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SPATIAL PLANNING ACT

Part One: GENERAL PROVISIONS

Section One: BASIC PROVISIONS

Article 1
(Subject of the Act)

(1) This Act regulates the spatial planning and the enforcement of implementation measures for the planned spatial arrangements, and ensures the building land development and the maintenance of a spatial data system

(2) This act also sets forth the conditions for performing spatial planning activities, and lays down the violation measures in connection with the spatial planning and management, and the performance of spatial planning activities.

(3) Pursuant to this Act, spatial planning and management is the performance of matters defined in the first paragraph of this Article.

Article 2
(Definitions of Terms)

(1) Pursuant to this Act, the definitions shall have the following meaning:
1. "*Physical space*" is the system of physical structures on, above, and below the surface of the land, as far as the direct influences of human activities reach;
2. "Spatial Development" is the altering of the physical space as a result of human activities;
3. "*Sustainable spatial development*" is the ensuring of such land use and spatial arrangements, that enables the fulfilment of the needs of the current generation without endangering the needs of future generations, while protecting the environment, conserving nature, ensuring the sustainable use of natural assets, protecting cultural heritage, and other qualities of the natural and living environment;
4. "*Land use*" is the use of land and structures as laid down in the spatial planning documents;
5. "*Spatial arrangement*" is the planned location of activities and structures in the defined planning zone;
6. "*Planning zone*" is a spatially and functionally contained area, which is regulated by the Regional Conception of Spatial Development, the Conception of Urban Development or the Conception of Landscape Development, and a Detailed Plan;
7. "*Spatial planning*" is an interdisciplinary activity, planning the land use, determining conditions for the spatial development and location of activities, and measures for improving the existing physical structures, and determining conditions for the location and execution of the planned structures based on the protection requirements and taking into consideration development opportunities;
8. "*Urban planning*" is a special branch of spatial planning concerned with settlements and related spatial arrangements, and determining the conditions for the location of structures in space;
9. "*Landscape planning*" is a special branch of spatial planning, concerned with the spatial arrangements in the landscape and the green structures within settlement areas;

10. "*Building land development*" is the provision of conditions for constructing the public infrastructure and its associated connections, thereby facilitating the land use for purposes set out in a spatial planning document;
11. "*Settlement development zones*" are the areas of settlements and the areas envisaged for their expansion, which are defined as such in spatial planning documents;
12. "*Settlement*" is a densely built-up area;
13. "*Investment project*" is an envisaged investment, whose realisation requires construction;
14. "*Spatial planning stakeholders*" are the state authorities, local community bodies, and other bearers of public authorities who make decisions or participate in making decisions on the issues of spatial planning and management;
15. "*Spatial planning document producer*" is a national or local-community body responsible for the preparation of a spatial planning document;
16. "*Planner*" is a person who produces the proposal of a spatial planning document;
17. "*Initiator*" is an entity who provides the initiative for the preparation of a spatial planning document or for its revision and amendment;
18. "*Urban planning contract*" is a contract between the investor of the planned spatial arrangement and the municipality, signed to enable the enforcement of an increased private interest in the implementation of the planned spatial arrangement for the public benefit;
19. "*Municipal infrastructure*" consists of the facilities and/or networks of the local public infrastructure and built public good of local significance;
20. "*Public infrastructure*" are the networks directly intended for the performance of public services in transport, energy, local economy, water management, and the management of other kinds of natural resources or environmental protection, as well as other networks and facilities in public use. The public infrastructure is of national and local significance;
21. "*Land consolidation*" is the merging of plots of land in the area of the planned local detailed plan and their reallocation among landowners in this area;
22. "*Landscape*" is part of the physical space, characterized by a prevailing presence of natural components, and is the result of the interaction and influence of natural and human activity;
23. "*Renewal*" is a set of planning and other measures for economic, social, and cultural renovation of degraded settlement areas and other areas;
24. "*Spatial data system*" is the system of preparing, collecting, and maintaining data banks in the field of spatial planning and other matters of spatial planning and management.

(2) Terms used in this Act, the meanings of which have not been defined in the preceding paragraph, shall have the same meaning as defined by the regulations in the field of construction.

(3) Terms used in this Act, referring to persons and written in the male grammatical form, are used in neuter gender for both men and women.

Article 3
(Fundamental Goals of Spatial Planning and Management)

(1) The purpose of spatial planning and management is to enable a harmonious spatial development by coordinating economic, social, and environmental aspects of development. The managing of the development processes and associated spatial arrangements should be based on balanced development needs, and the physical space should be planned and managed so as to:

1. Ensure sustainable spatial development by way of rational land use and the conservation of spatial capacities for present and future generations;
2. Enable high-quality living conditions in cities and rural areas, to ensure a quality and humane development of cities and other settlements, and to ensure their supply with services and utilities;

3. Achieve a spatially harmonized and mutually complementary location of various activities;
4. Provide spatial opportunities for a balanced development of the community;
5. Provide functionally disabled persons with unhindered access to buildings to enable their use in accordance with the law;
6. Ensure environmental protection, preserve nature and cultural heritage, enable sustainable use of natural resources, and protect other qualities of the natural and living environment;
7. Enable defence of the state and ensure protection against natural and other disasters.

(2) To the fullest extent possible, spatial planning and management shall contribute to the creation of a recognizable spatial order.

Article 4
(Harmonization of Development Needs with Protection Requirements)

(1) By considering and confronting various needs and interests of spatial development the spatial planning should ensure the consistency of economic, social and environmental aspects, and create conditions for sustainable spatial development.

(2) During the spatial planning document preparation and adoption procedure, the development needs of individual activities, which influence spatial planning and management, shall be assessed and reconciled with the protection requirements so as to enable the planning of spatial arrangements to pursue the fundamental goals of sustainable spatial development.

(3) Spatial planning shall ensure sustainable spatial development so as to prevent the predominance of the interests of individual activities over the balance of development needs and protection requirements, as well as other fundamental goals of spatial management and environmental protection. The basis for the reconciliation of developmental needs and protection requirements shall be the analyses of spatial development opportunities of individual activities and an environmental vulnerability study, as well as planning guidelines from Article 29 hereto in the case of harmonization in a detailed plan preparation procedure. The harmonization shall be coordinated by the spatial planning document producer.

(4) If, in the course of the spatial planning document preparation procedure, the development needs of individual activities cannot be reconciled with each other or with the protection requirements, the Government shall make the decisions regarding the disparities in the framework of its authority, upon the proposal of the Minister of the Environment in the case of a national or common spatial planning document preparation, or by the Communal Council within its authority on the proposal of the mayor in the case of a local spatial planning document preparation.

(5) When preparing regulations and development documents for individual activities, which influence spatial planning and management, the relevant departmental ministries shall collaborate with the ministry responsible for the environment.

Article 5
(Guiding the Settlement)

(1) New settlement shall be directed into settlement development zones.

(2) When guiding settlement, the rational use of land and structures in settlements shall be ensured, while giving priority to the use of unoccupied and inadequately exploited areas in

settlements by activating such areas, as well as by renewing and restoring degraded areas in settlements.

(3) The expansion of a settlement shall be permissible if expedient development and the harmony of urban qualities cannot be ensured by taking the measures mentioned in the preceding paragraph. As a rule, it shall be necessary to steer the expansion to lands that are of lesser significance in terms of sustainable use of natural resources and the preservation of cultural heritage, while taking into consideration urban planning and technological characteristics of the planned spatial arrangements.

Article 6
(Building Outside Settlement Development Zones)

(1) Outside settlement development zones, construction shall be permitted if:
1. The structures directly serve: an agricultural or forestry activity, water resources management, sport and recreation outside settlement development zones, the extraction of mineral ores and exploitation of other natural resources, as well as in the case of structures serving the safety of citizens and their property, their defence and protection from natural and other disasters;
2. The structures involve traffic and power supply structures and public infrastructure facilities, structures and facilities of telecommunications networks and other communications, and also if they involve other structures and facilities of commercial and non-commercial public infrastructure, whose technical, technological, environmental, and other characteristics render them unsuitable for settlement development zones;
3. The structures involve the reconstruction, renovation, adaptation, and replacement construction of legally constructed buildings, in the case of which their use or capacity may be altered unless the alterations hinder the activities as per Point 1; and
4. The structures involve a functional rounding off of developed land and supplementary building of structures that denote the rounding off and restoration of stand-alone groups of structures outside the settlement development areas.
5. They involve structures intended for a complementary activity, which is performed in parallel or is direct connection with farming.

(2) The construction of structures, mentioned in the preceding paragraph, on the best agricultural land shall be permissible only in cases when it is not possible to use land that is less suitable for cultivation. In such cases the plots of land for construction shall be determined, as a rule, on the basis of the evaluation of several alternative proposals with respect to their functional, protection-related, and economic aspects, as well as with respect to their acceptability in the local environment.

(3) The criteria and conditions for construction outside the settlement development zones shall be set forth in the Municipal Spatial Order in compliance with the Spatial Order of Slovenia.

Article 7
(Expert Research for Spatial Planning)

(1) Decisions on the matters of spatial planning and management shall be based on regulations, analyses, and expert findings on the properties and capacities of physical space and the environment, on the analyses of the opportunities for development, and other conditions and policies concerning the spatial development of individual activities defined in development and other documents, and in other expert research, on the analyses of interactions of individual activities, and on the geodetic, statistical, and other data from the field of spatial planning and management (hereinafter: expert research).

(2) Pursuant to the law, the spatial planning stakeholders as per Article 27 of this Act shall be obliged to present to the spatial planning document producer, upon their request, the expert research which they have at their disposal and which refers to the area under consideration or are the subject of planning.

Article 8
(Co-operation in Matters of Spatial Planning and Management)

(1) The state and local communities, and local communities among themselves, shall co-operate in the matters of spatial planning and management, particularly in planning the development and location of activities with spatial impact, which refer to the common use of natural resources, common transport, energy and municipal facilities, and to other spatial arrangements in connection with the environmental protection, nature conservation, and protection of cultural heritage.

(2) In drawing up spatial planning documents and other regulations relating to the matters of spatial planning and management as per the preceding paragraph, the fundamental aims of spatial planning and management shall be observed.

Article 9
(Public Benefit and Private Interest)

In performing the matters of spatial planning and management, the spatial planning stakeholders shall take into consideration the public benefits and private interests, carefully weighing them in accordance with the fundamental objectives of spatial planning, where private interests may not be detrimental to the public benefit.

Article 10
(Public Participation in Matters of Spatial Planning and Management)

(1) Everyone shall have the right to be informed of the spatial planning documents preparation and adoption procedures, and of other matters of spatial planning and management in compliance with the law.

(2) Everyone shall have the right to participate through initiatives, opinions, and in other ways in the matters of spatial planning and management.

(3) The spatial planning stakeholders shall provide everyone with access to the matters of spatial planning and management, and inform the public of such matters in compliance with the law.

Section Two: AUTHORITY IN THE FIELD OF SPATIAL PLANNING AND MANAGEMENT

Article 11
(State Authority in the Field of Spatial Planning and Management)

(1) Pursuant to the fundamental goals of spatial planning and management as per Article 3 of this Act, the spatial planning and management under the authority of the state shall serve to lay down the land use and spatial arrangements under the responsibility of the state (hereinafter: Spatial Arrangements of National Significance). The spatial planning and management under the authority of the state shall also set out the conditions of spatial planning and location of facilities as dictated by the prescribed regimes of environmental protection, nature conservation and sustainable use of natural resources, conservation of cultural monuments and other cultural heritage of national significance, protection against natural and other disasters, and the needs of defence.

(2) Spatial planning and management under the authority of the state shall comprise:
1. Determining objectives, policies and basic guidelines for spatial development;
2. Laying down general rules and conditions for spatial planning and management;
3. Planning spatial arrangements of national significance;
4. Carrying out the implementation measures for enforcement of the national spatial planning documents;
5. Supervising the legality of spatial planning at the local community level;
6. Conducting and implementing an active land policy;
7. Managing the spatial data system and individual data banks in accordance with this Act;
8. Developing and encouraging professional activity in the field of spatial planning and management;
9. Preparing and accepting the spatial reports on the state in the field of spatial planning and management;
10. Participating in matters of spatial planning and management in the international arena.

Article 12
(Authority of the Municipality in the Field of Spatial Planning and Management)

(1) Spatial planning and management under the authority of the municipality shall serve to lay down the land use and spatial arrangements of local significance in compliance with the basic provisions of this Act and the guidelines of strategic spatial planning documents. Spatial planning and management under the authority of the municipality shall also specify the conditions for spatial planning and location of facilities, provided by the regimes of environmental protection, nature conservation and sustainable use of natural resources, the protection of cultural monuments of local significance and other cultural heritage, as well as the protection against natural and other disasters at the local level.

(2) Spatial planning and management under the authority of the municipality shall include:
1. Guiding the spatial development of the municipality by specifying the objectives and policies for spatial planning and management in the municipality, while observing national guidelines for spatial planning and management at the local level;
2. Laying down detailed standards and conditions for spatial planning and management in the territory of the municipality;
3. Planning spatial arrangements in the territory of the municipality;
4. Carrying out implementation measures for enforcement of the municipal spatial planning documents;
5. Managing and taking measures of an active land policy and building land development;
6. Keeping the spatial data system under their responsibility;
7. Monitoring the situation in the field of spatial planning and management, and keeping the legality and order in physical space; and
8. Drafting and adopting the spatial planning and management status reports.

(3) The municipality shall use an active land policy to acquire land and other real estate, exercise pre-emptive right on such property, manage renewal, as well as enforce and implement other measures under its jurisdiction for the public benefit. For this purpose, it

may establish a fund, a public agency, or other institutions. The state may participate in the performance of these activities by way of financial and other measures.

(4) A municipality or several municipalities together shall organize permanent implementation of the tasks stipulated in this Article.

Article 13
(Active Land Policy Implementation)

(1) By implementing an active land policy, the state shall create spatial development conditions for the efficient management of real estate so as to support sustainable spatial development, thus providing conditions for a balanced and comprehensive development of cities and other settlement development zones.

(2) The state shall use active land policy to:
1. Support municipalities, by way of financial and other measures, in implementing their land policy of acquiring land and other real estate for the needs of spatial planning and management, as well as in creating and improving conditions for an effective management and the rational use of real estate;
2. Provide and co-ordinate the acquisition and utilization of financial aid for the stability and developmental trends of the real estate market;
3. Carry out real estate trade for the needs of settlement; and
4. Manage financial means acquired through real estate management.

(3) The tasks from the preceding paragraph shall be performed by the Housing Fund of the Republic of Slovenia, whereby other national bodies, state institutions, as well as real estate and financial funds may also participate in accordance with the law and their articles of incorporation.

Article 14
(Spatial Arrangements of National and Regional Significance)

(1) Spatial arrangements of national significance are arrangements consisting of facilities and networks, which are intended directly for the performance of national public utilities in the areas of energy, transport, communications, water management, natural resources management, environmental protection, and other areas, as well as networks and facilities intended for the fulfilment of common needs in accordance with the law, and also includes facilities and equipment intended for the defence and protection against natural and other disasters in the Republic of Slovenia. Spatial arrangements of national significance are also arrangements extending over the territories of several municipalities, the impact of which extends over the territories of several municipalities, which are, because of their economic, social, cultural, environmental and conservational features, important for the spatial development in the entire territory of the Republic of Slovenia.

(2) Spatial arrangements of regional importance are arrangements comprising facilities and networks as per the preceding paragraph, the facilities and networks of the municipal and public utility infrastructure, and other spatial arrangement of common significance for the state and municipalities.

(3) Upon the proposal of the Minister responsible for the environment and spatial planning (hereinafter: the Minister of the Environment) and in accordance with the law, the Government shall issue a decree to specify in detail the types of spatial arrangement of national and regional significance.

Article 15
(Substitute Measures by the State)

(1) If a local community fails to perform the matters of spatial planning and management under its responsibility, and this could give rise to harmful consequences for the environment and spatial planning, which would endanger human life and health, or if this signified non-fulfilment of statutory obligations of the state, as well as if this could cause a major disturbance in the performance of the public utilities' tasks of national or local significance, important for several municipalities, the state may perform these matters instead of the local community. In such cases the state may, in place of the local community, adopt the necessary spatial planning documents and measures for their enforcement in a manner and by procedures applying for the preparation, adoption, and implementation of the detailed plans of national importance.

(2) The state shall have the right to take measures prior to the occurrence of consequences due to the non-performance of local matters of spatial planning and management, and in this case the Ministry responsible for the environment and spatial planning (hereinafter: the Ministry of the Environment) shall first appeal to the local community to perform the specific matter of spatial planning and management by themselves, and set an appropriate deadline for them to do so. Such prior appeal shall not be necessary if in view of the threat of natural and other disasters and irredeemable harm to the environment the matters of spatial planning and management cannot be postponed.

(3) The Government shall decide on substitute measures as per the first paragraph of this Article in a resolution upon the proposal of the Minister of the Environment. The costs of substitute measures taken by the state shall be borne by the local community.

Article 16
(Co-operation between the State and Local Communities)

(1) The Ministry of the Environment and the municipality may agree that the municipality shall plan and adopt a spatial planning document for a certain spatial arrangement of common significance, if this proves more appropriate because of the integration of the national spatial arrangement with the local environment. The municipality shall plan such a spatial arrangement in accordance with the preparation programme adopted by the municipality upon a prior consent of the Minister of the Environment and the initiator.

(2) If the municipality prepares and adopts a spatial arrangement of common significance in the way defined in the preceding paragraph, the respective spatial planning document shall be approved by the Minister of the Environment prior to its adoption.

Part Two: SPATIAL PLANNING

Section One: COMMON PROVISIONS

Article 17
(Spatial Planning Documents)

(1) Spatial arrangements shall be set out and planned with spatial planning documents.

(2) Spatial planning documents shall be national, municipal, and joint spatial planning documents.

(3) National spatial planning documents shall be the Spatial Development Strategy of Slovenia, the Spatial Order of Slovenia, and the Detailed Plans of National Importance.

(4) Municipal spatial planning documents shall be the Municipal Spatial Development Strategy with the Conception of Urban Development and the Conception of Landscape Development and Protection, the Municipal Spatial Order, and the Local Detailed Plans.

(5) The spatial arrangements of common significance for the state and municipalities shall be planned jointly. The joint spatial planning document of the state and municipalities shall be the Regional Conception of Spatial Development.

(6) Two or more municipalities may agree on a joint preparation of spatial planning documents.

Article 18
(Implementing Regulations)

The Minister of the Environment shall lay down in detail the contents, form, and the manner of preparing the spatial planning documents mentioned in the preceding Article, as well as the types of their expert research.

Article 19
(Financing of Spatial Planning Document Preparation)

As a rule, the preparation of spatial planning documents shall be financed by the producer, with the exception of detailed plans, which shall be, as a rule, financed or co-financed by the initiator as set out in the spatial planning document preparation programme as per Article 27 of this Act.

Article 20
(Validity of Spatial Planning Documents)

(1) The validity of spatial planning documents, with the exception of detailed plans, shall not be time-limited.

(2) A detailed plan shall cease to be valid when it has been executed. It shall be considered that a detailed plan is executed when the buildings or facilities provided in the plan are constructed and in use, in accordance with the regulations concerning the construction.

(3) A detailed plan may cease to be valid only in the part that has been executed on condition that this shall not prevent the integrity of executing the remaining spatial arrangement. The completion of the entire detailed plan or a part thereof shall be established by the authority through an official document of the kind used to adopt this detailed plan.

(4) Following the cessation of the validity of the national detailed plan for the area in which the facilities defined in Point 1 of the third paragraph of Article 43 of this Act have been built, the rules of the Spatial Order of Slovenia shall apply. The remaining area from the Detailed Plan of National Importance shall be planned and managed by the municipal spatial planning documents in accordance with the guidelines laid down in the Detailed Plan of National Importance.

(5) The Government shall send the official document defined in the third paragraph of this Article to the municipality or municipalities, to the areas of which the planned spatial arrangement of national significance refers.

(6) Following the cessation of validity of the municipal detailed plan the area shall be planned and managed in accordance with the Municipal Spatial Order.

Article 21
(Accordance of Spatial Planning Documents)

(1) Regarding their purpose, there shall be two types of spatial planning documents: strategic and implementing spatial planning documents. The strategic spatial planning documents shall be the Spatial Development Strategy of Slovenia, the Spatial Order of Slovenia, the Regional Conception of Spatial Development, and the Municipal Spatial Development Strategy. The implementing spatial planning documents are the national and local detailed plans and the Municipal Spatial Order.

(2) Spatial planning documents may contradict each other. If two or more spatial planning documents of the same type have been adopted for the same area, the one adopted at a later time shall be used.

(3) Municipal spatial planning documents may not be in conflict with the national or joint spatial planning documents. The national or joint spatial planning document shall be used in areas where a municipal spatial planning document is contrary to the national or joint spatial planning document.

(4) The implementing spatial planning documents may not change the decisions of the strategic spatial planning documents.

Article 22
(Simultaneous Preparation of Spatial Planning Documents)

The spatial planning documents of different types and other regulations dealing with the same spatial arrangement may be prepared, considered, and adopted simultaneously.

Article 23
(Legal Form of Spatial Planning Document and its Publication)

(1) A spatial planning document shall be adopted by a decree, unless otherwise provided by this Act. This decree shall be published in the Official Gazette of the Republic of Slovenia, or in an official municipal gazette. The decree shall also include the list of attachments to the spatial planning document, and the addresses where the spatial planning document is are available for inspection.

(2) Amendments and modifications of the spatial planning document shall be prepared and adopted according to the procedure set out for its preparation and adoption, unless provided otherwise by this Act.

Article 24
(Annexes to a Spatial Planning Document)

(1) A spatial planning document shall have the following mandatory annexes:
1. A summary for the public;
2. An abstract from the strategic spatial planning document referring to the spatial arrangement under consideration;
3. An explanation and rationale for the spatial planning document;
4. Expert research providing the basis for the solutions set out in the spatial planning document, and a list of sectoral acts and regulations which were taken into account in preparing the spatial planning document with summaries thereof relating to the contents of the spatial planning document;
5. Guidelines and opinions in accordance with Articles 29 and 33 of this Act; and
6. The record of the document preparation and adoption procedure.

(2) Annexes to the spatial planning document shall also contain a list of adopted instruments on the protection with an associated cost estimate, and a cost estimate for the implementation of the detailed plan if it is financed from the public funds;

(3) Annexes shall be accessible to the public at the principal office of the producer in all phases of the preparation and validity of spatial planning documents, except for annexes which are, according to the law, of confidential nature.

Article 25
(Record of Procedure)

The record of procedure mentioned in Point 6 of the preceding Article shall be the official record of materials for preparing and adopting the spatial planning documents, and shall be kept by the producer. It shall record, in chronological order, all the documents and materials important from a legal standpoint of conducting the spatial planning document preparation and adoption procedure, including comments and proposals given during the preparation procedure, and the producer's view of them.

Article 26
(Safekeeping of Spatial Planning Documents)

(1) The national and municipal spatial planning documents, as well as amendments and modifications thereof shall be accessible to the public at the principal office of the producer.

(2) The municipality shall send one copy of the Municipal Spatial Development Strategy or the Municipal Spatial Order, together with the decree upon its adoption, as well as any amendments and modifications thereof to the Ministry of the Environment on the first day of it being enforced. In addition to the Municipal Spatial Development Strategy and the Municipal

Spatial Order, the municipality shall also send to the administrative unit having local jurisdiction and to the competent inspection authority the Local Detailed Plan and/or amendments and modifications thereto on the first day of their being enforced.

(3) The municipality shall send the Local Detailed Plan to the Ministry of the Environment upon their request.

Common Provisions Relating to the Preparation and Adoption of Spatial Planning Documents

Article 27
(Spatial Planning Documents Preparation Programme)

(1) The preparation of a spatial planning document or amendments and modifications thereto shall be based on the spatial planning document preparation programme (hereinafter: the preparation programme). The preparation programme shall contain at least:

1. The assessment of the reasons and the legal basis for preparing the spatial planning documents;
2. The subject and programme of the spatial planning documents;
3. The skeleton planning zone of the spatial planning document if the programme concerns the preparation of the Regional Conception of Spatial Development, a detailed plan, or a supplement to the Municipal Spatial Order with detailed terms and conditions according to Article 66 of this Act;
4. The identity of the spatial planning stakeholders who provide the guidelines and opinions, and other participants who will participate in the preparation of the spatial planning document;
5. A list of the expert research necessary for planning the envisaged spatial arrangement;
6. The manner of obtaining expert solutions;
7. Reference to and the manner of obtaining the geodetic bases;
8. The deadline for preparing the spatial planning document or its individual phases, and the deadline for planning guidelines as per Article 29 of this Act, if longer than 30 days; and
9. Obligations in connection with the financing of the spatial planning document.

(2) The preparation programme for the national spatial planning documents shall be adopted by the Minister of the Environment in agreement with the initiator, while the preparation programme for municipal spatial planning documents shall be adopted by the mayor, unless otherwise provided by the law.

(3) The preparation programme shall be published in the Official Gazette of the Republic of Slovenia or in the municipal official gazette, as the case may be.

Article 28
(Spatial Planning Conference)

(1) A spatial planning conference (hereinafter: the Conference) shall be held for the purpose of obtaining and co-ordinating the recommendations, policies, and legitimate interests of local communities, the enterprise sector, interested groups and the organized public regarding the preparation of the spatial planning document or the planned spatial arrangement. The Conference shall be convened and presided over by the producer at least eight days prior to the adoption of the preparation programme and at least 14 days prior to

the public exhibition of the spatial planning document. The producer shall publish the date and place of the Conference in at least two mass media outlets.

(2) The producer shall attach the recommendations from the Conference to the material for the spatial planning document submitted for adoption.

Article 29
(Planning Guidelines)

(1) Following the adoption of the preparation programme, the producer shall summon the competent spatial planning stakeholders set out in the first paragraph of Article 27 of this Act to provide the producer with guidelines for planning the envisaged spatial arrangement within a period of 30 days or within a period specified in the preparation programme. Together with such an invitation, the producer shall provide them with a copy of the preparation programme. If the spatial planning stakeholder does not respond, it shall be deemed that they have no guidelines. However, the producer shall observe all the requirements laid down in the applicable regulations and other legal acts for planning the proposed spatial arrangement.

(2) In the guidelines mentioned in the preceding paragraph, the competent spatial planning stakeholders shall apply the provisions of valid regulations and other legal acts referring to the foreseen spatial arrangement upon which their guidelines are based. If the spatial planning stakeholder fails to do so, the producer shall not be obliged to take them into consideration, but shall separately substantiate the reasons for noncompliance.

(3) When preparing a spatial planning document, deviations from the given guidelines may be made providing that such deviations shall be within the law and the basic principles defined in the guidelines, and substantiated by the opinion of another expert institution. In such cases the producer shall attach their substantiation to the supplemented spatial planning document, which shall be, in accordance with Article 33 hereto, sent to those in charge of planning. This substantiation shall also be attached to the draft spatial planning document, which shall be sent for adoption.

(4) In the guidelines to implementing spatial planning documents, the spatial planning stakeholders may not set conditions that would change the guidelines which they have given for the strategic spatial planning document, and which forms the basis for the planned spatial arrangement.

Article 30
(Manner of Obtaining Expert Solutions)

(1) The expert solutions for a spatial arrangement addressed by a spatial planning document may be obtained by producing several alternative solutions. Alternative solutions may be made by one or several different planners. They have to be made so that they can be compared with each other. Alternative solutions are not mandatory for the Spatial Development Strategy of Slovenia, the Spatial Order of Slovenia, and the Municipal Spatial Development Strategy, with the exception of the Conception of Urban Planning, the Conception of Landscape Development and Protection, and the Municipal Spatial Order.

(2) Expert solutions for a spatial arrangement may also be obtained through a public tender. As a rule, the public tender procedure shall be used for a spatial arrangement dealt with by a detailed plan, with the exception of planning the spatial arrangements for the public infrastructure. The tender shall be conducted in conformity with the procedure provided by

the regulations on the construction. The selected expert solution shall form the basis for the spatial planning document preparation.

(3) The producer shall decide on the selection of an alternative solution, which will form the basis for preparation of the spatial planning document and which has not been obtained through a public tender. In such cases, the producer shall display all the alternative solutions at a public exhibition as per Article 31 of this Act, together with an explanation why the solution, which forms the basis of the exhibited spatial planning document, has been selected.

Article 31
(Public Exhibition and Debate of Spatial Planning Document)

(1) The proposed spatial planning document with annexes as per Points 1 to 4 of the first paragraph of Article 24 of this Act shall be publicly exhibited for at least 30 days prior to adoption. During the spatial planning document public exhibition period the producer shall organize a public debate on its contents. The producer shall inform the public of such an exhibition and of the place and time of the debate by publishing it in the official gazette, and in another appropriate and locally customary manner at least a week before the start of the public exhibition.

(2) The producer shall keep a record of the remarks and proposals presented during the period of public exhibition, take a stand on these comments and proposals, and make sure that the spatial planning document is amended in accordance with their views of the remarks and proposals. The producer shall attach these views together with the comments and proposals to the proposed spatial planning document, when it is submitted for adoption.

Article 32
(Repeated Public Exhibition and Debate on the Spatial Planning Document)

(1) If a spatial planning document is amended on the basis of comments and proposals from the original public exhibition and debate so that the new solutions are no longer in conformity with the principles of the spatial planning document preparation programme, it shall be exhibited and debated again. If only amendments proposed in the first public exhibition and debate are considered in the subsequent procedure, the deadline for the public exhibition may be shorter than 30 days, but not shorter than seven days. The public shall be informed of the time, place, and contents of the repeated public exhibition and debate at least three days prior to the public exhibition in the manner laid down in the first paragraph of the preceding Article.

(2) The repeated public exhibition and debate of the revised documents shall be permitted to take place no more than twice, otherwise it shall be necessary to prepare a new spatial planning document preparation programme and carry out an entirely new preparation procedure.

Article 33
(Opinions of Spatial Planning Stakeholders)

(1) Following the public exhibition, the producer shall supplement the spatial planning documents in accordance with their views of the comments and proposals given during the time of the public exhibition of the spatial planning document, and shall call upon the competent spatial planning stakeholders as per the first paragraph of Article 27 of this Act to give their opinions on the so amended proposal of the spatial planning document. Together

with such invitation, they shall also be sent that part of the amended spatial planning document, which refers to the matters under their responsibility. In their opinions, the spatial planning stakeholders shall ascertain whether the producer has considered their guidelines as per the second paragraph of Article 29 of this Act, or whether the solutions in cases set forth in the third paragraph of Article 29 hereto are in compliance with the requirements of applicable regulations and other legal acts, as well as within the framework of the given guidelines. The opinions of spatial planning stakeholders may not set new or different conditions from those set forth in the guidelines. The deadline for opinions may not be longer than 30 days, except when, due to technical reasons, a different deadline is provided by the law. In the event there is no response from a spatial planning stakeholder, it shall be deemed that they have no comments regarding the envisaged spatial arrangement.

(2) If a spatial planning stakeholder from the preceding paragraph establishes that the planned spatial arrangement is not in conformity with their guidelines as per Article 29 of this Act, and refuses to grant a favourable opinion, they shall substantiate their decision by stating each point in the planned spatial arrangement that does not comply with the requirements from Article 29 of this Act. Should the spatial planning stakeholder fail to substantiate their decision, the producer shall not be obliged to consider such decision.

Article 34
(Summary Procedure)

(1) If the amendments or modifications of a Municipal Spatial Order apply to the change of a detailed land use and do not obstruct the basic land use activities (Article 64 of this Act), and present no threat to the natural values, protected areas, biotic diversity, and cultural heritage, or if a Municipal Spatial Order is supplemented by the more detailed criteria and conditions as per Article 66 of this Act, the revisions and amendments of the Municipal Spatial Order shall be prepared and adopted in a summary procedure.

(2) The summary procedure may also be used in the case of revisions and amendments to a detailed plan, if they apply to the spatial planning of individual facilities or structures on which the obligation of the environmental impact assessment is not imposed, providing they have no significant impact on the cultural heritage and the use of neighbouring land or structures.

(3) In the event of a summary procedure, the provisions of Points 6 and 8 of the first paragraph of Article 27 of this Act, the provisions of the first paragraph of Article 29 of this Act, referring to deadlines and the Spatial Planning Conference as per Article 28 of this Act, the provisions of the first paragraphs of Articles 31 and 33 respectively, and the provisions of Article 30 of this Act shall not be used, whereby:
The preparation programme shall specifically state that the revisions and amendments to the spatial planning document will be prepared and adopted by the summary procedure, with the substantiation of the summary procedure;
The producer shall send the preparation programme without delay to the competent bodies and bearers of public authority as per Article 27 of this Act, in order for them to provide the producer, within a period of 15 days, with the conditions and guidelines in connection with the preparation of revisions and/or amendments to the spatial planning document, as well as to issue, in the period of 15 days after submission of the amended proposal of spatial planing document, an opinion establishing the observance of the conditions given for the preparation of revisions and/or amendments to the spatial planning document have been observed, otherwise it shall be deemed that they agree with it; and
A public notice, published in the public media and/or in a locally customary manner shall be used to announce the public exhibition of the proposed revisions and amendments to the spatial planning document for a period of at least 15 days, and the time and place of its public debate shall be stated.

Article 35
(Accessibility of Spatial Planning Data in Electronic Form)

(1) If the producer provides free electronic access to all the necessary information on the spatial planning document preparation, and an e-mail address for communication with the public, the materials used in the procedure for preparing this document shall also be published on the producer's electronic website. Should an interested party wish to receive a reply to their opinion and comments in writing, they shall explicitly state so.

(2) The spatial planning document preparation programme, notifications of public exhibitions, public debates, spatial planning conference, and other deadlines of importance for public participation in the spatial planning procedures shall not be communicated only in electronic form.

Section Two: NATIONAL SPATIAL PLANNING DOCUMENTS

1. SPATIAL DEVELOPMENT STRATEGY OF SLOVENIA

Article 36
(Purpose of the Spatial Development Strategy of Slovenia)

(1) The Spatial Development Strategy of Slovenia shall be the basic national developmental document concerning the guiding of spatial development. In conjunction with other basic national development documents it shall determine the strategic guidelines, and the basic premises for co-ordination of their spatial development policies.

(2) The developmental documents of individual areas and activities shall not be in conflict with the Spatial Development Strategy of Slovenia

Article 37
(Contents of the Spatial Development Strategy of Slovenia)

(1) The Spatial Development Strategy of Slovenia shall specifically contain:
1. The basic premises and goals for the spatial development of Slovenia;
2. The concept for Slovenian spatial development with priorities and guidelines for achieving the spatial development objectives;
3. The development of spatial systems with guidelines for spatial development at the regional and local levels, particularly for:
   - the development of settlement;
   - the development of infrastructure;
   - the development of landscape; and
4. The measures for implementing the Spatial Development Strategy of Slovenia.

(2) The Spatial Development Strategy of Slovenia shall be adopted in a two-phase procedure by the National Assembly of the Republic of Slovenia upon the proposal of the Government.

2. SPATIAL ORDER OF SLOVENIA

Article 38
(Purpose and Contents of the Spatial Order of Slovenia)

(1) The Spatial Order of Slovenia shall lay down the basic rules for spatial planning and management at the national, regional, and local levels in accordance with the Spatial Development Strategy of Slovenia.

(2) The Spatial Order of Slovenia may also lay down more detailed spatial planning and management rules for the entire territory of the state or its individual regions, ensuring a uniform implementation of this Act, and creating requirements in connection with spatial planning, as well as with architectural and landscape design with regard to the features and characteristics of individual regions of the country.

(3) The Government shall adopt the Spatial Order of Slovenia by issuing a decree.

Article 39
(Criteria and Conditions for Planning and Construction of Structures)

In the detailed rules as per the second paragraph of the preceding Article, the Spatial Order of Slovenia may also lay down the criteria and conditions for planning and construction of facilities and structures pertaining to the spatial arrangements of national significance.

Special Provisions on Preparing and Adopting the Spatial Development Strategy of Slovenia and Spatial Order of Slovenia

Article 40
(Authority and Proposal for Preparation)

(1) The Ministry of the Environment, Spatial Planning, and Energy shall be responsible for the preparation of the Spatial Development Strategy and the Spatial Order of Slovenia.

(2) Other ministers may also present to the Minister of the Environment an initiative for the preparation of the Spatial Development Strategy of Slovenia or the Spatial Order of Slovenia. Such an initiative shall be explained and documented on the basis of the development-related documents of individual activities or proposals for changes.

Article 41
(Preparation)

(1) Common provisions of this Act concerning the preparation of spatial planning documents shall not be used in the preparation of the Spatial Development Strategy and/or the Spatial Order of Slovenia, with exception of Points 1 to 5 of the first paragraph and the provision of the third paragraph of Article 27, and Articles 28, 29, and 35 of this Act.

(2) The preparation programme for the Spatial Development Strategy of Slovenia shall be adopted by the Government upon the proposal of the Minister of the Environment, while the preparation programme for the Spatial Order of Slovenia shall be adopted by the Minister of the Environment.

(3) The Minister of the Environment shall convene a Conference as per Article 28 of this Act concerning the proposal of the Spatial Development Strategy of Slovenia or the Spatial Order of Slovenia, but it shall not be necessary to convene the Conference prior to the preparation programme. The planner shall amend the proposed Spatial Development Strategy of Slovenia or the Spatial Order of Slovenia on the basis of the positions taken by the Minister of the Environment concerning the recommendations of the Conference.

3. DETAILED PLAN OF NATIONAL IMPORTANCE

Article 42
(Purpose of the Detailed Plan of National Importance)

(1) The Detailed Plan of National Importance shall plan in detail the spatial arrangement of national significance. It shall lay down planning conditions for the preparation of designs for obtaining construction permits in accordance with the regulations on the construction, as well as implementation measures pursuant to this Act.

(2) The Detailed Plan of National Importance may not be in conflict with the Spatial Development Strategy of Slovenia and the Spatial Order of Slovenia and/or with the Regional Conception of Spatial Development if it has been adopted for the area in question.

Article 43
(Contents of the Detailed Plan of National Importance)

(1) The Detailed Plan of National Importance shall specifically set out:
1. The planning zone of the detailed plan;
2. The location of the planned spatial arrangement showing the impacts and links of the spatial arrangement with neighbouring zones;
3. The subdivision of land plan;
4. The concept of design solutions for transport, power, water supply, and other municipal infrastructure in the zone with the obligations concerning the connection to it;
5. The stages of the spatial arrangement execution, if envisaged, and other conditions and requirements concerning the plan execution;
6. Solutions and measures for the environmental protection, conservation of nature and cultural heritage, and the sustainable use of natural resources;
7. Solutions and measures for the defence and protection against natural and other disasters; and
8. The deadlines for the execution of spatial arrangements and land acquisition if they are shorter than those provided by the law.

(2) The Detailed Plan of National Importance shall also lay down planning conditions for the preparation of designs used to obtain building permits, particularly the conditions concerning the purpose, position, function, size and design of facilities and structures, and their construction.

(3) The planning zone of the detailed plan shall be set out so as to show:
1. areas in which permanent structures and facilities are planned,
2. areas in which facilities required for the implementation of the detailed plan are planned, and which shall be restored to the original condition after the detailed plan has been completed.

(4) The structures and facilities as per the preceding paragraph shall be functionally interconnected and shall correspond to the purpose of the spatial arrangement as planned in the detailed plan.

Article 44
(Annexes to the Detailed Plan of National Importance)

A Detailed Plan of National Importance shall contain, in addition to the annexes laid down in Article 24 of this Act, a financial budget in cases when there are several participants in the financing of a spatial arrangement specified in the detailed plan.

Special Provisions on Preparing and Adopting the Detailed Plan of National Importance

Article 45
(Authority and Proposal for Preparation and Adoption)

(1) The Minister of the Environment shall be responsible for preparation of the Detailed Plan of National Importance. The initiative for the preparation of the Detailed Plan of National Importance shall be given by the minister whose portfolio includes the proposed spatial arrangement of national significance. The initiative shall be explained and documented.

(2) By adopting the preparation programme, the Ministry of the Environment shall propose to the Government the adoption of a Provisional Implementation Measure to protect spatial planning and management as defined in Article 83 of this Act. The Government shall send the decree of the adopted Provisional Implementation Measure to the municipality or municipalities to whose areas the provisional measure applies.

(3) As a rule, the spatial arrangement, which forms the contents of a Detailed Plan of National Importance, shall be determined by comparing several alternative solutions that shall be assessed from the functional, environmental protection, and financial aspects, as well as from the aspect of the plan's acceptability in the local environment. The Government, upon the proposal of the Minister of the Environment, and the minister who has initiated the preparation of the Detailed Plan of National Importance, shall decide on the selection of the solution to form the basis for the exhibited proposal of the Detailed Plan of National Importance.

(4) The public exhibition and debate of the proposed Detailed Plan of National Importance shall be carried out in the municipality or municipalities to which the planned spatial arrangement refers, in order to obtain opinions and proposals concerning such planned spatial arrangement. The proposed detailed plan shall also be exhibited at the headquarters of the Ministry of the Environment. The producer shall decide upon comments and proposals given during the public exhibition in accordance with the prior opinion of the initiator of the Detailed Plan of National Importance preparation.

Article 46
(Decree on the Detailed Plan)

(1) The Government shall adopt the Detailed Plan of National Importance by issuing a decree. Such a decree may also specify the magnitude of variance from the functional, designing, and technical solutions that are permissible in preparing the plan for obtaining the construction permit in accordance with the regulations on the construction, provided, however, that the new solutions, within the limits of permissible variance, cause no change in the planned appearance of the zone, no deterioration in the living and working conditions in the detailed plan zone or neighbouring areas, and they are not contrary to the public benefit.

(2) The decree as per the preceding paragraph shall also specify the parts of the municipal spatial planning documents, which are in conflict with the Detailed Plan of National Importance. It shall be deemed that upon the adoption of the Detailed Plan of National Importance the municipal spatial planning documents shall also be changed in parts and for zones specified in the Detailed Plan of National Importance.

(3) The decree on the Detailed Plan of National Importance may also set out the parts of local detailed plans, which are contrary to the Detailed Plan of National Importance only at the time of implementing this plan. The Minister of the Environment shall withhold the implementation of these parts of municipal spatial planning documents until the implementation of the Detailed Plan of National Importance in accordance with Article 20 of this Act.

(4) The Government shall send the act concerning the expiration of the Detailed Plan of National Importance, and the decree defined in the third paragraph of this article, to the municipality or municipalities to whose areas the planned spatial arrangement of national significance refers.

Section Three: REGIONAL CONCEPTION OF SPATIAL DEVELOPMENT

Article 47
(Purpose of Regional Conception of Spatial Development)

(1) The Regional Conception of Spatial Development is a document, which, in association with other development documents and by taking into consideration the guidelines of the Slovenian Spatial Development Strategy, specifies the conceptual framework of spatial arrangements agreed between the state and municipalities.

(2) The Regional Conception of Spatial Development shall plan in detail the concepts of spatial arrangements as per the second paragraph of Article 14 hereto, and it may also plan other spatial arrangement which the state and municipalities have agreed to plan jointly.

(3) By adopting the Regional Conception of Spatial Development, the state shall be bound to prepare the Detailed Plan of National Importance in accordance with the Regional Conception of Spatial Development, while municipalities shall be bound to prepare and/or harmonise their spatial planning documents with the Regional Conception of Spatial Development.

(4) The Regional Conception of Spatial Development may also be used to plan the areas of natural value and of national significance as the basis for protection under other regulations.

Article 48
(Contents of Regional Conception of Spatial Development)

(1) In addition to the agreement on the spatial arrangements as per the preceding Article, the Regional Conception of Spatial Development shall specify in particular:
1. The planning zone of the Regional Conception of Spatial Development;
2. Guidelines for spatial development in the subject zone;
3. Land use plan with ideas for the location of activities;
4. The concepts of spatial arrangements, which are the subject of detailed planning in their respective planning zones;
5. Guidelines for the preparation of Detailed Plan of National Importance and municipal spatial planning documents; and
6. The programme of measures for implementing the Regional Conception of Spatial Development;

(2) The Regional Conception of Spatial Development may lay down the basic premises for the preparation of the Conception of Urban Development and the Conception of Landscape Development and Protection.

Article 49
(Regional Conception of Spatial Development and Municipal Spatial Development Strategy)

The Regional Conception of Spatial Development shall cover the territory of all municipalities involved in the preparation of the Regional Conception of Spatial Development, or only parts of their territory. If the Regional Conception of Spatial Development has been prepared with the contents and details as stipulated for the Municipal Spatial Development Strategy by the present Act, the Regional Conception of Spatial Development may substitute the Municipal Spatial Development Strategy in its individual parts, as the Municipal Council shall establish by issuing an ordinance at the same time as adopting the Municipal Spatial Development Strategy.

Special Provisions on Preparing and Adopting the Regional Conception of Spatial Development

Article 50
(Responsibility and Initiative for Preparing the Regional Conception of Spatial Development)

(1) The Ministry of the Environment and the municipalities shall be responsible for the preparation of the Regional Conception of Spatial Development in accordance with the agreement as per the first paragraph of Article 47 of this Act. In addition to the Ministry of the Environment, the ministry responsible for regional development and other ministries, interested municipalities or Regional Development Agencies from the area of the Regional Conception of Spatial Development may also start an initiative for the preparation of the Regional Conception of Spatial Development.

(2) The Minister of the Environment shall appoint a Programme Council to coordinate the preparation of the Regional Conception of Spatial Development.

(3) The Programme Council shall be composed of the representatives of ministries whose working area is affected by the Regional Conception of Spatial Development, representatives of municipalities mentioned in the preceding paragraph (hereinafter: Participating Municipalities), and Regional Development Agencies from the area of the Regional Conception of Spatial Development.

Article 51
(Simultaneous Preparation of Regional Conception of Spatial Development and Regional Development Programme)

If the preparation of the Regional Conception of Spatial Development is linked to the preparation of the Regional Development Programme, the Regional Development Programme and the Regional Conception of Spatial Development shall be prepared simultaneously. The Regional Development Programme and the Regional Conception of Spatial Development shall be harmonized.

Article 52
(Start of the Regional Conception of Spatial Development Preparation)

(1) A preparation programme shall be prepared for the Regional Conception of Spatial Development preparation, which shall be approved by the Municipal Councils upon the proposal of the Programme Council.

(2) The Regional Conception of Spatial Development preparation programme shall be adopted by the Minister of the Environment upon the Programme Council's proposal.

Article 53
(Alternative Expert Solutions)

If several alternative solutions are prepared for spatial arrangements forming the contents of the Regional Conception of Spatial Development, the Programme Council shall select the solution, which shall form the basis for producing the Regional Conception of Spatial Development.

Article 54
(Public Exhibition of the Regional Conception of Spatial Development)

The producer shall publicly exhibit the proposed Regional Conception of Spatial Development in all the municipalities in the area covered by the Regional Conception, and at the headquarters of the Ministry of the Environment, after the proposal has been confirmed by the Programme Council. The producer shall also organise public debate on the proposed Regional Conception of Spatial Development in all the municipalities from the area covered by the Regional Conception. The municipal authorities shall send their comments and proposals regarding the exhibited proposal to the Programme Council, which shall take a stand on such comments and proposals.

Article 55
(Adoption of Regional Conception of Spatial Development)

(1) Following the public exhibition and public debate as per the preceding Article, the planner shall amend the proposed Regional Conception of Spatial Development in accordance with the views defined in the preceding Article. Based on a prior opinion of the Programme Council and upon the proposal of the Minister of the Environment, the Government shall approve the amended proposal. The Government shall send the amended proposal of the Regional Conception of Spatial Development to the participating municipalities for adoption.

(2) The participating municipalities shall adopt the Regional Conception of Spatial Development by issuing an ordinance. The Regional Conception of Spatial Development shall be adopted after it has been adopted by the Municipal Councils of all participating municipalities, and this fact has been established by the Government in a resolution based on the Programme Council's notification. The Government shall publish a decree on the Regional Conception of Spatial Development in the Official Gazette of the Republic of Slovenia.

(3) The decree on the Regional Conception of Spatial Development shall specify those strategic municipal spatial planning documents or parts thereof, which are not in harmony with the Regional Conception of Spatial Development. It shall be deemed that with the adoption of the Regional Conception of Spatial Development, and taking into consideration the third paragraph of Article 21 of this Act, these municipal spatial planning documents under preparation and referring to the area of the Regional Conception of Spatial Development have been revised.

Section Four: MUNICIPAL SPATIAL PLANNING DOCUMENTS

1. MUNICIPAL SPATIAL DEVELOPMENT STRATEGY

Article 56
(Purpose of Municipal Spatial Development Strategy)

(1) The Municipal Spatial Development Strategy shall define the guidelines for spatial development of activities and land use so as to ensure the conditions for sustainable and balanced development in the territory of the municipality.
(2) The Municipal Spatial Development Strategy shall not contradict the Spatial Planning Strategy of Slovenia and the Spatial Order of Slovenia.

Article 57
(Contents of Municipal Spatial Development Strategy)

In accordance with the provision of the preceding Article, the Municipal Spatial Development Strategy shall specifically stipulate the:
1. Basic premises and objectives of the municipal spatial development;
2. The conception of the location of activities including the priorities and guidelines aimed at achieving the objectives of municipal spatial development;
3. The conception of individual locally significant systems with spatial impact, such as:
   - the conception of settlement including the master plans for urban land use, renewal of the existing housing, and the restoration of degraded urban areas;
   - the conception of municipal infrastructure;
   - the conception of landscape showing agricultural and forested land, water resources and water management systems, the areas of minerals, natural and cultural value, as well as natural and threatened areas;
4. The conception of settlement development, planning, and management (hereinafter: the Conception of Urban Development);
5. The conception of landscape development, planning, and management (hereinafter: the Conception of Landscape Development and Protection); and
6. Municipal Spatial Development Strategy implementing measures.

Article 58
(Conception of Urban Development)

(1) The purpose of the Conception of Urban Development is to set out in detail the spatial development strategy of a settlement with solutions for the functional harmony and the harmony of the appearance of individual areas. The Conception of Urban Development shall be drawn up for cities and local centres, and may be prepared for other settlements, in which the areas for expansion and renewal are being specified.

(2) The Conception of Urban Development shall specifically set out the:
   - planning zone of the Conception of Urban Development,
   - subdivision of the area covered by the Conception of Urban Development into individual functional wholes,

- settlement expansion zones and the plan for expansion,
- areas to be renewed and the plan for renewal,
- conception of the location of activities, and the conception of land use, showing the areas allocated for the public good,
- conception of infrastructure systems,
- conception of planning the green, sports, and recreation areas in a settlement,
- conception of spatial arrangements in connection with the protection from natural and other disasters, and
- conception of spatial arrangements of importance for spatial planning and management in the settlement.

(3) The Conception of Urban Development shall also stipulate detailed guidelines for the protection of the environment, the conservation of nature and cultural heritage in the settlement.

Article 59
(Settlement Expansion Zone)

(1) The settlement expansion zone shall be tracts of land to be used for a planned steering of settlement. The purpose of identifying the settlement expansion areas is to ensure physical space for planned expansion, thus preventing irrational and uncontrolled development.

(2) Areas to be designated as the settlement expansion zones shall be areas outside the settlement, where the use of land can be altered to settlement development zone in accordance with the basic spatial planning and management objectives and the principles of guiding the settlement, if there are no rational possibilities left for the expansion of settlement inside the settlement itself.

Article 60
(Conception of Landscape Development and Protector)

(1) The purpose of the Conception of Landscape Development and Protection shall be to lay down the landscape spatial development strategy, and to specify in detail the methods of spatial planning and management of the landscape.

(2) The Conception of Landscape Development and Protection shall set out the concepts of land use, guidelines for the development of activities and their spatial organization, spatial planning, and management guidelines and conditions. The Conception of Landscape Development and Protection shall also show areas allocated for the public good.

(3) The Conception of Landscape Development and Protection shall be prepared for the existing as well as the envisaged protected areas, for areas where spatial arrangements, which might have a significant impact on the landscape, are planned, and for cultural heritage, nature conservation, or the sustainable use of natural resources. This Concept is also for the areas of conflicting interests in connection with land use, and for degraded areas outside settlement development zones.

Article 61
(Special Provision on Adopting the Conception of Urban Development or the Conception of Landscape Development and Protection)

The Conception of Urban Development or the Conception of Landscape Development and Protection may be adopted as an amendment to the Municipal Spatial Development Strategy.

2. MUNICIPAL SPATIAL ORDER

Article 62
(Purpose of Municipal Spatial Order)

(1) In accordance with the Municipal Spatial Development Strategy and taking into consideration the rules of the Spatial Order of Slovenia, the purpose of the Municipal Spatial Order is to determine the areas of land use, to specify the conditions and criteria for spatial planning and preparation of Local Detailed Plans, and conditions for preparation of designs in accordance with the provisions concerning their construction.

(2) The Municipal Spatial Order is the basic implementing spatial planning document of the municipality.

Article 63
(Contents of Municipal Spatial Order)

(1) In accordance with the purpose of the preceding Article, the Municipal Spatial Order shall specify in particular:
1. Land use areas;
2. Spatial planning and management criteria and conditions;
3. The subdivision of the municipal territory into spatial and functional units, for which the spatial documents, and spatial protection criteria, and conditions shall be prepared;
4. Spatial Order implementing measures.

(2) In the areas where the Municipal Spatial Development Strategy provides for the preparation of the Conception of Urban Development, the Conception of Landscape Development and Protection, and detailed plans, but these have not been completed yet, the guidelines and basic premises defined in the Municipal Spatial Development Strategy shall govern in setting out the land use areas, subdividing the area into spatial and functional wholes, defining the criteria and conditions for spatial planning and management, and defining the Spatial Order implementing measures.

(3) The Municipal Spatial Order shall form the basis for the preparation of the Local Detailed Plans and shall provide planning conditions for the preparation of designs for obtaining building permits in accordance with the construction regulations for facilities not regulated by detailed plans.

(4) The Municipal Spatial Order shall also show the areas of the Detailed Plan of National Importance.

Article 64
(Land Use)

(1) The Municipal Spatial Order shall specify the basic land use areas for the entire territory of the municipality. The basic land use areas shall be defined with regard to the physical characteristics and the envisaged use of a particular area, while observing the relevant regulations for individual activities or fields of activities. Different types of the basic land use areas may not overlap.

(2) The basic land use areas may be divided into tracts of detailed land use according to the principles of predominance, compatibility, and complementarity of individual activities, whereby the detailed land use shall be within the framework of the basic land use. The detailed land use areas shall also include areas designated for the public good.

(3) The basic land use areas and/or the detailed land use areas shall be shown in the Municipal Spatial Order with such accuracy that their boundaries can be physically defined on the site and shown in the land cadastre.

Article 65
(Spatial Planning and Management Criteria and Conditions)

(1) The Municipal Spatial Order shall use the spatial planning and management criteria and conditions, in accordance with land use, to specify for individual areas as per Point 1 of the first paragraph of Article 63 particularly the following:
1. Possible overlapping of activities in view of land use;
2. Envisaged utilization rate of land for buildings or other construction;
3. Spatial planning and management criteria and conditions for areas in which the detailed plans have been implemented;
4. Building plots defining criteria;
5. Criteria and conditions for the environmental protection, nature and cultural heritage conservation, and sustainable use of natural resources in connection with the planning of spatial arrangements and construction;
6. Measures for protection from natural and other disasters, and
7. Areas to be provided with municipal infrastructure together with general conditions and standards for building land development, including the obligations of connection to the public infrastructure facilities and networks.

(2) The criteria and conditions as per the preceding paragraph shall define the planning conditions for the preparation of designs used to obtain building permits, particularly regarding the purpose, position, function, size, and design of such structures, the conditions in connection with their construction, as well as planning conditions for the erection of simple buildings which, according to the construction regulations require no building permit.

Article 66
(Detailed Criteria and Conditions for Planning)

(1) The Municipal Spatial Order may also specify, for an individual planning zone, the detailed criteria and conditions for obtaining the building permit. In addition to the criteria and conditions as per the preceding Article, the borders of such a zone shall also be defined, as well as regulatory or construction lines for the spatial placement of structures; and it shall also be possible to define the size of structures, criteria for designing them, functional and technical scheme of the structures – including planning of their surroundings – and the provision municipal infrastructure including with respective conditions for connection to such infrastructure.

(2) The Municipal Spatial Order may be amended with the detailed criteria as per the preceding paragraph in a summary procedure laid down in Article 34 of this Act.

Special Provisions on Preparing and Adopting the Municipal Spatial Development Strategy and Municipal Spatial Order

Article 67
(Start of Preparation)

(1) The mayor shall be responsible for the preparation of the Municipal Spatial Development Strategy and/or the Municipal Spatial Order.

(2) The initiative for the preparation of the Municipal Spatial Development Strategy and/or the Municipal Spatial Order, as well as revisions and amendments thereto may be given by anyone. The initiatives shall be explained and documented. Decisions on such initiatives shall be made by the Municipal Council upon the mayor's proposal at least once every four years.

(3) Irrespective of the provisions of the preceding paragraph, the Municipal Council shall make the decisions on revising and amending the Municipal Spatial Order in the event of circumstances, which require revisions and amendments to this spatial planning document in accordance with the provisions of this Act, and refer to other spatial documents.

Article 68
(Participation in Preparation)

(1) The ministries shall be obliged to provide the municipality, upon their request, with available data, proposals, and other materials under their competence that are necessary for the preparation of the Municipal Spatial Development Strategy and/or the Municipal Spatial Order. The Ministry of the Environment may give recommendations to the municipality in connection with the preparation

(2) The neighbouring municipalities shall be individually informed of the Municipal Spatial Development Strategy and/or Municipal Spatial Order preparation, so that during the preparation procedure they can give proposals and opinions in connection with spatial arrangements, which may affect their own matters of spatial planning and management.

Article 69
(Approval of the Municipal Spatial Development Strategy and Municipal Spatial Order)

(1) Prior to the publication of a decree on the Municipal Spatial Development Strategy and/or Municipal Spatial Order, the adopted spatial planning document shall be sent to the Minister of the Environment for approval. The municipality shall enclose with the application for approval the spatial planning document with the pertaining decree and annexes defined in Article 24.

(2) Within 15 days of the receipt of the application as per the preceding Article, the Minister of the Environment shall establish whether the application is complete, and inform the municipality accordingly within the stipulated period; otherwise it shall be deemed that the application is complete. In the case that the application is incomplete, the Minister of the Environment shall call upon the municipality to complete the application within a defined period of time; otherwise the application shall be discarded.

(3) The Minister of the Environment shall verify whether the Municipal Spatial Development Strategy and/or Municipal Spatial Order is in compliance with the law and other regulations, as well as with the national spatial planning documents and common documents, if any, and whether the Municipal Spatial Order is in compliance with the Municipal Spatial Development Strategy, when the approval of the Municipal Spatial Order is concerned.

(4) The Minister of the Environment shall issue a decision confirming the compliance as per the preceding paragraph or reject the Municipal Spatial Development Strategy and/or Municipal Spatial Order within 60 days of the receipt of the complete application defined in the first paragraph. Any rejection shall contain the reasons for rejection and proposals for eliminating flaws. If the Minister of the Environment has neither confirmed nor rejected the Municipal Spatial Development Strategy and/or Municipal Spatial Order in a decision within the period specified in this Article, it shall be deemed that he has approved it.

(5) The municipality may not publish the Municipal Spatial Development Strategy and/or Municipal Spatial Order, which has been rejected by the Minister of the Environment, in the official gazette, and it shall not form the basis for issuing building permits or for other measures in accordance with this Act.

(6) The Government shall decide upon any appeal of the municipality against the rejection.

Article 70
(Harmonisation of Municipal Spatial Development Strategy and/or Municipal Spatial Order)

(1) In the event of the rejection of the Municipal Spatial Development Strategy and/or Municipal Spatial Order, the Municipal Council shall reconsider and, in accordance with the findings of the Minister of the Environment, adopt a revised Municipal Spatial Development Strategy and/or Municipal Spatial Order, and send it to the Minister of the Environment for approval. The Minister shall approve or reject the revised part of the Municipal Spatial Development Strategy and/or Municipal Spatial Order in the manner and in accordance with the procedure defined in the preceding Article within 30 days of its receipt, otherwise it shall be deemed approved.

(2) The harmonisation of the Municipal Spatial Development Strategy and/or Municipal Spatial Order with the requirements of the Minister of the Environment shall not be subject to the provisions of this Act referring to the spatial planning document preparation programme, public exhibition and public debate.

Article 71
(Publication and Implementation of Municipal Spatial Development Strategy and/or Municipal Spatial Order)

(1) The municipality shall publish the adopted Municipal Spatial Development Strategy and/or the ordinance on the approved Municipal Spatial Order together with the date and reference number of the Minister of the Environment's decision of approval.

(2) In the case that the date and reference number of the Minister of the Environment's decision of approval are missing in the publication referred to in the preceding paragraph, the Municipal Spatial Development Strategy and/or Municipal Spatial Order may not be implemented, except in cases defined in the fourth paragraph of Article 69. In this case the Municipal Council shall adopt a declaratory decision that the Municipal Spatial Development Strategy and/or Municipal Spatial Order has been confirmed and shall publish it at the same

time as the Municipal Spatial Development Strategy and the ordinance referred to in the preceding paragraph.

3. LOCAL DETAILED PLAN

Article 72
(Purpose of Local Detailed Plan)

(1) In accordance with the Municipal Spatial Development Strategy and the Municipal Spatial Order, the Local Detailed Plan shall plan in detail individual spatial arrangements. It shall lay down and determine planning conditions for the preparation of designs and for obtaining building permits in accordance with the regulations on the construction, particularly with respect to the purpose, position, function, size, and design of the structures, and it shall define implementation measures pursuant to this Act.

(2) A Local Detailed Plan shall be prepared for spatial arrangements with known investors, and particularly for:
1. Planning the infrastructure networks to ensure the operation of mandatory local public services;
2. Planning the areas where implementation measures as per Part Three of this Act are foreseen;
3. 3.Planning and developing the areas envisaged for restoration and renewal, and for settlement expansion in accordance with the Conception of Urban Development and the Conception of Landscape Development and Protection.

Article 73
(Contents of Local Detailed Plan)

(1) The Local Detailed Plan shall be prepared with the contents laid down in Article 43 of this Act, and the areas allocated for the public good shall also be shown.

(2) For the planned structures, the Local Detailed Plan may lay down the obligation to obtain design solutions through a public tender.

(3) The Local Detailed Plan may also specify the obligation of signing an Urban Planning Contract between the investor of the planned spatial arrangement and the municipality.

(4) The Local Detailed Plan shall contain the annexes specified in Article 44 of this Act. The building land development programme as per Article 159 of this Act shall also be a constituent part of the annexes.

Article 74
(Conditional Detailed Plan)

(1) A Conditional Detailed Plan shall be a Local Detailed Plan, whose validity is suspended until the fulfilment of the special conditions specified in the plan in connection with acquiring property required for the execution of the planned spatial arrangement. The purpose of a Conditional Detailed Plan shall be to reduce the risk in connection with the execution of an investment project.

(2) The Conditional Detailed Plan shall be prepared whenever its implementation requires the alteration of the parcel structure or ownership in the area of the plan. The Conditional Detailed Plan shall also specify a deadline for obtaining all real estate required for the execution of the planned spatial arrangement, which may in no case be more than four years.

(3) Along with the adoption of a Conditional Detailed Plan, the Municipal Council shall also adopt a temporary prohibition defined in the first paragraph of Article 83 of this Act until the Conditional Detailed Plan enters into force, or until the expiry of the deadline specified in the preceding paragraph. The temporary prohibition shall not apply to legal transactions between the investor mentioned in the preceding paragraph or the municipality and the owners of real estate in the area of temporary prohibition.

Article 75
(Implementation of Conditional Detailed Plan)

(1) The implementation of the Conditional Detailed Plan may start if the conditions, defined in the first paragraph of the preceding Article and set out in this plan, have been fulfilled no later than the deadline specified in the plan, which shall be established by the mayor in an official decision. This decision shall be published in the official gazette. If, in a period of two months following the fulfilment of these conditions, the mayor fails to adopt a decision on the start of implementation of the Conditional Detailed Plan, the affected investor or owner of real estate may file a lawsuit because of the authority's failure to respond.

(2) If the conditions as per the first paragraph of the preceding Article are not fulfilled by the envisaged deadline, the Conditional Detailed Plan shall cease to be valid, which shall be decided by the Municipal Council in a decision published in the official gazette; otherwise this Plan may be valid for up to four years maximum.

(3) The Municipal Council may not amend or repeal the Conditional Detailed Plan within the period defined in the second paragraph of Article 74.

Article 76
(Urban Planning Contract)

(1) The Urban Planning Contract as per Article 73 hereto may provide that the investor shall execute all or a part of the development defined in the Local Detailed Plan within the specified period of time following its entry into force, or that the investor shall build the structures specified in the detailed plan, which are of public benefit, or provide the land in the area of the detailed plan with municipal infrastructure pursuant to the building land development programme as per Article 139 of this Act.

(2) In the cases when the Urban Planning Contract provides that the investor of the planned spatial arrangement shall build structures, which are of public benefit, or provide the area with municipal infrastructure, the investor may subcontract such works in accordance with the regulations on public procurement.

(3) If the Urban Planning Contract incorporates a financial charge to the investor, which would otherwise have to be borne by the municipality, this charge may be deducted from the investor's statutory charges to the municipality, which shall be stipulated in this contract.

(4) In the case of the nonfulfillment of conditions specified in the first paragraph of this Article, the municipality may enforce its right to purchase the land owned by the investor at the

market value applicable at the time directly before the commencement of the detailed plan preparation.

Special Provisions on Preparing and Adopting the Local Detailed Plan

Article 77
(Preparation of Local Detailed Plan and Deviations)

(1) In addition to the provisions of Articles 27 to 34 of this Act, the provisions of the third paragraph of Article 45 of this Act shall also apply to the preparation and adoption of a Local Detailed Plan.

(2) The Local Detailed Plan producer shall inform the owners of real estate in the area of the detailed plan in writing or by a public announcement of the public exhibition and public debates of the detailed plan, and prior to the consideration of the proposed detailed plan by the Municipal Council acquaint them in writing of the views on their comments and proposals, if any. The producer shall separately explain and substantiate to the Municipal Council the views on the comments and proposals of the owners of real estate in the area of the detailed plan.

(3) The decree on the Local Detailed Plan may also specify the extent of any deviations from the functional, design, and technical solutions that are permissible in preparing the design for obtaining the construction permit pursuant to the regulations on the construction, provided that the new solutions in the framework of these deviations will not change the planned appearance of the area, deteriorate the living and working conditions, and environmental impact in the area of the detailed plan or in neighbouring areas, and that these solutions are not contrary to the public benefit.

Article 78
(Single Procedure)

(1) The preparation and adoption of a Local Detailed Plan and the associated revisions and amendments to the Municipal Spatial Order may be conducted in a single procedure.

(2) In the event of a single procedure, a joint preparation programme shall be prepared for the revision of the Municipal Spatial Order and the Local Detailed Plan preparation.

Article 79
(Inter-Municipal Detailed plan)

(1) If a common use of natural resources or the construction of transport, energy, municipal utility networks, and other networks is planned in the area of two or more municipalities, these municipalities may jointly prepare a Detailed Plan (hereinafter: the Common Detailed Plan), which may also be prepared for other spatial arrangements for which a common interest has been expressed.

(2) The Common Detailed Plan shall be prepared with the contents and according to the procedure defined for the Local Detailed Plan unless otherwise provided for by this Act.

(3) Municipalities preparing the Common Detailed Plan shall appoint the producer who will lead the plan preparation procedure. Public exhibition shall be organized in all the municipalities involved in the drafting of the Common Detailed Plan.

(4) The Common Detailed Plan shall be adopted by the Municipal Councils of all the municipalities involved in its preparation.

4. PLANNING INFORMATION

Article 80
(Purpose and Content of Planning Information)

(1) Spatial planning stakeholders shall be required to issue planning information to anyone upon their request.

(2) The request shall state for what purpose the planning information is required.

(3) Depending on the purpose expressed, the planning information shall contain data on land use, planning, and other conditions as laid down in the municipal implementing spatial planning acts, and data on implementation measures applicable in a certain area. Upon request, a copy of the cartographic part of the spatial planning document shall be attached to the planning information.

(4) If the revision of the spatial planning document for the area or plot of land referred to in the planning information is under preparation, this shall be specifically so stated in the planning information. The planning information shall be valid until the enforcement of the revisions of the spatial planning document.

(5) The planning information shall have the character of a certificate from official records, and shall be issued pursuant to the regulations concerning general administrative procedure against the payment of a fee.

(6) The Minister of the Environment shall specify in detail the form of planning information.

Part Three: IMPLEMENTATION MEASURES

Section One: PROVISIONAL IMPLEMENTATION MEASURES FOR PROTECTION OF SPATIAL PLANNING AND MANAGEMENT

Article 81
(Purpose of Provisional Implementation Measures)

(1) The Government, by issuing a regulation, or a municipality, by issuing an ordinance, may adopt provisional implementation measures for protecting spatial planning and management concerning a specific area (hereinafter: Provisional Implementation Measure) if there is a justifiable risk that the implementation of the spatial arrangement would otherwise be prevented or seriously impeded, or if the cost of its implementation would be significantly increased, or if its implementation would require significantly greater interference with the rights and legal interests of the owners of real estate and other affected parties.

(2) Provisional implementation measures may be adopted for the area of:
1. Spatial arrangement for which the National Detailed Plan has not yet been prepared;
2. Settlement expansion which has not yet been laid down in the Municipal Spatial Development Strategy; and
3. Spatial arrangement for which the Local Detailed Plan has not yet been adopted.

Article 82
(Contents of the Act on Provisional Implementation Measures)

(1) The Government regulation, or the municipal ordinance on provisional implementation measures shall contain in particular:
1. Purpose for adopting provisional implementation measures;
2. Basis of the envisaged spatial arrangement in the spatial planning document;
3. Area covered by the provisional implementation measures;
4. Types of provisional implementation measures; and
5. Validity of provisional implementation measures.

(2) The area of provisional implementation measures shall be set out with such accuracy that it is possible to show the boundaries of the area in the land cadastre and to physically determine them on site.

(3) Based on the document defined in the first paragraph, and within 30 (thirty) days of its enforcement, the Government or the municipality shall propose the note of provisional implementation measures in the land register.

Article 83
(Types of Provisional Implementation Measures)

(1) The Government may issue a regulation or the municipality may issue an ordinance on the provisional implementation measures to prohibit land parcelling and trading in real estate, except in areas where land consolidation as per Article 115 of this Act is envisaged, growing permanent crops, adopting the revisions of spatial planning documents applicable in the area of provisional implementation measures, and carrying out construction.

(2) The provisional implementation measures shall not affect the execution of development, which is already authorized by the final building permit at the time of their entry into force. In the area of provisional implementation measures, it shall also be permitted to execute developments to improve municipal and other infrastructure, reconstruction of facilities that are vital for their maintenance, and for the life and work of the population in these areas, as well as geodesic and other preparatory works required for the production of the envisaged spatial planning document or its revisions and amendments.

(3) The regulation or decree on the provisional implementation measures shall be adopted on the basis of the spatial planning document preparation programme.

Article 84
(Validity of Provisional Implementation Measures)

The provisional implementation measures as per the first paragraph of the preceding Article shall remain in force for a period of one year after the enforcement of the spatial planning document which prompted their introduction, with the exception of measures which could hinder the implementation of this spatial implementation document, otherwise they may remain in force for up to four years. Upon the expiration of the validity of provisional implementation measures, they may not be reintroduced for the same area and the same spatial arrangement for at least four years.

Section Two: LEGAL PRE-EMPTIVE RIGHT OF THE MUNICIPALITY

Article 85
(Area of Pre-Emptive Right)

(1) The municipality may issue an ordinance determining the area of pre-emptive right of the municipality for property in the entire settlement development zone, in the area of existing of planned infrastructure networks and structures outside the settlement development zones or in a part of these zones, unless provided otherwise by this Act.

(2) The area of pre-emptive right shall be set out with such accuracy that it is possible to show the boundaries of the area in the land cadastre and to physically determine them on site.

Article 86
(Exclusion of Pre-Emptive Right)

The pre-emptive right of the municipality (hereinafter: Pre-emptive Right) shall be excluded:
1. If the owner sells or donates real estate to their spouse or to a person with whom they live in an extramarital cohabitation, or to their lineal relative, their adoptive parent or adopted child;
2. If the purchaser is the state, an entity of public law founded by the state, or a state public service contractor, as well as an investor in infrastructure mentioned in Article 91 of this Act.

Article 87

(Confirmation)

Prior to concluding a sales contract, the owner of real estate in the area of pre-emptive right (hereinafter: Vendor) shall obtain the municipality's confirmation that it shall not assert any pre-emptive right for this real estate. If the municipality fails to issue the confirmation within 15 days of filing the request, it shall be deemed that it waives the pre-emptive right.

Article 88
(Offer to the Municipality)

(1) If, within the period set forth in Article 87 of this Act, the municipality issues a confirmation that it asserts its pre-emptive right, the vendor shall present the municipality with an offer for the sale of real estate. The municipality shall state its opinion concerning the offer within no more than 15 days; otherwise it shall be deemed that it shall not purchase the real estate.

(2) If the municipality has waived its pre-emptive right, the vendor may sell the real estate to another person upon expiry of the deadline as per the preceding paragraph, but only under equal or for the vendor more favourable terms than those offered to the municipality.

Article 89
(Contract)

(1) A notary public may not authenticate the vendor's signature under a contract of sale if the vendor has not submitted the confirmation as per Article 87 of this Act or the statement as per Article 88 of this Act that the municipality has waived its pre-emptive right, i.e. that it is not interested in purchasing this real estate.

(2) In the event of the sale of real estate, which is subject to the right of pre-emption, the vendor shall submit to the notary public the written offer, which has been sent to the municipality. The notary public may not certify the signature on a contract concluded under terms more favourable for the buyer than those that the vendor offered to the municipality, or if the document is not furnished with all mandatory components of a contract and is consequently not eligible for entry into the land register.

(3) If the vendor declares that, within the deadline as per Article 87 of this Act, the municipality failed to issue a confirmation that no pre-emptive right existed on this real estate, or that the municipality failed to state its opinion within the period specified in the first paragraph of the preceding Article, the vendor shall submit the proof of having filed the request for the issuing of such confirmation, and/or presented the municipality with an offer for the sale of real estate. Prior to authenticating the signature, the notary public shall verify whether the request had been lodged and whether the municipality in fact failed to issue the confirmation or stated its opinion within the specified deadline.

(4) Contracts concluded contrary to the provisions of this Act concerning the pre-emptive right of the municipality shall be void.

Article 90
(Sale of Real Estate)

When selling real estate acquired on the basis of the assertion of pre-emptive right or as a result of expropriation, the municipality shall request the purchaser to bind themselves to build the structure specified in the spatial planning document within the specified period. If, within the specified period, the purchaser fails to build the structure, the municipality may

rescind the contract. The contract between purchaser and the municipality shall specify the sanctions for the nonfulfillment of contractual obligations.

Article 91
(Special Features)

The municipality may sell the real estate specified in the preceding Article by concluding a direct contract, or lease it in accordance with regulations concerning the disposal of property for:

1. the construction of structures for the needs of public administration, justice, defence, and national reserves;
2. the construction of structures of public infrastructure, and structures serving for protection against natural and other disasters;
3. the construction of structures for the needs of health, social care, education, culture, science, and sports;
4. the construction of council flats and non-profit-making housing;
5. the reconstruction of damaged, decrepit or demolished structures as per Points 1 to 4 of this Article, and for the renewal of areas specified in Article 133 of this Act; and
6. the plots of land, which are necessary for expedient exploitation or rounding off of the plots of building land, on which there are existing structures.

Section Three: EXPROPRIATION AND RESTRICTION OF OWNERSHIP RIGHTS

1. General Provision

Article 92
(Admissibility of Expropriation and Restrictions of Ownership Right)

(1) The ownership right to real estate may be sequestered against damages or compensation in kind (hereinafter: Expropriation) or restricted with a temporary right to use, as well as encumbered with a temporary or permanent easement.

(2) Expropriation and the restriction or encumbering of the ownership right shall be admissible for public benefit only and under condition that it is essential to attain the public benefit, and that the public benefit of the purpose of expropriation is in proportion with the interference with private property.

(3) Expropriation, and the restriction or encumbering of the ownership right as per the first paragraph of this Article shall not be permissible if the state or the municipality disposes of another suitable real estate for the attainment of the same purpose.

2. Expropriation

Article 93
(Purpose of Expropriation – Public Benefit)

(1) Subject to conditions laid down in Article 92 of this Act, real estate may be expropriated for the following purposes:
1. The construction or take-over of structures or land of the public infrastructure;
2. The construction or take-over of structures or land plots for the needs of national defence, national reserves, the safety of citizens and their property, and the protection against natural and other disasters;
3. The reconstruction and demolition of structures defined in Points 1 and 2 of this paragraph in accordance with the regulations concerning the construction.

(2) Subject to conditions laid down in Article 92 of this Act, real estate may also be expropriated for the following purposes:
1. The construction or take-over of structures or land plots for the needs of performing public services in the area of health care, education, schooling, culture, science, research and social assistance and services;
2. The construction of council flats and non-profit housing;
3. The reconstruction and demolition of structures as per Points 1 and 2 of this paragraph in accordance with the regulations concerning the construction.

(3) It shall be deemed that the public benefit for real estate specified in the first paragraph of this Article is shown if they are envisaged in the Detailed Plan of National Importance or in the Local Detailed Plan. In cases as per Point 3 of the first paragraph of this Article, it shall be deemed that public benefit is also shown when the planned reconstruction of demolition is in compliance with the Municipal Spatial Order.

(4) In cases specified in the second paragraph of this Article, the Government or the Municipal Council shall issue a decision establishing whether the envisaged construction serves for public benefit.

(5) Irrespective of the provisions of this Article, real estate may be expropriated for purposes provided by other laws. In this case, the provisions of this Act shall be used for the procedure of expropriation, the restriction of ownership right, and compensation, unless provided otherwise by the law.

Article 94
(Body Entitled and Person Liable to Expropriation)

(1) The body entitled to expropriation shall be the state if expropriation is executed for the purposes of construction as per Article 93 of this Act under the authority of the state and on the basis of the Detailed Plan of National Importance or a detailed plan as per Article 16 of this Act, or the municipality if expropriation is executed for the purposes of construction as per Article 93 of this Act under the authority of the municipality and on the basis of the Local Detailed Plan or the Municipal Spatial order.

(2) The person liable to expropriation shall be a natural or legal person who owns the real estate, which is the subject of expropriation. The person liable to expropriation may also be a legal entity, with the exception of the state.

(3) If the person liable to expropriation is a municipality or another entity of public law, and the real estate is being used for public purposes, the public benefit pursued through expropriation and the public benefit provided by the use of the real estate prior to expropriation shall be weighed in the expropriation.

(4) If the person entered in the land register as the owner of real estate has concluded a legal transaction on the basis of which another person may be entered as the owner, the status of a party in the expropriation procedure shall also be held by the person that may be

entered in the land register as the owner, if by the end of the expropriation procedure at the first instance, such person lodges as proof the deed of ownership right that is eligible for entry in the land register. The appropriating body shall be bound to advise the affected person of this fact.

(5) If a dispute arises over who is the person liable to expropriation, all the persons involved in such dispute shall have the right to appear in the expropriation procedure as parties thereof.

Expropriation Procedure

Article 95
(Institution of Procedure and Deadline for Filing Requests)

(1) The expropriation procedure shall commence upon the filing of request by the body entitled to expropriation.

(2) The body eligible for expropriation shall file the request for expropriation within four years maximum of the enforcement of the spatial planning document as per the third paragraph of Article 93 of this Act, which forms the basis for expropriation

Article 96
(Authority)

Requests for expropriation shall be decided upon by administrative units in administrative procedures at the first instance (hereinafter in this subsection: administrative authority), and by the Ministry of the Environment at the second instance, unless a different arrangement is provided by another law.

Article 97
(Offer)

(1) The body entitled to expropriation may file a request for expropriation if, within a period of 30 days after serving the offer for purchase on the owner of real estate, they failed acquire the real estate by concluding a contract

(2) In the case that it is impossible to serve the offer for purchasing real estate because the residence of the owner of real estate is not known, and he has no representative, the offer shall be served on the caretaker for special cases, appointed on the basis of the regulations providing for the conditions and procedure of appointing the guardian for special cases, when it is necessary that someone should take care of the property, and also in other cases when this is necessary to protect the rights and benefits of an individual.

Article 98
(Constituents of Request)

(1) The request for expropriation shall enclose:
1. The list of real estate proposed for expropriation, including the pertinent data from the land cadastre or the cadastre of buildings and land register;
2. An extract from respective spatial planning document as per the third paragraph of Article 93 of this Act, which serves as the basis for expropriation;

3. The expropriation study with the substantiation of the public benefit and the explanation of its legal basis;
4. Deadlines for the performance of works due to which expropriation has been proposed;
5. The offer from the second paragraph of Article 97 of this Act.

(2) The expropriation study as per the Point 3 of the preceding paragraph shall specify in detail the extent of the real estate regarding which expropriation has been proposed. If the subdivision of the real estate is necessary in order to implement expropriation, the expropriation study shall also contain a land subdivision plan or an exact description of the envisaged subdividing.

Article 99
(Taking Possession of Remaining Real Estate)

(1) If, in the course of the expropriation procedure, the person liable to expropriation finds that with the expropriation of a part of his real estate, the ownership right on the remaining part of his real estate would also lose its economic significance, he may request that the body entitled to expropriation also take possession of this part of real estate.

(2) The person liable to expropriation shall file the request as per the preceding paragraph with the administrative authority conducting the expropriation procedure. The administrative authority shall decide on this request when making the decision on expropriation.

Article 100
(Restriction of Legal Transactions)

(1) In cases referred to in the first paragraph of Article 93 of this Act the administrative authority shall issue a decision on the institution of the expropriation procedure, stating whether the public benefit is demonstrated, and deciding on the introduction of the expropriation procedure. In cases referred to in the second paragraph of Article 93 of this Act the administrative authority shall state whether the condition laid down in the fourth paragraph of Article 93 has been met, and if so, it shall issue a decision permitting the instigation of expropriation procedure. The Ministry of the Environment, Physical Planning and Energy shall decide any appeal against this decision.

(2) The initiation of the expropriation procedure shall be recorded in the land register in accordance with the decision stipulated in the preceding paragraph, which the administrative authority shall send ex officio to the land register.

(3) Until the expropriation procedure has been legally finalised and is in effect, no trading in real estate or any significant changes of such real estate shall be permitted, with the exception of sale to the body entitled to expropriation, or sale to a third person if the body entitled to expropriation so agrees. Any legal transaction concluded contrary to this provision shall be void.

Article101
(Preparatory Works)

(1) On the proposal of the body entitled to expropriation, the administrative authority may issue a decision authorising the implementation of the procedure for arranging boundaries, land subdivision, measuring, surveying of the terrain and other preparatory works.

(2) The Ministry of the Environment shall adjudicate any appeal against the decision from the preceding paragraph.

(3) In the event that the administrative authority issues a legally binding decision rejecting the request for expropriation, the geodetic administration, on the request of the person liable to expropriation, shall rescind the decision on land subdivision, while the party proposing the expropriation shall remove all the consequences of preparatory works or, if this is not possible, pay the person liable to expropriation compensation for all actual damage.

(4) The compensation mentioned in the preceding paragraph shall be established by the court in civil proceedings upon the proposal of the person liable to expropriation.

(5) The real estate owner or the user shall permit access to their real estate to persons presenting valid authorization of the expropriating body which shall be based on the contract for the execution of preparatory works and a legally binding decision set forth in the first paragraph of this Article.

(6) The contractor shall inform the real estate owner or the user of the start of preparatory works at least seven days prior to their commencement.

Article 102
(Expropriation Decision)

(1) The administrative authority shall issue a decision on expropriation through an expert declaratory proceeding. If the expropriation request is granted in full or in part, the decision shall set out in detail the real estate, which is being expropriated. The decision shall also specify the deadlines by which the body entitled to expropriation shall be obliged to start the construction of structure(s) for which the expropriation was proposed. In its decision, the administrative authority may specify the deadline or date for taking over the expropriated real estate, if it has been agreed upon by the parties to the procedure.

(2) The Ministry of the Environment, Spatial Planning and energy shall decide any appeal against the decision from the preceding paragraph. The appeals board shall decide on expropriation cases as a matter of priority.

Article 103
(Acquiring Ownership Right)

(1) The body entitled to expropriation shall acquire the ownership right to the expropriated real estate from a legally binding expropriation decision or from a legally binding decision or agreement referred to in Article 106 of this Act, signed in the form of a notarised document.

(2) The body entitled to expropriation may take possession of the expropriated real estate only after paying the compensation stipulated in Article 106 of this Act, or providing the person liable to expropriation with title to replacement real estate, or after the date specified in the expropriation decision if the decision so determines.

Article 104
(Summary Procedure – Executability prior to Legal Effect)

(1) In the event that expropriation is requested for purposes set forth in the first and second paragraphs of Article 93 of this Act and requires immediate acquisition of real estate, the reason for the selection and the needs for the use of this summary procedure shall be

additionally explained and substantiated. The administrative authority shall decide on this matter on a priority basis, and any appeal against this decision shall not stay the transfer of the ownership right and the acquisition of possession except if otherwise provided by law.

(2) In the event of a ruling laid down in the preceding paragraph, the administrative authority shall decide on the compensation or replacement if the body entitled to expropriation and the person liable to expropriation have concluded an agreement on such indemnity or compensation, and if not, it shall refer the parties to the court to have the compensation assessed in a non-litigious civil proceedings set. In the event of a dispute concerning the right to compensation, the parties shall be referred to litigation.

(3) The provisions of Article 106 of this Act shall apply in whole or in part to the contents and other characteristics of the agreement referred to in the preceding paragraph.

Compensation and Replacement Real Estate

Article 105
(Compensation)

(1) The owner shall be entitled to appropriate compensation or equivalent replacement real estate.

(2) The compensation shall cover the value of the real estate in respect of its actual use and the associated costs connected with expropriation, such as removal costs, profits lost during the period of moving and the possible reduced value of the remaining real estate.

(3) Authorised real estate appraisers, licensed appraisers from construction and agriculture, and real estate appraisers holding the certificate of the Republic of Slovenia for promoting the restructuring and transformation of companies shall assess the value of the real estate as per the first paragraph of this Article using the professional standards applicable to real estate appraisal. In addition to professional standards, account shall be taken of the land use prior to the enforcement of the spatial planning document, which was the basis for expropriation, as well as of the actual condition of the real estate on the day the expropriation procedure was instigated. Data from land cadastre or the cadastre of buildings, if it exists and relates to the real estate under expropriation, shall be used to determine the surface area of the real estate.

(4) The compensation and costs arising from the expropriation procedure shall be paid by the body entitled to expropriation.

(5) If the person liable to expropriation refuses to accept compensation, the body entitled to expropriation may fulfil its obligation by depositing the compensation with a court.

Article 106
(Agreement on Compensation or Replacement)

(1) No later than 15 days from the final legal effect of the expropriation decision, the administrative authority shall summon the body entitled and person liable to expropriation in order to conclude an agreement on compensation or replacement (hereinafter: Agreement).

(2) The agreement for the expropriated property shall specify in particular the form and amount of compensation and the deadline by which the body entitled to expropriation shall

be bound to fulfil its compensation obligation and take over the expropriated real estate or hand over the replacement real estate.

(3) The agreement shall state all the data necessary for fulfilment of the obligations by the body entitled to expropriation.

(4) The agreement may be put down on records of the administrative authority conducting the expropriation procedure. Upon putting down the agreement on the records, the administrative authority shall issue a decision, which shall include the content of the agreement. The decision may be contested only pursuant to the act governing general administrative procedures, but this shall not stay the execution of the decision.

(5) If the agreement is submitted in the form of a notarised document, it shall have the power of executory title.

(6) If within two months of the summons from the first paragraph an agreement on compensation or replacement has not been concluded, the body entitled or person liable to expropriation may lodge a proposal for setting compensation or determining replacement in civil proceedings at a court with jurisdiction.

Article 107
(Replacement in Kind)

(1) In the event that the expropriated ownership right is for a building or part of a building in which the person liable to expropriation lives, the body entitled to expropriation shall provide the person liable to expropriation with the ownership right to an equivalent building or part of a building, unless the person liable to expropriation requests monetary compensation. The same provisions shall apply mutatis mutandis for real estate which represents the primary means for the person liable to expropriation to perform a vocation or farming activities.

(2) Irrespective of the replacement in kind, the person liable to expropriation shall have the right to reimbursement for the associated costs arising in connection with expropriation, such as removal costs, profits lost during the period of moving and the possible reduced value of the remaining real estate.

Other Real Rights

Article 108
(Other Real Rights)

(1) The decision on expropriation shall indicate whether the real rights to real estate and rental or leasing contracts concluded for indefinite periods expire.

(2) The administrative authority shall ex officio identify the holders of the rights referred to in the preceding paragraph.

(3) The rights referred to in the preceding paragraph may only expire if this is specifically requested by the proposer of expropriation. In such a case, the administrative authority shall establish whether the expiry of rights is essential and proportionate to the public benefit accrued through expropriation. The holders of rights shall have the status of parties to the procedure.

(4) The provisions applicable for determining compensation or replacement for the expropriated real estate shall also apply to the procedure for determining compensation or replacement for the deprived rights in rem and in personam.

(5) In the event of a mortgage being taken on appropriated real estate, the body entitled to expropriation shall assume secondary liability for the secured claim.

(6) In the event of expropriation of a real right, which provides the holder with a dwelling, or cancels a long-term housing rental agreement, the body entitled to expropriation shall be bound to provide the effected person with a right of equal value. A right of equal value shall be deemed to be an identical right in a building of equal value or a dwelling provided under the same conditions such as rent, rescission and so forth, so that the effected person is provided with the same actual and legal position. The effected person shall also have the right to compensation for related costs.

(7) The effected person mentioned in the preceding paragraph may opt for the assessment of compensation instead of the provision of rights of equal value.

3. Restriction of Ownership Rights

Article 109
(Temporary Use)

(1) For the purposes specified in Articles 93 and 133 of this Act, the ownership rights to real estate may be restricted to the right of use only for a specified period (hereinafter: Temporary Use).

(2) In order to establish the right of temporary use, the provisions of this Act governing expropriation shall be applied.

Article 110
(Easement for the Public Benefit)

(1) The ownership right to real estate may be encumbered with an easement or the temporary right to use for the public benefit (hereinafter: Easement).

(2) The ownership right to real estate may be restricted through an easement for the public benefit if this is essential for setting up networks and other facilities of public infrastructure and for their trouble-free operation. Establishing an easement may be proposed by the state, the municipality or the public service contractor.

(3) If so provided by a special law, easements may also be established for the setting up and trouble-free operation of other networks and facilities of public infrastructure. In this case, the eligible body shall be the investor in the public infrastructure.

(4) Prior to filing a request for establishing easement, the eligible body shall offer the owner a contract establishing easement.

(5) The request for encumbering the real estate with an easement or temporary right to use for the public benefit shall include:
1. The real estate data from the land cadastre or the cadastre of buildings;

2. An extract from the land register;
3. An extract from the Local Detailed Plan or from the Municipal Spatial Order if they serve as the basis for establishing easement;
4. An explanation of the public benefit;
5. The specification of the duration and manner of easement or temporary right to use;
6. An offer to conclude a contract of easement or temporary use as per the fourth paragraph of this Article.

(6) A request for establishing an easement shall be decided upon by the administrative authority . The Ministry of the Environment shall adjudicate any appeal against this decision, unless otherwise provided by law.

(7) The provisions of this Act concerning expropriation shall apply mutatis mutandi to determining the admissibility of establishing easement pursuant to this Article, and in respect of other issues that are not specifically regulated.

(8) In the event of establishing easement, the owner shall be eligible to compensation for the reduced value of the real estate or for actual damage and lost profit. A court shall decide on the application of the affected owner.

(9) A decision to establish easement for public benefit may be executed when it becomes final, except when the administrative authority ascertains that this is an urgent case as specified in Article 104 of this Act.

4. Restitution of Real Estate, Revoking of Easement for Public Benefit, and Cancelling of the Right of Use

Article 111
(Right to Restitution)

(1) If, by the deadline mentioned in the first paragraph of Article 102 of this Act, the body entitled to expropriation has failed to ensure the start of the construction of structure(s) for which purpose the expropriation had been proposed, the person liable to expropriation may request the restitution of the real estate from the administrative authority referred to in Article 95 of this Act.

(2) In the event that a contract has been concluded for the sale or purchase of real estate, the previous owner may revoke the contract under the conditions allowing the request for restitution of the expropriated real estate pursuant to this Article.

Article 112
(Restitution of Real Estate)

(1) The body entitled to expropriation and the person liable to expropriation may agree upon the restitution of real estate, whereby the provisions of Article 106 of this Act shall be used to determine the form of such agreement.

(2) Should the expropriated person and the body entitled to expropriation fail to come to an agreement concerning the restitution of real estate, the administrative authority shall decide on the restitution of real estate. In the case that the administrative authority grants the request, it shall also decide on the restitution of replacement real estate or payment of

compensation with interest for delay. If the value of the aforementioned real estate is open to dispute owing to increased or reduced value, the administrative authority shall refer the parties to the court, which shall decide on the payment and assessment of compensation in non-litigious civil proceedings.

Article113
(Cancelling of the Right of Use and Easement for Public Benefit)

If the right of temporary use as per Article 109 of this Act or the easement for public benefit as per Article 110 of this Act proves to be no longer essential for the execution of the purpose for which it was established, the administrative authority, on the proposal of the person liable to expropriation or the body entitled to expropriation, shall issue a decision cancelling this right.

Article 114
(Effect of Revoking the Expropriation Decision)

Upon the request of the person liable to expropriation, the decision on expropriation may be revoked if the body entitled to expropriation fails to pay or deposit compensation or does not provide replacement real estate within one year of the:
1. Issuing of the decision on compensation or replacement determined by agreement,
2. Conclusion of an agreement before a notary public,
3. Legally binding decision on the assessment of compensation at the court.

Section Four: LAND CONSOLIDATION

Article 115
(Purpose of Land Consolidation)

(1) Land consolidation shall be introduced with the purpose of enabling through a new ownership status a rational planning and implementation of spatial arrangements envisaged in the Local Detailed Plan.

(2) Land consolidation shall be implemented on the basis of the adopted Local Detailed Plan preparation programme.

Article 116
(Implementation of Land Consolidation)

(1) Land consolidation shall be implemented if so proposed by the owners of land plots in the area of the detailed plan (hereinafter: Land Consolidation Zone) who own at least 67% of the land in such zone. All land plots in the area of the detailed plan shall be included in the land consolidation fund.

(2) The proposal for implementation of land consolidation shall include:
1. the list of the land plots with their surface areas in the land consolidation zone, and a list of their owners or the holders of other real rights. If the land consolidation zone includes

only part of a plot, the proposal shall specifically state this fact and indicate the surface area of that part of the parcel which lies within the proposed land consolidation zone;
2. data on the land consolidation contractor;
3. an indication of the geodetic company that will perform technical tasks in connection with land consolidation; and
4. the financial budget for covering the costs of land consolidation.

(3) The in land consolidation contractor shall be a legal person that assumes the responsibility for organising land consolidation to the order of the participants in consolidation, and for ensuring its financial implementation.
(4) The regulations concerning the general administrative procedure shall be used in the land consolidation procedure, unless otherwise provided by this Act.

Article 117
(Decision on Introduction of Land Consolidation)

(1) Land consolidation for the purpose of spatial planning and management shall be introduced by the competent municipal administrative authority (hereinafter: municipal administrative authority) by an official decision. An appeal may be filed against such a decision, and the mayor shall rule on such appeal.

(2) The decision shall be delivered to all the parties in the land consolidation procedure and to the competent geodetic administration, and shall be published in the customary local manner.

(3) Upon issuing the decision to implement the land consolidation procedure, any construction or trading in real estate in the land consolidation zone shall be prohibited, except for sale to the municipality or another participant in such a procedure. Land subdivision not related to the land consolidation shall also be prohibited. The sale of land in the land consolidation zone, as well as the associated land subdivision, is permitted, including to third parties, subject to the agreement of all the participants in the land consolidation procedure.

(4) Irrespective of the prohibition laid down in the third paragraph of this Article, it shall be permitted to subdivide land plots on the periphery of the land consolidation zone and to perform works as set forth in the second paragraph of Article 83 of this Act.

Article 118
(Participants in the Land Consolidation Procedure)

(1) Participants in the land consolidation procedure shall be the owners of the land plots and other persons who demonstrate that they have the legal right, based on a legal transaction, to be recorded in the land register as owners.

(2) Participants in the land consolidation procedure shall also be the holders of other real rights to the land plots, and other persons who demonstrate that they have the legal right, based on a legal transaction, to be recorded in the land register as holders of real rights.

Article 119
(Expert Commission)

The land consolidation procedure shall be conducted by an expert commission appointed by the mayor. The commission shall be composed of at least three members, who shall be experts from the fields of law, urban planning, and geodesy.

Article 120
(Land Consolidation Committee)

(1) Participants in the land consolidation procedure shall elect a land consolidation committee from their number, which shall represent their interests, draw up proposals, and cooperate in the drafting of proposed studies in the land consolidation procedure.

(2) If the participants in the land consolidation procedure fail to elect a land consolidation committee, the commission shall only discuss the proposals and opinions signed by more than 30 percent of the owners of land plots in the land consolidation zone and who own at least fifty percent of the surface area of the land plots in this zone.

Article 121
(Determination of Boundaries)

(1) If the boundaries of land plots on the periphery of the land consolidation zone are not definitive, or if only parts of land plots are included in the land consolidation zone, the implementation of the land consolidation procedure shall be followed immediately by a procedure for determining boundaries and shall first be implemented so as to arrange the boundaries and/or perform subdivision.

(2) The procedure for determining boundaries and for subdividing land shall be established in the permit for preparatory works, which shall be issued by the local authority.

(3) The land consolidation procedure shall be suspended until the boundaries are determined by a final administrative or court decision.

Article 122
(Study of Existing Conditions)

(1) Following the implementation of land consolidation or the determination of boundaries, the geodetic company shall make a study of the existing condition of the land consolidation zone, including the presentation of land plots, their surface areas and values pursuant to Article 121 of this Act. The land cadastre data for the surface areas of land plots shall be used.

(2) The preparation of the study set forth in the preceding Article shall be a geodetic service in compliance with the act governing geodetic services.

(3) The study mentioned in the first paragraph of this Article shall be exhibited at the principal office of the local authority for at least 15 days. A notification of such an exhibition shall be published in the customary local manner. If, during the said 15 days, the participants offer no objections to the existing boundaries of plots, they may not challenge the decision on land consolidation in this regard in the future. Participants who have objections to the boundaries of land plots shown in the study, may submit objections during the study exhibition period, and lodge requests for re-determination of boundaries in compliance with the act governing the land cadastre. If they fail to do so, or later withdraw the request or proposal for determination of the boundaries before a court, it shall be deemed that objections were not offered.

(4) In the case set forth in the preceding paragraph, the land consolidation procedure shall be suspended until the final determination of the boundaries is made.

Article 123
(Proposal for the Reallocation of Land)

(1) Upon the initiative of the expert commission, the geodetic company, in collaboration with the producer of the detailed plan and the land consolidation committee, shall prepare a proposed study for the reallocation of land plots.

(2) The competent municipal administrative authority shall publicly exhibit the proposed plot reallocation study and discuss it during the public exhibition of the proposed detailed plan for the area under consideration in accordance with Article 31 of this Act. Based on the remarks given during such public exhibition, the geodetic company, in collaboration with the municipal administrative authority and the land consolidation committee shall prepare the final study for the reallocation of land plots.

Article 124
(Criteria for Reallocation of Land Plots)

(1) In the reallocation of land plots within the land consolidation area, the following criteria shall be observed:
1. Every participant in land consolidation shall receive a land plot that is as integrated and contiguous as possible;
2. Land plots shall be divided so that the new plot allocation is in compliance with the proposed spatial arrangement for the area under consideration; and
3. Every participant in land consolidation shall receive a land plot whose value in relation to the remainder of the land consolidation area after the exclusion of the land plots, referred to in the first indent of this paragraph, as equal as possible to the value of the land plot submitted in relation to the land consolidation fund.

(2) If any structures are already built on land plots, the reallocated plots may not be shaped in such a way that such a structure would extend across the territory of two or more of them. The owner of a plot on which there is a structure shall receive from the land consolidation fund either the existing plot or a revised plot which includes the land on which such structure stands.

(3) Participants who have not proposed land consolidation or have not stated that they agree to the conditions in the proposed detailed plan, may receive plots on the periphery of the area covered by the detailed plan in compliance with the criteria set forth in the preceding two paragraphs.

Article 125
(Decision on Reallocation of Land Plots)

(1) The municipal administrative authority shall issue a decision on the reallocation of land plots.

(2) The decision for the reallocation of land plots shall:
1. Determine new plots with boundaries defined by cadastral points and data on their owners,

2. Adjudicate comments and suggestions given during the public exhibition of studies within the land consolidation procedure,
3. Determine the monetary compensation, the settlement of the value of land plots pursuant to Article 127 of this Act, and determine new easements accordingly.

(3) Easements and real burdens on land plots in the land consolidation zone shall expire on the day of issuing the decision on the new reallocation of land plots. New easements and burdens may be established if this is necessary for the normal use of the reallocated land plots. Mortgages shall also expire, and shall be re-established for the new land plot received by the debtor from the land consolidation fund. (4) An appeal may be filed against such decision, and the mayor shall decide on such appeal.

Article 126
(Individual Decisions and Entries)

(1) In the case of a large number of participants, individual participants in land consolidation may only receive the part of the decision, which relates to them.

(2) Upon the delivery of the decision on the reallocation of land plots, participants in land consolidation procedure shall take possession of the new plots in compliance with the decision.

(3) The ownership rights to new land plots shall be conveyed when recorded in the land register. The entry in the land register shall be initiated by the land consolidation contractor no later than 30 days after the implementation of land consolidation.

Article 127
(Adjustment of Value)

(1) The owners who have received from the land consolidation fund plots of higher value than those they had contributed, shall pay money for the difference in value.

(2) The owners who have received from the land consolidation fund plots of lesser value than those they had contributed, shall be paid the value difference in money from the funds referred to in the preceding paragraph.

(3) The adjustment of values referred to in the preceding two paragraphs shall be carried out by the land consolidation contractor mentioned in the third paragraph of Article 116 of this Act.

Article 128
(Tax Exemption)

Trading in real estate in the framework of land consolidation procedure shall be exempt from real estate trading tax.

Article 129
(Financing)

(1) The financial means for land consolidation shall be provided by the proposers of the land consolidation procedure, except if otherwise provided in the land consolidation implementation contract.

(2) The reallocation decisions set forth in Article 125 of this Act shall determine the total costs of land consolidation and the share of the costs, which will be covered by the owners of real estate in the land consolidation zone. The owners who have not voluntarily provided means for the implementation of land consolidation shall be required (by the decision) to cover the unpaid costs of land consolidation in proportion to the surface area of the land plots they received as a result of land consolidation.

(3) Contracts for the implementation of land consolidation shall be concluded by the land consolidation contractor. The land consolidation contractor shall be entitled to payment in compliance with the contracts signed with the participants who have proposed land consolidation. This payment shall be included in the land consolidation costs.

Article 130
(Registration in Land Cadastre)

(1) Following the final decision for the reallocation of land plots, the geodetic administration, upon the request of the municipal administrative authority, shall record the new plots with new boundaries in the land cadastre.

(2) In the event that a renewed procedure or administrative dispute establishes that the decision referred to in the preceding Article is illegal, the municipal administrative authority or the court shall set additional compensation and additional obligation to pay the costs, but it cannot annul the decision and re-establish the original plots.

Article 131
(Contractual Land Consolidation)

(1) All the owners of land plots in a specific area within a settlement zone may conclude the contract on land consolidation.

(2) The contract on land consolidation shall contain the plan of the new plots.

(3) In order to perform contractual land consolidation, the owners shall obtain a land consolidation permit, which shall be adjudicated by the competent municipal administrative authority. An appeal may be filed against the decision, and the mayor shall decide on such appeal. A land consolidation permit shall be issued if the projected reallocation is in compliance with the spatial planning documents and other regulations.

Article 132
(Implementing Regulation)

The Minister of the Environment shall issue a detailed regulation on the implementation of land consolidation.

Section Five: RENEWAL MEASURES

Article 133
(Obligations in the Renewal Zone)

(1) The owners of real estate in the renewal zone shall be bound to carry out changes to their real estate in compliance with the detailed plan prepared for this zone in accordance with the provisions of this Act.

(2) The municipality and the owners of real estate in the renewal zone shall agree upon the participation in the execution of changes to real estate, which shall be regulated by a contract.

(3) If the renewal is financed from public funds, the municipality may temporarily restrict the right to use the real estate for the duration of the renewal. The contract between the owner and municipality shall define the owner's compensation for being encumbered in the use of their real estate, and the contract may also define the amount and the repaying the municipal funds invested in the renewal of their real estate. In the case that the real estate is the owner's primary source of income, the municipality shall reimburse the owner for the loss of income arising from the restriction of the right of use, and shall also provide appropriate temporary residence for the owner and their household, if the real estate is used as a dwelling and the temporary restriction of right to use the real estate prevents them from living in such real estate.

Article 134
(New activities in Renewal Zones)

If it is not possible to maintain the existing activities in zones or structures that are important from the aspect of nature conservation and the protection of cultural heritage, the renewal shall provide such zones and structures with other activities that observe the natural values and cultural heritage.

Part Four: BUILDING LAND DEVELOPMENT

Article 135
(Purpose of Development)

(1) Building land development (hereinafter: land development) shall be the construction of the municipal infrastructure necessary for the spatial arrangements or the structures planned in the Municipal Spatial Order or in the Local Detailed Plan to be implemented, and to serve their purpose.

(2) A land plot shall be deemed to be developed when the municipal infrastructure, which as a minimum provides drinking water and energy supply, sewage and waste disposal, as well as access to a public road, has been built and handed over to the public utility service contractor for management.

Article 136
(Obligation to Build Municipal Infrastructure)

The municipality shall use the Municipal Spatial Order or Local Detailed Plan to determine which structures and networks from the preceding paragraph are to be constructed in individual planning zones.

Article 137
(Use of Municipal Infrastructure)

(1) The municipal infrastructure may be publicly or privately owned with the exception of the built public goods, which cannot be in private ownership.

(2) The privately owned municipal infrastructure are facilities which are equal to the public infrastructure in purpose and technical characteristics, but owned by individual natural persons or legal entities, and intended for their use.

(3) The built public goods are intended for general use, and can be used by everyone. The built public goods can be leased for special use only through a public tender pursuant to the regulations on public procurement, wherein the special use may not impede general use.

(4) The status of the built public goods is acquired or withdrawn by a decision pursuant to the regulations concerning the construction.

Article 138
(Ensuring Building Land Development)

(1) The construction of municipal infrastructure shall be ensured the municipality.

(2) The construction of municipal service infrastructure, which is not intended for public use on the basis of a spatial planning document, and the construction of connections to the municipal infrastructure facilities and networks shall be ensured by the investor or owner of the structure which is being connected.

(3) The municipality may outsource the construction of the municipal infrastructure facilities and networks to a natural or legal person.

Article 139
(Building Land Development Programme)

(1) Land plots shall be provided with municipal infrastructure on the basis of a Building Land Development Programme.

(2) A Building Land Development Programme shall be drawn up on the basis of the Municipal Spatial Order and/or the Local Detailed Plan. If the Building Land Development Programme is drawn up on the basis of a Local Detailed Plan, such Development Programme shall be a constituent annex to the said plan.

(3) The Building Land Development Programme or a supplement thereof shall be prepared by the competent municipal body.

Article 140
(Contents of Land Development Programme)

(1) The Building Land Development Programme shall serve to coordinate the construction of structures and networks of the municipal infrastructure, define in detail the timetables for the municipal infrastructure construction including the conditions for connection to it, and also set out the technical conditions for development with the relevant financial plan.

(2) The Building Land Development Programme shall also define the manner of selecting contractors for the construction of municipal infrastructure and other related development in compliance with the Public Procurement Act.

(3) The Government, upon the proposal of the Minister of the Environment, shall define in detail the contents of the Building Land Development Programme.

Article 141
(Building Land Development Programme Adoption)

The competent body of the municipal administrative authority shall adopt or reject the Building Land Development Programme. The programme may be rejected only if it is not in compliance with the regulations, or the costs are not realistically presented.

Article 142
(Financing of Municipal Infrastructure)

The municipal infrastructure shall be financed from the budget of the municipality, from the funds of natural or legal persons who have signed a contract on the building land development, and from other sources.

Article 143
(Development Tax)

(1) The development tax shall be a payment for a part of the costs for providing land with the local municipal infrastructure, which shall be paid to the municipality by the person liable to such development tax.

(2) The development tax shall be laid down on the basis of the Building Land Development Programme depending on the level to which the land is provided with the municipal infrastructure and other infrastructure, and the connected power and capacity of municipal infrastructure in the settlement development zones. Upon the payment of development tax, the municipality shall guarantee to the person liable for tax that they will be able to connect to the local municipal infrastructure, or that such infrastructure will be constructed in a specific time and to the extent provided in the Building Land Development Programme, and that they will be able to connect their structure to this infrastructure.

(3) The development tax shall be assessed by the competent body of the municipal administration authority in an official decision. An appeal may be filed against such decision, and the mayor shall rule on such appeal.

Article 144
(Person Liable for Development Tax)

The person liable to pay development tax shall be the investor or the owner of the structure which is being newly connected to the facilities and networks of the local municipal infrastructure, or which requires increases to the connected power of the existing connections.

Article 145
(Contract)

Upon the payment of the development tax, the person liable for development tax referred to in the preceding article shall be entitled to request a signed contract with the municipality containing the mutual obligations relating to the connection of the structure to the local municipal infrastructure. The contract shall specifically contain the timetable for connection of the structure to the local municipal infrastructure, and the technical conditions of such connection.

Article 146
(Price of Developed Building Land)

(1) The price of a developed building land plot shall be defined on the basis of the market price of the land, established according to the actual land use criterion, and the actual costs of the municipal infrastructure construction in accordance with the Building Land Development Programme

(2) The Minister of the Environment shall specify the criteria for structuring the prices of developed land, and for assessing the development fee.

(3) Pursuant to the regulation mentioned in the preceding paragraph, the municipality may lay down more detailed criteria for assessing the development tax.

Part Five: SPATIAL DATA SYSTEM AND SPATIAL REPORT ON THE SITUATION IN SPATIAL PLANNING AND MANAGEMENT

Article 147
(Spatial Data System)

(1) The state and municipalities shall maintain a spatial data system to monitor the spatial planning and management situation.

(2) The spatial data system shall contain databases referred to in this Act, and other databases related to spatial planning and management provided by law or by a local community ordinance.

(3) The spatial data system shall be based on mutually comparable and interrelated geodetic data, records, and other data bases, harmonized with the statistical data banks.

(4) The Minister of the Environment shall lay down detailed instructions for the contents and the manner of maintaining the spatial data system, on the connectibility of data, and on the conditions for computer access to databases and on the availability of data from them.

Article 148
(Obligations of Spatial Planning Stakeholders)

Spatial planning stakeholders shall be obliged to exchange data among themselves, and to supply the Ministry of the Environment and bodies within its composition with their documents and other regulations containing the requisite data in the prescribed format and relating to spatial planning and management, whereby it shall be provided for the traceability of the changes to the data, which are relate to each other within the databases referred to in this Act .

Article 149
(Legal Regimes Database)

(1) The legal regimes database shall present spatial planning documents and data extracted from other documents, laying down spatial arrangements, implementation measures and spatial planning restrictions.

(2) The legal regimes database shall be presented in the land cadastre and shall be linkable to the cadastre of buildings.

(3) The Ministry of the Environment, shall set up the legal regimes database, and maintain it in collaboration with the municipalities.

(4) The Minister of the Environment, in agreement with the ministers responsible for the contents and maintenance of the legal regimes database, shall specify in detail the contents and the manner of maintaining this database, its interconnectibility, and access to the database.

Article 150
(Administrative Acts Database)

(1) The administrative acts database shall contain data from administrative acts relating to construction.

(2) The Ministry of the Environment shall maintain the database stipulated in this Article, while data shall be entered in this database by the administrative authorities responsible for issuing them.

(3) The database shall be maintained in the land cadastre, and in the cadastre of buildings as imported data.

(4) The Minister of the Environment shall specify in detail the contents and the manner of maintaining the administrative acts database, its interconnectibility, and access to the database.

Article 151
(Actual Land Use Database)

(1) The actual use database shall be data on the actual use of the physical space pursuant to the regulations governing the keeping of records on real estate, detailed data on the actual use, kept on the basis of other laws, and data on the public infrastructure networks and facilities.

(2) The Minister of the Environment shall specify in detail the contents and manner of maintaining the actual land use database, its data interconnectibility, and the access to the database.

(3) A detailed division of the actual land use shall be laid down by the sectoral ministers in agreement with the Minister of the Environment.

Article 152
(Data on Public Infrastructure Networks and Facilities)

(1) Data on public infrastructure networks and facilities referred to in the preceding Article shall be maintained in the cadastre of public infrastructure based on data on the already built public infrastructure networks and facilities and data supplied by investors after the completed construction.

(2) Summary data on the types and positions of the public infrastructure networks and facilities shall be maintained by the body responsible for land surveying affairs in the topographic database – connectible to the land cadastre – on the basis of data recorded in the cadastre of public infrastructure. Any change to the data in the cadastre of public infrastructure, which also denotes the change of data in the topographic base, shall be recorded and supplied to the body responsible for land surveying affairs within three months of its emergence.

(3) The municipalities and the ministries responsible for individual public infrastructure networks and facilities shall provide for the maintenance of the cadastre referred to in the first paragraph of this Article.

(4) If the municipality fails to provide summary data on the types and positions of the existing public infrastructure networks and facilities under its responsibility, the body responsible for geodetic affairs shall obtain these data on its behalf, pursuant to the special programme adopted by the Government.

(5) The measurements required for recording the public infrastructure networks and facilities shall be performed by a company, which has ensured the collaboration of a responsible land surveyor by an employment contract, a contract for services based on obligational relationships, through cooperation or in another legal manner.

(6) Geodetic identification marks laid down by the body responsible for land surveying affairs shall be used in maintaining the cadastre of public infrastructure.

(7) The Minister of the Environment shall specify in detail the manner of establishing and maintaining the cadastre of public infrastructure and the summary data on the public infrastructure networks and facilities, the interconnectibility of data, and the manner of defining geodetic identification marks.

(8) The contents of the cadastre of public infrastructure for individual types of public infrastructure networks and facilities shall be laid down by the competent ministers in agreement with the Minister of the Environment.

Article 153
(Public Nature of Databases)

(1) The databases, which are not provided with the level of confidentiality or if such confidentiality is not limited by other regulations, shall be public.

(2) Everyone shall have the right, in compliance with the law and upon payment of an official charge, to access the data and to obtain data from the databases. The Governmental departments and local community bodies shall not be obliged to pay such access charge.

(3) Access to the databases shall not be recorded.

(4) In accordance with and under conditions provided by the regulations on keeping records of real estate, it shall also be possible to access or obtain data from the land register and the cadastral buildings register, records of the state border and the register of spatial units linked to the data in the databases.

Article 154
(Data on Real Estate and Owners)

For the purpose of preparing spatial planning documents, for administrative procedures, and maintaining databases, the spatial planning stakeholders shall have the right to access and obtain all data on real estate and their owners, including personal data, kept in the land cadastre, the cadastre of buildings, and the land register. These rights also include the right to obtain data from the records on the state border and the register of spatial units, including computer access to such data.

Article 155
(Spatial Report)

(1) Every four years, the Government shall present to the National Assembly a report on the situation in spatial planning and management, which shall be prepared by the Ministry of the Environment. The report shall contain the analysis of the situation and trends in spatial development, the analysis of the implementation of the Spatial Development Strategy of Slovenia and other national and joint spatial planning documents, with proposals for the

continued spatial development of the country, including proposals for the revisions and amendments to the Spatial Development Strategy of Slovenia, and other national regulations related to spatial planning and management.

(2) Every four years, local communities shall adopt a report on the situation in spatial planning and management in their territories, with the applicable contents mentioned in the preceding paragraph, and shall publish this in the customary local manner.

(3) On the proposal of the Minister of the Environment, the Government shall lay down the contents of the report on the situation in spatial planning and management, the mandatory minimum uniform indicators at the national and the local levels, and other requirements in connection with the monitoring of the situation in spatial planning and management.

Part Six: PROFESSIONAL ACTIVITIES IN THE FIELD OF SPATIAL PLANNING

Article 156
(Conditions for Professional Activities in the Field of Spatial Planning)

(1) In order to ensure the quality and expediency of spatial arrangements, the professional activities in the field of spatial planning are of public interest.

(2) When performing professional activities in the field of spatial planning, it is necessary to take into consideration particularly the professional findings and professional standards in spatial planning, cultural, creative, and technical aspects of designing the physical space and preserving the spatial qualities, as well as the social, economic, environmental, and technological aspects of spatial planning and management – together with the basic goals laid down in Article 3 of this Act.

(3) In order to provide for the public interest and the interest of clients, as well as to provide the methodological uniformity of professional activities, the spatial planning conditions are related to the conditions for designing the architecture and landscape architecture, and with the criteria for performing other professional functions related to spatial planning.

Article 157
(Subject Matter of Spatial Planning)

The subject matter of spatial planning pursuant to this Act, which is performed in the services market, shall be the preparation of individual components for the Spatial Development Strategy of Slovenia or the Municipal Spatial Development Strategy, the preparation of proposals for the Regional Conception of Spatial Development, the Conceptions of Urban Development, as well as Landscape Development and Protection, the Municipal Spatial order, and the Detailed Plan of National Importance or the Local Detailed Plan.

Article 158
(Authorized Spatial Planner)

(1) The proposals for spatial planning documents referred to in the preceding Article or individual components thereof may be prepared by an individual who has acquired the status of a authorized spatial planner, and meets the conditions stipulated in the Construction Act.

(2) The spatial planner may not perform activities related to the purchase and brokering of real estate.

(3) Individual expert research and technical documentation for spatial planning documents may also be produced by appropriately qualified natural persons or legal entities.

Article 159
(Responsible Planner for Spatial Planning Document Proposal Preparation)

(1) A legal entity or natural person, who has undertaken to produce the proposal for a spatial planning document, shall prior to the start of such proposal preparation appoint a planner responsible for the preparation of the spatial planning document proposal (hereinafter: Responsible Planner).

(2) The responsible planner may be an individual, who meets the conditions stipulated for acquiring the status of a authorized spatial planner pursuant to the regulations on the construction of structures.

(3) The responsible planner shall be accountable for each component of the spatial planning document proposal, as well as for ensuring that each component in the spatial planning documents is produced by appropriate experts.

(4) The responsible planner shall approve by their signature and identification number each complete component of a spatial planning document proposal produced by an individual set out in the preceding Article as a guarantee that the spatial planning document proposal is prepared in compliance with the relevant regulations.

Article 160
(Conditions for Foreign Legal Entities and Natural Persons)

(1) Foreign legal entities and their subsidiaries in the Republic of Slovenia may, subject to legal and actual reciprocity, perform the activity of spatial planning provided that they also fulfil the conditions laid down in Article 158.

(2) Foreign natural persons may, subject to legal and actual reciprocity, act as responsible planners for the preparation of a spatial planning document proposal, if they:
1. prove that in their country of citizenship, they fulfil the conditions for performing spatial planning activity,
2. show by an appropriate document that in their country of citizenship they have not been finally convicted of a criminal offence against property or economy and sentenced to more than three months of custody, or that, in the same country, a security measure of a ban on the practising of their profession has not been pronounced against them, unless such a measure has already expired, and
3. at the time when they act as responsible planners, they are registered as authorized architects with the competent professional chamber.

Article 161
(Municipal Town Planner)

(1) In order to ensure expertise and legality in performing spatial planning tasks defined in Article 12 of this Act, the municipality shall have a spatial planning and management service, or shall provide for the collaboration of at least one person who meets the conditions for a authorized spatial planner pursuant to the regulations on the construction (hereinafter: Municipal Town Planner).

(2) In addition to the tasks mentioned in the preceding paragraph, the municipal town planner shall also perform the following tasks in the field of spatial planning and management:
- provide for the expertise and completeness of materials discussed by the Municipal Council,
- advise the mayor concerning the spatial planning and management issues, and
- coordinate professional tasks, which are performed by legal entities and natural persons for the municipality.

(3) In the municipalities where they are engaged in the activity of municipal town planner, the municipal town planners may not act as the producers of spatial planning document proposals defined in the first paragraph of Article 158 of this Act or produce project design documentation on the basis of which structures would be built in the municipalities where they act as the municipal town planners, but they may participate in such construction as the

responsible supervisors, provided that they fulfil the conditions for a responsible supervisor laid down in the regulations on the construction of structures.

Part Seven: INSPECTION AND PENALTIES

Article 162
(Inspection)

(1) The inspection supervision of the implementation of the provisions of this Act and regulations issued on the basis of this Act relating to geodetic services (Article 163), shall be conducted by the land survey inspectors at the Inspectorate within the Ministry of the Environment.

(2) The inspection supervision of the implementation of the provisions of this Act and regulations issued on the basis of this Act relating to the actions of spatial planners (Articles 165 and 166), shall be performed by building inspectors, who meet the conditions for authorized spatial planners.

Article 163
(Violations Relating to Geodetic Services)

(1) A fine in the amount of 300,000 to 3,000,000 tolars shall be imposed upon a legal entity or a sole trader, acting as a geodetic company in accordance with the provisions of regulations on geodetic activities, in the case that they carry out land subdivision contrary to the land subdivision plan or contrary to the plan of new plots resulting from the contractual land consolidation (Article 131 of this Act), as well as in the case that they make a land subdivision plan contrary to the Municipal Spatial Order.

(2) A fine for violation in the amount of 90,000 to 500,000 tolars shall also be imposed upon the responsible person of the geodetic company that has committed the act mentioned in the preceding paragraph.

Article 164
(Violations of Responsible Persons from Public Administration)

(1) A fine in the amount of 90,000 to 500,000 tolars shall be imposed upon the responsible person of a ministry, a ministerial body, a municipal administrative authority, or a local community body if they:

1. Approve the Municipal Spatial Development Strategy or the Municipal Spatial Order, which is not in compliance with the requirements laid down in the third paragraph of Article 69 of this Act,
2. Publish or implement a spatial planning document contrary to Articles 70 or 71 of this Act,
3. Issue planning information contrary to a spatial planning document (Article 80 of this Act),
4. Fail to maintain the Spatial Data System pursuant to this Act and regulations issued on the basis of this Act,
5. Fail to provide summary data on the public infrastructure networks and facilities.

(2) A fine in the amount of 90,000 to 500,000 tolars shall be imposed upon the responsible person of the municipality, or the responsible person of the bearer of public authorities, if they fail to supply to the Ministry of the Environment or to the bodies within its composition documents and other regulations pursuant to Article 148 of this Act.

(3) A fine in the amount of 90,000 to 500,000 tolars shall be imposed upon the municipal town planner if they act as the producers of the proposals of spatial planning documents in the municipality where they are employed as the municipal town planners, or if they produce

project design documentation, on the basis of which a structure is built in the municipality where they act as the municipal town planner (the third paragraph of Article 161).

Article 165
(Violations of Spatial Planner)

(1) A fine in the amount of 300,000 to 3,000,000 tolars shall be imposed upon a legal entity, which acts as the spatial planner pursuant to the provisions of this Act if:
1. As a domestic legal or natural person performs the spatial planning activities without fulfilling the conditions laid down in this Act (Article 158);
2. As a foreign legal or natural person or its subsidiary performs the spatial planning activities without fulfilling the conditions laid down in this Act (the first paragraph of Article 160);
3. They fail to appoint the responsible planner or if they appoint a person who does not meet the conditions for the responsible planner (Article 159);
4. They appoint a responsible planner who is a foreign natural person and does not meet the conditions laid down in this Act (second paragraph of Article 160).

(2) A fine in the amount of 300,000 to 1,500,000 tolars shall be imposed upon an individual sole trader who, pursuant to the provisions of this Act, acts as a spatial planner and commits any of the acts laid down in the preceding paragraph.

(3) A fine in the amount of 60,000 to 300,000 tolars shall also be imposed upon the responsible person of the spatial planner who commits any of the acts laid down in the fist paragraph of this Article.

Article 166
(Violations of Responsible Planner)

A fine in the amount of 90,000 to 500,000 tolars shall be imposed upon any individual if:
1. They act as a responsible planner but fail to fulfil the stipulated conditions (Article 159);
2. Being a foreign legal entity they act as a responsible planner and fail to fulfil the conditions laid down in this Act (Article 160).

Part Eight: TRANSITIONAL AND FINAL PROVISIONS

Article 167
(Implementing Regulations)

(1) The Government shall adopt the implementing regulation laid down in Article 14 of this Act within three months of the enforcement of this Act.

(2) The Minister of the Environment shall issue the implementing regulations laid down in Article 18 of this Act within three months of the enforcement of this Act.

(3) The Government or the Minister of the Environment shall adopt the implementing regulations laid down in Articles 80, 132, 140, 146, 147, 149, 150, 151, 152, and 155 of this Act within six months of the enforcement of this Act.

Article 168
(Provinces)

(1) When the provinces are constituted, they shall take over the planning of spatial arrangements and other spatial planning and management tasks of regional significance, which shall be under the responsibility of provinces according to the law.

(2) Until the provinces are constituted, the state and the municipalities or their associations of interest shall jointly plan the spatial arrangements of regional significance.

Article 169
(Obligations of the Government)

(1) The Government shall submit the Spatial Development Strategy of Slovenia to the National Assembly for adoption within a maximum of one year of the enforcement of this Act.

(2) The Government shall adopt the Spatial Order of Slovenia within a maximum of one year after the adoption of the Spatial Development Strategy of Slovenia.

Article 170
(Validity of National Spatial Planning Documents)

(1) Until the enforcement of the Spatial Development Strategy of Slovenia the spatial components of the Long-Term Plan of the Republic of Slovenia for the period 1986 to 2000, and the spatial components of the Medium-Term Social Plan of the Republic of Slovenia for the period 1986 to 1990 (hereinafter: Spatial Plan of Slovenia) shall remain in force.

(2) Following the enforcement of this Act, the detailed spatial development plans, adopted on the basis of Articles 41, and 45.a to 45.j of the Urban Planning and Other Forms of Land Use Act (Official Gazette of SRS, Nos. 18/84, 37/85, 29/86, and 26/90, and Official Gazette of RS, Nos. 3/91, 18/93, 47/93, 71/93, 44/97, and 9/01, hereinafter: ZUN) and on the basis of the Act Regulating Specific Questions Related to the Construction of Specific Structures at Border Crossings (Official Gazette of RS, No. 111/2001) shall remain in force.
(3) The procedures concerning the adoption of revisions and amendments to the Spatial Plan of Slovenia, and the procedures concerning the adoption of the detailed spatial plans referred to in the preceding Article that have already started shall be continued and

concluded in compliance with the provisions of this Act, exclusive of the provisions concerning the Spatial Conference (Article 28).

Article 171
(Validity of Municipal Spatial Planning Documents)

(1) The spatial components of the Municipal Long-Term Plan for the period 1986 to 2000, and the spatial components of the Medium-Term Social Plan of the Republic of Slovenia for the period 1986 to 1990 (hereinafter: Spatial Components) shall remain in force for a maximum of three years after the enforcement of the Spatial Development Strategy of Slovenia.

(2) Until the enforcement of the Spatial Development Strategy of Slovenia, the municipalities may prepare and adopt revisions and amendments to the spatial components of the municipality in compliance with the Spatial Plan of Slovenia.

(3) The procedures concerning the preparation and adoption of revisions and amendments to the spatial components commenced prior to the enforcement of this Act, shall be continued and concluded in compliance with the provisions of this Act, exclusive of the provisions referring to the Spatial Conference (Article 28).

(4) The municipalities shall start with the preparation of the Municipal Spatial Development Strategy after the enforcement of the Spatial Development Strategy of Slovenia, and, with the preparation of the Municipal Spatial Order after the enforcement of the Spatial Order of Slovenia in compliance with this Act, and shall adopt them no later than three years after the adoption of the Spatial Development Strategy of Slovenia.

Article 172
(Establishing of Accordance)

(1) The application of the provisions of Articles 69, 70 and 71 of this Act shall commence after the adoption of the Municipal Spatial Development Strategy.

(2) Until the enforcement of the Spatial Development Strategy of Slovenia, the Government shall establish the accordance of the draft revisions and amendments to the spatial components with the mandatory principles laid down in the Spatial Plan of Slovenia. The Government shall inform the municipality of discrepancies, if any, within 45 days at the latest, and require the municipality to eliminate such discrepancies.

(3) If the municipality fails to send the draft spatial components to the Government or if they adopt spatial components that have not been harmonized, these components shall not be used for the preparation of implementing acts or other measures pursuant to this Act.

Article 173
(Detailed Spatial Development Conditions)

(1) The detailed spatial development conditions set out in Article 25 of ZUN expire on the date of the enforcement of the Municipal Spatial Order, and no later than three years after the enforcement of the Spatial Development Strategy of Slovenia.

(2) The provisions of the preceding paragraph shall not apply to the detailed spatial development conditions set forth in Article 16 of the Act Amending the Urban Planning and

Other Forms of Land Use Act (Official Gazette of RS, Nos. 18/93 and 47/93, hereinafter: ZUN-CG), which have not been adopted by the date of the enforcement of this Act.

(3) In the event that the local development conditions referred to in the preceding paragraph are not adopted within the period defined in the first paragraph of this Article, they shall be adopted as a component of the Spatial Plan of Slovenia.

Article 174
(Validity of Municipal Detailed Spatial Development Plans)

(1) When adopting the Municipal Spatial Order, the Municipal Council shall issue an ordinance establishing which detailed spatial development plans, adopted on the basis of ZUN, and urban design plans, adopted on the basis of the Urban Planning Act (Official Gazette of SRS, Nos. 16/67, 27/72, and 8/78) or their individual components are either in conflict with the Municipal Spatial Development Strategy or the Municipal Spatial Order, or are already implemented. If the municipality establishes that the municipal detailed spatial development plan has already been realized, and if it is in whole or in part is in conflict with the Municipal Spatial Development Strategy and the Municipal Spatial Order, the said ordinance will cancel such a plan in full or in the discordant part.

(2) If the municipality fails to adopt the ordinance on establishing the accordance, the municipal detailed spatial development plan may not be implemented.

(3) The municipal detailed spatial development plans and the urban design plans referred to in the first paragraph of this Article, which are in harmony with the Municipal Spatial Development Strategy and the Municipal Spatial Order, shall remain valid for a maximum of 10 years from the enforcement of the Municipal Spatial Order.

Article 175
(Municipal Spatial Development Acts Completion of Procedures Already Started)

In the event that certain procedures concerning the adoption, revision or amendment of the municipal spatial development acts have already started, they shall continue after the adoption of this Act, and be completed in accordance with the provisions of this Act, exclusive of the provisions referring to the Spatial Conference (Article 28).

Article 176
(Spatial Development Acts – Other Regulations)

As of the date of the enforcement of this Act, the strategic spatial planning documents pursuant to Article 21 of this Act, shall deem to be the spatial planning documents referred to by other regulations and the implementing spatial planning documents shall deem to be the spatial development acts.

Article 177
(Completion of Administrative Procedures)

(1) The procedures for development tax assessment commenced prior to the enforcement of this Act, shall be completed in accordance with the currently valid regulations.

(2) The expropriation procedures, which have not been finalized before the enforcement of this Act, shall be completed in accordance with the currently valid regulations.

(3) The procedures for assessing the compensation, commenced pursuant to the provisions of the Expropriation and Forced Transfer of Real Estate in Social Ownership Act (Official Gazette of SRS, Nos. 5/80, 30/87 and 20/89, Official Gazette of RS, No. 40/90 – Constitutional Court decision) shall be completed after the enforcement of this Act in accordance with the currently valid regulations.

Article 178
(Databases)

(1) No later than two years after the issuance of the regulations referred to in Articles 147, 149, 150, 151, 152, and 155 of this Act, the state and the municipalities shall provide the technical means for establishing the Spatial Data System.

(2) The spatial planning stakeholders shall establish and maintain spatial data in accordance with the provisions of this Act no later than in two years after the deadline referred to in the preceding paragraph.

Article 179
(Expiry of Acts)

(1) As of the date of the enforcement of this Act the following act shall cease to be in force:
1. Spatial Planning Act (Official Gazette of SRS, Nos. 18/84 and 15/89);
2. Urban Planning and Other Forms of Land Use Act (Official Gazette of SRS, No. 18/84, 37/85, 29/86, and 26/90, and Official Gazette of RS, Nos. 3/91, 18/93, 47/93, 71/93, 44/97, and 9/01);
3. Spatial Planning and Management in Transitional Period Act (Official Gazette of RS, Nos. 48/90 and 85/00);
4. Cadastre of Municipal Infrastructure Act (Official Gazette of SRS, Nos. 26/74 and 42/86);
5. Construction Land Act (Official Gazette of RS, No. 44/97), except for the parts referring to the spatial planning and management of the built public good, and the provisions of the first indent of Article 56, referring to the compensation for the use of construction land.

(2) Irrespective of the provisions of Point 5 of the preceding paragraph, until the enforcement of the regulation laid down in Article 147 of this Act defining the development tax calculation method, the development tax shall be assessed in accordance with the regulations previously in force. Two years after the adoption of the regulation referred to in the first paragraph of Article 140 of this Act, the basis for the assessment of development tax shall be the Land Development Programme prepared pursuant to this regulation.

(3) Irrespective of the provisions laid down in Point 5 of the first paragraph hereto, the provisions of Article 2 of the Construction Land Act shall be used until the completion of the denationalization procedures.

(4) Irrespective of the provisions of Point 2 of the first paragraph hereto, the repayment of the remainder of the deposit referred to in Article 15 of ZUN-CG shall be performed pursuant to the regulations currently in force.

Article 180
(Compensation for Construction Land Use)

(1) Until a special legislative arrangement is provided for, the compensation for use of construction land shall be paid in accordance with the regulations currently in force, whereby

the provisions of the first indent of Article 56 of the Construction Land Act shall apply for those construction land plots which are defined as such by the regulations on the construction of structures.

(2) Pursuant to this Act, the construction land plot is deemed to be a construction land plot pursuant to the regulations on the construction of structures.

Article 181
(Evaluation of Real Estate)

Until the enforcement of standards for the market evaluation of real estate are issued by the minister responsible for agency activities for trading in real estate, the professional standards laid down in the auditing regulations shall apply for the evaluation of real estate referred to in Article 105 of this Act.

Article 182
(Participation in the Preparation of Spatial Planning Documents)

(1) Conditions, requirements, policies, and guidelines for the preparation of spatial planning documents given, pursuant to the law, by the spatial planning stakeholders laid down in Article 29 of this Act, shall be deemed under this Act as guidelines for the preparation of a spatial planning document, and shall be given in the manner and under conditions provided for by this Act.

(2) Pursuant to this Act approvals of spatial planning documents provided by the law shall be deemed opinions referred to in Article 33 of this Act.

Article 183
(Performance of Activities)

Legal entities or natural persons who, as of the date of the enforcement of this Act meet the conditions for performing the activities of urban planning pursuant to the provisions of the second paragraph of Article 69 of ZUN, shall continue working as the spatial planners referred to in Article 158 of this Act.

Article 184
(Commencement of Active Land Policy)

The provisions of Article 13 of this Act shall be used after the date when the Housing Fund of the Republic of Slovenia amends their operating regulations covering the performance of tasks laid down in said Article.

Article 185
(Construction in Agricultural Land)

As of the date of the enforcement of this Act the provisions of Article 8 of the Agricultural Land Act shall cease to be in force (Official Gazette of RS, No. 59/96).

Article 186

(Spatial Planning and Management in the Animal Husbandry Act)

As of the date of the enforcement of this Act the provisions of the first paragraph of Article 10 of the Animal Husbandry Act shall cease to be in force (Official Gazette of RS, No. 18/2002).

Article 187
(Obligation to Ensure the Collaboration of a Municipal Town Planner)

Municipalities shall ensure the collaboration of a Municipal Town Planner as set forth in Article 161 of this Act within two years after the enforcement of this Act.

Article 188
(Compliance with the Law in Spatial Planning Activities)

Legal entities and natural persons who, pursuant to the provisions of this Act, act as spatial planners shall harmonize their articles of incorporation and other acts with the provisions of this Act within one year of its enforcement.

Article 189
(Competent Professional Chamber)

(1) The competent professional chamber pursuant to the provisions of this Act shall be the Chamber of Architecture and Planning of Slovenia, founded in accordance with the regulations on the construction of structures.

(2) If on the day when this Act enters in force, the Chamber of Architecture and Planning of Slovenia is not yet established, the Chamber of Engineers of Slovenia, founded on the basis of Article 100.a of the Construction Act (Official Gazette of SRS, Nos. 34/84 and 29/86, Official Gazette of RS, Nos. 59/96, 45/99, and 52/00) shall deem to be the professional chamber pursuant to the provisions of this Act.

Article 190
(Use of Implementing Regulations)

Until the issuance of implementing regulations based on this Act, the following shall be used if not contrary to this Act:

1. Instructions on the Contents and Methodology of Preparing Expert Research and Spatial Components of Municipal Planning Documents (Official Gazette of SRS, No. 20/85);
2. Instructions for Identifying and Presenting the Needs of Defence and Protection in Spatial Plans (Official Gazette of RS, No. 23/93);
3. Instructions on the Contents of Special Expert Research, and the Contents of Spatial Development Acts (Official Gazette of SRS, No. 14/85);
4. Instructions on Maintaining the Catalogue of Data and Records on the Natural Spatial Features and Maintaining Records on the Actual Land Use (Official Gazette of SRS, No. 19/86);
5. Instructions for Maintaining Records on the Requisite Spatial Protection and Restrictions in Developing Activities (Official Gazette of SRS, No. 27/85);
6. The Rules on the Construction Land Records (Official Gazette of SRS, No. 11/88);
7. The Rules on the Contents of Geodetic Bases for the Preparation of Spatial Development Acts (Official Gazette of SRS, No. 17/85);
8. Instructions for the Development Tax Calculation (Official Gazette of RS, No. 4/99);

9. Instruction on the Contents of Building Land Development Programme (Official Gazette of RS, No. 4/99);
10. Instructions on what is Deemed as Secondary, Primary, and Main Networks of Municipal Infrastructure and Other Structures and Equipment (Official Gazette of SRS, No. 27/85).
11. The Rules on the Production and Maintenance of the Cadastre of Municipal Infrastructure (Official Gazette of SRS, No. 25/76)

Article 191
(Entry into Force)

This Act shall be published in the Official Gazette of the Republic of Slovenia, and shall enter into force on 1 January 2003.