

MINISTRY OF THE INTERIOR

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STATE BORDER CONTROL ACT

I. GENERAL PROVISIONS

Article 1

(Scope of the Act)

This Act shall lay down the organisation and method of conducting state border control, the implementation of police measures in the interior of the state and international police cooperation.

State border surveillance measures and border checks shall be considered state border control pursuant to this Act.

Measures to detect and prevent illegal residence and cross-border crime shall be considered police measures in the interior of the state.

International police cooperation shall cover the activities of foreign police agencies in the national territory of the Republic of Slovenia or the activities of Slovenian police agencies in a foreign territory, cooperation with foreign security forces and the exchange of liaison officers.

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

Article 2

(Purpose of state border control)

State border control shall be conducted in order to:

- protect life and health of people;

- prevent and detect criminal offences and misdemeanours, and detect and apprehend the perpetrators thereof;
- prevent illegal migration;
- ensure the safety of people, property and the environment in the territory of the Republic of Slovenia;
- prevent and detect other threats to public safety and order.

Article 3

(Meaning of terms)

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

1. The border line shall demarcate the territory of the Republic of Slovenia from the territories of the neighbouring states.
2. For the purpose of this Act the state border shall be the land and sea border, and airports and ports that handle international traffic.
3. A border crossing point shall be a place where specific categories of person may cross the border during its operating hours.
4. A border check shall be a check performed solely upon an intended crossing or immediately after the crossing of the state border.
5. The Convention implementing the Schengen Agreement shall mean the Convention of 19 June 1991 implementing the Schengen Agreement of 14 June 1985 concluded between the Government of the Benelux Economic Union, the Federal Republic of Germany and the French Republic on the Gradual Abolition of Checks at their Common Borders.
6. For the purpose of this Act a Contracting State shall be each state to which the provisions of the Convention implementing the Schengen Agreement apply.
7. After the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia the external border shall be the national border of the Republic of Slovenia with a state that is not a Contracting State and airports and ports where international traffic takes place insofar as they are not an internal border.
8. After the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia the internal border shall be the common state border between the Republic of Slovenia and the Contracting State, and airports and ports where direct ferry traffic takes place solely from and to the territories of the Contracting States.

9. After the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia a direct flight between the states to which the provisions of the Convention implementing the Schengen Agreement apply shall be considered an internal flight.

10. After the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia direct regular ferry and passenger sailing between the states to which the provisions of the Convention implementing the Schengen Agreement apply shall be considered internal maritime transport.

11. Established international practice shall be the rules of general practice and generally recognised rules applying to the content and issues governed by this Act.

II. AUTHORITY CONDUCTING STATE BORDER CONTROL AND POWERS

Article 4

(Authority conducting state border control)

The police shall be responsible for conducting state border control.

If the security situation so allows, the Government of the Republic of Slovenia may, for economic reasons, decree at which border crossing point points border control may be conducted by the customs service.

Article 5

(Powers)

In order to conduct state border control tasks, police officers shall have the powers laid down by this Act and the powers laid down by other acts.

Should the state border control tasks be conducted by another state agency, the employees of this state agency shall have, in addition to their powers, the powers of police officers required to conduct the tasks determined by the decree referred to in the second paragraph of the preceding Article.

Unless otherwise provided by this or another regulation police officers and other employees carrying out the tasks according to this Act must observe established international practice.

Article 6

(Risk prevention measures)

In order to conduct state border control the police may, if special powers are not provided separately by this Act or other acts, adopt and implement other measures required to prevent

risks that in specific cases constitute a direct threat to public safety and order, particularly to the life and health of people and to property.

Article 7

(Principle of proportionality)

When conducting the state border control tasks the police must employ those powers that encroach least on an individual or a community while ensuring the realisation of the legal objective.

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

An individual power may be only applied until the objective for which it has been employed is achieved or until it is established that the objective cannot be achieved employing this particular power.

Article 8

(Facilitating state border control)

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

Police officers may, when necessary for performing the tasks under this Act, enter on and drive through land irrespective of its ownership.

Owners and possessors of land must permit free passage for the unhindered implementation of state border control tasks.

Article 9

(Use of vehicles and vessels)

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

III. BORDER LINE

Article 10

(Marking of border line)

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

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

On roads leading towards the border and airports and ports with international traffic appropriately placed signs shall be exhibited drawing attention to Slovenia's membership in the European Union, and if necessary that of neighbouring states.

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

Affixing or placing anything on warning signs and other notices, as well as any other action obscuring the visibility of the signs or notices shall be prohibited.

The signage referred to in the first paragraph of Article 8 of this Act shall be registered in state border records kept by the administrative body responsible for land surveying. The entry of the signage referred to in the first paragraph of Article 8 of this Act and changes to such entries shall be performed by the administrative body responsible for land surveying upon the proposal of the police.

Owners and operators of roads, paths and other land must allow passage free of charge and shall be obliged to facilitate the installation of border markings, warning signs and other notices free of charge.

The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of the third and fourth paragraphs of this Article.

Article 11

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

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

The minister responsible for internal affairs may issue on the grounds of public order a prohibition on any sailing, hunting, fishing, flights by aircraft or other flying devices, and

movement or stopping of persons along the border line. The prohibition shall last as long as the grounds of public order remain.

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

Persons affected by the second paragraph of this Article shall not be entitled to compensation due to the implementation of the measures required by this Article.

Article 12

(Arrangement of the area along the border line)

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

Article 13

(Border incidents)

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

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

IV. CROSSING OF THE STATE BORDER AND BORDER CROSSING POINTS

Article 14

(Crossing the state border)

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

The state border, and after the entry into force of the Convention implementing the Schengen Agreement the state border that is not an internal border, may be crossed only at border crossing point points designated for that purpose in accordance with the intended use of border crossing point points during the determined hours and within the determined extent.

Notwithstanding the provisions of the preceding paragraph the state border may be crossed anywhere and anytime in case of force majeure or if otherwise provided by an international agreement. A person crossing the state border because of force majeure must inform the police thereof as soon as it becomes possible.

Article 15

(Crossing the internal border)

Internal borders may be crossed without border checks anytime and at any place.

Should the maintenance of public order or national security so require, the minister responsible for internal affairs may order that certain parts of the internal border be temporarily crossed only at the provisional border crossing points determined for that purpose, and order that border checks be performed. The order shall be published in the media.

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

Article 16

(Transit traffic)

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

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

The provisions of the preceding paragraph shall be applied *mutatis mutandis* to maritime transport.

Article 17

(Designation of border crossing points)

Border crossing points shall be designated by the Government of the Republic of Slovenia by a decree in agreement with the neighbouring state.

The minister responsible for internal affairs shall determine by an order the operating hours and the extent of use of border crossing points in agreement with the minister responsible for finance and the competent authorities of the neighbouring state.

Article 18

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

The police may, given a demonstrated justified interest, establish by a decision a border crossing point for individually named persons in agreement with the administrative authority responsible for customs affairs. In the event that a provisional border crossing point is established at an airport or runway the police issue a decision in agreement with the administrative authority responsible for customs affairs and the administrative authority responsible for aviation. An appeal shall be decided on by the ministry responsible for internal affairs.

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

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

Article 19

(Designation of provisional border crossing points)

The police may decree a provisional border crossing point in agreement with the administrative authority responsible for customs affairs if this is required for the effective implementation of short-term cross-border activities, such as:

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

In the event that a provisional border crossing point is established at an airport, runway or a railway line, the police shall issue a decision in agreement with the administrative authority responsible for customs affairs and the ministry responsible for transport.

A provisional border crossing point under this Article shall be established for a maximum of six months out of twelve months except for the grounds referred to in the sixth indent of the first paragraph of this Article, for which a border crossing point shall be established for the duration of the works or for the duration of the wider public interest.

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

An appeal relating to the matters referred to in the first and second paragraphs of this Article shall be decided on by the ministry responsible for internal affairs.

Article 20

(Costs of establishing a border crossing point)

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

Article 21

(Arrangement of a border crossing point)

Border crossing points must be arranged to enable the effective, simple and low-cost implementation of state border control.

Operators of airports, ports and railway stations must provide appropriate facilities and organisational measures so that border checks can be conducted in accordance with the provisions of this Act. Airports must be installed with facilities enabling differentiation between internal-flight passengers and other passengers, unless only internal flights take place there.

The operators referred to in the preceding paragraph must provide for the police, or the agency referred to in the second paragraph of Article 4 of this Act if it performs any of the forms of state border control, suitable office premises and a sufficient number of parking spaces, as well as free access to their facilities and devices and free transport for the implementation of their tasks and also in a timely manner and free of charge provide information on timetables, flight schedules and all actual traffic movements.

Article 22

(Border crossing zone)

All border crossing points, except border crossing points laid down in the second paragraph of Article 15 and Articles 18 and 19 of this Act, must be provided with a zone required for

conducting border checks and in its direct vicinity facilities required for effective and safe traffic and the implementation of border checks.

The border crossing zone for railway traffic shall consist also of the railway track including the appertaining land from the border line to the border crossing point.

The director of a police directorate shall determine the border crossing zone by a decision. The director of the competent police directorate shall determine a border crossing zone at the airport by a decision in agreement with the director of the Administration of the Republic of Slovenia for Civil Aviation.

Movement and stopping in the border crossing zone shall only be permitted for persons who intend to cross the state border or who have already crossed it and remain at the border crossing point due of border checks, and to other persons with justified reasons.

The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of the first and second paragraphs of this Article.

Article 23

(Marking a border crossing point and its zone)

A border crossing point and its zone shall be marked by warning and supplementary signs.

The form, content and method of installing the warning and supplementary signs shall be determined by the minister responsible for internal affairs, who shall issue the rules, in agreement with the minister responsible for transport.

The installation of the warning and supplementary boards shall not be required at:

- Provisional border crossing points established pursuant to the second paragraph of Article 15 and Article 19 of this Act;
- Border crossing points at which the crossing of the state border shall be permitted to persons listed by name.

Article 24

(Obligation of passengers and other persons at the border crossing zone)

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

Article 25

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

The construction, installation or change in intended use of facilities and devices in the border-crossing zone shall require a consent issued by director of police directorate.

The consent referred to in the preceding paragraph shall not be issued if the facility, device or the activity would hinder the implementation of border check and security measures at the state border.

The consent shall be valid until the relevant construction or other permit is issued but no longer than one year.

Article 26

(Obligations of a shipmaster)

Upon arrival from abroad or before departure a shipmaster must give a police officer a copy of the list of crew members and the list of passengers and provide the inspection travel documents of crew members.

The provisions of the preceding paragraph shall not apply to the list of passengers in ferry transport.

Upon arrival from abroad a shipmaster must ensure that crew members and passengers do not leave the vessel prior to completion of the border check if the border check is performed on the vessel.

The shipmaster or the representative of the shipping company must prior to the ship sailing into the port or no later than upon landing in the port notify the police of all passengers without valid travel documents.

The shipmaster must take the necessary measures to ensure that the passengers without valid travel documents or those refused admission to Slovenia do not disembark without permission of the police.

The provisions referred to in the first, third, fourth and fifth paragraphs of this Article shall apply *mutatis mutandis* in air traffic while the provisions of the third and fourth paragraphs of this Article shall apply *mutatis mutandis* to bus traffic.

V. BORDER CHECKS

Article 27

(Obligation of submission to border check)

A person intending to cross or having already crossed the border line, except the internal border line after the enforcement of the convention implementing the Schengen Agreement,

must present a valid travel document and submit to a border check and must not leave the border-crossing zone until the border check is completed or evade the border check in any manner.

The person referred to in the preceding paragraph must explain to the police officer conducting the border check any circumstances relevant to crossing of the state border.

The person referred to in the first paragraph of this Article must act according to the instructions and orders issued by officers conducting border checks.

Article 28

(Border check)

A police officer conducting a border check may:

- Request the presentation of valid travel documents required to cross the state border for persons and objects;
- Insert into the travel documents any information concerning the circumstances relevant to entry into or departure from the state;
- Perform a personal check, a vehicle check or check of the person's possessions;
- Detain a person for a reasonable period.

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

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

Article 29

(Checks on persons, vehicles and goods)

A personal check shall be a check consisting of the verification of travel documents by establishing the identity of a person intending to cross the state border, and of other conditions for crossing the border, and arrest-warrant and technical checking of a person by taking fingerprints and palm prints, and checking other physical identification features.

A police officer may request a person to show what he or she has on his or her person. In the event of suspected possession of illegal items and objects or to establish identity the police officer may examine or search a person. The examination under this Article shall not include the examination of body cavities.

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

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

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

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

Article 30

(Right to be present)

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

Article 31

(Application of other regulations)

If during the inspection or examination of a person, goods or vehicle a police officer finds goods that may be seized pursuant to the provisions of the Penal Code, or goods that could be important for the criminal or misdemeanours proceedings, the police officer shall continue the procedure according to the provisions of the act governing criminal proceedings and the act governing misdemeanours proceedings.

If during the inspection or examination of a person, goods or vehicle a police officer finds goods that are not included among the goods referred to in the preceding paragraph but constitute customs goods in accordance with the regulations governing the customs, he shall leave them to a customs officer for further procedure.

Article 32

(Detention of a person)

A police officer may detain a person for a reasonable time but for no more than 48 hours, intending to cross or having already crossed the border line if there is reason to suspect that this person has illegally crossed the state border and detention is required in order to establish

all necessary facts and circumstances of the crossing of the state border concerned, or in order not to admit a foreign person not meeting the conditions for admission to Slovenia, and who cannot for justified grounds be immediately directed from Slovenia.

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

Article 33

(Border check area)

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

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

Article 34

(Partial suspension of border checks)

If due to specific circumstances a border check cannot be performed in its entirety because, in spite of the use of all personnel and organisational capacities, unacceptable waiting periods for the crossing of the border or another unacceptable deviations in traffic at the border crossing point might occur, the police officer responsible for the organisation and management of border checks may provisionally order the partial suspension of border checks.

In the cases referred to in the preceding paragraph the police officer responsible for the organisation and management of border checks shall lay down priority objectives of border checks that must be adapted to specific situation so that border check is effective to the highest possible level.

In laying down priority tasks of border check the entry checks shall normally have precedence over departure checks.

If traffic is light at an individual border crossing point and security situation so allows, the director general of the police may order that border checks be conducted in the form of police

patrols insofar as this is not in contravention of international obligations of the Republic of Slovenia or public interest.

VI. MEASURES IN THE INTERIOR OF THE STATE

Article 35

(Measures in the interior of the state)

In order to prevent illegal entry and residence to the territory of Slovenia and preventing and detecting cross-border crime, police officers may make identity checks on international traffic connections and facilities relating to cross-border traffic if security situation so requires; furthermore they may perform a personal check, vehicle check and goods check.

VII. INTERNATIONAL COOPERATION

Article 36

(Foreign security agencies)

Entry to Slovenia may be permitted to members of foreign security forces in uniform, carrying weapons and driving vehicles marked by their signs and emblems.

A permit for the entry of foreign security forces to the territory of the Republic of Slovenia shall be issued by the police provided that this does not contravene the interests of the Republic of Slovenia.

The permit may contain special conditions for entry.

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

Members of foreign security forces accompanying a representative of a state on an official visit to the Republic of Slovenia may bring and carry short-barrel weapons and accompanying ammunition with the consent of the police.

An appeal relating to the matters referred to in the second and fifth paragraphs of this Article shall be decided on by the ministry responsible for internal affairs.

Article 37

(Cooperation with foreign security forces)

Notwithstanding the provisions of the preceding Article authorised persons of foreign states may enter the Republic of Slovenia and implement the measures of state border control

determined by an international agreement and other tasks of international police cooperation, and Slovenian police officers may also implement such measures and tasks abroad in accordance with international agreements.

On a reciprocal basis, members of foreign security forces implementing the tasks and measures referred to in the preceding paragraph of this Article may wear uniform, carry personal weapons or other coercive devices in Slovenia if they are part of their official equipment without a special permit; however they may only use the weapons and other coercive devices if required to avert an illegal attack on themselves or on another person at that time.

Article 38

(Liaison officer)

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

VII. COLLECTION OF PERSONAL DATA AND THE RECORDS

Article 39

(Automatic photographic and recording devices)

The police may install automatic photographic and recording devices in the border-crossing zones and other areas along the state border.

Automatic photographic and recording devices installed in border-crossing zones must be installed in such a way that they are visible. Persons located in these zones must be informed of such devices.

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

The minister responsible for internal affairs shall issue the rules regulating in detail the implementation of the first and second paragraphs of this Article.

Article 40

(Automatic collection of data)

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

Article 41

(Records)

In order to efficiently protect the state border the police may keep:

- Records of persons subject to border checks;
- Records of persons subject to an identification procedure according to Article 35 of this Act;
- Records of persons allowed to cross the state border at border crossing points for certain persons listed by name.

Article 42

(Personal data)

The following personal data may be collected and kept in the records referred to in the first indent of the preceding Article: name and surname, date and place of birth, residence, citizenship, data on the travel document, place, time and direction of the crossing of the state border, and fingerprints, palm prints, data on other physical identification features, if taken.

The following data may be collected and kept in the records referred to in the second indent of the preceding Article: name and surname, date and place of birth, residence, citizenship, data on identity document and circumstances of identity check, fingerprints, palm prints, data on other physical identification features, if taken.

The following data may be collected and kept in the records referred to in the third indent of the preceding Article: name and surname, date and place of birth, residence, citizenship, place of permitted crossing, time of permission to cross the state border.

Data collected pursuant to the first and second paragraphs of this Article may be kept for ten years after entry in the records. Data collected pursuant to the third paragraph of this Article may be kept for five years after the expiry of the period an individual person was permitted to cross the state border at a border crossing point for a specific group of persons.

IX. PENAL PROVISIONS

Article 43

A fine of a minimum of SIT 100,000 shall be imposed on a natural person committing an offence by:

- Failing to permit free passage for implementation of the state border control tasks (third paragraph of Article 8);

Pregled besedila opravila Služba za prevajanje in lektoriranje, marec 2006. Besedilo vsebuje spremembe in dopolnitve Zakona o nadzoru državne meje, objavljene v URL RS 126/2003 z 18/10-2003 in URL RS 69/2005 z 22/7-2005

- Sowing or planting specific species of trees or plants in contravention of the provision (third paragraph of Article 11);
- Crossing the state border outside a border crossing point or in contravention of the intended use of the border crossing point, out of the operating hours and the extent of the border crossing point (second paragraph of Article 14);
- Crossing the state border due to force majeure and not immediately notifying the police thereof (third paragraph of Article 14);
- Failing to observe the instructions and orders issued at the border-crossing zone by officials of the agency conducting border checks (Article 24);
- Making any alterations to the intended use of the facility or device located at the border-crossing zone without consent (first paragraph of Article 25);
- A shipmaster or another person not complying with the obligations of a shipmaster (first, third, fourth and fifth paragraph of Article 26);
- Evading border checks (first paragraph of Article 27);
- Attempting to evade border checks, leaving the border crossing zone before the border check is completed or attempting to evade a border check in another way (first paragraph of Article 27);
- Failing to explain the circumstances relevant for the crossing of the state border or failing to observe the instructions and orders of police officers conducting border checks (second and third paragraph of Article 27);
- Identifying him or herself at a border check with an invalid travel document or the travel document of another person (first paragraph of Article 27).

Article 44

A fine of a minimum of SIT 50,000 shall be imposed on a natural person committing an offence by:

- Affixing any other boards, inscriptions, posters, and similar to the warning signs and other notices installed under this Act or the regulations issued on the basis thereof (fifth paragraph of Article 10);
- Sailing, hunting, fishing moving or stopping along the border line when this is prohibited by an order (second paragraph of Article 11);
- Crossing the internal border in contravention of the order (second paragraph of Article 15);
- Moving or stopping at the border-crossing zone without a justified reason (fourth paragraph of Article 22).

Article 45

A fine of a minimum of SIT 500,000 shall be imposed on a legal entity committing an offence by:

- Not permitting free passage for implementation of the state border control tasks (third paragraph of Article 8);
- Failing to ensure that border checks could be performed in accordance with the provisions of this Act (second paragraph of Article 21);
- Failing to provide office premises, parking spaces, access to the facilities and premises, free transport, timetables, and failing to communicate or failing to communicate in due time actual traffic movements (third paragraph of Article 21);
- Making any alterations to the intended use of the facility or device located at the border-crossing zone without consent (first paragraph of Article 25);
- The shipmaster of the legal entity or another person fails to comply with the obligations of a shipmaster (first, third, fourth and fifth paragraph of Article 26).

A fine of a minimum of SIT 150,000 shall be imposed on the responsible person of a legal entity committing an offence under this Article.

X. TRANSITIONAL AND FINAL PROVISIONS

Article 46

Within six months of the entry into force of this Act, the minister responsible for internal affairs shall issue the regulations referred to in the third and fourth paragraphs of Article 10, the second paragraph of Article 11, Article 13, the second paragraph of Article 15, the first and second paragraphs of Article 22, the second paragraph of Article 23, the second indent of the first paragraph of Article 28 and the first and second paragraphs of Article 39 of this Act.

Until the issue of the regulations referred to in the preceding paragraph of this Article the provisions of the rules on state border control shall be applied *mutatis mutandis* (*Official Gazette of the RS*, 19/91 and 9/98) insofar as they are not in contravention of this Act.

Article 47

The provisions of Article 15 and the third indent of the first paragraph of Article 44 of this Act shall apply from the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia.

Pregled besedila opravila Služba za prevajanje in lektoriranje, marec 2006. Besedilo vsebuje spremembe in dopolnitve Zakona o nadzoru državne meje, objavljene v URL RS 126/2003 z 18/10-2003 in URL RS 69/2005 z 22/7-2005

After the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia the provisions of Chapters IV and V of this Act shall cease to apply to the internal borders.

After the entry into force of the Convention implementing the Schengen Agreement in the Republic of Slovenia the second paragraph of Article 4 of this Act shall cease to be valid.

The provisions of the third paragraph of Article 10 of this Act shall apply from the date of Slovenia's accession to the European Union.

Article 48

Upon entry into force of this Act the State Border Control Act (*Official Gazette of the RS*, 1/91) shall cease to be valid except the provisions of Articles 34 to 42, Articles 44 to 46, Items 6 and 7 of the first paragraph, the second and third paragraphs of Article 58, Items 13 and 14 of the first paragraph and the second paragraph of Article 59.

Article 49

This Act shall enter into force on the ninetieth day after its publication in the *Official Gazette of the Republic of Slovenia*.