 2009/128/ES) ureja promet in uporabo fitofarmaceutskih sredstev (v nadaljnjem besedilu: FFS), določa nacionalni akcijski program za doseganje trajnostne rabe FFS, usposabljanje o FFS, preglede za naprave za nanašanje FFS, posebne ukrepe v zvezi z uporabo FFS, obveščanje javnosti o FFS, strokovne naloge in raziskovalno delo v zvezi s FFS, zbirke podatkov in pridobivanje ter uporabo podatkov, laboratorije, kazenske določbe ter pooblastila organov, ki so odgovorni za izvrševanje tega zakona in nadzor nad njegovim izvajanjem ter predpisi, izdanimi na podlagi tega zakona.

(1) In accordance with Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 309, 24.11.2009, p. 71) as last amended by Corrigendum to Directive 2009/128/EC of the European Parliament and of the Council of 21 October 2009 establishing a framework for Community action to achieve the sustainable use of pesticides (OJ L 161, 29.06.2010, p. 11) (hereinafter: Directive 2009/128/EC), this Act regulates the placing on the market and use of plant protection products (hereinafter: PPPs), and determines the National Action Plan for attaining the sustainable use of PPPs, training in PPPs, the inspection of pesticide application equipment, the specific measures regarding the use of PPPs, informing the public as regards PPPs, the professional, expert and research tasks involving PPPs, data collection, data gathering and use of data, the laboratories, penalty provisions, and powers of the authorities responsible for implementing this Act and official control of its implementation and regulations based thereon.

(2) Ta zakon ureja tudi registracijo in izdajo dovoljenj FFS, pristojbine in način vodenja podatkov o prometu in uporabi FFS za izvajanje Uredbe (ES) št. 1107/2009 Evropskega parlamenta in Sveta z dne 21. oktobra 2009 o dajanju fitofarmaceutskih sredstev v promet in razveljavitvi direktiv Sveta 79/117/EGS in 91/414/EGS (UL L št. 309 z dne 24. 11. 2009, str. 1; v nadaljnjem besedilu: Uredba 1107/2009/ES).

## **2. člen (cilji)**

Cilji tega zakona so, da se FFS uporabljajo na način, ki omogoča razvoj trajnostnega in konkurenčnega kmetijstva ter zagotavlja visoko raven varstva zdravja ljudi in živali ter varovanja okolja, uvajanje obvezne uporabe integriranega varstva rastlin pred škodljivimi organizmi in spodbujanje alternativnih pristopov in tehnik na področju njihovega zatiranja.

## **3. člen (pomen izrazov)**

Posamezni izrazi, uporabljeni v tem zakonu, imajo naslednji pomen:

1. poklicni uporabnik pomeni fizično ali pravno osebo, ki uporablja FFS pri opravljanju svoje dejavnosti;
2. nepoklicni uporabnik pomeni fizično ali pravno osebo, ki uporablja FFS, ki so dovoljena za nepoklicno rabo;
3. distributer pomeni vsako fizično ali pravno osebo, ki se ukvarja s prometom s FFS na debelo oziroma na drobno;
4. svetovalec za FFS pomeni fizično osebo, ki pri izvajanju svoje poklicne dejavnosti svetuje v zvezi z varstvom rastlin pred škodljivimi organizmi in varno uporabo FFS;
5. uporaba FFS pomeni vse oblike ravnanja s FFS od nakupa dalje, vključno s shranjevanjem oziroma skladiščenjem FFS, ravnanjem s škroplilno brozgo ter z embalažo in ostanki FFS;
6. promet s FFS na debelo pomeni dejavnosti nakupa, skladiščenja, prodaje in sprostitev FFS v prost promet;

(2) This Act further regulates the authorisation and granting of permits for PPPs, fees, and the management of record keeping concerning the placing on the market and use of PPPs in implementing Regulation (EC) No 1107/2009 of the European Parliament and of the Council of 21 October 2009 concerning the placing of plant protection products on the market and repealing Council Directives 79/117/EEC and 91/414/EEC (OJ L 309, 24.11.2009, p. 1) (hereinafter: Regulation (EC) 1107/2009).

## **Article 2 (Aims)**

The aims of this Act are to ensure that PPPs are used in a manner that facilitates the development of sustainable and competitive agriculture, to ensure a high level of protection of human and animal health and of the environment, to institute mandatory integrated pest management, and to promote alternative approaches to pest control and techniques thereof.

## **Article 3 (Definitions)**

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

1. 'professional user' shall mean any natural or legal person using PPPs in the course of his or her professional activities;
2. 'non-professional user' shall mean any natural or legal person using PPPs that are only authorised for non-professional use;
3. 'distributor' shall mean any natural or legal person involved in the wholesale and/or retail sale of PPPs;
4. 'PPP advisor' shall mean any natural person providing advice on pest management and the safe use of PPPs in the course of his or her professional activities;
5. 'use of PPPs' shall mean any form of handling PPPs upon purchase, including the keeping or storing of PPPs, and the handling of spraying mixtures, PPP packaging and PPP residues;
6. 'wholesale distribution of PPPs' shall mean the activities of purchasing, storing, selling and release into free circulation of PPPs;

7. promet s FFS na drobno pomeni prodajo FFS posameznim fizičnim in pravnim osebam za njihovo osebno uporabo ali uporabo pri opravljanju poklicne dejavnosti;
8. naprave za nanašanje FFS pomenijo naprave, namenjene posebej za nanašanje FFS, vključno z opremo, ki je bistvena za učinkovito delovanje takšne naprave, kot so šobe, manometri, filtri, cedila in čistilne naprave za rezervoar;
9. tretiranje je nanašanje FFS na rastline, rastlinske proizvode, v tla ali objekte zaradi varstva rastlin in rastlinskih proizvodov pred škodljivimi organizmi, vključno s pleveli;
10. dobra praksa varstva rastlin je dobra praksa varstva rastlin kot je opredeljena v 3. členu Uredbe 1107/2009/ES;
11. škodljivi organizmi so škodljivi organizmi, kot so opredeljeni v 3. členu Uredbe 1107/2009/ES;
12. kazalec tveganja pomeni rezultat izračuna, ki se uporabi za oceno tveganja FFS za zdravje ljudi oziroma okolje;
13. nekemične metode so ne-kemične metode kot so opredeljene v 3. členu Uredbe 1107/2009/ES;
14. površinske vode so celinske vode razen podzemne vode, somornice in obalno morje, ki glede kemijskega stanja vključujejo tudi teritorialno morje;
15. podzemne vode so vode pod zemeljskim površjem v zasičenem območju in v neposrednem stiku s tlemi ali podtaljem;
16. FFS so sredstva v obliki, v kateri se dobavljajo uporabniku, ki so sestavljena iz aktivnih snovi, varoval ali sinergistov ali te aktivne snovi vsebujejo in se uporabljajo za namene, določene v 2. členu Uredbe 1107/2009/ES;
17. aktivne snovi so snovi kot so opredeljene v 2. členu Uredbe 1107/2009/ES;
18. varovala so varovala kot so opredeljena v 2. členu Uredbe 1107/2009/ES;
19. sinergisti so sinergisti kot so opredeljeni v 2. členu Uredbe 1107/2009/ES;
20. dobra kmetijska praksa pri uporabi s FFS tretiranega semena je praksa, pri kateri se tretirano seme uporablja na način, ki je v skladu s opozorili in obvestili navedenimi na etiketi, da se preprečijo mehanske poškodbe semena, zmanjša odpadni prah pri rokovanju in uporabi tretiranega semena, ki posledično preprečuje negativne vplive na zdravje ljudi in okolje;

7. 'retail distribution of PPPs' shall mean the sale of PPPs to individual natural or legal persons for their personal use or use in the course of their professional activities,
8. 'PPP application equipment' shall mean any device specifically intended for the application of PPPs, including accessories that are essential for the effective operation of the equipment, such as nozzles, manometers, filters, strainers and cleaning devices for tanks;
9. 'treatment' shall mean the application of PPPs on plants, plant products, into the soil or facilities in order to protect plants and plant products against harmful organisms, including weeds;
10. 'good plant protection practice' shall mean good plant protection practice as defined in Article 3 of Regulation (EC) 1107/2009;
11. 'harmful organisms' shall mean harmful organisms as defined in Article 3 of Regulation (EC) 1107/2009;
12. 'risk indicator' shall mean the result of a method of calculation that is used to evaluate the risks of PPPs to human health and/or the environment;
13. 'non-chemical methods' shall mean non-chemical methods as defined in Article 3 of Regulation (EC) 1107/2009;
14. 'surface water' shall mean inland waters, except groundwater, transitional waters, and coastal waters, which shall also include territorial waters in respect of chemical status;
15. 'groundwater' shall mean all water that is below the surface of the ground in the saturation zone and in direct contact with the ground or subsoil;
16. 'PPPs' shall mean products in the form in which they are supplied to the user, and which are composed of active substances, safeners or synergists, or which contain such active substances, and are used for the purposes laid down in Article 2 of Regulation (EC) 1107/2009;
17. 'active substances' shall mean substances as defined in Article 2 of Regulation (EC) 1107/2009;
18. 'safeners' shall mean safeners as defined in Article 2 of Regulation (EC) 1107/2009;
19. 'synergists' shall mean synergists as defined in Article 2 of Regulation (EC) 1107/2009;
20. 'good agricultural practice in the sowing of seeds treated with PPPs' shall mean the practice whereby treated seeds are used in a manner complying with the labelled risk and safety warnings so as to avoid mechanical damage to treated seeds in order to reduce the generation of pulverised seed-coat waste material during the handling and sowing of treated seeds, with the ultimate aim of

21. rastline so rastline kot so opredeljene v 3. členu Uredbe 1107/2009/ES;
22. rastlinski proizvodi so rastlinski proizvodi kot so opredeljeni v 3. členu Uredbe 1107/2009/ES;
23. javna površina je površina, katere raba je pod enakimi pogoji namenjena vsem, kot so javna cesta, ulica, trg, tržnica, igrišče, parkirišče, pokopališče, park, zelenica, rekreacijska površina in podobna površina.

#### **4. člen (prepoved ali omejitev)**

Če so izpolnjeni pogoji iz drugega odstavka 49. člena oziroma 69. člena Uredbe 1107/2009/ES, ministrica ali minister pristojen za kmetijstvo (v nadaljnjem besedilu: minister) v skladu z 71. členom Uredbe 1107/2009/ES sprejme odredbo, s katero prepove ali omeji promet oziroma uporabo FFS oziroma semen, tretiranih s FFS.

## II. OCENJEVANJE AKTIVNIH SNOVI IN REGISTRACIJA FFS

#### **5. člen (registracija in dovoljenja za FFS)**

(1) FFS se lahko daje v promet in uporablja na ozemlju Republike Slovenije le, če ima odločbo o registraciji, dovoljenje za nujne primere, dovoljenje za vzporedno trgovanje ali dovoljenje za raziskave in razvoj, izdano v skladu z Uredbo 1107/2009/ES.

(2) O registraciji iz prejšnjega odstavka odloča organ v sestavi ministrstva pristojnega za kmetijstvo (v nadaljnjem besedilu: ministrstvo), pristojen za fitofarmacevtska sredstva (v nadaljnjem besedilu: Uprava) na podlagi soglasja organa, pristojnega za kemikalije.

- avoiding any negative impacts on human health and the environment;
21. 'plants' shall mean plants as defined in Article 3 of Regulation (EC) 1107/2009;
  22. 'plant products' shall mean plant products as defined in Article 3 of Regulation (EC) 1107/2009;
  23. 'public area' shall mean an area that may under equal conditions be used by everyone, such as a public road, square, market, playground, parking place, burial ground, park, green plot, recreation ground or similar area.

#### **Article 4 (Prohibition or restriction)**

Where the conditions referred to in Article 49(2) and/or Article 69 of Regulation (EC) 1107/2009 are met, the minister competent for agriculture (hereinafter: Minister) shall, in line with Article 71 of Regulation (EC) 1107/2009, adopt an order prohibiting or restricting the placing on the market or use of PPPs and/or seeds treated with PPPs.

## II. EVALUATION OF ACTIVE SUBSTANCES AND AUTHORISATION OF PPPs

#### **Article 5 (Authorisation and granting of permits for PPPs)**

(1) PPPs may be placed on the market and used within the territory of the Republic of Slovenia, provided that a decision authorising a particular PPP, a permit for use in an emergency situation, a parallel trade permit, or a permit for research and development trial purposes has been issued in accordance with Regulation (EC) 1107/2009.

(2) The body competent for plant protection products (hereinafter: Administration) within the ministry competent for agriculture (hereinafter: Ministry) shall decide on the authorisation referred to in the preceding paragraph, based on approval by the administrative body responsible for chemicals.

(3) O dovoljenju iz prvega odstavka tega člena odloča Uprava.

(4) Uprava v osmih dneh od dokončne odločbe o registraciji ali dovoljenja iz prvega odstavka tega člena vpiše podatke o registraciji in dovoljenjih v register FFS iz 42. člena tega zakona.

(5) Vlada Republike Slovenije (v nadaljnjem besedilu: Vlada) za izvajanje Uredbe 1107/2009/ES predpiše podrobnejše pogoje za dajanje FFS v promet in uporabo.

## **6. člen** **(ocenjevanje aktivnih snovi in FFS)**

(1) Ocenjevanje aktivnih snovi in FFS v skladu z Uredbo 1107/2009/ES izvaja Uprava.

(2) Uprava dodeli za določeno strokovno nalogo ocenjevanja aktivnih snovi oziroma FFS javno pooblastilo fizični ali pravni osebi (v nadaljnjem besedilu: ocenjevalec), ki ima sama ali oseba, s katero ima sklenjeno pogodbo o zaposlitvi za nedoločen čas, univerzitetno izobrazbo ustrezne smeri.

(3) Ocenjevalca, ki izpolnjuje pogoj iz prejšnjega odstavka, se izbere na javnem razpisu na podlagi naslednjih meril: delovne dobe, strokovnih dosežkov, dodatnega strokovnega izpopolnjevanja ter sodelovanja v mednarodnih organizacijah z delovnega področja aktivnih snovi in FFS. Merila se podrobneje določijo v javnem razpisu.

(4) Uprava pooblasti ocenjevalca za določeno strokovno nalogo ocenjevanja aktivnih snovi oziroma FFS z odločbo v upravnem postopku za obdobje petih let. Medsebojne pravice in obveznosti Uprava in ocenjevalec uredita s pogodbo.

(3) The Administration shall decide on the granting of permits referred to in paragraph one of this Article.

(4) Within eight days of the date of a final decision granting the authorisation or permit referred to in paragraph one of this Article, the Administration shall enter the authorisation or permit data into the Register of PPPs referred to in Article 42 of this Act.

(5) For the implementation of the Regulation (EC) 1107/2009, the Government of the Republic of Slovenia (hereinafter: Government) shall define the detailed conditions for the placing of PPPs on the market and for the use thereof.

## **Article 6** **(Evaluation of active substances and PPPs)**

(1) The Administration shall perform evaluations of active substances and of PPPs in accordance with Regulation (EC) 1107/2009.

(2) For the performance of particular expert tasks for the evaluation of active substances and PPPs, the Administration may grant a public authorisation to a natural or legal person holding a university degree in an appropriate academic discipline, or that has a person with a permanent employment contract and university degree in an appropriate academic discipline (hereinafter: evaluator).

(3) An evaluator who meets the conditions referred to in the preceding paragraph shall be selected by way of a public competition based on the following criteria: years of work experience, professional accomplishments, advanced professional studies and training, and involvement in international organisations specialising in active substances and PPPs. The public tender shall specify the criteria in greater detail.

(4) The Administration shall authorise the evaluator by a decision issued in an administrative procedure granting public authorisation to conduct a particular expert task for the evaluation of an active substance or a PPP within a period of five years. The mutual rights and obligations between the Administration and the evaluator shall be

(5) Če je ocenjevalec pravna oseba ali samostojni podjetnik posameznik, se v odločbi iz prejšnjega odstavka določi tudi osebo, ki izpolnjuje pogoj glede strokovne izobrazbe in bo opravljala določeno strokovno nalogo ocenjevanja aktivne snovi oziroma FFS.

(6) Sredstva za določeno strokovno nalogo ocenjevanja aktivnih snovi oziroma FFS, ki jo opravljajo ocenjevalci iz tega člena, se zagotovijo iz proračuna Uprave.

(7) Nadzor, razen inšpekcijskega nadzora, nad ocenjevalcem, ki mu je dodeljeno javno pooblastilo, izvaja Uprava.

(8) Javno pooblastilo ocenjevalca preneha sporazumno, ali če ocenjevalec preneha izpolnjevati pogoje, določene s tem zakonom ali predpisi, izdanimi na njegovi podlagi, če krši pogodbo, ali če ravna v nasprotju z navedenimi predpisi, kar ugotovi Uprava z odločbo v upravnem postopku.

(9) Strokovne naloge ocenjevanja aktivnih snovi in FFS ter pogoje glede univerzitetne izobrazbe ustrezne smeri predpiše minister.

## **7. člen** **(testi učinkovitosti FFS)**

(1) Teste in analize za pridobitev podatkov o učinkovitosti FFS, ki so del dokumentacije za registracijo FFS (v nadaljnjem besedilu: testi učinkovitosti), lahko v Republiki Sloveniji opravlja izvajalec oziroma izvajalka testov učinkovitosti (v nadaljnjem besedilu: izvajalec), ki izpolnjuje naslednje pogoje:

- je fizična ali pravna oseba, ki je registrirana za opravljanje kmetijske oziroma raziskovalne dejavnosti na področju kmetijstva,
- izpolnjuje predpisane pogoje glede števila, izobrazbe in delovnih izkušenj osebja, prostorov, kmetijskih površin in opreme, načina izvajanja standardnih operativnih postopkov in testov učinkovitosti.

governed by a contract.

(5) Where the evaluator is a legal person or a sole trader, the decision referred to in the preceding paragraph shall also determine the person complying with the professional education conditions who shall perform expert tasks for the evaluation of active substances or PPPs.

(6) The funds required for particular expert tasks for the evaluation of active substances or PPPs to be performed by the evaluators referred to in this Article shall be provided from the budget of the Administration.

(7) Supervision other than the inspection of evaluators having public authorisation shall be conducted by the Administration.

(8) The public authorisation of an evaluator shall cease by mutual agreement, or in cases where the evaluator fails to comply with the conditions laid down by this Act or by regulations based thereon, or where the evaluator acts contrary to the agreement or regulations referred to above, which shall be specified by the Administration in a decision issued in an administrative procedure.

(9) Expert tasks for the evaluation of active substances and of PPPs, and the conditions for university education in the appropriate academic field of study, shall be prescribed by the Minister.

## **Article 7** **(PPP efficacy tests)**

(1) Tests and analyses that are conducted to obtain data on the efficacy of PPPs, and which constitute an integral part of the dossier required for the authorisation of PPPs (hereinafter: efficacy tests), shall be performed in the Republic of Slovenia by an entity conducting efficacy testing (hereinafter: efficacy testing entity) that complies with the following conditions:

- the entity is a natural or legal person registered to carry out agricultural activities or research activities in the field of agriculture;
- the entity complies with the requirements as to the number, education and work experience of staff, premises, agricultural areas, and equipment, and the methods of conducting the standard operating

- (2) Odločbo o imenovanju izda Uprava izvajalcu za pet let.
- (3) Za imenovanje iz prejšnjega odstavka se pri Upravi vložijo vloga skupaj z dokazili o izpolnjevanju predpisanih pogojev iz prvega odstavka tega člena v pisni obliki.
- (4) Izpolnjevanje pogojev iz tega člena na podlagi dokumentacije in opravljenega ogleda na kraju samem ugotavlja komisija, ki jo imenuje predstojnik Uprave.
- (5) Uprava vpiše izvajalce, imenovane v skladu s tem členom, na seznam izvajalcev, ki je dostopen na spletni strani Uprave. Na seznamu so navedeni firma in sedež ali osebno ime in naslov pri samostojnem podjetniku posamezniku ter številka in datum odločbe o imenovanju.
- (6) Izvajalec mora v 15. dneh od dneva nastanka spremembe oziroma odkar je zanjo izvedel, Upravi sporočiti vsako spremembo podatkov, ki bi utegnili vplivati na izpolnjevanje pogojev za imenovanje.
- (7) Stroške testov učinkovitosti plača naročnik testov.
- (8) Imenovanje izvajalca preneha sporazumno, ali če izvajalec preneha izpolnjevati pogoje, določene s tem zakonom ali predpisi, izdanimi na njegovi podlagi, ali če ravna v nasprotju z navedenimi predpisi, kar ugotovi Uprava z odločbo v upravnem postopku.
- (9) Minister predpiše podrobnejše pogoje iz druge alineje prvega odstavka tega člena in podrobnejšo vsebino vloge ter dokazil o izpolnjevanju predpisanih pogojev iz tega člena.

procedures (SOPs) and efficacy testing.

- (2) The Administration shall issue a decision designating the efficacy testing entity for a period of five years.
- (3) In order to be granted the designation referred to in the preceding paragraph, an application in writing shall be submitted to the Administration, accompanied by all the evidence on compliance with the conditions referred to in paragraph one of this Article.
- (4) Compliance with the conditions referred to in this Article, based on documents and on-the-spot inspections, shall be established by a commission appointed by the Director of the Administration.
- (5) The Administration shall keep a list of entities designated under this Article, which shall be accessible on its website. The list shall specify the business name and address of the entity, or the personal name and address of the entity in the case of a sole trader, and the number and date of the decision designating the entity.
- (6) The efficacy testing entity shall notify the Administration of any change in data that may affect the entity's compliance with the conditions for designation within 15 days of the date of any change arising or of having learned thereof.
- (7) Efficacy test expenses shall be borne by the natural or legal person ordering the tests.
- (8) The designation of an efficacy testing entity shall cease by mutual agreement, or in cases where the efficacy testing entity fails to comply with the conditions laid down by this Act or by regulations based thereon, or where the efficacy testing entity acts contrary to the regulations referred to above, which shall be ascertained by the Administration in a decision issued in an administrative procedure.
- (9) The particular conditions referred to in indent two of paragraph one of this Article, and the detailed content of the application and of evidence of compliance with the required conditions referred to in this Article shall be defined by the Minister.

### **8. člen (pristojbine)**

(1) Za v Republiki Sloveniji nastale stroške, povezane z ocenjevanjem aktivnih snovi v postopku vključitve oziroma obnovitve vključitve aktivne snovi v seznam odobrenih aktivnih snovi, registracije FFS ali izdaje dovoljenja FFS v skladu z Uredbo 1107/2009/ES, vlagatelj plača pristojbino.

(2) Pristojbina iz prejšnjega odstavka je prihodek proračuna Republike Slovenije in se vplača na podračun javnofinančnih prihodkov v skladu s predpisom, ki ureja podračune ter način plačevanja obveznih dajatev in drugih javnofinančnih prihodkov.

(3) Vlada predpiše vrsto in višino ter način plačevanja pristojbine iz tega člena.

## III. NACIONALNI AKCIJSKI PROGRAM

### **9. člen (nacionalni akcijski program)**

(1) Vlada sprejme nacionalni akcijski program za doseganje trajnostne rabe FFS (v nadaljnjem besedilu: nacionalni akcijski program).

(2) V nacionalnem akcijskem programu se določijo cilji, ukrepi, kazalniki in roki za doseganje trajnostne rabe FFS, katere namen je zmanjševanje tveganj in vplivov uporabe FFS na zdravje ljudi in okolje ter zmanjševanje potrebe po uporabi FFS ter za vzpodbujanje uporabe FFS, ki se ne razvrščajo kot nevarni za vodno okolje v skladu s predpisi, ki urejajo razvrščanje, označevanje in pakiranje nevarnih pripravkov, in ki ne vsebujejo prednostnih nevarnih snovi v skladu s predpisi, ki urejajo stanje površinskih voda.

### **Article 8 (Fees)**

(1) The applicant shall be liable to pay a fee for the expenses incurred in the Republic of Slovenia in conjunction with the evaluation of active substances, within the procedure for the listing or renewal of the listing of an active substance on the list of approved active substances, the authorisation of PPPs, or the procedure for granting a permit for PPPs in accordance with Regulation (EC) 1107/2009.

(2) The fees referred to in the preceding paragraph shall be allocated as revenue to the budget of the Republic of Slovenia, and shall be remitted to the public finance receipts subaccount in accordance with the regulation governing the subaccounts and methods of payment of mandatory contributions and other public finance receipts.

(3) The Government shall prescribe the type, amount and method of payment of fees under this Article.

## III. NATIONAL ACTION PLAN

### **Article 9 (National Action Plan)**

(1) The Government shall adopt the National Action Plan for achieving the sustainable use of PPPs (hereinafter: National Action Plan).

(2) The National Action Plan shall specify the objectives, measures, indicators and deadlines for achieving the sustainable use of PPPs, so as to reduce the risks and impacts of the use of PPPs on human health and on the environment, to reduce the need for PPPs, and to promote the use of PPPs that are not classified as hazardous substances for aquatic environments in accordance with the regulations governing the classification, identification, labelling and packaging of hazardous preparations, and which do not contain any priority hazardous substances in accordance with the regulations governing the state of surface water.



(3) Pri oblikovanju nacionalnega akcijskega programa se upoštevajo zdravstveni, socialni, ekonomski in okoljski vplivi predvidenih ukrepov, posebni regionalni ter lokalni pogoji.

(4) Predlog nacionalnega akcijskega programa pripravi ministrstvo, v sodelovanju z drugimi državnimi organi, strokovnimi institucijami, interesnimi združenji, zbornicami ter nevladnimi organizacijami.

(5) Ministrstvo oceni nacionalni akcijski program vsakih pet let in po potrebi predlaga Vladi njegove spremembe in dopolnitve. Sprejeti nacionalni akcijski program in njegove bistvene spremembe ministrstvo posreduje Evropski komisiji in drugim državam članicam Evropske unije.

#### IV. PROMET IN UPORABA FFS

##### **10. člen (promet s FFS na debelo in na drobno)**

(1) S prometom s FFS na debelo oziroma na drobno se lahko ukvarjajo distributerji, ki imajo dovoljenje Uprave za opravljanje prometa s FFS na debelo oziroma na drobno.

(2) Distributerji morajo za pridobitev dovoljenja za opravljanje prometa s FFS na debelo izpolnjevati naslednje pogoje:

- imeti sedež ali naslov v Republiki Sloveniji ali v kateri od držav članic Evropske unije in
- izpolnjevati zahteve glede prostorov in opreme ter načina skladiščenja in shranjevanja FFS.

(3) Distributerji morajo za pridobitev dovoljenja za opravljanje prometa s FFS na drobno izpolnjevati naslednje pogoje:

- imeti sedež ali naslov v Republiki Sloveniji ali v kateri od držav članic Evropske unije,

(3) The National Action Plan shall be drawn up by taking into account the health, social, economic and environmental impacts of the measures envisaged, and the specific regional and local conditions.

(4) The proposal for the National Action Plan shall be drafted by the Ministry, in cooperation with other national authorities, professional institutions, stakeholders, chambers and non-governmental organisations.

(5) The Ministry shall review the National Action Plan every five years and, where applicable, propose to the Government the necessary amendments and supplements thereto. Upon adoption, the Ministry shall submit the National Action Plan, including the significant amendments thereto, to the European Commission and to the other Member States of the European Union.

#### IV. PLACING ON THE MARKET AND USE OF PPPs

##### **Article 10 (Wholesale and retail distribution of PPPs)**

(1) The wholesale and/or retail distribution of PPPs shall be conducted by distributors who have been duly authorised by the Administration to carry out the activity of the wholesale and/or retail distribution of PPPs.

(2) In order to be granted a permit for the wholesale distribution of PPPs, distributors shall comply with the following conditions:

- the distributor has a business address or personal address in the Republic of Slovenia or in a Member State of the European Union, and
- the distributor complies with the conditions as to premises, equipment, storage and maintenance of PPPs.

(3) In order to be granted a permit for the retail distribution of PPPs, distributors shall comply with the following conditions:

- the distributor has a business address or personal address in the Republic of Slovenia or in a Member State of the European Union,

- imeti najmanj eno osebo, s katero imajo sklenjeno pogodbo o zaposlitvi za nedoločen čas, ki prodaja FFS (v nadaljnjem besedilu: prodajalec FFS) in izpolnjuje pogoje iz 11. člena tega zakona,
- imeti v delovnem ali pogodbenem razmerju najmanj enega svetovalca za FFS, ki izpolnjuje pogoje iz 11. člena tega zakona,
- opravljati dejavnost prodaje FFS v specializirani prodajalni FFS, ki izpolnjuje predpisane pogoje glede prostorov in opreme ter načina skladiščenja in shranjevanja FFS (v nadaljnjem besedilu: specializirana prodajalna).

(4) Prodajalec FFS mora biti v specializirani prodajalni prisoten ves čas prodaje FFS in mora kupcem FFS zagotavljati zlasti ustrezne informacije v zvezi z uporabo FFS in tveganji za zdravje ljudi in okolje ter dajati navodila za obvladovanje teh tveganj in skrbeti za nabavo, skladiščenje in prodajo FFS ter voditi podatke v zvezi s prometom FFS.

(5) Svetovalec za FFS mora biti v specializirani prodajalni prisoten določen čas prodaje FFS in kupcem FFS svetovati v zvezi z varstvom rastlin pred škodljivimi organizmi in uporabo FFS (npr. prepoznavati boleznin rastlin in škodljivih organizmov ter predlagati ustrezno uporabo sredstev in metod za varstvo rastlin).

(6) Minister predpiše podrobnejše zahteve v zvezi z izpolnjevanjem pogojev iz drugega in tretjega odstavka tega člena, podrobnejše naloge prodajalca FFS in svetovalca za FFS ter določi časovno obdobje iz prejšnjega odstavka.

### **11. člen (pogoji za prodajalca FFS in svetovalca za FFS)**

(1) Prodajalec FFS mora imeti končano najmanj srednjo poklicno izobrazbo kmetijske smeri in na podlagi opravljenega usposabljanja o ravnanju s FFS pridobiti izkaznico za prodajalca FFS ali

- the distributor has a permanent employment contract with at least one staff member (hereinafter: PPP salesperson), who shall sell PPPs and comply with the conditions referred to in Article 11 of this Act,
- the distributor has a permanent employment contract or temporary employment contract with at least one PPP advisor, who shall comply with the conditions referred to in Article 11 of this Act;
- the distributor performs the activity of selling PPPs in a store specialised in PPPs that complies with the required conditions as to premises, equipment, storage and maintenance of PPPs (hereinafter: specialised store).

(4) The permanent presence of a PPP salesperson in a specialised store during all business hours shall be required so as to provide customers with relevant information, in particular concerning the use of PPPs and the risks to human health and the environment, giving instructions on how to control such risks, and providing for the purchasing, storage and sales of PPPs, and keeping records on the sales of PPPs.

(5) A PPP advisor shall be present in a specialised store for a certain period during business hours so as to provide buyers of PPPs advice on the protection of plants against harmful organisms and on the application of PPPs (involving, for instance, the recognition of a particular plant disease and harmful organisms, in order to propose that an appropriate plant protection method or plant protection product be applied).

(6) The particular requirements for compliance with the conditions referred to in paragraphs two and three of this Article, the particular tasks of PPP salespersons and of PPP advisors, specifying the period referred to in the preceding paragraph, shall be prescribed by the Minister.

### **Article 11 (Conditions for PPP salespersons and PPP advisors)**

(1) PPP salespersons shall at a minimum have completed secondary vocational education in the field of agriculture, and based on a completed training course on the handling of PPPs, shall have been

svetovalca FFS iz drugega odstavka 22. člena tega zakona.

(2) Svetovalec za FFS mora imeti končano najmanj višjo strokovno izobrazbo kmetijstva – rastlinske smeri in na podlagi opravljenega usposabljanja o ravnanju s FFS pridobiti izkaznico za svetovalca FFS iz drugega odstavka 22. člena tega zakona.

## **12. člen (dovoljenje za opravljanje prometa s FFS)**

(1) Distributer iz drugega oziroma tretjega odstavka 10. člena tega zakona pošlje vlogo za pridobitev dovoljenja za opravljanje prometa s FFS na debelo oziroma na drobno na Upravo v pisni obliki.

(2) Vloga za pridobitev dovoljenja iz prejšnjega odstavka mora vsebovati zlasti naslednje podatke o distributerju:

- osebno ime ali firmo,
- naslov ali sedež ter navedbo lokacije opravljanja prometa s FFS,
- davčno številko,
- vrsto prometa (promet s FFS na debelo, promet s FFS na drobno),
- osebno ime in davčno številko prodajalca FFS iz druge alineje tretjega odstavka 10. člena tega zakona,
- osebno ime in davčno številko svetovalca za FFS iz tretje alineje tretjega odstavka 10. člena tega zakona,
- izjavo, da izpolnjuje predpisane pogoje glede prostorov in opreme ter načina skladiščenja in shranjevanja FFS.

(3) Dovoljenje iz tega člena izda Uprava, če ugotovi, da so izpolnjeni pogoji iz drugega oziroma tretjega odstavka 10. člena tega zakona.

(4) Distributer mora v 15. dneh od dneva nastanka spremembe Upravi sporočiti vsako spremembo podatkov, ki bi utegnili vplivati na

granted a training identification card for PPP salespersons or for PPP advisors as referred to in paragraph two of Article 22 of this Act.

(2) A PPP advisor shall at a minimum have completed higher technical education in the field of agriculture – in the field of botany, and based on a completed training course on the handling of PPPs, shall have been granted the training identification card of a PPP advisor referred to in paragraph two of Article 22 of this Act.

## **Article 12 (Permit for selling PPPs)**

(1) In order to obtain a permit for the wholesale and/or retail distribution of PPPs, a distributor referred to in paragraphs two and/or three of Article 10 of this Act shall submit an application in writing to the Administration.

(2) Application for the permit referred to in the preceding paragraph shall contain in particular the following data on the distributor:

- personal name or business name;
- personal address or business address, and the location of the activity of selling PPPs;
- tax identification number (TIN);
- distribution activity type (wholesale or retail trade in PPPs);
- personal name and tax identification number (TIN) of the PPP salesperson referred to in indent two of paragraph three of Article 10 of this Act;
- the personal name and tax identification number (TIN) of the PPP advisors referred to in indent three of paragraph three of Article 10 of this Act;
- a statement to the effect that the distributor complies with the required conditions as to premises, equipment, storage and maintenance of PPPs.

(3) The Administration shall issue a permit referred to in this Article if all the conditions referred to in paragraphs two and/or three of Article 10 of this Act have been complied with.

(4), The distributor shall notify the Administration of any change of data that may affect the distributor's compliance with the conditions for

izpolnjevanje pogojev za pridobitev dovoljenja.

(5) Dovoljenje preneha, če distributer preneha izpolnjevati pogoje, določene s tem zakonom ali predpisi, izdanimi na njegovi podlagi, ali če ravna v nasprotju z navedenimi predpisi, kar ugotovi Uprava z odločbo v upravnem postopku.

(6) Uprava v osmih dneh po dokončnosti dovoljenja ali po prenehanju dovoljenja iz tega člena distributerje po uradni dolžnosti vpiše ali izbriše iz registra distributerjev iz 43. člena tega zakona.

(7) Minister predpiše podrobnejšo vsebino vloge za pridobitev dovoljenja iz tega člena.

### **13. člen (druge prodajalne z izključno neživilskim blagom)**

(1) Ne glede na določbe 10. člena tega zakona se s prodajo FFS iz četrtega odstavka 14. člena tega zakona lahko ukvarjajo tudi druge prodajalne z izključno neživilskim blagom, če so vpisane v register distributerjev iz 43. člena tega zakona.

(2) Prodajalne iz prejšnjega odstavka za vpis v register distributerjev iz 43. člena tega zakona pošljejo na Upravo vlogo v pisni obliki. Vloga mora vsebovati naslednje podatke:

- osebno ime ali firmo,
- naslov ali sedež ter navedbo lokacije opravljanja prometa s FFS,
- davčno številko,
- vrsto dejavnosti.

(3) Uprava druge prodajalne z izključno neživilskim blagom vpiše v register distributerjev iz 43. člena tega zakona.

being granted the permit within 15 days of the date of any change arising, or of having learned thereof.

(5) The permit shall expire if the distributor fails to comply with the conditions laid down by this Act or by regulations based thereon, or if the distributor acts contrary to the regulations referred to above, which shall be specified by the Administration in a decision issued in an administrative procedure.

(6) Within eight days of the date of finality of the permit or of the expiry of the permit referred to in this Article, the Administration shall enter *ex officio* the distributor into the Register of Distributors, or remove the distributor from the Register of Distributors referred to in Article 43 of this Act.

(7) The detailed content of the application for granting the permit referred to in this Article shall be prescribed by the Minister.

### **Article 13 (Other stores selling exclusively non-food products)**

(1) Notwithstanding the provisions of Article 10 of this Act, other stores selling exclusively non-food products may engage in the selling of PPPs referred to in paragraph four of Article 14 of this Act, provided that they have been entered in the Register of Distributors referred to in Article 43 of this Act.

(2) In order to be entered in the Register of Distributors referred to in Article 43 of this Act, the stores referred to in the preceding paragraph shall submit an application in writing to the Administration. The application shall include the following data:

- personal name or business name;
- personal address or business address, and the location of the activity of selling PPPs;
- tax identification number (TIN);
- business activity type.

(3) The Administration shall enter the other stores selling exclusively non-food products into the Register of Distributors referred to in Article 43 of this Act.

(4) Distributer iz prejšnjega odstavka mora v 15. dneh od prenehanja opravljanja prometa s FFS, o tem obvestiti Upravo, ki ga izbriše iz registra distributerjev.

(5) Distributerji iz tega člena morajo pri opravljanju prometa s FFS zagotavljati splošne informacije o tveganju za zdravje ljudi in okolje pri uporabi FFS.

(6) Splošne informacije iz prejšnjega odstavka predpiše minister.

#### **14. člen (promet s FFS na drobno)**

(1) FFS v prometu na drobno so FFS, ki so dovoljena za poklicno rabo, in FFS, ki so dovoljena za nepoklicno rabo.

(2) Minister predpiše kriterije za določitev, katera FFS so dovoljena za poklicno oziroma nepoklicno rabo, glede na:

- vrsto nevarnosti FFS, na podlagi katere so FFS razvrščena, pakirana in označena v skladu s predpisi, ki urejajo razvrščanje, pakiranje in označevanje FFS,
- rezultat ocene vpliva FFS na okolje v postopku ocenjevanja FFS v skladu z Uredbo 1107/2009/ES in
- velikost pakiranja FFS.

(3) Uprava na podlagi kriterijev iz prejšnjega odstavka določi in sproti objavi na svoji spletni strani podatke o FFS, ki so dovoljena za poklicno oziroma nepoklicno rabo.

(4) FFS iz prvega odstavka tega člena se lahko prodajajo samo v specializiranih prodajalnah FFS, razen FFS, ki so dovoljena za

(4) Any distributor referred to in the preceding paragraph shall notify the Administration of any discontinuation of the activity of the distribution of PPPs within 15 days from the date of discontinuation; the Administration shall remove such distributor from the Register of Distributors.

(5) In conducting the activity of selling PPPs, the distributors referred to in this Article shall provide for the dissemination of comprehensive information on the risks to human health and the environment that may ensue from the application of PPPs.

(6) The comprehensive information referred to in the preceding paragraph shall be prescribed by the Minister.

#### **Article 14 (Retail distribution of PPPs)**

(1) Retail distribution of PPPs shall include PPPs that have been authorised for professional use and PPPs that have been authorised for non-professional use.

(2) The Minister shall prescribe the criteria for defining the PPPs to be authorised for professional or non-professional use, in view of the following:

- the hazard class of a PPP, on the basis of which the PPP is classified, packaged and labelled in accordance with the regulations governing the classification, packaging, and labelling of PPPs;
- the environmental impact assessment of a PPP following the PPP evaluation procedure in accordance with Regulation (EC) 1107/2009, and
- the packaging size of a PPP.

(3) Based on the criteria referred to in the preceding paragraph, the Administration shall determine the information on PPPs that are authorised for professional or non-professional use, and promptly make such data accessible to the public on its website.

(4) The PPPs referred to in paragraph one of this Article shall be placed on the market in specialised stores only, excluding PPPs

nepoklicno rabo, in ki niso razvrščena in označena z nobenim od grafičnih znakov za opozarjanje na nevarnost ter nobenim od standardnih opozoril R za označevanje nevarnih pripravkov FFS v skladu s predpisi, ki urejajo razvrščanje in označevanje FFS, in so pakirana v embalažo z že pripravljeno škropilno mešanico za neposredno uporabo (npr. razpršilkah) ali so v obliki gotovih pripravkov (npr. vabe), ki se lahko prodajajo tudi v drugih prodajalnah z izključno neživilskim blagom, ki so vpisane v register distributerjev iz 43. člena tega zakona.

#### **15. člen (nakup in uporaba FFS)**

(1) FFS, ki so dovoljena za poklicno rabo, lahko v specializiranih prodajalnah FFS kupijo in jih uporabljajo samo osebe, ki imajo izkaznico o opravljenem usposabljanju o ravnanju s FFS iz drugega odstavka 22. člena tega zakona (v nadaljnjem besedilu: uporabnik FFS za poklicno rabo).

(2) Za nakup in uporabo FFS, ki so dovoljena za nepoklicno rabo, ni treba imeti izkaznice.

(3) Zaradi preverjanja istovetnosti kupca FFS za poklicno rabo lahko prodajalec FFS od kupca na vpogled zahteva uradni identifikacijski dokument.

#### **16. člen (podatki o prometu s FFS)**

(1) V skladu s 67. členom Uredbe 1107/2009/ES morajo distributerji iz 10. člena tega zakona voditi in hraniti podatke najmanj o trgovskem imenu in količini FFS v prometu.

(2) Distributerji morajo podatke iz prejšnjega odstavka posredovati Upravi, najpozneje do 31. marca za preteklo leto, ki podatke vpiše v evidenco iz 44. člena tega zakona.

authorised for non-professional use and non-classified as or labelled with a hazard warning sign or a standard “R” warning symbol indicating hazardous PPP preparations in accordance with the regulations governing the classification and labelling of PPPs, and which are packaged as spraying-ready mixtures for immediate application (i.e. as sprayers) or in the form of ready-for-use preparations (i.e. bait) that may be placed on the market also in other stores selling exclusively non-food products that have been entered in the Register of Distributors referred to in Article 43 of this Act.

#### **Article 15 (Purchase and use of PPPs)**

(1) PPPs authorised for professional use shall be purchased in specialised stores and only used by persons who have a training identification card demonstrating that they have completed the training course on the handling of PPPs (hereinafter: user of PPPs authorised for professional use), as referred to in paragraph two of Article 22 of this Act.

(2) PPPs authorised for non-professional use may be purchased and used without having to produce a training identification card.

(3) In order to verify the identity of a person purchasing PPPs authorised for professional use, the PPP salesperson may require the person to produce, for inspection and return, an official identification document.

#### **Article 16 (Data on the distribution of PPPs)**

(1) In accordance with Article 67 of Regulation (EC) 1107/2009, the distributors referred to in Article 10 of this Act shall keep and maintain records of data, including at least the trade name and quantity of each PPP placed on the market.

(2) No later than by 31 March of each current year, distributors shall submit, for the past year, the data referred to in the preceding paragraph to the Administration, which, in turn, shall enter such data into

(3) Uprava posreduje podatke iz evidence iz 44. člena tega zakona Statističnemu uradu Republike Slovenije, če jih potrebuje za namen zbiranja in obdelave statističnih podatkov o prometu s FFS.

(4) Podrobnejšo vsebino in način vodenja podatkov iz prvega odstavka tega člena predpiše minister.

### **17. člen (pravilna uporaba FFS)**

(1) FFS se morajo pravilno uporabljati.

(2) Pravilna uporaba vključuje zlasti:

- uporabo FFS v skladu z etiketo in navodilom za uporabo,
- ravnanje s FFS, kar poleg tretiranja vključuje tudi pripravo škropilne brozge pred tretiranjem, ravnanje z ostanki škropilne brozge v rezervoarjih naprav po tretiranju ter čiščenje naprav, uporabljenih pri tretiranju, na način, ki ne ogroža zdravja ljudi in okolja,
- skladiščenje oziroma shranjevanje FFS na način, da se prepreči ogrožanje zdravja ljudi in okolja,
- upoštevanje posebnih ukrepov za varstvo čebel,
- preprečevanje zanašanja FFS,
- časovno omejitev dostopa ljudi na nedavno tretiranih površinah,
- upoštevanje dobre prakse varstva rastlin in dobre kmetijske prakse pri uporabi s FFS tretiranega semena.

(3) Uporabnik FFS mora pri uporabi FFS upoštevati tudi določbe predpisov, ki urejajo varstvo voda, varstvo okolja, varnost in zdravje pri delu, odpadke ter javni red in mir ter posebne ukrepe iz 31., 32., 33. in 34. člena tega zakona.

(4) Uporabnik FFS mora nemudoma obvestiti Upravo ali

the records referred to in Article 44 of this Act.

(3) The Administration shall submit the data from the records referred to in Article 44 of this Act to the Statistical Office of the Republic of Slovenia (SORS) where so required for the purposes of the collection and processing of statistical data on PPPs on the market.

(4) The Minister shall prescribe the detailed content and methods of keeping records of the data referred to in paragraph one of this Article.

### **Article 17 (Regular use of PPPs)**

(1) PPPs shall be used in the correct manner.

(2) The correct use of PPPs shall comprise in particular:

- the use of PPPs in accordance with the label and use instructions;
- the handling of PPPs which, in addition to the application of PPPs, includes the preparation of the spraying mixture prior to application, the handling of the tank mixture remaining after application, and the cleaning of the application equipment used for application in a manner that prevents risks to human health and the environment;
- the storage and maintenance of PPPs in a manner that prevents risks to human health and the environment;
- taking into consideration specific measures for the protection of honeybees;
- the prevention of spray drift;
- the temporal restriction of access by persons to recently treated areas;
- taking into consideration good plant protection practice and good agricultural practice in using seeds treated with PPPs.

(3) While using PPPs, users shall further take into consideration the provisions of the regulations governing the protection of water and the environment, health and safety at work, waste, law and order; and the specific measures referred to in Articles 31, 32, 33 and 34 of this Act.

(4) Users of PPPs shall immediately notify the Administration or

fitosanitarnega inšpektorja o nezaželenih vplivih FFS, ki jih opazi pri uporabi FFS (npr. o opažanjih v zvezi z možnostjo nevarnega ali neželenega vpliva FFS ali ostankov FFS na zdravje ljudi, živali, okolje, tretirane rastline ali rastline, ki sledijo v kolobarju).

(5) Podrobnejši način pravilne uporabe iz drugega odstavka tega člena predpiše minister.

#### **18. člen (ravnanje z embalažo in ostanki FFS)**

Distributerji in uporabniki FFS morajo ravnati z embalažo in ostanki FFS na način, kot je določen s predpisi, ki urejajo ravnanje z odpadki, predpisi, ki urejajo embalažo in odpadno embalažo in s predpisom, ki ureja ravnanje z odpadnimi FFS, če gre za FFS, ki vsebujejo nevarne snovi.

#### **19. člen (podatki o uporabi FFS)**

(1) Uporabnik FFS za poklicno rabo mora zagotoviti sledljivost vsakega FFS od nakupa do uporabe FFS tako, da vodi podatke o uporabi FFS.

(2) Za vsako tretiranje posebej mora voditi podatke o uporabi FFS, ki vsebujejo najmanj podatke iz 67. člena Uredbe 1107/2009/ES.

(3) Podatke o uporabi FFS mora uporabnik FFS za poklicno rabo hraniti najmanj tri leta od datuma nakupa FFS oziroma tretiranja.

(4) Uporabnik FFS za poklicno rabo mora podatke iz drugega odstavka tega člena posredovati Upravi na njeno zahtevo.

(5) Uprava posreduje podatke iz prejšnjega odstavka Statističnemu uradu Republike Slovenije, če jih potrebuje za namen

a phytosanitary inspector of any undesirable impacts of PPPs observed during the application of PPPs (such as observations involving a possible hazardous or undesirable impact of PPPs or PPP residues on human and animal health and on the environment, on treated plants or on succeeding plants).

(5) The Minister shall prescribe the detailed methods of regular use referred to in paragraph two of this Article.

#### **Article 18 (Handling of PPP waste packaging and PPP residues)**

Distributors and users of PPPs shall handle PPP waste packaging and PPP residues in compliance with the regulations governing waste management, the regulations governing packaging and waste packaging, and the regulations governing the handling of PPP residues if such PPPs contain hazardous substances.

#### **Article 19 (Data on the use of PPPs)**

(1) Users of PPPs authorised for professional use shall ensure the traceability of each PPP from the point of purchase to the point of use by keeping records on the use of the PPP.

(2) Data on use of a particular PPP shall be kept for every single application, including at least the data referred to in Article 67 of Regulation (EC) 1107/2009.

(3) Users of PPPs authorised for professional use shall keep the data on the use of PPPs for at least a period of three years from the date of purchase and/or application of the PPP.

(4) Users of PPPs authorised for professional use shall on request submit to the Administration the data referred to in paragraph two of this Article.

(5) The Administration shall submit the data referred to in the preceding paragraph to the Statistical Office of the Republic of Slovenia



zbiranja in obdelave statističnih podatkov o uporabi FFS.

(6) Podrobnejšo vsebino in način vodenja podatkov o uporabi FFS iz drugega odstavka tega člena ter način posredovanja podatkov iz prejšnjega odstavka predpiše minister.

## **20. člen** **(omejitve pri prometu in uporabi FFS)**

(1) Prepovedana sta promet na drobno in uporaba FFS, ki so glede na nevarne lastnosti v skladu s predpisi, ki urejajo razvrščanje kemikalij, razvrščeni kot zelo strupeni.

(2) Ne glede na določbo prejšnjega odstavka se FFS iz prejšnjega odstavka lahko prodajajo le po predhodnem naročilu uporabnikov FFS za poklicno rabo, ki jih potrebujejo za izvajanje dejavnosti dezinfekcije, dezinsekcije in deratizacije v skladu s predpisi, ki urejajo dejavnost dezinfekcije, dezinsekcije in deratizacije.

## **21. člen** **(vnos FFS na carinsko območje Evropske unije)**

(1) Vnos FFS na carinsko območje Evropske unije je dovoljen le čez določena vstopna mesta ali druga pooblaščenata mesta (v nadaljnjem besedilu: vstopne točke), če so izpolnjeni pogoji za vnos FFS na carinsko območje Evropske unije.

(2) Pred vnosom FFS na carinsko območje Evropske unije mora distributer, ki ima dovoljenje za opravljanje prometa s FFS na debelo, o prispetju FFS na vstopno točko obvestiti fitosanitarnega inšpektorja, ki opravi kontrolo.

(3) Carinski organi ne smejo začeti s postopkom za začetek carinsko dovoljene rabe ali uporabe, dokler fitosanitarni inšpektor ne

(SORS) where so required for the purposes of the collection and processing of statistical data on the use of PPPs.

(6) The Minister shall prescribe the detailed content and methods of keeping of data on the use of PPPs referred to in paragraph two of this Article and the methods for the submission of data referred to in the preceding paragraph.

## **Article 20** **(Restrictions applicable to trade in and use of PPPs)**

(1) The retail distribution and use of PPPs that are, due to their hazardous properties, classified as very toxic in accordance with the regulations governing the classification of chemicals, shall be prohibited.

(2) Notwithstanding the provision of the preceding paragraph, the PPPs referred to in the preceding paragraph may be sold only following a prior order by a user of PPPs authorised for professional use, and when required for disinfection, disinsectisation and deratisation activities in accordance with the regulations governing disinfection, disinsectisation and deratisation activities.

## **Article 21** **(Entry of PPPs into the customs territory of the European Union)**

(1) The entry of PPPs into the customs territory of the European Union shall be possible only through the designated points of entry or through other eligible points of entry (hereinafter: points of entry), provided that the conditions for the entry of PPPs into the customs territory of the European Union have been complied with.

(2) Prior to the entry of PPPs into the customs territory of the European Union, a distributor authorised for wholesale trade in PPPs shall notify the phytosanitary inspector of the consignment of PPPs of the point of entry, and the phytosanitary inspector shall conduct an inspection and control of the PPPs.

(3) The customs authorities shall not start the procedure for the clearance of the customs-approved use or application before the

dovoli vnosa FFS na carinsko območje Evropske unije.

(4) Vstopne točke in pogoje za vnos FFS na carinsko območje Evropske unije iz prvega odstavka tega člena ter podrobnejši postopek kontrole iz drugega odstavka tega člena predpiše minister.

## V. USPOSABLJANJE

### **22. člen (usposabljanje za ravnanje s FFS)**

(1) Za ravnanje s FFS se morajo usposablјati poklicni uporabniki, prodajalci FFS in svetovalci za FFS ter druge osebe, ki želijo pridobiti potrdilo o pridobitvi znanj iz fitomedicine.

(2) Osebe iz prejšnjega odstavka na podlagi opravljenega usposabljanja za ravnanje s FFS pridobijo potrdilo o pridobitvi znanj iz fitomedicine (v nadaljnjem besedilu: izkaznica):

- za poklicnega uporabnika in druge osebe, usposobljene za ravnanje s FFS (v nadaljnjem besedilu: izvajalec ukrepov varstva rastlin),
- za prodajalce FFS ali
- za svetovalce za FFS.

(3) Za usposabljanje za ravnanje s FFS se ne štejejo tečaji o pravilni in varni uporabi FFS, katerih udeležba je prostovoljna in na katerih ni mogoče pridobiti izkaznice ter so namenjeni zlasti nepoklicnim uporabnikom.

### **23. člen (izvajalci usposabljanja)**

(1) Uprava izbere na podlagi javnega razpisa za dobo petih let izvajalce oziroma izvajalke usposabljanja iz 22. člena tega zakona (v

phytosanitary inspector has authorised the entry of the PPPs into the customs territory of the European Union.

(4) The points of entry and conditions for the entry of PPPs into the customs territory of the European Union referred to in paragraph one of this Article, and the detailed procedure for the inspection and control referred to in paragraph two of this Article shall be prescribed by the Minister.

## V. TRAINING

### **Article 22 (Training in the handling of PPPs)**

(1) Professional users, PPP salespersons, PPP advisors and other persons who wish to become certified as proficient in phytomedicine shall undertake training in the handling of PPPs.

(2) Only upon having passed training in the handling of PPPs shall the persons referred to in the preceding paragraph become eligible to obtain a certificate on proficiency in phytomedicine (hereinafter: training identification card), as follows:

- professional users and other persons trained in the handling of PPPs (hereinafter: operators),
- PPP salespersons, and
- PPP advisors.

(3) Any training courses on the appropriate and safe use of PPPs with voluntary participation and that do not result in certification with the training identification card awarded, and which are intended primarily for non-professional users, shall not be regarded as training in the handling of PPPs.

### **Article 23 (Training providers)**

(1) Based on a public tender, the Administration shall select a training provider to carry out the training referred to in Article 22 of this Act

nadaljnem besedilu: izvajalec usposabljanja), ki so pravne ali fizične osebe in so registrirane za opravljanje dejavnosti izobraževanja ter izpolnjujejo pogoje glede prostorov in tehnične opremljenosti ter imajo v delovnem ali pogodbenem razmerju za vsako izmed strokovnih področij fitomedicine najmanj enega predavatelja, ki je seznanjen z vsebino in programom usposabljanja s področja fitomedicine ter izpolnjuje pogoje iz 24. člena tega zakona.

(2) Uprava z odločbo dodeli za izvedbo usposabljanja za ravnanje s FFS in izdajo izkaznic javno pooblastilo izvajalcem usposabljanja, ki izpolnjujejo pogoje iz prejšnjega odstavka. Medsebojne pravice in obveznosti Uprava in izvajalec usposabljanja uredita s pogodbo.

(3) Uprava vpiše izvajalce usposabljanja, pooblaščne v skladu s tem členom, na seznam, ki je dostopen na spletni strani Uprave. Na seznamu so navedeni številka in datum odločbe o pooblastitvi ter firma in sedež ali osebno ime in naslov pri samostojnem podjetniku posamezniku.

(4) Nadzor, razen inšpekcijskega nadzora, nad izvajalcem usposabljanja, ki mu je dodeljeno javno pooblastilo, izvaja Uprava.

(5) Javno pooblastilo izvajalcu usposabljanja preneha sporazumno, ali če izvajalec usposabljanja preneha izpolnjevati pogoje, določene s tem zakonom ali predpisi izdanimi na njegovi podlagi, če krši pogodbo, ali če ravna v nasprotju z navedenimi predpisi, kar ugotovi Uprava z odločbo v upravnem postopku.

(6) Minister predpiše podrobnejše pogoje, ki jih morajo glede prostorov in tehnične opremljenosti izpolnjevati izvajalci usposabljanja.

## 24. člen

for a period of five years (hereinafter: training provider), who shall be a legal or natural person registered to conduct the activity of providing training and education and that shall comply with the conditions regarding premises and technical equipment, who shall have a permanent employment contract or a temporary employment contract concluded with at least one trainer in each professional branch of phytomedicine who knows the contents and programme of training in phytomedicine, and who complies with the conditions referred to in Article 24 of this Act.

(2) By means of a decision, the Administration shall grant public authorisation for the implementation of training in the handling of PPPs and for the issuance of training identification cards to training providers, who shall comply with the conditions referred to in the preceding paragraph. The mutual rights and obligations between the Administration and the training provider shall be regulated in the form of a contract.

(3) Training providers authorised in accordance with this Article shall be listed by the Administration in the list made accessible to the public on the Administration's website. The data on the list shall include the number and date of the decision granting the permit, and the provider's business name and business address, or the provider's personal name and personal address in the case of a sole trader.

(4) Supervision other than the inspection of a training provider who has been granted public authorisation shall be conducted by the Administration.

(5) The public authorisation of the training provider shall cease by mutual agreement, or in cases where the training provider fails to comply with the conditions laid down by this Act or by regulations based thereon, or where the training provider acts contrary to the contract or the regulations referred to above, which shall be specified by the Administration in a decision issued in an administrative procedure.

(6) The detailed conditions to be complied with by training providers as to premises and technical equipment shall be prescribed by the Minister.

## Article 24

### **(predavatelji)**

(1) Osebe, ki lahko izvajajo usposabljanje za ravnanje s FFS pri izvajalcih usposabljanja (v nadaljnjem besedilu: predavatelji), morajo imeti univerzitetno izobrazbo, predpisano za posamezno strokovno področje fitomedicine ter najmanj pet let delovne dobe.

(2) Predavatelj, ki izpolnjuje pogoje iz prejšnjega odstavka, lahko izvaja predavanja s posameznega strokovnega področja fitomedicine:

- ukrepi varstva rastlin pred škodljivimi organizmi;
- vplivi FFS na zdravje ljudi ali
- vplivi FFS na okolje.

(3) Minister predpiše pogoje glede univerzitetne izobrazbe iz prvega odstavka tega člena.

### **25. člen (izvedba usposabljanja)**

(1) Usposabljanje za ravnanje s FFS iz prvega odstavka 22. člena tega zakona obsega osnovno in nadaljnje usposabljanje.

(2) Osnovno usposabljanje obsega tečaj in pisno preverjanje znanja z naslednjih področij fitomedicine: varstvo rastlin pred škodljivimi organizmi, vplivi FFS na zdravje ljudi in vplivi FFS na okolje. Najpozneje v 15. dneh po uspešno opravljenem osnovnem usposabljanju izvajalec usposabljanja izda udeležencem usposabljanja izkaznico.

(3) Izkaznica se izvajalcem ukrepov varstva rastlin izda za obdobje petih let, prodajalcem FFS in svetovalcem za FFS pa za obdobje treh let.

(4) Nadaljnje usposabljanje obsega obnovitveni tečaj brez preverjanja znanja, ki imetniku izkaznice omogoča, da posodobi znanje, ki je nujno za njegovo delo, ter da osveži znanja, ki so zajeta v osnovnem usposabljanju.

### **(Trainers)**

(1) Persons authorised to conduct training on the handling of PPPs on behalf of training providers (hereinafter: trainers) shall have a university degree in the required phytomedicine academic discipline and at least five years of work experience.

(2) Trainers complying with the conditions referred to in the preceding paragraph shall be authorised to give lectures on a particular phytomedicine academic discipline, including:

- plant protection measures against harmful organisms;
- the impacts of PPPs on human health, and
- the impacts of PPPs on the environment.

(3) The conditions applicable to university education referred to in paragraph one of this Article shall be prescribed by the Minister.

### **Article 25 (Implementation of training)**

(1) Training in the handling of PPPs referred to in paragraph one of Article 22 of this Act shall comprise initial training and additional training.

(2) Initial training shall comprise a course and a written examination covering the following areas of expertise in phytomedicine: plant protection against harmful organisms, the impacts of PPPs on human health and the impacts of PPPs on the environment. Within 15 days of passing the examination, the training provider shall issue training identification cards to the initial training participants.

(3) Training identification cards shall be issued to operators for a period of five years, and to PPP salespersons and PPP advisors for a period of three years.

(4) Additional training shall constitute a refresher course without a final examination, which shall enable the holder of a training identification card to upgrade knowledge that is indispensable for operations, and to refresh the knowledge from the initial training.

(5) Veljavnost izkaznice se podaljša za obdobje iz tretjega odstavka tega člena, če se imetnik izkaznice v zadnjem letu pred potekom njene veljavnosti udeleži nadaljnega usposabljanja iz prejšnjega odstavka. Če se imetnik izkaznice nadaljnega usposabljanja ne udeleži pred potekom njene veljavnosti, mora ponovno opravljati osnovno usposabljanje iz drugega odstavka tega člena. Izjemoma se lahko imetnik izkaznice udeleži nadaljnega usposabljanja v enem letu po izteku veljavnosti izkaznice, če je v zadnjih treh mesecih pred potekom veljavnosti izkaznice bil v bolniškem staležu najmanj trideset dni, je bil na porodniškem dopustu ali pa je bil najmanj trideset dni odsoten iz kraja stalnega bivališča. Veljavnost izkaznice se v tem primeru podaljša za obdobje iz tretjega odstavka tega člena od datuma opravljanja nadaljnega usposabljanja. Če v tem odstavku navedeni razlogi niso podani, mora imetnik izkaznice ponovno opraviti osnovno usposabljanje iz drugega odstavka tega člena.

(6) Osnovno in nadaljnje usposabljanje izvede izvajalec usposabljanja po programih, ločenih za izvajalca ukrepov varstva rastlin, prodajalca FFS in svetovalca za FFS. Izvajalec usposabljanja mora obvestiti zainteresirano javnost in Upravo o organiziranih usposabljanjih najmanj 30 dni pred vsako izvedbo usposabljanja. Vsebina programov se določi v skladu s predpisi Evropske unije.

(7) Izvajalci usposabljanja morajo vpisati podatke o osebah, ki so opravile osnovno oziroma nadaljnje usposabljanje, v evidenco iz 45. člena tega zakona najpozneje v 30. dneh po zaključenem usposabljanju.

(8) Stroške osnovnega in nadaljnega usposabljanja plačajo izvajalcu usposabljanja udeleženci sami.

(9) Tečajji o pravilni in varni uporabi FFS iz tretjega odstavka 22. člena tega zakona obsegajo zlasti varno ravnanje in skladiščenje FFS ter odstranjevanje embalaže in ostankov FFS.

(5) The validity of a training identification card shall be extended for the period referred to in paragraph three of this Article, provided that within the final year of training identification card validity prior to its expiry the holder thereof participates in the additional training referred to in the preceding paragraph. Should the holder of the training identification card fail to attend the additional training before the expiry thereof, he/she shall be required to re-attend and pass the initial training referred to in paragraph two of this Article. In exception, the holder of the training identification card may attend additional training within a year of the expiry of the training identification card, provided that during the three months prior to the training identification card expiry he/she had been on sick leave, or on maternity leave, or had been absent from his/her place of permanent residence for at least thirty days. In such case, the validity of the training identification card shall be extended by the period referred to in paragraph three of this Article, as from the date of attendance of the additional training. Should the reasons stipulated in this paragraph not apply, the holder of the training identification card shall be required to re-attend and pass the initial training referred to in paragraph two of this Article.

(6) Initial training and additional training shall be conducted by training providers as separate courses within separate training programmes applicable to operators, PPP salespersons and PPP advisors. Training providers shall inform the interested public and the Administration of the available training courses at least 30 days prior to the date of commencement of each training course. The contents of training programmes shall be laid down in accordance with the regulations of the European Union.

(7) Training providers shall enter in the records referred to in Article 45 of this Act the data on persons who have successfully passed the initial and additional training no later than within 30 days of the conclusion of the training.

(8) The costs of the initial and additional training shall be paid to the training providers by the training participants themselves.

(9) Training courses on the appropriate and safe use of PPPs referred to in paragraph three of Article 22 of this Act shall comprise in particular the safe handling and storage of PPPs and the disposal of

(10) Stroške tečajev iz prejšnjega odstavka plačajo izvajalci usposabljanja udeleženci sami.

(11) Minister podrobneje predpiše vsebino in programe usposabljanja in tečajev, način preverjanja znanja in višino ter vrste stroškov usposabljanja in tečajev.

## **26. člen (izkaznica)**

(1) Izvajalec usposabljanja pridobi izkaznice od Uprave.

(2) Izkaznica vsebuje zlasti naslednje podatke:

- serijsko številko izkaznice,
- fotografijo imetnika izkaznice,
- osebno ime udeleženca usposabljanja,
- stalno oziroma začasno prebivališče,
- datum izdaje in datum veljavnosti izkaznice,
  
- osebno ime in naslov ali firmo in sedež izvajalca usposabljanja,
  
- lastnoročni podpis imetnika izkaznice.

(3) Na izkaznici je prepovedano spreminjanje, dopisovanje ali brisanje katerega koli podatka.

(4) Izkaznica je neprenosljiva in jo sme uporabljati samo imetnik izkaznice, ki je za zlorabo izkaznice materialno in kazensko odgovoren.

(5) V primeru izgube, pogrešitve, tatvine, uničenja izkaznice ali sprememb osebnih podatkov mora imetnik izkaznice o tem pisno obvestiti izvajalca usposabljanja, ki mu je izkaznico izdal. Izvajalec usposabljanja na podlagi tega pisnega obvestila izkaznico prekliče in izda novo izkaznico.

waste packaging and residues of PPPs.

(10) The costs of the training courses referred to in the preceding paragraph shall be paid to the training providers by the training participants themselves.

(11) The detailed training course content and programmes, the methods of examination, and the levels and types of the costs of training and courses shall be prescribed by the Minister.

## **Article 26 (Training Identification Card)**

(1) Training providers shall obtain blank training identification cards from the Administration.

(2) The training identification card shall include at least the following information:

- the training identification card serial number;
- a photo of the training identification card holder;
- the personal name of the training participant;
- the address of permanent or temporary residence;
- the date of issue and the validity date of the training identification card;
- the personal name and address, or the business name and address of the training provider;
- the training identification card holder's signature.

(3) No data on the training identification card shall be amended, supplemented or deleted.

(4) The training identification card shall not be transferable and shall only be used by the training identification card holder, who shall be materially and criminally liable for any abuse thereof.

(5) Where a training identification card has been lost, misplaced, stolen or destroyed, or upon any change in personal data, the training identification card holder shall notify in writing thereof the training provider who issued the training identification card. Based on such notification in writing, the training provider shall cancel the training

(6) Podatke iz tega člena izvajalec usposabljanja vpiše v evidenco iz 45. člena tega zakona.

(7) Stroške izdaje nove izkaznice iz petega odstavka tega člena plača imetnik izkaznice izvajalcu usposabljanja.

(8) Minister podrobneje predpiše obliko in barvo izkaznice ter ceno izkaznice iz prejšnjega odstavka.

## VI. NAPRAVE ZA NANAŠANJE FFS

### **27. člen (naprave za nanašanje FFS)**

(1) Za nanašanje FFS se smejo uporabljati le naprave, ki so na podlagi opravljenega pregleda pridobile potrdilo o pravilnem delovanju naprave in znak o rednem pregledu v skladu s tem zakonom.

(2) Ne glede na določbe prejšnjega odstavka se smejo uporabljati tudi naprave za nanašanje FFS (v nadaljnjem besedilu: naprava), za katere je minister v skladu s predpisi Evropske unije določil, da pregled ni potreben.

(3) Za napravo, ki izpolnjuje zahteve v skladu s predpisi, ki urejajo tehnične zahteve za proizvode in postopke ugotavljanja skladnosti (v nadaljnjem besedilu: tehnične zahteve), se na podlagi opravljenega pregleda izda potrdilo o pravilnem delovanju naprave in znak o rednem pregledu, če izpolnjuje zahteve glede pravilnega delovanja.

(4) Minister predpiše zahteve glede pravilnega delovanja naprave iz prejšnjega odstavka.

identification card and issue a new one.

(6) The data referred to in this Article shall be entered by the training provider in the records referred to in Article 45 of this Act.

(7) The cost of issuing a new training identification card referred to in paragraph five of this Article shall be paid to the training provider by the holder of the training identification card.

(8) The design, colour and price of the training identification card referred to in the preceding paragraph shall be prescribed in detail by the Minister.

## VI. PPP APPLICATION EQUIPMENT

### **Article 27 (PPP application equipment)**

(1) PPP application equipment shall be used in the application of PPPs only if it has passed inspection and its proper operation has been attested by the affixing of a label evidencing its regular inspection in accordance with this Act.

(2) Notwithstanding the provisions of the preceding paragraph, such equipment may also be used in the application of PPPs (hereinafter: PPP equipment) which has, in accordance with EU regulations, been identified by the Minister as not requiring any inspection.

(3) Where, upon inspection, PPP equipment is found to be compliant with the provisions of the regulations governing the technical requirements for products and compliance verification procedures (hereinafter: technical requirements), a certificate on the proper operation of PPP equipment shall be issued and a label of regular inspection affixed.

(4) The requirements for the proper operation of PPP equipment referred to in the preceding paragraph shall be prescribed by the Minister.

## **28. člen (pregledi naprav)**

(1) Lastniki naprav morajo zaradi varnosti in zaščite zdravja ljudi in okolja zagotoviti, da so naprave, ki jih uporabljajo, redno pregledane v skladu s tem členom.

(2) Naprave morajo biti na predpisan način redno pregledane vsake tri leta, razen novih naprav, ki se prvič pregledajo v petih letih od datuma nakupa.

(3) Po uspešno opravljenem pregledu naprave preglednik naprave iz 29. člena tega zakona izda potrdilo o pravilnem delovanju naprave in znak o rednem pregledu, razen novim napravam, ki se jim pred prvo uporabo oziroma najpozneje v šestih mesecih od nakupa izda znak o rednem pregledu ter potrdilo o pravilnem delovanju naprave brez opravljenega pregleda.

(4) Preglednik naprave iz 29. člena tega zakona pridobi znake o rednem pregledu od Uprave, potrdila o pravilnem delovanju naprave pa zagotovi sam.

(5) Znak o rednem pregledu se namesti na napravo tako, da je dobro viden in čitljiv ter ne sme biti poškodovan, zakrit, dodatno prevlečen ali prekrit.

(6) Stroške v zvezi s pregledi naprav pregledniku naprave plača lastnik naprave.

(7) Lastnik naprave mora pregledniku naprav iz 29. člena tega zakona pisno sporočiti vsako spremembo glede lastništva naprave ali tehničnih podatkov o napravi, najpozneje v roku 30 dni od nastanka spremembe oziroma od trenutka, ko je zanjo izvedel.

(8) Minister predpiše podrobnejše pogoje glede načina

## **Article 28 (Equipment inspection)**

(1) In order to ensure the safety and protection of public health and of the environment, the owners of PPP equipment shall ensure that equipment in use is regularly inspected in accordance with this Act.

(2) PPP equipment shall be subject to regular inspection in the required manner every three years, excluding new equipment, which shall be subject to initial inspection within a 5-year period from the date of purchase.

(3) Upon the successful inspection of PPP equipment, the equipment inspector referred to in Article 29 of this Act shall issue a certificate on the proper operation of PPP equipment and a label of regular inspection; however, for new PPP equipment prior to its first use, and no later than within six months from the date of purchase, a label of regular inspection and a certificate on proper operation shall be issued without inspection.

(4) Equipment inspectors referred to in Article 29 of this Act shall obtain from the Administration the labels of regular inspection, while they shall be obliged to provide certificates on the proper operation of PPP equipment directly themselves.

(5) The label of regular inspection shall be affixed to PPP equipment in such a manner so as to ensure its visibility and legibility, and it shall not be damaged, obscured, pasted over or covered.

(6) The costs incurred in PPP equipment inspection shall be paid to the equipment inspector by the PPP equipment owner.

(7) PPP equipment owners shall communicate in writing any change in PPP equipment ownership or in its technical data to the equipment inspector referred to in Article 29 of this Act no later than within 30 days of the date of any change arising or of such having learned thereof.

(8) The detailed conditions as to the method of inspection, the



pregledov, vsebino, barvo in obliko potrdila o pravilnem delovanju naprave, vsebino, barvo in obliko znaka o rednem pregledu ter višino stroškov iz tega člena.

## **29. člen (pregledniki naprav)**

(1) Uprava za dobo petih let dodeli za izvedbo pregledov in izdajo potrdil o pravilnem delovanju naprav ter znakov o rednem pregledu naprav javno pooblastilo fizični ali pravni osebi (v nadaljnjem besedilu: preglednik naprav), ki izpolnjuje pogoje glede prostorov in tehnične opreme. Preglednik naprav mora imeti sam ali oseba, s katero ima sklenjeno pogodbo o zaposlitvi za nedoločen čas, univerzitetno izobrazbo ustrezne smeri in pet let delovne dobe.

(2) Preglednik naprav ne sme biti izdelovalec, zastopnik, uvoznik, prodajalec ali serviser naprav.

(3) Preglednike naprav, ki izpolnjujejo pogoje iz tega člena, pooblasti Uprava z odločbo na podlagi javnega razpisa. Medsebojne pravice in obveznosti Uprava in preglednik naprave uredita s pogodbo.

(4) Uprava vpiše preglednike naprav, pooblaščne v skladu s tem členom, na seznam, ki je dostopen na spletni strani Uprave. Na seznamu preglednikov naprav so navedeni številka in datum izdaje odločbe o pooblastitvi, firma in sedež ali osebno ime in naslov pri samostojnem podjetniku posamezniku.

(5) Nadzor, razen inšpekcijskega nadzora, nad preglednikom naprav, ki mu je dodeljeno javno pooblastilo, izvaja Uprava.

(6) Javno pooblastilo preneha sporazumno, ali če preglednik naprav preneha izpolnjevati pogoje, določene s tem zakonom ali predpisi,

content, colour and form of the certificate on the proper operation of PPP equipment, the content, colour and form of the label of regular inspection, and the level of costs referred to in this Article shall be prescribed by the Minister.

## **Article 29 (Equipment inspectors)**

(1) The Administration shall grant public authorisation to conduct inspections and issue certificates on the proper operation and the labelling of regular inspection of PPP equipment to natural or legal persons (hereinafter: equipment inspectors) who comply with the conditions as to premises and technical equipment for a period of five years. Equipment inspectors, or a person with whom the equipment inspector has a permanent employment contract, shall have a university degree in an appropriate academic discipline and five years of work experience.

(2) Equipment inspectors shall not be a PPP equipment manufacturer, agent, importer, vendor or maintenance service provider.

(3) Equipment inspectors complying with the conditions referred to in this Article shall be authorised by the Administration by means of a decision issued following a public tender. The mutual rights and obligations between the Administration and the equipment inspector shall be governed by a contract.

(4) The Administration shall keep a list of equipment inspectors designated under this Article, which shall be accessible on its website. The list shall specify the number and date of issue of the authorising decision, the business name and address of the equipment inspector, or the personal name and address of the equipment inspector in the case of a sole trader.

(5) Supervision, other than the inspection of a equipment inspector who has been granted public authorisation, shall be conducted by the Administration.

(6) The public authorisation shall cease by mutual agreement, or in cases where the equipment inspector fails to comply with the

izdanimi na njegovi podlagi, če krši pogodbo, ali če ravna v nasprotju z navedenimi predpisi, kar ugotovi Uprava z odločbo v upravnem postopku.

(7) Pooblaščen pregledniki naprav morajo vpisati podatke o napravah, izdanih potrdilih o pravilnem delovanju naprave in izdanih znakih o rednih pregledih v evidenco iz 46. člena tega zakona. V to evidenco vpišejo tudi podatke o spremembi lastništva naprave ali o spremembi tehničnih podatkov o napravi. Te podatke morajo vpisati sproti oziroma najpozneje v osmih dneh od izdanega potrdila in znaka oziroma prejema sporočila o spremembi podatkov.

(8) Uprava o pooblastitvi preglednikov naprav iz tega člena obvesti Evropsko komisijo.

(9) Minister predpiše podrobnejše pogoje, ki jih morajo glede univerzitetne izobrazbe, prostorov in tehnične opreme izpolnjevati pregledniki naprav.

### **30. člen (priznanje pregledov naprav)**

(1) Pregledi naprav, opravljeni v drugih državah članicah Evropske unije, se v Republiki Sloveniji priznajo, če jih je opravil organ, pristojen za opravljanje pregledov naprav v državi članici, in se pregledi opravljajo v krajšem ali enakem obdobju, kot je določeno v drugem odstavku 28. člena tega zakona.

(2) Za priznanje pregleda naprave iz prejšnjega odstavka vloži lastnik naprave vlogo na Upravo v pisni obliki.

(3) Vlogi iz prejšnjega odstavka mora lastnik naprave priložiti dokazilo o opravljenem pregledu naprave v drugi državi članici, iz katerega so razvidni podatki o organu, ki je opravil pregled ter datum zadnjega pregleda naprave.

conditions laid down by this Act or with regulations based thereon, or where the equipment inspector acts contrary to the regulations referred to above, which shall be specified by the Administration in a decision issued in an administrative procedure.

(7) Authorised equipment inspectors shall enter the data on PPP equipment, on certificates issued as to the proper operation and the labelling of regular inspection of PPP equipment into the records referred to in Article 46 of this Act. In these records, they shall also enter any data on changes in the ownership of PPP equipment or changes in the technical data of the PPP equipment. Such data shall be entered into the records on a regular basis or no later than within eight days of the issuance of the certificate or the label or of the receipt of the notification on a change in data.

(8) The Administration shall notify the European Commission of the authorisation of equipment inspectors referred to in this Article.

(9) The detailed conditions to be complied with by equipment inspectors as to university education, premises and technical equipment shall be prescribed by the Minister.

### **Article 30 (Recognition of the inspection of PPP equipment)**

(1) The inspection of PPP equipment that has been conducted in other Member States of the European Union shall be recognised in the Republic of Slovenia if it has been performed by an entity authorised to inspect PPP equipment in that Member State, and provided that the inspection was conducted in a shorter or identical period of time as laid down in paragraph two of Article 28 of this Act.

(2) In order to be granted recognition of the inspection of PPP equipment referred to in the preceding paragraph, the PPP equipment owner shall submit an application in writing to the Administration.

(3) The PPP equipment owner's application referred to in the preceding paragraph shall be accompanied by evidence of the inspection of PPP equipment conducted in another Member State wherefrom the data on the entity that conducted the inspection and the date of the most

(4) O vlogi za priznanje pregleda naprave odloči Uprava.

(5) Uprava brez opravljenega pregleda naprave, na podlagi odločbe iz prejšnjega odstavka, izda potrdilo o pravilnem delovanju naprave in znak o rednem pregledu.

(6) Podatke o izdanem potrdilu in znaku iz prejšnjega odstavka Uprava vpiše v evidenco iz 46. člena tega zakona.

## VII. POSEBNI UKREPI

### **31. člen (tretiranje iz zraka)**

Tretiranje iz zraka z zračnim plovilom ni dovoljeno.

### **32. člen (varovanje vodnega okolja in pitne vode)**

(1) Za varovanje vodnega okolja in zalog pitne vode minister določi vrsto naprav ter tehnične zahteve, ki jih mora izpolnjevati naprava, da se doseže nanašanje FFS z majhnim zanašanjem, spiranjem ali odtekanjem FFS ter vrste visokih nasadov, v katerih se bodo pri tretiranju s FFS uporabljale navedene naprave.

(2) Za varovanje vodnega okolja in zalog pitne vode minister, v soglasju z ministrom, pristojnim za vode, določi območje, višino, gostoto in mesto zasaditve ter izbor vegetacije ob površinskih vodah, ki preprečuje zanašanje, spiranje ali odtekanje FFS, če vodno telo ne dosega ciljev za površinske ali podzemne vode zaradi onesnaženja s FFS.

(3) Za zmanjševanje tveganja onesnaževanja vodnega okolja in

recent equipment inspection shall be evident.

(4) The Administration shall decide on applications for the recognition of the inspection of PPP equipment.

(5) On the basis of a decision referred to in the preceding paragraph, the Administration shall issue a certificate on the proper operation of PPP equipment and the label of regular inspection thereof.

(6) Data on the certificates issued and labels referred to in the preceding paragraph shall be entered into the records referred to in Article 46 of this Act by the Administration.

## VII. SPECIFIC MEASURES

### **Article 31 (Aerial spraying)**

Aerial spraying by aircraft shall be prohibited.

### **Article 32 (Protection of the aquatic environment and drinking water)**

(1) In order to protect the aquatic environment and drinking water supplies, the Minister shall prescribe the types of PPP equipment and the technical requirements to be met by PPP equipment to achieve treatment with minimal spray drift, drain flow and run-off of PPPs, and the types of vertical crops to be treated with PPPs using such PPP equipment.

(2) In order to protect the aquatic environment and drinking water supplies, the Minister, in agreement with the minister competent for waters, shall define the areas, altitude, density and sites to be covered in vegetation, and the vegetation selection along surface water to prevent spray drift, drain-flow and run-off of PPPs in cases where the water body does not meet the surface water or groundwater objectives on account of pollution with PPPs.

(3) In order to minimise the risk of pollution with PPPs of the

pitne vode s FFS minister predpiše vrsto FFS in način njihove uporabe na ali ob cestah, železniških progah, zelo prepustnih površinah ali drugih infrastrukturah v bližini ali vzdolž površinskih voda, ali nad območji podzemnih voda, ali na neprepustnih površinah z velikim tveganjem odtekanja FFS v površinske vode ali kanalizacijo.

(4) Za zaščito voda in za čim večje zmanjšanje tveganje onesnaženja voda, ki ga povzročajo zanašanje, spiranje ali odtekanje FFS na območjih, ki se rabijo za oskrbo s pitno vodo, ter za zmanjševanje tveganja za vodne organizme, ki ga lahko povzroči zanašanje, spiranje ali odtekanje FFS v površinske in podzemne vode, minister, pristojen za vode, v soglasju z ministrom, določi zaščitne pasove, kjer je prepovedana ali omejena uporaba FFS.

**33. člen**  
**(zmanjševanje uporabe ali tveganj zaradi uporabe FFS**  
**na posebnih območjih)**

(1) Za ohranjanje biotske raznovrstnosti na posebnih varstvenih območjih, določenih v skladu s predpisi, ki urejajo ohranjanje narave, minister, pristojen za ohranjanje narave, v soglasju z ministrom, določi ukrepe za zmanjšanje uporabe ali tveganj zaradi uporabe FFS, glede na značilnosti varovanega območja.

(2) Za varovanje voda na varstvenih in ogroženih območjih po zakonu, ki ureja vode, ter na območjih s posebnimi zahtevami po predpisu, ki ureja podrobnejšo vsebino in način priprave načrta upravljanja voda, minister, v soglasju z ministrom, pristojnim za vode, glede na značilnosti teh območij prepove uporabo FFS ali določi ukrepe za zmanjšanje uporabe ali tveganj zaradi uporabe FFS.

**34. člen**  
**(zmanjševanje uporabe ali tveganj zaradi**  
**uporabe FFS na javnih površinah)**

(1) Na javnih površinah se za zatiranje škodljivih organizmov lahko uporablja le nekemične metode.

aquatic environment and drinking water supplies, the Minister shall prescribe the types and methods of PPP application on or along roads, railway lines, very permeable surfaces or other infrastructure close to or along surface water, or on groundwater areas or on sealed surfaces with a high risk of PPP run-off into surface water or sewage systems.

(4) In order to protect the water and to minimise the risk of water pollution through PPP spray drift, drain flow and run-off in areas used for the extraction of drinking water, and to minimise the risk to water organisms posed by PPP spray drift, drain flow and run-off into the surface water or groundwater, the Minister competent for waters shall, in agreement with the Minister, determine buffer zones wherein the use of PPPs is prohibited or restricted.

**Article 33**  
**(Reduction of PPP use or risks in specific areas)**

(1) In order to conserve biodiversity in the specific protected areas as defined in accordance with the regulations governing nature conservation, the Minister competent for nature conservation shall, in agreement with the Minister, lay down measures for the reduction of PPP use or risks, based on the characteristics of the protected area.

(2) In order to protect waters within protected and endangered areas in accordance with the Act governing waters, and in specific areas in accordance with the regulation detailing the content and method of preparing the Water Management Plan, the Minister, in agreement with the minister competent for waters and based on these areas' characteristics, shall prohibit the use of PPPs or lay down measures for reducing PPP use or risks arising from PPP use.

**Article 34**  
**(Reducing PPP use or risks resulting therefrom in public areas)**

(1) Only non-chemical methods may be used for the control of harmful organisms in public areas.

(2) Ne glede na določbo prejšnjega odstavka je na javnih površinah, razen na otroških in šolskih igriščih, dovoljena tudi uporaba FFS v skladu s pogoji, ki jih predpiše minister. Minister predpiše obvezno obveščanje javnosti o nameravanim izvajanju tretiranja s FFS, o načinu zavarovanja tretirane površine, o primernem času tretiranja in o velikosti zaščitnega pasu od mesta tretiranja do objektov, v katerem uporaba FFS ni dovoljena.

### **35. člen** **(integrirano varstvo rastlin pred škodljivimi organizmi)**

(1) Integrirano varstvo rastlin pred škodljivimi organizmi pomeni skrbno upoštevanje vseh razpoložljivih metod varstva rastlin, kar ima za posledico povezovanje ustreznih ukrepov, ki preprečujejo razvoj populacij škodljivih organizmov. Pri integriranem varstvu rastlin pred škodljivimi organizmi mora biti uporaba FFS na ekonomsko in ekološko upravičeni ravni, s ciljem zmanjšanja tveganja za zdravje ljudi in okolje. Integrirano varstvo rastlin pred škodljivimi organizmi poudarja rast zdravih rastlin s čim manjšimi vplivi na kmetijske ekosisteme in spodbuja naravne mehanizme varstva pred škodljivimi organizmi.

(2) Ministrstvo zagotavlja na svoji spletni strani za uporabnike FFS, ki izvajajo integrirano varstvo rastlin pred škodljivimi organizmi na podlagi meteoroloških, biotičnih in drugih podatkov, ki jih zagotavljajo izvajalci javne službe zdravstvenega varstva rastlin v skladu s predpisi, ki urejajo zdravstveno varstvo rastlin, informacije o spremljanju pojava oziroma širjenja škodljivih organizmov, o optimalnih rokih za njihovo zatiranje in metodah zatiranja.

(3) Uporabniki FFS za poklicno rabo izvajajo integrirano varstvo rastlin pred škodljivimi organizmi na način, da upoštevajo predpisane zahteve glede kolobarjenja, gnojenja, namakanja, gojenja, oskrbe posevkov in nasadov, uporabe ustreznega semenskega in sadilnega materiala ter glede izvajanja in spremljanja ukrepov varstva rastlin.

(4) Za dodatno izvajanje integriranega varstva rastlin pred škodljivimi organizmi pripravi ministrstvo, na predlog združenj proizvajalcev ali Kmetijsko gozdarske zbornice, smernice, katerih uporaba

(2) Notwithstanding the provision of the preceding paragraph, the use of PPPs in public areas, excluding school grounds and children's playgrounds, shall be permitted in accordance with the conditions prescribed by the Minister. The Minister shall prescribe the mandatory notification of the public of the intended PPP application, the method of protecting treated surfaces, the appropriate time for PPP application, and the extent of the buffer zone between the site of application and the facilities where the use of PPPs is prohibited.

### **Article 35** **(Integrated pest management)**

(1) Integrated pest management shall mean the careful consideration of all available plant protection methods and the subsequent integration of appropriate measures that discourage the development of populations of harmful organisms. The use of PPPs in integrated pest management shall be kept to levels that are economically and ecologically justified with the aim of reducing the risk to human health and the environment. Integrated pest management emphasises the growth of healthy crops with the least possible impact on agro-ecosystems and encouraging natural pest control mechanisms.

(2) On its website, the Ministry shall make accessible to PPP users who carry out integrated pest management based on meteorological, biotic and other data provided by plant health public services under the regulations governing plant health all information concerning monitoring of the occurrence and spread of harmful organisms, optimum periods for their control and control methods.

(3) Users of PPPs authorised for professional use shall conduct integrated pest management by taking into account the prescribed requirements regarding crop rotation, fertilisation, irrigation, cultivation, crop care, use of adequate seed and planting material, and the implementation and monitoring of plant protection measures.

(4) On the proposal of producer associations or the Chamber of Agriculture and Forestry, the Ministry shall prepare guidelines on specific integrated pest management methods recommended for implementation.

je priporočljiva. Smernice so dostopne na spletni strani ministrstva.

(5) Minister v skladu s predpisi Evropske unije predpiše podrobnejše zahteve glede izvajanja integriranega varstva rastlin pred škodljivimi organizmi iz tretjega odstavka tega člena.

### **36. člen (kazalci tveganja)**

(1) Za namene ocenjevanja napredka zmanjševanja tveganj zaradi uporabe FFS na zdravje ljudi in okolje, minister določi kazalce tveganja v skladu s predpisi Evropske unije.

(2) Informacije o rezultatih napredka zmanjševanja tveganj zaradi uporabe FFS na zdravje ljudi in okolje, ministrstvo objavlja na svojih spletnih straneh ter jih posreduje Evropski komisiji in drugim državam članicam.

## VIII. OBVEŠČANJE JAVNOSTI

### **37. člen (obveščanje javnosti)**

(1) Uprava na svoji spletni strani redno objavlja informacije o FFS, zlasti o njihovih lastnostih ter tveganjih, ki jih lahko povzroči uporaba FFS na zdravje ljudi in okolje.

(2) Uprava vsako leto sprejme program obveščanja in ozaveščanja javnosti v zvezi s FFS, ki obsega ukrepe za spodbujanje in izboljšanje obveščanja in ozaveščenosti javnosti o vplivih uporabe FFS na zdravje ljudi in okolje.

Such guidelines shall be made accessible to the public on the Ministry's website.

(5) In accordance with the regulations of the European Union, the Minister shall prescribe the detailed requirements for the implementation of integrated pest management referred to in paragraph three of this Article.

### **Article 36 (Risk indicators)**

(1) In accordance with the regulations of the European Union, the Minister shall identify risk indicators for assessing the progress made in reducing the risks to human health and the environment posed by the application of PPPs.

(2) Information on the results of progress in reducing the risks to human health and the environment posed by the application of PPPs shall be made available to the public on the Ministry's website, and such shall be communicated by the Ministry to the European Commission and to other Member States.

## VIII. NOTIFICATION OF THE PUBLIC

### **Article 37 (Notification of the public)**

(1) On its website, the Administration shall, on a regular basis, make available to the public information on PPPs, and in particular, information on PPP properties and risks posed by the application of PPPs to human health and the environment.

(2) Every year, the Administration shall adopt a PPP Public Notification and Awareness-Raising Programme, which shall comprise measures aimed at promoting and improving the manner of informing the public and increasing the awareness of the impacts of PPP application on human health and the environment.

(3) Sredstva za izvajanje programa iz prejšnjega odstavka se zagotovijo v proračunu Uprave.

## IX. STROKOVNE NALOGE, RAZISKOVALNO DELO IN LABORATORIJI

### **38. člen (program strokovnih nalog)**

(1) Uprava lahko sprejme program strokovnih nalog na področju prometa in uporabe FFS (v nadaljnjem besedilu: program FFS), ki obsega:

- spremljanje in ocenjevanje stanja na področju FFS z iskanjem, zbiranjem, primerjanjem in analiziranjem znanstvenih in strokovnih podatkov ter podatkov uradnega nadzora,
- izdelavo strokovnih podlag in mnenj pri sprejemanju ukrepov v zvezi s FFS,
- strokovno podporo v postopkih sodelovanja Uprave v organih Evropske unije in mednarodnih organizacijah s področja FFS.

(2) Uprava dodeli za določeno strokovno nalogo na področju FFS javno pooblastilo fizični ali pravni osebi, ki ima sama ali oseba, s katero ima sklenjeno pogodbo o zaposlitvi za nedoločen čas, univerzitetno izobrazbo ustrezne smeri, strokovna priporočila in delovne izkušnje. Uprava pooblasti izvajalca za določeno strokovno nalogo za obdobje trajanja naloge. V javnem razpisu se določijo podrobnejša merila za izbor izvajalcev posamezne naloge iz programa FFS. Po opravljenem javnem razpisu izda Uprava odločbo o izbiri izvajalcev naloge iz programa FFS. Medsebojne pravice in obveznosti Uprava in izvajalec naloge iz programa FFS uredita s pogodbo.

(3) Pooblastilo izvajalcu strokovne naloge preneha

(3) The funds for implementing the Programme referred to in the preceding paragraph shall be provided from the budget of the Administration.

## IX. SPECIALIST TASKS, RESEARCH ACTIVITIES AND LABORATORIES

### **Article 38 (Programme of specialist tasks)**

(1) The Administration may adopt a programme of specialist tasks in the field of placing on the market and use of PPPs (hereinafter: PPP Programme), comprising:

- monitoring and assessment of the current situation concerning PPPs, facilitated through the search, collection, comparison and analysis of scientific and professional data and of data obtained through official control;
- preparing expert documents and opinions as a basis for the adoption of measures concerning PPPs;
- expert support in procedures regarding the Administration's cooperation in the bodies of the European Union and in international organisations involved in PPPs.

(2) The Administration shall grant public authorisation to conduct a certain specialist task in the field of PPPs to a natural or legal person who has or has permanently employed a person who has a university degree in an appropriate academic discipline, professional referrals and work experience. The Administration shall authorise the expert to conduct certain specialist tasks for the duration of the task. A public tendering procedure shall determine in detail the criteria for the selection of experts to conduct the particular PPP programme tasks. Upon the completion of the public tendering procedure, the Administration shall issue a decision selecting the experts who are to conduct the particular PPP programme task. The mutual rights and obligations between the Administration and the experts who are to conduct the particular PPP Programme task shall be governed by a contract.

(3) The public authorisation granted to experts to conduct a

sporazumno, ali če izvajalec usposabljanja preneha izpolnjevati pogoje, določene s tem zakonom ali predpisi izdanimi na njegovi podlagi, če krši pogodbo, ali če ravna v nasprotju z navedenimi predpisi, kar ugotovi Uprava z odločbo v upravnem postopku.

(4) Nadzor, razen inšpekcijskega nadzora, nad izvajalcem, ki mu je dano javno pooblastilo, izvaja Uprava.

(5) Sredstva za izvajanje programa FFS se zagotovijo v proračunu Uprave.

### **39. člen (strokovne komisije)**

(1) Minister lahko za posamezne strokovne naloge v zvezi z izvajanjem tega zakona imenuje strokovne komisije, ki jih sestavljajo predstavniki strokovnih služb ministrstev, raziskovalnih, izobraževalnih ustanov, javnih služb in interesnih združenj ter zbornic s področja kmetijstva. Člane strokovnih komisij imenuje minister s sklepom.

(2) Naloge strokovnih komisij so zlasti dajanje mnenj, predlogov in stališč k določenim vprašanjem in svetovanje v zvezi s postopki in ukrepi na področju prometa in uporabe FFS.

(3) Sredstva za sejnine in potne stroške za člane strokovnih komisij se zagotovijo v proračunu ministrstva v skladu s predpisi.

(4) Podrobnejše naloge in pogoje glede sestave in načina dela strokovnih komisij ter izplačila sejin in potnih stroškov članom strokovnih komisij predpiše minister.

### **40. člen**

PPP programme task shall cease by mutual agreement, or in cases where the experts who are to conduct PPP programme tasks fail to comply with the conditions laid down by this Act or by regulations based thereon, or where the experts act contrary to the contract or regulations referred to above, which shall be specified by the Administration in a decision issued in an administrative procedure.

(4) Supervision other than inspection of the experts vested with public authorisation shall be conducted by the Administration.

(5) Funds for the implementation of the PPP programme shall be provided from the budget of the Administration.

### **Article 39 (Technical committees)**

(1) In the implementation of this Act, particular specialist tasks may be delegated by the Minister to technical committees designated by the Minister and comprised of representatives of the technical services of ministries, research and educational institutions, public services, stakeholders, and chambers within the agricultural sector. The members of technical committees shall be designated by a resolution issued by the Minister.

(2) The tasks of technical committees shall include in particular the presentation of opinions, proposals and positions on certain issues, and the provision of advice in relation to procedures and measures concerning the placing on the market and use of PPPs.

(3) The funds for attendance fees and travel expenses of technical committee members shall be provided from the budget of the Ministry in accordance with regulations.

(4) The detailed tasks and conditions related to the constitution and method of work of technical committees and concerning the disbursement of the attendance fees and travel expense allowances of the technical committee members shall be prescribed by the Minister.

### **Article 40**



## **(raziskovalno delo)**

Ministrstvo v skladu z nacionalnim akcijskim programom samostojno ali v sodelovanju z drugimi ministrstvi financira ali sofinancira raziskovalne in razvojne projekte za ugotavljanje vplivov uporabe FFS na zdravje ljudi, okolje in nepremično kulturno dediščino.

### **41. člen (laboratoriji)**

(1) Laboratorijske analize za izvajanje inšpekcijskega nadzora prometa in uporabe FFS lahko opravljajo le laboratoriji, ki so pridobili akreditacijsko listino, ki jo izda Slovenska akreditacija ali akreditacijska služba druge države članice, ki ima z Evropsko akreditacijo sklenjen sporazum o medsebojnem priznavanju akreditacij, in sodelujejo v mednarodnih laboratorijskih shemah.

(2) Uprava dodeli javno pooblastilo za določene vrste analiz s področja FFS laboratoriju, ki je fizična ali pravna oseba in izpolnjuje pogoje iz prejšnjega odstavka. Uprava pooblasti laboratorij za dobo petih let. Uprava izbere laboratorij na podlagi javnega razpisa, v katerem se določijo podrobnejša merila za izbor izvajalcev za določene vrste analiz s področja FFS. Po opravljenem javnem razpisu izda Uprava odločbo o izbiri laboratorija za izvedbo določene vrste analiz s področja FFS. Medsebojne pravice in obveznosti Uprava in laboratorij uredita s pogodbo.

(3) Javno pooblastilo preneha sporazumno, ali če pooblaščen laboratorij preneha izpolnjevati pogoje, določene s tem členom, ali če krši pogodbo, kar ugotovi Uprava z odločbo v upravnem postopku.

(4) Nadzor, razen inšpekcijskega nadzora, nad izvajalcem, ki mu je dano javno pooblastilo, izvaja Uprava.

## **(Research activities)**

In accordance with the National Action Plan, the Ministry shall autonomously finance, or co-finance in cooperation with other ministries, research and development projects aimed at assessing the impact of the use of PPPs on human health, the environment and the immovable cultural heritage.

### **Article 41 (Laboratories)**

(1) Laboratory analyses for the purposes of the inspection of the placing on the market and use of PPPs shall only be conducted by laboratories that have been duly accredited by Slovenian Accreditation (SA) or another accreditation body of an EU Member State that has an agreement on the mutual recognition of accreditation with European Accreditation, and which participates in international laboratory schemes.

(2) The Administration shall grant public authorisation to conduct certain types of analyses involving PPPs to a laboratory that is a natural or legal person and complies with the conditions referred to in the preceding paragraph. The Administration shall authorise the laboratory for a period of five years. The Administration shall select the laboratory by means of a public tendering procedure, which shall determine the criteria for the selection of a laboratory for a certain type of analysis of PPPs. Upon the completion of the public tendering procedure, the Administration shall issue a decision selecting the laboratory that is to conduct a certain type of analysis involving PPPs. The mutual rights and obligations between the Administration and the laboratory shall be governed by a contract.

(3) The public authorisation shall cease by mutual agreement or in cases where the authorised laboratory fails to comply with the conditions referred to in this Article, or where the authorised laboratory acts contrary to the contract, which shall be determined by the Administration in a decision issued in an administrative procedure.

(4) Supervision other than the inspection of an authorised laboratory which has been vested with public authorisation shall be conducted by the Administration.

## X. ZBIRKE PODATKOV, PRIDOBIVANJE IN UPORABA PODATKOV

### **42. člen (register FFS)**

(1) Register FFS se vodi za namen analiziranja, spremljanja stanja FFS, za izvajanje nadzora in za obveščanje javnosti v skladu s tem zakonom.

(2) Register FFS v elektronski obliki vodi in upravlja Uprava.

(3) V skladu s 57. členom Uredbe 1107/2009/ES se v registru FFS vodijo podatki iz odločb o registracijah iz 5. člena tega zakona.

(4) Poleg podatkov iz prejšnjega odstavka register FFS vsebuje tudi podatke o izdanih dovoljenjih iz 5. člena tega zakona:

- osebno ime ali firmo ter naslov ali sedež imetnika dovoljenja FFS,
- trgovsko ime ali naziv FFS,
- vrsto FFS,
- ime in količino aktivnih snovi v FFS,
- uporabo, za katero je FFS registrirano,
- številko in vrsto dovoljenja ter
- datum izdaje in veljavnosti dovoljenja.

(5) Podatki v registru FFS se hranijo še 10 let po preteku registracije FFS oziroma izdaje dovoljenja.

### **43. člen (register distributerjev)**

(1) Register distributerjev se vodi za namen analiziranja in spremljanja distributerjev in prometa FFS, zbiranja statističnih podatkov o prometu FFS in za izvajanje nadzora v skladu s tem zakonom.

## X. COLLECTION, GATHERING AND USE OF DATA

### **Article 42 (Register of PPPs)**

(1) A register of PPPs shall be kept for the purposes of analysing and monitoring the status of PPPs, official control, and informing the public in accordance with this Act.

(2) An electronic register of PPPs shall be kept and managed by the Administration.

(3) In accordance with Article 57 of Regulation (EC) 1107/2009, the register of PPPs shall include the data from the PPP authorisation decisions referred to in Article 5 of this Act.

(4) In addition to the data referred to in the preceding paragraph, the register of PPPs shall include the data on PPP permits referred to in Article 5 of this Act:

- the personal name or business name, and the personal address or business address of the PPP permit holder;
- the trade name or common name of the PPP;
- the type of PPP;
- the names and quantities of active substances contained in the PPP;
- the intended use of the PPP in accordance with its authorisation;
- the number and type of permit, and
- the date of issue and validity of the permit.

(5) The data in the register of PPPs shall be kept for a period of 10 years following the date of expiry of the PPP authorisation or permit.

### **Article 43 (Register of Distributors)**

(1) A Register of Distributors shall be kept in order to analyse and monitor the distributors and the placing on the market of PPPs, to collect statistical data on the placing of PPPs on the market, and to

(2) Register distributerjev v elektronski obliki vodi in upravlja Uprava.

(3) Register distributerjev vsebuje naslednje podatke o distributerjih:

- osebno ime ali firmo,
- naslov ali sedež ter lokacijo opravljanja prometa s FFS,
  
- davčno številko,
- vrsto prometa (promet s FFS na debelo ali na drobno),
- vrsto dejavnosti,
- osebno ime in davčno številko prodajalca FFS,
  
- osebno ime in davčno številko svetovalca za FFS,
- datum izdaje in prenehanja dovoljenja za opravljanje prometa s FFS.

(4) Podatki v registru distributerjev se hranijo še dve leti po prenehanju dovoljenja za opravljanje prometa s FFS.

(5) Podatki o osebnem imenu ali firmi, naslovu pri samostojnem podjetniku posamezniku ali sedežu, vrsti prometa in dejavnosti in datumu izdaje in prenehanja dovoljenja za opravljanje prometa s FFS, ki se vodijo v registru distributerjev, so javni.

#### **44. člen** **(evidenca o prometu s FFS)**

(1) Evidenca o prometu s FFS se vodi za namen zbiranja statističnih podatkov o prometu s FFS ter za namen analiziranja in spremljanja stanja prometa s FFS.

(2) Evidenco o prometu s FFS v elektronski obliki vodi in upravlja Uprava.

(3) Evidenca o prometu s FFS vsebuje naslednje podatke o

conduct official control in accordance with this Act.

(2) An electronic Register of Distributors shall be kept and managed by the Administration.

(3) The Register of Distributors shall include the following data on distributors:

- the personal name or business name;
- the personal address or business address, and the location of the activity selling of PPPs;
- the tax identification number;
- the type of PPP distribution (wholesale or retail distribution of PPPs);
- the type of business activity;
- the personal name and tax identification number of the PPP salesperson;
- the personal name and tax identification number of the PPP advisor;
- the date of issue and expiry date of the permit for the distribution of PPPs.

(4) The data in the Register of Distributors shall be kept for a period of two years from the date of the expiry of the permit for the distribution of PPPs.

(5) Data on the personal name or business name, the personal address in the case of a sole trader, or the business address in the case of a legal person, on the type of distribution and business activity, and on the date of issue and expiry date of the permit for the distribution PPPs, which are kept in the Register of Distributors, shall be publicly available.

#### **Article 44** **(Records on the sales of PPPs)**

(1) Records on the sales of PPPs shall be kept for collecting statistical data on the placing of PPPs on the market, and for analysing and monitoring the status of PPPs on the market.

(2) Electronic records on the sales of PPPs shall be kept and managed by the Administration.

(3) Records on the sales of PPPs shall include the following

prometu s FFS:

- osebno ime ali firmo ter naslov ali sedež distributerja,
- davčno številko distributerja,
- vrsto prometa (promet s FFS na debelo ali na drobno),
- trgovsko ime FFS,
- količino FFS v prometu.

(4) Podatki v evidenci o prometu s FFS se hranijo še 10 let po preteku registracije FFS.

#### **45. člen (evidenca o usposabljanju)**

(1) Evidenca o usposabljanju se vodi za namen analiziranja in spremljanja stanja na področju usposabljanja o FFS in za namen izvajanja nadzora v skladu s tem zakonom.

(2) Evidenco o usposabljanju elektronsko vodi in upravlja Uprava. Podatke v evidenco o usposabljanju vpišejo izvajalci usposabljanja iz 23. člena tega zakona.

- (3) Evidenca o usposabljanju vsebuje naslednje podatke:
- osebno ime in naslov udeleženca usposabljanja,
  - vrsto usposabljanja (osnovno in nadaljnje usposabljanje),
  - vrsto programa v skladu s šestim odstavkom 25. člena tega zakona,
  - datum in rezultat preverjanja znanja,
  - datum izdaje in številko izkaznice, datum nadaljnjega usposabljanja,
  - osebno ime vpisnika podatkov,
  - osebno ime in naslov ali firmo in sedež izvajalca usposabljanja.

(4) Podatki v evidenci o usposabljanju se hranijo še dve leti po izteku veljavnosti izkaznice.

(5) Izvajalci usposabljanja morajo zagotoviti tehnično opremo za dostop do evidence o usposabljanju in sproti vpisovati vse spremembe podatkov v navedeno evidenco.

data on the distribution of PPPs:

- the personal name or business name and the personal address or business address of the distributor;
- the tax identification number of the distributor;
- the type of distribution (wholesale or retail sale of PPPs);
- the trade name of the PPP;
- the quantities of particular PPPs placed on the market.

(4) Data in the records on the sales of PPPs shall be kept for a period of 10 years from the date of expiry of the PPP authorisation.

#### **Article 45 (Records on training)**

(1) Records on training shall be kept for the analysis and monitoring of the status of training in PPPs, and for official control in accordance with this Act.

(2) Electronic records on training shall be kept and managed by the Administration. The training providers referred to in Article 23 of this Act shall enter the data into the records on training.

- (3) Records on training shall include the following data:
- the personal name and address of the participant;
  - the type of training (basic and additional training);
  - the type of programme in accordance with paragraph 6 of Article 25 of this Act;
  - the date and result of the examination;
  - the date of issue and number of the training identification card, and the date of additional training;
  - the personal name of the person entering data;
  - the personal name and address, or business name and business address, of the training provider.

(4) Data in the records on training shall be kept for two years from the date of expiry of the training identification card.

(5) Training providers shall provide the technical equipment required to access the records on training and ensure the prompt entry of any data changes into these records.

**46. člen**  
**(evidence pregledanih naprav)**

(1) Evidenca pregledanih naprav se vodi za namen spremljanja stanja pregledanih naprav, podeljenih znakov o rednem pregledu in za namen izvajanja nadzora v skladu s tem zakonom.

(2) Evidenco pregledanih naprav vodi in upravlja Uprava. Podatke v to evidenco vpišejo pregledniki naprav iz 29. člena tega zakona.

(3) Evidenca pregledanih naprav se vodi v elektronski obliki.

(4) Evidenca pregledanih naprav vsebuje naslednje podatke:

- o vrsti in tipu naprave, letu izdelave ter tehnične podatke o napravi,
- o izdelovalcu naprave in serijski številki izdelovalca naprave,
- osebno ime ali firmo lastnika naprave, naslov ali sedež, davčno številko,
- datum in izid pregleda, podatke o meritvah pregleda, zaporedno številko in datum izdaje potrdila o pravilnem delovanju naprave in znaka o rednem pregledu, datum vpisa v evidenco, osebno ime vpisnika podatkov ter osebno ime in naslov ali firmo in sedež preglednika naprave.

(5) Pregledniki naprav morajo zagotoviti tehnično opremo za dostop do evidence pregledanih naprav in sproti vpisovati vse spremembe podatkov v navedeno evidenco.

(6) Podatki v evidenci pregledanih naprav se hranijo vso življenjsko dobo pregledane naprave.

**Article 46**  
**(Records on inspected PPP equipment)**

(1) Records on inspected PPP equipment shall be kept for monitoring the status of inspected PPP equipment, issued labels of regular inspection, and for conducting the official control in accordance with this Act.

(2) Records on inspected PPP equipment shall be kept and managed by the Administration. The equipment inspectors referred to in Article 29 of this Act shall enter the data into the records.

(3) Records on inspected PPP equipment shall be kept in electronic form.

(4) Records on inspected PPP equipment shall include the following data:

- the sort and type of equipment, the year of manufacture, and the technical data on the equipment;
- the manufacturer of the equipment, and the factory serial number of the equipment;
- the personal name or business name of the equipment owner, and the owner's personal address or business address, and the tax identification number;
- the date and outcome of the inspection, data on measurements undertaken during inspection, the consecutive number and date of the certificate on the proper operation of equipment and of the label of regular inspection, the date of entry into the records, the personal name of the person entering data, and the personal name and address or business name and business address of the equipment inspector.

(5) Equipment inspectors shall provide the technical equipment required to access the records on inspected PPP equipment, and ensure the prompt entry of any data changes into these records.

(6) Data in the records of inspected PPP equipment shall be kept during the entire service life of all PPP equipment subject to regular inspection.

(7) Podatki iz evidence pregledanih naprav so javni, razen osebnega imena ali firme lastnika naprave, naslova ali sedeža in davčne številke ter osebnega imena in naslova preglednika naprave.

#### **47. člen (pridobivanje in uporaba podatkov)**

(1) Zaradi analiziranja in spremljanja stanja, izvajanja nadzora ter sprejemanja ukrepov v zvezi s prometom in uporabo FFS, Uprava pri vzpostavitvi in vodenju podatkov v evidencah in registrih iz tega zakona pridobiva in obdeluje osebne in druge podatke:

- o fizičnih in pravnih osebah iz evidence subjektov, vodene v skladu z zakonom, ki ureja kmetijstvo,
- o kmetijskih gospodarstvih in zemljiščih, vpisanih v register kmetijskih gospodarstev, iz registra kmetijskih gospodarstev, vodenega v skladu z zakonom, ki ureja kmetijstvo,
- o poslovnih subjektih iz Poslovnega registra Slovenije,
- o lastninskih in zakupnih pravicah na posameznih parcelah iz zemljiške knjige,
- o katastrskih občinah, parcelnih številkah, površinah, rabi zemljišča iz zemljiškega katastra,
- o posebnih varstvenih, zavarovanih in ekološko pomembnih območjih iz evidenc, vodenih v skladu s predpisi, ki urejajo okolje in varstvo kulturne dediščine,
- o pesticidih v vodah iz zbirk podatkov monitoringa kakovosti voda, vodenih v skladu s predpisi, ki urejajo vode,
- o kakovosti pitne vode iz zbirke podatkov o sistemih za oskrbo s pitno vodo in o skladnosti pitne vode, vodenih v skladu s predpisi, ki urejajo vode,
- o pravnih in fizičnih osebah s seznama pravnih in fizičnih oseb, ki imajo dovoljenje za opravljanje dejavnosti prometa z nevarnimi kemikalijami, vodenega v skladu s predpisi, ki urejajo kemikalije,
- o preskuševalnih laboratorijih s seznama preskuševalnih laboratorijev, ki izvajajo študije v skladu z načeli dobre laboratorijske prakse, vodenega v skladu s predpisi, ki urejajo kemikalije,

(7) Data in the records of inspected PPP equipment, excluding the personal name or business name of the equipment owner, and the personal address or business address and tax identification number thereof, and the personal name and address of the equipment inspector, shall be publicly available.

#### **Article 47 (Data collection and use)**

(1) In order to analyse and monitor the status, conduct official control and take measures concerning the placing of PPPs on the market and their use, the Administration shall, in setting up and maintaining data records, collect and process personal data and other data on:

- natural and legal persons from the records of natural and legal persons kept in accordance with the Act governing agriculture;
- agricultural holdings and agricultural land entered in the register of agricultural holdings, from the register of agricultural holdings, which is kept in accordance with the Act governing agriculture;
- business entities, from the Slovenian Business Register;
- property and tenancy rights on individual plots of land, from the Land Register;
- cadastral communities, plot numbers, areas under cultivation and land use, from the Land Register;
- special protection areas, special conservation areas, and ecologically significant areas, from the records kept in accordance with the regulations governing the environment and cultural heritage protection;
- pesticides in water, from the water quality monitoring data collections kept in accordance with the regulations governing waters;
- drinking water quality, from the data collection on the drinking water supply systems and on drinking water compliance kept in accordance with the regulations governing waters;
- legal and natural persons appearing on the list of legal and natural persons who have been authorised to carry out the activity of trade in hazardous chemicals kept in accordance with the regulations governing chemicals;
- testing laboratories appearing on the list of testing laboratories which conduct studies in compliance with the principles of good laboratory practice, which is kept in accordance with the regulations governing

- o biocidnih pripravkih iz registra biocidnih pripravkov, vodenega v skladu s predpisi, ki urejajo biocide,
- iz drugih zbirk osebnih podatkov in zbirk podatkov, ki jih vodijo državni organi, organi lokalnih skupnosti, nosilci javnih pooblastil ali pravne osebe javnega prava, če to ni prepovedano z drugim zakonom.

(2) Upravljalci podatkov iz prejšnjega odstavka omogočijo ministrstvu in Upravi neposreden brezplačen dostop do podatkov ali jih brezplačno dajo na voljo.

(3) Uprava povezuje zbirke podatkov po tem zakonu z vsemi drugimi zbirkami podatkov, ki se vodijo pri ministrstvu.

(4) Uprava posreduje podatke iz svojih zbirk podatkov po tem zakonu drugim državnim organom in organom lokalnih skupnosti, če jih ti potrebujejo za izvajanje zakonsko določenih nalog, javnemu zavodu, ki je pooblaščen za zbiranje podatkov o akutnih zastrupitvah in drugih učinkih kemikalij ter drugim pooblaščenim organizacijam in izvajalcem javnih služb, če jih ti potrebujejo za izvajanje z zakonom določenih nalog, za katere so pooblaščeni ali imenovani.

(5) Zbirke podatkov, ki jih po tem zakonu vzpostavi in vodi Uprava, se financirajo iz proračuna Uprave.

## XI. INŠPEKCIJSKI NADZOR

### **48. člen** **(inšpekcijski nadzor)**

Nadzor nad izvajanjem tega zakona in predpisov, izdanih na njegovi podlagi opravljajo fitosanitarni inšpektorji oziroma inšpektorice (v nadaljnjem besedilu: fitosanitarni inšpektor).

### **49. člen**

- chemicals;
- biocidal preparations from the register of biocidal preparations kept in accordance with the regulations governing biocides;
- data from other collections of personal data, and from data collections managed by national bodies, local community bodies, holders of public authorisation, or public law legal persons in cases where this is not prohibited by another Act.

(2) The data managers referred to in the preceding paragraph shall provide the Ministry and the Administration direct and free access to the data, or shall provide the data free of charge.

(3) The Administration shall interlink the data collections under this Act with all other data collections managed by the Ministry.

(4) The Administration shall forward data from its data collections under this Act to other national bodies and local community bodies if required by them to implement tasks laid down by an Act, to a public institute authorised for data collection on acute poisonings and other impacts of chemicals, and to other authorised organisations and public service providers if required by them to implement tasks laid down by an Act and for whose implementation they have been duly authorised or designated.

(5) Data collections established and managed by the Administration under this Act shall be funded from the budget of the Administration.

## XI. INSPECTION

### **Article 48** **(Inspection)**

The implementation of this Act and of the regulations based thereon shall be supervised by phytosanitary inspectors.

### **Article 49**

### **(pooblastila fitosanitarnega inšpektorja)**

Poleg pooblastil po predpisih, ki urejajo inšpekcijski nadzor, ima fitosanitarni inšpektor na podlagi tega zakona in predpisov, izdanih na njegovi podlagi, pravico:

- preverjati izpolnjevanje pogojev, predpisanih s tem zakonom in predpisi, izdanimi na njegovi podlagi, pri ocenjevalcih,
- preverjati izpolnjevanje pogojev, predpisanih s tem zakonom in predpisi, izdanimi na njegovi podlagi, pri izvajalcih strokovnih nalog,
- preverjati izpolnjevanje pogojev, predpisanih s tem zakonom in predpisi, izdanimi na njegovi podlagi, pri laboratorijih,
- preverjati izpolnjevanje pogojev, predpisanih s tem zakonom in predpisi, izdanimi na njegovi podlagi, pri izvajalcih testov učinkovitosti,
- preverjati izpolnjevanje pogojev glede kadrov, prostorov, opreme, načina skladiščenja in shranjevanja FFS in vodenja podatkov o prometu s FFS pri distributerjih,
- preverjati, ali so distributerji, ki opravljajo promet s FFS na drobno v drugih prodajalnah z izključno neživilskim blagom, vpisani v register distributerjev,
- preverjati izpolnjevanje pogojev, predpisanih s tem zakonom in predpisi, izdanimi na njegovi podlagi, pri izvajalcih usposabljanja,
- preverjati izpolnjevanje pogojev, predpisanih s tem zakonom in predpisi, izdanimi na njegovi podlagi, pri preglednikih naprav,
- preverjati, če pravne in fizične osebe izpolnjujejo s tem zakonom in predpisi izdanimi na njegovi podlagi, predpisane pogoje oziroma ravnaajo v skladu z navedenimi predpisi ter odrediti odpravo nepravilnosti,
- jemati vzorce rastlin, rastlinskih proizvodov, tal, škropilne mešanice, FFS in druge potrebne vzorce,
- na vstopnih točkah preverjati izpolnjevanje pogojev za vnos FFS na carinsko območje Evropske unije
- opraviti druga dejanja, ki so v skladu z namenom inšpekcijskega nadzora nad izvajanjem tega zakona in predpisov, izdanih na njegovi podlagi.

### **50. člen (ukrepi fitosanitarnega inšpektorja)**

### **(Authorisations of phytosanitary inspectors)**

In addition to authorisations under the regulations governing inspection, phytosanitary inspectors shall be authorised, on the basis of this Act and regulations based thereon, to:

- verify the compliance of evaluators with the conditions required by this Act and regulations based thereon;
- verify the compliance of natural or legal persons who have been authorised to conduct specialist tasks with the conditions required by this Act and regulations based thereon;
- verify the compliance of laboratories with the conditions required by this Act and regulations based thereon;
- verify the compliance of entities authorised to conduct efficacy testing with the conditions required by this Act and regulations based thereon;
- verify the compliance of distributors with the conditions as to human resources, premises, equipment, methods of storing and keeping PPPs, and managing data on the distribution of PPPs;
- verify whether distributors who carry out the retail distribution of PPPs in other stores selling exclusively non-food products, are entered in the Register of Distributors;
- verify the compliance of training providers with the conditions required by this Act and regulations based thereon;
- verify the compliance of PPP equipment inspectors with the conditions required by this Act and regulations based thereon;
- verify the compliance of legal and natural persons with the conditions required by this Act and regulations based thereon, or whether they have acted in compliance with the mentioned regulations, and require any non-compliance to be rectified;
- take samples of plants, plant products, soil, spraying mixtures, and PPPs, and other samples as required;
- verify at points of entry compliance with the conditions for the introduction of PPPs into the customs territory of the European Union;
- conduct other activities in compliance with the purposes of inspection of the implementation of this Act and of the regulations based thereon.

### **Article 50 (Measures of phytosanitary inspectors)**



Pri opravljanju inšpekcijskega nadzora lahko fitosanitarni inšpektor poleg ukrepov po predpisih, ki urejajo inšpekcijski nadzor, odredi še naslednje ukrepe:

- predlaga Upravi, da ocenjevalcu v primeru prenehanja izpolnjevanja predpisanih pogojev, izda odločbo o prenehanju javnega pooblastila,
- predlaga Upravi, da izvajalcu strokovnih nalog v primeru prenehanja izpolnjevanja predpisanih pogojev, izda odločbo o prenehanju javnega pooblastila,
- predlaga Upravi, da laboratoriju v primeru prenehanja izpolnjevanja predpisanih pogojev, izda odločbo o prenehanju javnega pooblastila,
- predlaga Upravi, da izvajalcu testov učinkovitosti v primeru prenehanja izpolnjevanja predpisanih pogojev, izda odločbo o prenehanju imenovanja,
- do odprave pomanjkljivosti prepove opravljanje dejavnosti prometa s FFS na debelo oziroma na drobno, če distributer nima dovoljenja Uprave za opravljanje prometa s FFS, oziroma ni vpisan v register distributerjev oziroma ne izpolnjuje predpisanih pogojev glede kadrov, prostorov in opreme ter o tem obvesti Upravo,
- predlaga Upravi, da distributerju v primeru prenehanja izpolnjevanja predpisanih pogojev oziroma ravnanja v nasprotju s tem zakonom in predpisi, izdanimi na njegovi podlagi, izda odločbo o prenehanju dovoljenja za opravljanje prometa s FFS,
- odredi ustrezne ukrepe, če ugotovi, da distributer ne vodi in hrani podatkov o prometu s FFS in jih ne posreduje Upravi v skladu s tem zakonom,
- prepove prodajo FFS, ki so dovoljena za poklicno rabo, če se ne prodajajo v specializiranih prodajalnah,
- prepove prodajo FFS v drugih prodajalnah z neživilskim blagom, ki ne izpolnjujejo pogojev iz četrtega odstavka 14. člena tega zakona,
- začasno prepove vnos FFS na carinsko območje Evropske unije, če je treba odpraviti pomanjkljivosti na pošiljki FFS ali na dokumentaciji, ki jo spremlja,

In carrying out inspection, phytosanitary inspectors may, in addition to measures taken in accordance with the regulations governing inspection, also institute the following measures:

- propose that the Administration issue a decision withdrawing the public authorisation of the evaluator in the event of non-compliance with the required conditions;
- propose that the Administration issue a decision withdrawing the public authorisation of the natural or legal person conducting the specialist tasks in the event of non-compliance with the required conditions;
- propose that the Administration issue a decision withdrawing the public authorisation of the laboratory in the event of non-compliance with the required conditions;
- propose that the Administration issue a decision withdrawing the designation of an entity conducting efficacy testing in the event of non-compliance with the required conditions;
- pending the rectification of instances of non-compliance, ban the wholesale and/or retail distribution of PPPs in cases where the distributor does not possess a permit issued by the Administration to carry out distribution of PPPs, or where the distributor has not been entered in the Register of Distributors, or where the distributor has failed to comply with the conditions required as to human resources, premises and equipment, and such phytosanitary inspector shall notify the Administration accordingly;
- propose that the Administration issue a decision withdrawing the permit for the distribution of PPPs of the distributor in the event of non-compliance with the required conditions or handling contrary to this Act and regulations based thereon;
- institute the appropriate measures when finding that a distributor has failed to keep and maintain data on PPP sales and submit such data to the Administration in accordance with this Act;
- ban the sale of PPPs authorised for professional use in cases where they are not offered for sale in specialised stores;
- ban the sale of PPPs in other stores selling exclusively non-food products that fail to comply with the conditions referred to in paragraph four of Article 14 of this Act;
- provisionally ban the introduction of PPPs into the customs territory of the European Union in cases where instances of non-compliance of consignments of PPPs or accompanying documents need to be rectified;

- prepove vnos FFS na carinsko območje Evropske unije, če niso izpolnjeni predpisani pogoji,
- odredi druge ukrepe glede FFS in prometa FFS v skladu s tem zakonom in na njegovi podlagi izdanih predpisov,
- prepove uporabo FFS za poklicno rabo osebam, ki nimajo izkaznice iz drugega odstavka 22. člena tega zakona,
- prepove uporabo FFS tistemu uporabniku, ki FFS nepravilno uporablja,
- odredi ustrezne ukrepe, če ugotovi, da uporabnik FFS za poklicno rabo ne vodi in hrani podatkov o uporabi FFS ali jih ne posreduje Upravi na njegovo zahtevo v skladu s tem zakonom,
- prepove opravljanje dejavnosti usposabljanja, če izvajalec usposabljanja nima odločbe Uprave oziroma ne izpolnjuje predpisanih pogojev glede registracije dejavnosti izobraževanja, predavateljev, prostorov in tehnične opremljenosti ter o tem obvesti Upravo,
- predlaga Upravi, da v primeru prenehanja izpolnjevanja predpisanih pogojev izda odločbo o prenehanju javnega pooblastila izvajalca usposabljanja,
- prepove uporabo naprave, če naprava ne izpolnjuje pogojev, določenih s tem zakonom,
- prepove opravljanje dejavnosti pregledov naprav, če preglednik naprav nima odločbe Uprave oziroma ne izpolnjuje predpisanih pogojev glede izobrazbe in delovne dobe, prostorov in tehnične opreme ter o tem obvesti Upravo,
- predlaga Upravi, da v primeru prenehanja izpolnjevanja predpisanih pogojev izda odločbo o prenehanju javnega pooblastila pregledniku naprave,
- prepove uporabo FFS na območjih, kjer se varuje vodno okolje in na območjih pridobivanja pitne vode, če niso izpolnjeni pogoji, predpisani s tem zakonom,
- prepove uporabo FFS na posebnih območjih, če niso izpolnjeni pogoji, predpisani s tem zakonom,
- prepove uporabo FFS na javnih površinah, če niso izpolnjeni pogoji, predpisani s tem zakonom,
- opravi druga dejanja in odredi druge ukrepe, potrebne za izvajanje
- provisionally ban the introduction of PPPs into the customs territory of the European Union in cases where the conditions required have not been met;
- institute other measures concerning PPPs and the placing of PPPs on the market in accordance with this Act and regulations based thereon;
- ban the use of PPPs authorised for professional use by persons who do not hold a training identification card referred to in paragraph two of Article 22 of this Act;
- prohibit the use of PPPs by a user who misuses PPPs;
- institute appropriate measures upon ascertaining that a user of PPPs authorised for professional use has failed to keep and maintain data on the use of PPPs, or has failed to submit such data to the Administration upon request, in accordance with this Act;
- prohibit the practicing of training activities where the training provider has not been issued a decision by the Administration, and/or where the training provider fails to comply with the required conditions concerning the registration of education and training activities, trainers, premises and technical equipment, and where the training provider fails to notify the Administration thereof;
- propose that the Administration issue a decision withdrawing the public authorisation of a training provider in the event of non-compliance with the required conditions;
- prohibit the use of PPP equipment in the event of non-compliance with the conditions laid down by this Act;
- prohibit the activity of inspecting PPP equipment in cases where the equipment inspector has not been issued a decision by the Administration, and/or fails to comply with the required conditions as to education and years of work experience, premises and technical equipment, and notify the Administration thereof;
- propose that the Administration issue a decision withdrawing the public authorisation of an equipment inspector in the event of non-compliance with the required conditions;
- ban the use of PPPs in protected aquatic environment areas and in potable water collection areas in cases where the conditions laid down by this Act have not been met;
- ban the use of PPPs in specific areas in cases where the conditions laid down by this Act have not been met;
- ban the use of PPPs in public areas in cases where the conditions laid down by this Act have not been met;
- conduct other actions and institute other measures as required in

tega zakona in na njegovi podlagi izdanih predpisov.

**51. člen**  
**(stroški inšpekcijskega postopka)**

(1) Stroške analiz vzorcev rastlin, rastlinskih proizvodov, tal, škropilnih mešanic, FFS in drugih potrebnih vzorcev pri inšpekcijskem nadzoru uporabe FFS v skladu s tem zakonom je dolžan plačati lastnik, zakupnik ali drug uporabnik zemljišča oziroma uporabnik FFS za poklicno rabo ali nepoklicni uporabnik FFS, če se ugotovi prepovedana ali nepravilna uporaba FFS.

(2) Stroške analiz FFS pri inšpekcijskem nadzoru prometa s FFS v skladu s tem zakonom plača oseba, ki je pridobila odločbo o registraciji ali dovoljenje iz 5. člena tega zakona, če se ugotovi, da FFS ni skladen z odločbo o registraciji ali dovoljenjem.

**XII. KAZENSKÉ DOLOČBE**

**52. člen**  
**(hujši prekrški)**

(1) Z globo od 15.000 do 32.000 eurov se za prekršek kaznuje pravna oseba, če:

- da v promet ali uporabi FFS ali seme, tretirano s FFS, v nasprotju s prepovedjo oziroma omejitvijo prometa oziroma uporabe iz drugega odstavka 4. člena tega zakona,
- nima dovoljenja za opravljanje prometa s FFS na debelo ali na drobno iz 12. člena tega zakona,
- uporabi FFS v nasprotju z drugim odstavkom 17. člena tega zakona tako, da s tem povzroči uničenje rastlin ali neposredno nevarnost za življenje ali zdravje živali,
- prodaja FFS za poklicno rabo osebam, ki nimajo izkaznice iz drugega odstavka 22. člena tega zakona,
- izvaja tretiranje iz zraka v nasprotju z 31. členom tega zakona,

implementing this Act and regulations based thereon.

**Article 51**  
**(Expenses of inspection procedures)**

(1) The expenses for analysing samples of plants, plant products, soil, spraying mixtures, PPPs, and other samples as required, taken within the inspection of the use of PPPs in accordance with this Act, shall be covered by the owner, leaseholder or other user of the land, or by the user of PPPs authorised for professional use, or by a non-professional user of PPPs, in cases where the PPPs have been found to be used in a prohibited or inappropriate manner.

(2) The expenses for analysing PPPs within the inspection of the placing of PPPs on the market in accordance with this Act shall be covered by the person granted an authorisation or permit by a decision referred to in Article 5 of this Act in cases where the PPP has been found to be non-compliant with the decision granting the authorisation or permit.

**XII. PENALTY PROVISIONS**

**Article 52**  
**(Serious offences)**

(1) Legal persons shall be fined between EUR 15,000 and EUR 32,000 for the offences of:

- placing on the market or using PPPs or seeds treated with PPPs contrary to an existing ban or restriction on the placing on the market or use of PPPs referred to in paragraph two of Article 4 of this Act;
- failing to hold a permit for the wholesale or retail distribution of PPPs referred to in Article 12 of this Act;
- using PPPs contrary to the provisions of paragraph two of Article 17 of this Act in a manner that entails devastating impacts on plants, and/or an imminent risk to the life and/or health of animals;
- selling PPPs authorised for professional use to persons who are not in lawful possession of the required training identification card referred to in paragraph two of Article 22 of this Act;
- conducting aerial spraying contrary to Article 31 of this Act;

- uporabi FFS v nasprotju z 32. členom tega zakona,
- uporabi FFS v nasprotju s 33. členom tega zakona.

(2) Z globo od 5.000 do 15.000 eurov se za prekršek iz prejšnjega odstavka kaznuje samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost.

(3) Z globo od 2.500 do 5.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi odgovorna oseba pravne osebe, odgovorna oseba samostojnega podjetnika posameznika ali odgovorna oseba posameznika, ki samostojno opravlja dejavnost.

(4) Z globo od 2.000 do 3.000 eurov se kaznuje tudi posameznik za prekršek iz prvega odstavka tega člena.

### **53. člen (drugi prekrški)**

(1) Z globo od 1.500 do 5.000 evrov se za prekršek kaznuje pravna oseba, če:

- izvaja ocenjevanje aktivnih snovi ali FFS brez odločbe Uprave o pooblastitvi za ocenjevalca, ali če ne izpolnjuje več pogojev za ocenjevalca iz 6. člena tega zakona,
- izvaja teste učinkovitosti brez odločbe Uprave o imenovanju za izvajalca testov učinkovitosti, ali če ne izpolnjuje več pogojev za izvajalca testov učinkovitosti iz 7. člena tega zakona,
- ne sporoča sprememb podatkov v skladu s šestim odstavkom 7. člena tega zakona,
- ne izpolnjuje pogojev za opravljanje prometa s FFS na debelo ali na drobno iz 10. člena tega zakona,
- ne sporoča sprememb podatkov v skladu s četrtem odstavkom 12. člena tega zakona,
- ni vpisana v register distributerjev v skladu s 13. členom tega zakona,
- ne zagotavlja informacij v skladu s petim odstavkom 13. člena tega zakona,
- prodaja FFS v nasprotju s četrtem odstavkom 14. člena tega zakona,

- using PPPs contrary to Article 32 of this Act;
- using PPPs contrary to Article 33 of this Act.

(2) An individual sole trader or an individual who performs independent activities shall be fined between EUR 5,000 and EUR 15,000 for the offences referred to in the preceding paragraph.

(3) The responsible person of a legal person, the responsible person of an individual sole trader or the responsible person of an individual who performs independent activities shall be fined between EUR 2,500 and EUR 5,000 for the offences referred to in paragraph one of this Article.

(4) A private individual shall be fined between EUR 2,000 and EUR 3,000 for the offences referred to in paragraph one of this Article.

### **Article 53 (Other minor offences)**

(1) Legal persons shall be fined between EUR 1,500 and EUR 5,000 for the offences of:

- conducting an evaluation of active substances or PPPs without a decision issued by the Administration granting authorisation to the evaluator, or failing to comply with the conditions for evaluators referred to in Article 6 of this Act;
- conducting efficacy testing without a decision designating the efficacy testing entity issued by the Administration, or failing to comply with the conditions for efficacy testing entities referred to in Article 7 of this Act;
- failing to report data changes in accordance with paragraph six of Article 7 of this Act;
- failing to comply with the conditions for the wholesale or retail distribution of PPPs referred to in Article 10 of this Act;
- failing to report data changes in accordance with paragraph four of Article 12 of this Act;
- failing to be entered in the Register of Distributors in accordance with Article 13 of this Act;
- failing to provide information in accordance with paragraph five of Article 13 of this Act;
- selling PPPs contrary to paragraph four of Article 14 of this Act;

- ne vodi, hrani ali posreduje podatkov o prometu s FFS v skladu s 16. členom tega zakona,
- uporabi FFS v nasprotju z drugim odstavkom 17. člena tega zakona,
- ne obvesti Uprave ali fitosanitarnega inšpektorja o nezaželenih vplivih FFS v skladu s četrtem odstavkom 17. člena tega zakona,
- ne vodi, hrani ali posreduje podatkov o uporabi FFS v skladu z 19. členom tega zakona,
- opravlja promet na drobno ali uporablja FFS, ki so razvrščeni kot zelo strupeni, v nasprotju z 20. členom tega zakona,
- vnese FFS na carinsko območje Evropske unije v nasprotju z 21. členom tega zakona,
- uporabi FFS za poklicno rabo oseba, ki nima izkaznice iz drugega odstavka 22. člena tega zakona,
- nima odločbe Uprave za izvajalca usposabljanja ali ne izpolnjuje več pogojev za izvajalca usposabljanja v skladu s 23. členom tega zakona,
- izvaja usposabljanje v nasprotju s 25. členom tega zakona,
- uporabi napravo v nasprotju s 27. oziroma 28. členom tega zakona,
- izvaja preglede naprav brez odločbe Uprave ali ne izpolnjuje več pogojev za preglednika naprav iz 29. člena tega zakona,
- uporabi FFS v nasprotju s 34. členom tega zakona,
- ravna v nasprotju s tretjim odstavkom 35. člena tega zakona,
- izvaja strokovno nalogo brez odločbe Uprave o pooblastitvi za izvajalca določene strokovne naloge ali ne izpolnjuje več pogojev za izvajalca strokovne naloge iz 38. člena tega zakona,
- izvaja laboratorijske analize s področja FFS brez odločbe Uprave o pooblastitvi za izvajalca laboratorijskih analiz s področja FFS ali ne izpolnjuje več pogojev za izvajalca laboratorijskih analiz s področja FFS iz 41. člena tega zakona.
- failing to keep, maintain or submit data on the distribution of PPPs in accordance with Article 16 of this Act;
- using PPPs contrary to paragraph two of Article 17 of this Act;
- failing to notify the Administration or a phytosanitary inspector of any undesirable impacts of PPPs in accordance with paragraph four of Article 17 of this Act;
- failing to keep, maintain or submit data on the use of PPPs in accordance with Article 19 of this Act;
- conducting the retail distribution of PPPs or using PPPs classified as very toxic contrary to Article 20 of this Act;
- introducing PPPs into the customs territory of the European Union contrary to Article 21 of this Act;
- use of PPPs authorised for professional by a person who does not hold a training identification card referred to in paragraph two of Article 22 of this Act;
- not having been issued a decision granting authorisation to training providers issued by the Administration, or failing to comply with the conditions for training providers in accordance with Article 23 of this Act;
- conducting training contrary to Article 25 of this Act;
- using PPP equipment contrary to Article 27 or Article 28 of this Act;
- conducting inspection of PPP equipment without having been issued a decision by the Administration, or failing to comply with the conditions for equipment inspectors referred to in Article 29 of this Act;
- using PPPs contrary to Article 34 of this Act;
- handling that is contrary to paragraph three of Article 35 of this Act;
- conducting a specialist task without a decision issued by the Administration granting authorisation to conduct that particular specialist task, or failing to comply with the conditions for implementing that particular specialist task referred to in Article 38 of this Act;
- conducting laboratory analyses of PPPs without a decision issued by the Administration granting authorisation to conduct the particular laboratory analyses of PPPs, or failing to comply with the conditions for conducting laboratory analyses of PPPs referred to in Article 41 of this Act.

(2) Z globo od 1.000 do 2.500 evrov se za prekršek iz prejšnjega odstavka kaznuje samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost.

(2) An individual sole trader or an individual who performs independent activities shall be fined between EUR 1,000 and EUR 2,500 for the offences referred to in the preceding paragraph.

(3) Z globo od 400 do 1.000 eurov se za prekršek iz prvega odstavka tega člena kaznuje tudi odgovorna oseba pravne osebe, odgovorna oseba samostojnega podjetnika posameznika ali odgovorna oseba posameznika, ki samostojno opravlja dejavnost.

(4) Z globo od 300 do 500 eurov se kaznuje tudi posameznik za prekršek iz prvega odstavka tega člena ter če:

- se ne usposablja v skladu s prvim odstavkom 22. člena tega zakona,
- ravna z izkaznico v nasprotju s tretjim odstavkom 26. člena tega zakona,
- izkaznico uporabi v nasprotju s četrtem odstavkom 26. člena tega zakona.

### XIII. PREHODNE IN KONČNE DOLOČBE

#### **54. člen (nacionalni akcijski program)**

Vlada sprejme nacionalni akcijski program iz 9. člena tega zakona najpozneje tri mesece po uveljavitvi tega zakona.

#### **55. člen (odgovorne osebe in prodajalci FFS)**

(1) Osebe, ki so ob uveljavitvi tega zakona odgovorne osebe za promet s FFS v skladu z drugim odstavkom 5. člena Zakona o fitofarmacevtskih sredstvih (Uradni list RS, št. 35/07 – uradno prečiščeno besedilo; v nadaljnjem besedilu: Zakon o fitofarmacevtskih sredstvih), se štejejo za svetovalce za FFS iz tretjega odstavka 10. člena tega zakona.

(2) Osebe, ki so ob uveljavitvi tega zakona prodajalci FFS v skladu s Pravilnikom o pogojih, ki jih morajo izpolnjevati pravne in fizične

(3) The responsible person of a legal person, the responsible person of an individual sole trader or the responsible person of an individual who performs independent activities shall be fined between EUR 400 and EUR 1,000 for the offences referred to in paragraph one of this Article.

(4) An individual shall be fined between EUR 300 and EUR 500 for the offences referred to in paragraph one of this Article, and for:

- failing to undertake training in accordance with paragraph one of Article 22 of this Act;
- handling the training identification card contrary to paragraph three of Article 26 of this Act;
- using the training identification card contrary to paragraph four of Article 26 of this Act.

### XIII. TRANSITIONAL AND FINAL PROVISIONS

#### **Article 54 (National Action Plan)**

The Government shall adopt the National Action Plan referred to in Article 9 of this Act no later than three months after the entry into force of this Act.

#### **Article 55 (Responsible persons and PPP salespersons)**

(1) Persons functioning as responsible persons for the distribution of PPPs in accordance with paragraph two of Article 5 of the Plant Protection Products Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 35/07 – official consolidated text, hereinafter: Plant Protection Products Act) on the day this Act enters into force shall be deemed to be the PPP advisors referred to in paragraph three of Article 10 of this Act.

(2) Persons functioning as PPP salespersons in accordance with the Rules on the conditions to be met by legal and natural persons

osebe za promet s fitofarmaceutskimi sredstvi (Uradni list RS, št. 68/02 in 73/05), se štejejo za prodajalce FFS iz tretjega odstavka 10. člena tega zakona.

**56. člen**  
**(potrdila o pridobitvi znanja iz fitomedicine)**

(1) Potrdilo o pridobitvi znanja iz fitomedicine, ki je bilo odgovornim osebam ali prodajalcem FFS izdano pred uveljavitvijo tega zakona, se šteje za izkaznico za svetovalca za FFS ali izkaznico za prodajalca FFS iz drugega odstavka 22. člena tega zakona.

(2) Potrdilo o pridobitvi znanja iz fitomedicine, ki je bilo izvajalcem varstva rastlin, izdano pred uveljavitvijo tega zakona, se šteje za izkaznico za izvajalca ukrepov varstva rastlin iz drugega odstavka 22. člena tega zakona.

(3) Potrdilo o pridobitvi znanja iz fitomedicine, ki je bilo predavateljem iz 57. člena tega zakona izdano pred uveljavitvijo tega zakona, se šteje za izkaznico za izvajalca ukrepov varstva rastlin iz drugega odstavka 22. člena tega zakona.

**57. člen**  
**(izvajalci usposabljanja)**

(1) Do pooblastitve izvajalcev usposabljanja iz 23. člena tega zakona opravljajo naloge usposabljanja za ravnanje s FFS v skladu s tem zakonom dosednji izvajalci usposabljanja, imenovani na podlagi Zakona o fitofarmaceutskih sredstvih.

(2) Uprava pooblasti izvajalce usposabljanja iz 23. člena tega zakona najpozneje do 31. decembra 2013.

(3) Z dnem pooblastitve izvajalcev usposabljanja iz 23. člena tega zakona prenehajo veljati odločbe iz prvega odstavka tega člena.

for the selling of plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 68/02 and 73/05) on the day this Act enters into force shall be deemed to be the PPP salespersons referred to in paragraph three of Article 10 of this Act.

**Article 56**  
**(Certificate on proficiency in phytomedicine)**

(1) Certificates on proficiency in phytomedicine issued to responsible persons or to PPP salespersons prior to the entry into force of this Act shall be deemed to be the training identification card of the PPP advisor or the training identification card of the PPP salesperson referred to in paragraph two of Article 22 of this Act.

(2) Certificates on proficiency in phytomedicine granted to operators prior to the entry into force of this Act shall be deemed to be the training identification card of the operators referred to in paragraph two of Article 22 of this Act.

(3) Certificates on proficiency in phytomedicine granted to the trainers referred to in Article 57 of this Act prior to the entry into force of this Act shall be deemed to be the training identification card of the operators referred to in paragraph two of Article 22 of this Act.

**Article 57**  
**(Training providers)**

(1) Pending the authorisation of training providers referred to in Article 23 of this Act, the task of providing training in the handling PPPs under this Act shall be conducted by the existing trainers, as designated by the respective decisions based on the Plant Protection Products Act.

(2) The Administration shall ensure the authorisation of training providers referred to in Article 23 of this Act by no later than 31 December 2013.

(3) On the day of the authorisation of training providers referred to in Article 23 of this Act, the respective decisions referred to in paragraph one of this Article shall cease to be in force.

(4) Z dnem pooblastitve izvajalcev usposabljanja iz 23. člena tega zakona prenehajo veljati odločbe o imenovanju predavateljev za usposabljanje odgovornih oseb in predavateljev iz varstva rastlin oziroma fitomedicine.

#### **58. člen (certifikacijski organi)**

Z dnem uveljavitve tega zakona prenehajo veljati pooblastila za certificiranje naprav, izdana na podlagi Zakona o zdravstvenem varstvu rastlin (Uradni list RS, št. 82/94).

#### **59. člen (pregledniki naprav)**

(1) Do pooblastitve preglednikov naprav iz 29. člena tega zakona opravljajo naloge pregledovanja naprav dosedanji izvajalci, imenovani z odločbami na podlagi Zakona o zdravstvenem varstvu rastlin (Uradni list RS, št. 82/94) in Zakona o fitofarmaceutskih sredstvih.

(2) Uprava pooblasti preglednike naprav iz 29. člena tega zakona najpozneje v enem letu po uveljavitvi tega zakona.

(3) Z dnem pooblastitve preglednikov naprav iz 29. člena tega zakona prenehajo veljati odločbe iz prvega odstavka tega člena.

#### **60. člen (register pravnih in fizičnih oseb za promet s FFS)**

Pravne in fizične osebe, ki so bile do uveljavitve tega zakona vpisane v register pravnih in fizičnih oseb za promet s FFS na podlagi 5.

(4) On the day of the authorisation of training providers referred to in Article 23 of this Act, the respective decisions designating the particular training providers for training responsible persons and trainers in plant health and/or phytomedicine shall cease to be in force.

#### **Article 58 (Certification bodies)**

On the day this Act enters into force, the authorisations for the certification of PPP equipment granted pursuant to the Plant Health Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 82/94) shall cease to be in force.

#### **Article 59 (Equipment inspectors)**

(1) Pending the authorisation of equipment inspectors referred to in Article 29 of this Act, the tasks regarding the inspection of PPP equipment shall be conducted by the existing entities, as designated by the respective decisions issued on the basis of the Plant Health Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 82/94) and the Plant Protection Products Act.

(2) The Administration shall grant authorisations to equipment inspectors referred to in Article 29 of this Act no later than one year from the entry into force of this Act.

(3) On the day of the authorisation of equipment inspectors referred to in Article 29 of this Act, the decisions referred to in paragraph one of this Article shall cease to be in force.

#### **Article 60 (Register of legal and natural persons involved in the distribution of PPPs)**

Legal and natural persons entered in the register of legal and natural persons involved in the distribution of PPPs based on Article 5 of



člena Zakona o fitofarmaceutskih sredstvih, se štejejo za vpisane v register distributerjev iz 43. člena tega zakona.

**61. člen**  
**(vpis v register distributerjev)**

Cvetličarne in trgovine z neživilskim blagom, ki prodajajo FFS do uveljavitve tega zakona, se štejejo za druge prodajalne z izključno neživilskim blagom iz 13. člena tega zakona in morajo vlogo za vpis v register distributerjev iz 43. člena tega zakona posredovati na Upravo najpozneje v šestih mesecih od uveljavitve tega zakona.

**62. člen**  
**(evidenca naprav)**

(1) Naprave, ki so bile do uveljavitve tega zakona vpisane v evidenco naprav iz 48. člena Zakona o fitofarmaceutskih sredstvih, se štejejo za vpisane v evidenco pregledanih naprav iz 46. člena tega zakona.

(2) Šteje se, da naprave izpolnjujejo tehnične zahteve iz tretjega odstavka 27. člena tega zakona, če so pridobile certifikat o skladnosti v skladu z Zakonom o fitofarmaceutskih sredstvih oziroma so vpisane v evidenco naprav iz 48. člena Zakona o fitofarmaceutskih sredstvih.

**63. člen**  
**(izvajalci javnih služb)**

(1) Naloge ocenjevanja aktivnih snovi in FFS do izbire ocenjevalcev iz 6. člena tega zakona še naprej opravljajo dosedanji izvajalci na podlagi naslednjih odločb:

- Odločbe o pooblastitvi Kmetijskega inštituta Slovenije za izvajanje določenih nalog javne službe na področju fitofarmaceutskih sredstev

the Plant Protection Products Act up to the entry into force of this Act, shall be deemed to be entered in the Register of Distributors referred to in Article 43 of this Act.

**Article 61**  
**(Entry in the Register of Distributors)**

Florists and non-food retailers distributing PPPs prior to the entry into force of this Act shall be deemed to be other stores selling exclusively non-food products referred to in Article 13 of this Act, and shall be required to submit a application for entry into the Register of Distributors referred to in Article 43 of this Act to the Administration no later than within six months of the entry into force of this Act.

**Article 62**  
**(Records on PPP equipment)**

(1) PPP equipment entered in the records on PPP equipment referred to in Article 48 of the Plant Protection Products Act prior to the entry into force of this Act shall be deemed to be entered in the records of inspected PPP equipment referred to in Article 46 of this Act.

(2) PPP equipment shall be deemed to be compliant with the technical requirements referred to in paragraph three of Article 27 of this Act where it has been granted a certificate on conformity in accordance with the Plant Protection Products Act and/or where it has been entered in the records on PPP equipment referred to in Article 48 of the Plant Protection Products Act.

**Article 63**  
**(Public service operators)**

(1) Tasks regarding the evaluation of active substances and of PPPs shall, pending the selection of evaluators referred to in Article 6 of this Act, continue to be conducted by the existing evaluators on the basis of the following Decisions:

- Decision authorising the Agricultural Institute of Slovenia to conduct certain public service tasks involving plant protection products

(Uradni list RS, št. 23/01),

- Odločbe o pooblastitvi Inštituta za hmeljarstvo in pivovarstvo Žalec za izvajanje določenih nalog javne službe na področju fitofarmaceutskih sredstev (Uradni list RS, št. 23/01),
- Odločbe o pooblastitvi Kmetijsko gozdarske zbornice Slovenije – Kmetijsko gozdarskega zavoda Nova Gorica za izvajanje določenih nalog javne službe na področju fitofarmaceutskih sredstev (Uradni list RS, št. 23/01) in
- Odločbe o pooblastitvi Inštituta za varovanje zdravja Republike Slovenije za izvajanje določenih nalog javne službe na področju fitofarmaceutskih sredstev (Uradni list RS, št. 101/03).

(2) Uprava pooblasti izvajalce ocenjevanja aktivnih snovi in FFS iz 6. člena tega zakona najpozneje do 31. decembra 2014.

(3) Z dnem pooblastitve izvajalcev ocenjevanja aktivnih snovi in FFS iz 6. člena tega zakona prenehajo veljati odločbe iz prvega odstavka tega člena.

#### **64. člen**

##### **(izvajalci testov in analiz za ugotavljanje učinkovitosti FFS)**

Organizacije, ki so do uveljavitve tega zakona pridobile potrdilo Uprave o izpolnjevanju pogojev glede dobre poskusne prakse na podlagi Zakona o fitofarmaceutskih sredstvih za opravljanje testov in analiz za ugotavljanje učinkovitosti FFS, se štejejo za izvajalce testov učinkovitosti iz 7. člena tega zakona in lahko opravljajo teste učinkovitosti do izteka veljavnosti obdobja, navedenega na potrdilu.

#### **65. člen**

##### **(dokončanje postopkov, začelih pred uveljavitvijo tega zakona)**

(Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 23/01);

- Decision authorising the Institute for Hop Growing and Brewing of Žalec to conduct certain public service tasks involving plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 23/01);
- Decision authorising the Nova Gorica Agriculture and Forestry Institute of the Chamber of Agriculture and Forestry of Slovenia to conduct certain public service tasks involving plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 23/01), and
- Decision authorising the Institute of Public Health of the Republic of Slovenia to conduct certain public service tasks involving plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 101/03).

(2) The Administration shall authorise evaluators of active substances and PPPs referred to in Article 6 of this Act no later than by 31 December 2014.

(3) On the day of the authorisation of evaluators of active substances and PPPs referred to in Article 6 of this Act, the decisions referred in paragraph one of this Article shall cease to be in force.

#### **Article 64**

##### **(PPP efficacy testing and analysing entities)**

Entities that, prior to the entry into force of this Act, were issued a designating decision by the Administration on compliance with the conditions of good experimental practice based on the Plant Protection Products Act for conducting tests and analyses for testing the efficacy of PPPs shall be deemed to be PPP efficacy testing and analysing entities as referred to in Article 7 of this Act and may continue PPP efficacy testing until the end of the validity period indicated in the designating decision.

#### **Article 65**

##### **(Completion of procedures initiated prior to the entry into force of this Act)**

Upravni in inšpekcijski postopki, ki so se začeli pred uveljavitvijo tega zakona, se dokončajo po dosedanjih predpisih.

**66. člen**  
**(rok za izdajo podzakonskih predpisov)**

Podzakonski predpisi na podlagi tega zakona se izdajo v enem letu po uveljavitvi tega zakona.

**67. člen**  
**(prenehanje veljavnosti in podaljšanje uporabe predpisov)**

(1) Z dnem uveljavitve tega zakona prenehajo veljati naslednji podzakonski predpisi:

- Pravilnik o dolžnostih uporabnikov fitofarmaceutskih sredstev (Uradni list RS, št. 62/03, 5/07 in 30/09),
- Pravilnik o določitvi mejnih prehodov za promet s fitofarmaceutskimi sredstvi in postopkih nadzora pri njihovem vnosu (Uradni list RS, št. 89/04),
- Pravilnik o pogojih, ki jih morajo izpolnjevati pravne in fizične osebe za promet s fitofarmaceutskimi sredstvi (Uradni list RS, št. 68/02 in 73/05),
- Pravilnik o vpisu in izbrisu iz registra pravnih in fizičnih oseb za trgovanje s fitofarmaceutskimi sredstvi (Uradni list RS, št. 58/01, 64/05 in 66/07),
- Pravilnik o pogojih in kriterijih za določitev fitofarmaceutskih sredstev za prodajo brez predložitve dokazila o opravljenem strokovnem usposabljanju (Uradni list RS, št. 103/07 in 100/10),
- Pravilnik o strokovnem usposabljanju in preverjanju znanja iz fitomedicine (Uradni list RS, št. 36/02, 41/04, 17/05, 92/06 in 99/08),
- Pravilnik o pogojih in postopkih, ki jih morajo izpolnjevati in izvajati pooblaščen nadzorni organi za redno pregledovanje naprav za

Administrative and inspection procedures initiated prior to the entry into force of this Act shall be completed in accordance with the existing regulations.

**Article 66**  
**(Deadline for issuing implementing regulations)**

Implementing regulations pursuant to this Act shall be issued within a year of the entry into force of this Act.

**Article 67**  
**(End of the validity and application of regulations)**

(1) On the day this Act enters into force, the following implementing regulations shall cease to be in force:

- Rules on the obligations of operators for the application of plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 62/03, 5/07 and 30/09);
- Rules on the designation of border crossing points for marketing plant protection products and inspection procedures for the import thereof (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 89/04);
- Rules concerning the conditions to be met by natural and legal persons for placing plant protection products on the market (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 68/02 and 73/05);
- Rules concerning entry into and removal from the register of natural and legal persons for the purpose of trading in plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 58/01, 64/05 and 66/07);
- Rules on the conditions and criteria for selling plant protection products without a certificate of additional training (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 103/07 and 100/10);
- Rules on professional training and assessment of knowledge in phytomedicine (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 36/02, 41/04, 17/05, 92/06 and 99/08);
- Rules concerning the conditions and procedures to be met and followed by supervisory bodies authorised to carry out regular

nanašanje fitofarmaceutskih sredstev (Uradni list RS, št. 12/00, 18/02 in 97/05),

- Pravilnik o pridobitvi potrdila o izpolnjevanju pogojev dobre poskusne prakse (Uradni list RS, št. 63/06 in 42/08),
- Odredba o obveznem sodelovanju imetnikov pri zatiranju škodljivih organizmov na železniških objektih (Uradni list RS, št. 42/95) in
- Odredba o prepovedi prometa in uporabe določenih fitofarmaceutskih sredstev na ozemlju Republike Slovenije (Uradni list RS, št. 31/11).

(2) Ne glede na prejšnji odstavek se do uveljavitve podzakonskih predpisov po tem zakonu podzakonski predpisi iz prejšnjega odstavka uporabljajo, kolikor niso v nasprotju s tem zakonom.

#### **68. člen (prenehanje veljavnosti in uporabe)**

(1) Z dnem uveljavitve tega zakona prenehajo veljati naslednji predpisi:

- Zakon o fitofarmaceutskih sredstvih (Uradni list RS, št. 35/07 – uradno prečiščeno besedilo),
- Pravilnik o zahtevani dokumentaciji za oceno aktivne snovi (Uradni list RS, št. 31/02 in 31/04),
- Pravilnik o zahtevani dokumentaciji za registracijo in oceno fitofarmaceutskih sredstev (Uradni list RS, št. 31/02 in 31/04),
- Pravilnik o enotnih načelih ocenjevanja in registracije fitofarmaceutskih sredstev (Uradni list RS, št. 50/06),
- Pravilnik o pogojih glede strokovne usposobljenosti ocenjevalcev aktivnih snovi in fitofarmaceutskih sredstev (Uradni list RS, št. 93/04 in 31/08),
- Pravilnik o aktivnih snoveh, uvrščenih na Seznam, in preveritvi registracije fitofarmaceutskih sredstev, ki takšne snovi vsebujejo

examinations of equipment for the application of plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 12/00, 18/02 and 97/05);

- Rules on obtaining a certificate of fulfilling the conditions for good experimental practice (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 63/06 and 42/08);
- Order on the compulsory participation of owners in the suppression of harmful organisms on railway facilities (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 42/95), and
- Order prohibiting the trade in and use of certain plant protection products in the territory of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 31/11).

(2) Notwithstanding the preceding paragraph, pending the entry into force of the implementing regulations based on this Act, the implementing regulations referred to in the preceding paragraph shall apply, provided they are not contrary to this Act.

#### **Article 68 (End of validity and application)**

(1) On the day this Act enters into force, the following regulations shall cease to be in force:

- Plant Protection Products Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 35/07 – official consolidated text);
- Rules concerning the documents required for the evaluation of active substances (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 31/02 and 31/04);
- Rules concerning the documents required for the authorisation and evaluation of plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 31/02 and 31/04);
- Rules on uniform principles for the evaluation and authorisation of plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 50/06);
- Rules on requirements with regard to the professional qualifications of evaluators of active substances and plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 93/04 and 31/08);
- Rules on active substances included in the List and on the verification of the authorisation of plant protection products containing such

(Uradni list RS, št. 114/04),

- Pravilnik o načinu izpolnjevanja zahtevkov v zvezi z registracijo fitofarmaceutskih sredstev (Uradni list RS, št. 36/03),
- Pravilnik o dovoljenjih za fitofarmaceutska sredstva (Uradni list RS, št. 36/03),
- Pravilnik o prepovedi prometa in uporabe fitofarmaceutskih sredstev, ki vsebujejo določene aktivne snovi (Uradni list RS, št. 10/05),
- Pravilnik o ravnanju z zalogami fitofarmaceutskih sredstev po prenehanju registracije (Uradni list RS, št. 59/03 in 6/05),
- Pravilnik o vsebini in načinu vodenja registra naprav certificiranih tipov, ki so uspešno oziroma neuspešno prestale redni pregled (Uradni list RS, št. 68/95),
- Pravilnik o vrsti naprav za dezinfekcijo, dezinfekcijo in deratizacijo v skladiščih blaga rastlinskega izvora (Uradni list SRS, št. 22/80),
- Pravilnik o zahtevani opremi in strokovni usposobljenosti delavcev organizacij združenega dela, ki opravljajo dezinfekcijo, dezinfekcijo ali deratizacijo tretjim osebam in o postopku pri opravljanju tega dela (Uradni list SRS, št. 22/80),
- Pravilnik o dodatnih standardnih opozorilih in obvestilih za fitofarmaceutska sredstva (Uradni list RS, št. 28/05),
- Pravilnik o sestavi in načinu dela komisije za fitofarmaceutska sredstva (Uradni list RS, št. 74/02),
- Pravilnik o pridobitvi certifikata o skladnosti za naprave za nanašanje fitofarmaceutskih sredstev (Uradni list RS, št. 37/01, 80/01, 80/02 in 117/02),
- Odredba o seznamu registriranih fitofarmaceutskih sredstev v Republiki Sloveniji (Uradni list RS, št. 14/12).

(2) Z dnem uveljavitve tega zakona se preneha uporabljati

substances (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 114/04);

- Rules on the method of filling out applications with regard to the registration of plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/03);
- Rules on licences for plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/03);
- Rules on prohibited placing on the market and use of plant protection products containing certain active substances (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 10/05);
- Rules on handling stocks of plant protection products after the expiry of registration (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 59/03 and 6/05);
- Rules concerning the contents and mode of keeping the register of application equipment of certified types that have been the subject of successful or unsuccessful regular control (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 68/95);
- Rules concerning the types of equipment used for disinsectisation, disinfection and deratisation in storehouses of goods of plant origin (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 22/80);
- Rules concerning the required equipment and professional qualification of employees in organisations that carry out disinsectisation, disinfection and deratisation for third persons, and the procedure for carrying out such work (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], No. 22/80);
- Rules on additional standard risk and safety notices for plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 28/05);
- Rules on the composition and working methods of the Plant Protection Products Commission (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 74/02);
- Rules concerning the granting of a conformity certificate of application techniques for plant protection products (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 37/01, 80/01, 80/02 and 117/02);
- Order on the list of authorised plant protection products in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 14/12).

(2) On the day this Act enters into force, the Rules concerning

Pravilnik o pogojih, ki jih morajo izpolnjevati skladišča in drugi prostori za skladiščenje rastlin in podjetja, ki se ukvarjajo z dezinfekcijo in dezinfekcijo rastlin ter z deratizacijo prostorov (Uradni list SFRJ, št. 33/91).

(3) Z dnem uveljavitve tega zakona prenehata veljati 4. člen in druga alineja prvega odstavka 13. člena Uredbe o izvajanju Uredbe (ES) o dajanju fitofarmaceutskih sredstev v promet (Uradni list RS, št. 86/11).

(4) Z dnem uveljavitve tega zakona preneha veljati drugi stavek drugega odstavka 49.a člena Zakona o kemikalijah (Uradni list RS, št. 110/03 – uradno prečiščeno besedilo, 47/04 – ZdZPZ, 61/06 – ZBioP, 16/08 in 9/11).

#### **69. člen**

##### **(odložitev začetka uporabe posameznih določb zakona)**

(1) Določbe 34. člena tega zakona se začnejo uporabljati 1. januarja 2014.

(2) Določba tretjega odstavka 35. člena tega zakona se začne uporabljati 1. januarja 2014.

#### **70. člen**

##### **(začetek veljavnosti)**

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

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the conditions to be fulfilled by storehouses and other premises for the storage of plants and enterprises engaged in disinsectisation, the disinfection of plants and the deratisation of premises (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], No. 33/91) shall cease to apply.

(3) On the day this Act enters into force, Article 4 and indent two of paragraph one of Article 13 of the Regulation implementing Regulation (EC) concerning the placing of plant protection products on the market (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 86/11) shall cease to be in force.

(4) On the day this Act enters into force, the second sentence of paragraph two of Article 49.a of the Chemicals Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 110/03 – official consolidated text, 47/04 – ZdZPZ, 61/06 – ZBioP, 16/08 and 9/11) shall cease to be in force.

#### **Article 69**

##### **(Postponed application of particular provisions of the Act)**

(1) The provisions of Article 34 of this Act shall apply from 1 January 2014.

(2) The provisions of paragraph three of Article 35 of this Act shall apply from 1 January 2014.

#### **Article 70**

##### **(Entry into force)**

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

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Ljubljana, 25 October 2012  
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National

Republike  
Slovenije

dr. Gregor  
Virant l.r.  
Predsednik

Assembly of  
the Republic of  
Slovenia  
Dr. Gregor  
Virant, m.p.  
President