

Exercising of the Public Interest in Culture Act (ZUJIK)

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I. GENERAL PROVISIONS

Article 1

(content of the Act)

This Act defines public interest in culture, the bodies responsible for it and the mechanisms for its exercising.

Article 2

(meaning of terms)

Within the meaning of this Act, individual terms shall have the following meaning:

- public interest in the field of culture is interest in the creation, communication and protection of cultural assets at the national and local levels which shall be exercised by providing the conditions for them (hereinafter: public interest in culture)
- representatives of public interest are the competent bodies (National Assembly of the Republic of Slovenia, Government of the Republic of Slovenia, ministries, local government bodies) and entities of public law (public funds, public agencies) to which the exercise of specific functions is transferred by means of a public authorisation. Representatives of public interest shall exercise their functions in cooperation with civil society, which shall be represented by the national council for culture and local government councils, the Chamber of Culture of Slovenia and the expert commissions of the Minister or competent local government body
 - the national or local programme for culture is a strategic document of the development planning of the State or local community which sets the aims and priorities of cultural policy
- a cultural asset is a cultural product or service intended to satisfy human needs in the field of culture
- a public cultural asset is a cultural asset provided in the public interest by the State or local community as a public service or in the form of support for individual cultural projects

- a public cultural programme is a cultural activity by providers which are not public institutions but which the State or local community provides/funds in a comparable way to public institutions
- a cultural project is a single activity by cultural providers (the publication of a book, the restoration of a cultural monument, a theatrical performance, a concert, a scholarship, etc.) which is funded by the State or local community
 - funding, when used independent, means both funding and co-funding
- public cultural infrastructure is immovable property and equipment with a cultural purpose
- self-employed professionals in the field of culture are people who autonomously carry out a cultural activity as a profession and are entered in a special registry kept by the ministry responsible for culture.

Article 3

(other legal regulations)

In adopting other regulations which can affect the state of culture and its development it shall be necessary to take into account public interest in culture set out by the national programme for culture.

Article 4

(cultural activities)

Within the meaning of this Act cultural activities shall encompass all forms of creation, communication and protection of cultural assets in the fields of immovable and movable cultural heritage, literature, theatre, music, visual arts, film, audio-visual arts, other arts and new media, in the field of publishing and librarianship, cinematography and other fields of culture.

In the case of doubt over whether a given activity is a cultural activity within the meaning of this Act, a decision shall be made by the minister responsible for culture (hereinafter: the Minister).

Article 5

(practice of cultural activities)

Activity in the field of culture shall be free provided no special conditions are prescribed for the practising of a specific activity in the field of culture.

Article 6

(respect for language)

Cultural events must be announced, publicised and explained in the Slovene language.

Cultural events in the areas defined as ethnically mixed must also be announced (posters, official invitations, etc.) in the Italian or Hungarian language respectively.

Films shall be shown in the Slovene language or with Slovene subtitles.

Exceptions to the provisions of this article may be authorised by the Minister

Article 7

(use of expressions)

Masculine expressions/endings used in this Act shall apply neutrally to both the female and male sexes.

II. DETERMINING THE PUBLIC INTEREST IN CULTURE

1. Starting points and documents for determining the public interest in culture

Article 8

(starting points)

The public interest in culture is founded on the provision of the public cultural assets through which the cultural development of Slovenia and the Slovene nation is realised, to which the Republic of Slovenia (hereinafter: the State) and local communities shall attend.

The public interest in culture shall be exercised above all by ensuring conditions for:

- cultural creativity
- accessibility of cultural assets
 - cultural diversity
- Slovene cultural identity
- a common Slovene cultural area

Article 9

(documents setting out the public interest in culture)

Public interest in culture shall be set out by laws and by the national programme for culture and local programmes for culture.

The public interest under the preceding paragraph shall be exercised above all on the basis of:

- the annual executive plans of the representatives of the public interest under Article 22 of this Act
- public calls for applications and public invitations for the funding of public cultural programmes and cultural projects
- the founding acts of public institutions, their strategic plans and their annual programmes of work
 - public calls for bids to manage public cultural infrastructure
 - administrative decisions.

1.1 The national programme for culture

Article 10

(national programme for culture)

The national programme for culture is a strategic document of the developmental planning of cultural policy which proceeds from the historically achieved position of culture and through which the role of culture in the development of Slovenia and the Slovene nation and the public interest in it is ascertained, the field of culture is defined, cultural assets are provided as public assets, investments in public cultural infrastructure are planned, the goals and priorities of cultural policy are set, and the period in which they are to be realised and the indicators by which their achievement is to be measured are specified.

The national programme for culture envisages guidelines in the area of investments and the legal, financial and organisational investments necessary for its realisation at the national and local levels.

The national programme for culture is adopted for a period of four years although it shall also contain long-term guidelines which exceed this period.

Article 11

(preparation and adoption)

The national programme for culture shall be adopted by the National Assembly of the Republic of Slovenia (hereinafter: the National Assembly) at the proposal of the Government of the Republic of Slovenia (hereinafter: the Government). A draft of the national programme for culture shall be prepared by the ministry responsible for

culture in cooperation with the ministries whose functions also extend into the field of culture and with the national council for culture under Article 16 of this Act.

Article 12

(implementation of the national programme for culture)

Responsibility for the realisation of the national programme for culture as a whole lies with the Government; its implementation shall be effected, within the framework of their competences, by the ministry responsible for culture, the other ministries and other competent bodies and organisations.

Article 13

(reporting)

Every year, by June at the latest, the Government shall submit to the National Assembly a report on the implementation of the national programme for culture during the previous year along with an evaluation of results and proposals of changes and additions.

The National Assembly shall discuss the report and state its position on it.

Article 14

(*mutatis mutandis* application of provisions)

Provided the local community does not set out different content and procedure for its local programme for culture, the provisions of this Act relating to the national programme for culture shall, *mutatis mutandis*, be applied.

2. Cooperation of civil society

Article 15

(participation of civil society in decision making)

Civil society shall participate in the procedures of formulating and adopting cultural policy via specialists and interested sections of the public in the manner set out by this Act

2.1 National Council for Culture

Article 16

(composition of the Council)

The National Council for Council is an independent body which directs the national strategy for culture.

The president and six members of the Council shall be appointed by the National Assembly at the proposal of the Government. They shall be chosen from among persons enjoying of public reputation and appointed for a period of five years. They may be reappointed.

The Government shall provide administrative and technical support and funds for the operation of the Council.

The Council shall regulate its method of work by means of standing orders.

Article 17

(functions)

The National Council for Culture shall:

- monitor and evaluate the effect of cultural policy on cultural development
- give its opinion on the national programme for culture and the annual reports on its implementation
- consider bills and other draft regulations from the field of culture and other regulations which concern the field of culture
- give suggestions and proposals for the regulation of individual issues in the field of culture.

The Government and the competent working body of the National Assembly shall consider the opinions, suggestions and proposals of the National Council for Culture and state their opinion on them. They shall communicate their opinion to the National Council for Culture within 60 days of receiving the opinions, suggestions or proposals in question.

2.2. Chamber of Culture of Slovenia

Article 18

(composition)

The Chamber of Culture of Slovenia is a voluntary organisation of professional associations. Entities of private law and natural persons may be affiliated to the Chamber if they are providers of cultural activities.

The Chamber shall operate on the basis of the regulations governing associations.

Article 19

(functions)

The Chamber of Culture of Slovenia shall:

- monitor and evaluate the effect of cultural policy on cultural development
- give its opinion on the national programme for culture and the annual reports on its implementation
- consider bills and other draft regulations from the field of culture and other regulations which concern the field of culture
- give suggestions and proposals for the regulation of individual issues in the field of culture
- propose members of the councils of the public institutions under Article 43 of this Act
- give its opinion on the right to the payment of the contribution under Article 83 of this Act.

The opinion under the second and sixth indents of the preceding paragraph may also be obtained by inviting a representative of the Chamber of Culture of Slovenia to a session of the competent working body of the National Assembly.

The Chamber shall also set out in its founding act all the other functions it exercises for its members.

The Chamber shall be funded by membership fees and other sources of its own, where the ministry responsible for culture shall co-fund that part of its programme of work which relates to functions under the first paragraph of this article.

2.2 Expert commissions of the Minister

(Article 20)

(functions)

The Minister shall have expert commissions to deliberate the most important issues relating to legal regulation, organisation of the public service, allocation of public funds and acknowledging of rights under this Act.

Expert commissions are consultative bodies of the Minister for specific areas or aspects of culture.

Article 21

(composition)

The Minister shall appoint members of expert commissions with their consent from among recognised experts from the area of work of the individual commission.

The Minister shall specify in more detail the number of expert commissions, their funding, their composition, the length of their term of office, their functions and their method of work by means of a book of rules.

III. EXERCISING OF THE PUBLIC INTEREST IN CULTURE

Article 22

(Representative of the public interest)

The public interest under Article 8 of this Act shall be exercised independently by the State and local communities. Alternatively they shall set up public funds or public agencies to exercise individual functions.

Representatives of the public interest shall work on the basis of legislation, a national or local programme for culture, a programme of work and an annual executive plan containing a financial plan and detailed explanation.

Article 23

(financing public funds or public agencies)

The State or local community shall provide public funds to public funds or public agencies on the basis of a founding act according to the procedure set out by the Act regulating public finances for indirect budget users. The level of public funds for financing a public fund or public agency shall be determined by the founder in accordance with a confirmed programme of work and annual executive plan, which shall also be the basis for the transfer of funds from the State budget or the budget of the local community.

Article 24

(methods of exercising the public interest)

The State and local communities shall exercise the public interest in culture under this Act in the following principal ways:

- by providing cultural assets as public assets
- by planning, building and maintaining public cultural infrastructure.

The State shall also exercise the public interest in culture:

- by ensuring the uniformity of operation of the public service
- by supporting municipalities which are the founders of municipal public institutions of wider importance
- by conferring the status of organisation in the public interest in the field of culture
- through the registration of self-employed individuals in the field of culture in the register of the ministry responsible for culture
- by acknowledging social rights (contribution for the payment of social and health insurance and republic honorary allowance)

1. Provision of cultural assets as public assets

(Article 25)

(cultural assets as public goods)

The State and local communities shall in the public interest provide conditions for the creation, communication and protection of cultural assets which are not provided on the market to a sufficient extent or to sufficient quality, or in order to enable access to the widest circle of users (hereinafter: public cultural assets).

The State or local community shall provide public cultural assets in the form or in the manner of a public service and through support for individual cultural projects and public cultural programmes.

1.1 Provision of a public service in the field of culture

Article 26

(forms of providing public cultural assets)

When the constant and undisturbed provision of public cultural assets is necessary in the public interest, these shall be directly provided by the State or the local community or through the founding of a public institution in the field of culture.

The public cultural assets under the preceding paragraph shall be provided as a public service or under the same conditions and in the same manner as a public service

Those public cultural assets which on the basis of the multiannual cultural programme of other cultural providers are funded by the State or local communities shall also be provided under the same conditions and in the same manner as a public service.

In the case of an activity which because its special nature needs to be defined as a public service, this shall be regulated by a sectoral law.

Article 27

(calculation basis)

The basis for the calculation of funds for the provision of a public service is as follows:

- general operating costs
- labour costs in accordance with the staffing plan
- programme material costs
- costs of investment maintenance and purchase of equipment.

A more detailed methodology for determining the basis for the calculation of funds for the provision of a public service in a specific field shall be provided by the Government by means of a decree.

1.1.1 Public institutions in the field of culture

Article 28

(general regulation)

Regulations on public institutions shall apply to public institutions in the field of culture unless otherwise provided by this Act.

Article 29

(special regulation)

Notwithstanding the regulation in this Act, a special Act in the field of culture may also regulate individual issues in a different manner.

Article 30

(record of public institutions in the field of culture)

The ministry responsible for culture shall keep a record of public institutions in the field of culture founded by the State, local communities or other entities of public law. The data to be entered in the record and the method of notifying the ministry shall be specified in more detail by the Minister.

Article 31

(funding public institutions)

Public funds for the financing of public institutions shall be provided by their founders or co-founders. Funds for financing the public institutions which the Italian and Hungarian national minorities may found in order to meet their needs in the field of culture shall be provided for the Italian and Hungarian national minorities by the State within the framework of the funds for the Italian and Hungarian national minorities. Additionally, public institutions shall be funded from non-public sources which the cultural providers obtain by operating the public service and through other activities, where these other activities may not prejudice the provision of the public service.

If a public institution has been founded by more than one municipality and unless these municipalities agree otherwise, each municipality shall provide public funds in proportion to its number of inhabitants.

The public funds under this article shall be provided to public institutions on the basis of their founding act according to the procedure set out by the Act regulating public finances for indirect budget users. The level of public funds for the financing of a public institution shall be determined by the founder, taking into account the calculation basis under Article 27 of this Act, on the basis of the strategic plan and the proposed annual plan of work deriving from it. The basis for the transfer of funds from the State budget or local community budget shall be a programme of work confirmed by the council.

The public institution shall receive public funds as a single amount and decide independently how to use them in accordance with the acts of the institution.

1.1.2 Special provisions for management and administration

Article 32

(bodies of a public institution)

The bodies of a public institution are the following:

- director
- council
- expert council

Article 33

(the director)

A public institution shall be represented, presented and led by a director. The function of director may also be given a different name by the founding act of the public institution.

The founding act may provide that the public institution shall also have assistant directors for specific areas (technical management, financial and legal affairs, etc.) and shall regulate the manner of their appointment, their functions and their competences.

When so required by the size of the public institution or the diversity of its activities the founding act may provide that the public institution is headed not by a director but by a board comprising a president and one or more members. In this case the founding act shall set out the relations between the members of the board, the board's decision-making process, the representation of the public institution and the responsibility for the legality and professionalism of the public institution's work. If an individual board member's term of office is terminated prematurely a new member shall be appointed, but only until the end of the board's term of office. All articles relating to the director shall apply, *mutatis mutandis*, to the board.

Article 34

(care and responsibility of the director)

In the management of the business of the public institution the director must manage public funds with the care of a conscientious economist.

Article 35

(functions of the director)

The functions of the director are the following:

- to organise the work of the public institution
 - to adopt the strategic plan
 - to adopt the programme of work
- to adopt an act on the organisation of work having previously obtained the opinion of trade union representatives at the public institution
- to adopt an act on the systemisation of positions, having previously obtained the opinion of trade union representatives at the public institution
 - to adopt the staffing plan

- to adopt the plan of purchase of basic resources and investment maintenance
- to report to the founder and the council on matters which can have an important effect on the operation of the public institution
 - to prepare an annual report
- to conclude the institution's collective agreement if the institution has one
 - to carry out other functions set out in the founding act.

The acts under the second, third, fourth, fifth, sixth, seventh and eleventh indents of the preceding paragraph shall require the consent of the council of the public institution.

The strategic plan under the first paragraph of this article is a document of medium-term development planning which takes into account the aims and priorities of the national or local programme for culture. The programme of work is its annual executive plan, a constituent part of which is the financial plan.

Article 36

(appointment of the director)

The director shall be appointed on the basis of a public invitation for applications issued by the founder of the public institution and with the previous consent of the council and the expert council. The director shall be appointed for a period of five years with the possibility of reappointment after this period. In addition to issuing a public invitation for applications the founder of the public institution may also invite individual candidates directly.

The director shall be a person with expert knowledge of the area of work of the public institution and with management abilities. If the public institution has an assistant director responsible of technical management as per the second paragraph of Article 33 of this Act, a person with management experience may be appointed director of the public institution.

The opinion under the first paragraph of this article shall not be restricted to a candidate chosen by the founder.

If the council or expert council fails to give the opinion under the preceding paragraph within a period of 30 days it shall be considered that its opinion is positive.

If the founder of the public institution is the State, the invitation for applications and appointment of the director shall be carried out by the Minister. If the founder of the public institution is a local community, the public invitation for applications and appointment of the director shall be carried out by the competent body of the local community unless the law regulating the field of culture in question provides otherwise.

If the public institution has co-founders in addition to a founder the appointment procedure shall be carried out by the founder where the public institution has its registered office. For the appointment of the director the consent of the co-founders who provide more than half of the public funds for the operation of the public institution shall be required.

Article 37

(dismissal of the director)

In addition to the grounds set out in the regulations on public institutions the director of a public institution may also be dismissed before the expiry of his term of office as the result of significant changes such as a significantly change in the activity for which the public institution was founded or as the result of a transfer of founder status. In this case the provisions governing early dismissal for other reasons shall *mutatis mutandis* be applied.

In the case of the transfer of founder status the early dismissal of the director is only permissible if the share of the party taking over the status of founder is more than half of the public funds necessary for the operation of the public institution.

Article 38

(acting director)

If the director's term of office is terminated prematurely and a regular appointment procedure is not carried out, the founder shall appoint an acting director, though for a maximum period of one year.

The founder shall also appoint an acting director in the case of a public invitation for applications for the post of director failing to produce a suitable candidate.

Article 39

(more detailed regulation)

The founding act of the public institution shall set out in more detail the procedure for appointing and dismissing the director, the conditions he must fulfil and his functions, powers and responsibilities.

Article 40

(expert council)

The institution shall have an expert council with the following functions:

- to monitor and evaluate the work of the public institution and the policy of its founder

- to ascertain the suitability of the strategic plan and the programme of work with regard to the purpose for which the public institution was founded
- to deal with issues from the area of the specialist work of the public institution and give the director opinions, proposals and suggestions for the addressing of these issues
- to give its opinion to the founder prior to the appointing or dismissal of the director of the public institution
 - to give its prior opinion on the institution's collective agreement
- to make other suggestions and proposals relating to the work of the public institution
- other functions set out by the founding act of the public institution.

Article 41

(composition)

The expert council shall be made up of individuals who through their professional or business experience and public reputation are able to contribute to the better functioning of the public institution. One third of the members of the expert council shall be elected by the employees, with at least one being chosen from among the employees and the others, if there is more than one employees' representative, being chosen from among those carrying out the activity for which the public institution was founded. The remaining members of the expert council shall be experts or users proposed by the Chamber of Culture of Slovenia, associations or other organisations from the field of work of the public institution. These associations or organisations shall be specified by the founding act of the public institution.

Article 42

(the council)

The public institution shall have a council made up of representatives of the founder who are appointed by the founder from among experts from the area of work of the public institution and experts in financial and legal affairs.

The council has the following functions:

- to supervise the legality of the work and business of the public institution
 - to monitor, analyse and evaluate the work of the public institution
- to propose to the founder an audit of business which may also be carried out by the founder's internal auditor

- to evaluate the work of the director
- to give its consent to the strategic plan, the programme of work, the financial plan, the systemisation of positions, the organisation of work, the staffing plan, the purchasing plan and the institution's collective agreement and to supervise the implementation of the same
 - to give its consent to the prices of public cultural assets
 - to give its prior opinion on the appointment of the director
 - to conclude a contract of employment with the director
- to carry out other functions in accordance with the founding act of the public institution.

The composition of the council and its method of work shall be set out in more detail in the founding act of the public institution.

Article 43

(exceptions regarding the bodies of a public institution)

Notwithstanding Article 32 of this Act, an institution with fewer than twenty employees shall have a director and a council.

The council under the preceding paragraph shall exercise the functions of the expert council under Article 40 of this Act and the council under Article 42 of this Act.

The council under this Article shall be made up of representatives of the founder, representatives of the employees of the institution and representatives of users or interested sections of the public

The Transfer of founder's rights and obligations regarding public institutions

Article 44

(transfer of founder's rights and obligations)

In the case of a transfer of founder's rights from the State to local communities or from one local community to another, the public cultural infrastructure or material property managed by the cultural institution or which it has a right to use may also be transferred gratuitously.

The transfer of property and other rights and obligations shall be regulated by the contract under Article 93 of this Act signed by the competent bodies of the former founder and the new founder.

The new founder shall amend the founding act of the public institution on the basis of the contract under the preceding paragraph.

Special provisions on labour relations and employment rights
in public institutions in the field of culture

Article 45

(general regulations)

In public institutions in the field of culture the regulations governing labour relations and collective agreements for public servants shall apply to decisions on labour relations and the related rights and obligations of employees except where this Act provides otherwise.

The provisions of the Act regulating the employment of public servants which relate to decisions on the rights, obligations and responsibilities deriving from the employment of public servants, to systemisation and the staffing plan and to transfers (without consent) within the same body because of the necessities of work shall be *mutatis mutandis* applied to public institutions in the field of culture unless this Act provides otherwise.

The provisions of this Act with regard to the regulation of employment shall with the exception of the preceding paragraph be *mutatis mutandis* applied to other legal persons from the field of culture.

Article 46

(systemisation of positions)

The act on the systemisation of positions sets out in accordance with the internal organisation the types of position necessary for the provision of the public service and the other activities of the public institution which accord with the purpose for which the public institution was founded.

When so required by the special nature of work in the field of artistic or other cultural activity, the systemisation may include positions for which a contract of employment is concluded for a fixed term which may not be longer than the duration of the term of office of the director, or not longer than five years. There is no restriction on the conclusion of a new contract of employment for a fixed term after the expiry of the first term.

The systemisation shall also include part-time posts (posts with shorter working hours than full-time posts). It is not necessary to define occasional labour requirements in the systemisation – it is sufficient that these are envisaged in the staffing plan of the public institution.

Article 47

(occupation of a post)

Systemised posts may only be occupied in accordance with the staffing plan.

Article 48

(fixed-term contract of employment)

The contract of employment for employees accepting employment under the second paragraph of Article 46 of this Act may stipulate a higher basic salary than that specified by regulations governing indefinite contracts of employment. The level of the basic salary shall be determined by the collective agreement for cultural activities provided it coincides with the minimum to which a fixed-term employee is entitled because of the temporary nature of his employment.

Article 49

(special conditions for exercising the right to financial compensation for a period of unemployment)

Employees concluding the fixed-term contract of employment under the second paragraph of Article 46 of this Act shall have the right to financial compensation for a period of unemployment under the special conditions set out by this Act.

If it is more advantageous for them the employees under the preceding paragraph shall have the right, during a period of unemployment, to financial compensation for one third of the insurance period in fixed-term employment, although not for more than one year.

Article 50

(contract of employment of the director)

The director shall conclude a fixed-term contract of employment, for the duration of the term of office.

An employee who before being appointed director was employed at the same public institution on an indefinite basis shall on completing his term of office be transferred, in accordance with the systemisation of posts and the staffing plan, to a vacant post corresponding to his professional training and for which he fulfils the prescribed conditions.

The rights and obligations of the employer in relation to the director of the public institution shall be the responsibility of the council which concludes the contract of employment.

Article 51

(part-time work)

A contract of employment may be concluded for part-time as opposed to full-time work under the conditions and in the manner stipulated by law, the collective agreement and the general act.

An employee working in a part-time position may conclude a contract of employment with more than one employer or may have self-employed status for those hours when he is not working in his part-time position.

As regards rights and obligations the employee under the preceding paragraph shall be treated in the same way as a full-time employee and shall exercise his rights in accordance with the collective agreement or general act to the extent specified by the law governing labour relations.

Article 52

(sabbatical year)

Employees carrying out the most demanding artistic or specialist tasks within the area of work of the public institution may be granted the right to a period of in-depth training and study to last a maximum of one year if this is in the public interest.

In the case under the preceding paragraph the employer and employee shall agree on the exercising of this right and on the reallocation of the employee's work obligations.

Article 53

(prohibition of competition)

Full-time employees of a public institution may not without the consent of their employer carry out or contract work which falls into the scope of the activity for which the public institution was founded, either on their own behalf or on someone else's behalf.

The council of the public institution shall be responsible for giving the consent under the preceding paragraph.

Carrying out the work under the first paragraph of this Article without the consent of the employer shall constitute a disciplinary violation of the obligations deriving from the contract of employment.

Article 54

(free capacities)

In the case of the public institution being unable to provide work for its employees it may place them with their consent for a fixed term (a maximum of one year) with another employer on the basis of a change to their contract of employment.

The public institution and the new employer shall regulate their relations and the rights of the employee by means of a contract of collaboration.

Article 55

(notice of termination of employment)

The employer may give notice of termination of an indefinite contract of employment on business grounds in the manner and under the conditions stipulated by law.

Business grounds shall include the adoption of a strategic plan (and the programme of work and staffing plan derived from it) from which it follows that work under the conditions specified in the contract of employment of an individual employee is no longer necessary because of the inability of the employer to provide work to all employees with regard to the documents adopted.

If it is not possible to guarantee work to an employee for the amount of hours stipulated by his contract of employment but it is possible to guarantee him part-time work, the employer shall offer the employee the possibility of concluding a new contract of part-time employment.

An employee who is given notice of termination of his contract of employment shall have the right to suitable compensation for termination of contract on business grounds in accordance with law and the collective agreement.

An employee who meets the conditions for retirement shall not have the right to the compensation under the preceding paragraph.

1.1.2 Public cultural programmes

Article 56

(definition of the term)

A public cultural programme is a cultural activity which by its content and scope is a complete whole and which is implemented by a cultural provider whose founder is not the State or a local community but whose work is in the public interest to the extent that the State or local community funds it in a comparable manner to a public institution.

A public cultural programme is determined by the aims of the cultural provider, which must take into account the aims and priorities of cultural policy and be relevant, measurable, realisable and have a defined timeframe. The scope of activities and level of funds shall be determined in accordance with these aims on the basis of the calculation basis under Article 27 of this Act.

Article 57

(funding public cultural programmes)

The State or local community shall conclude with the public cultural programme provider the contract under Article 93 of this Act on the basis of a public call for applications or a public invitation under the procedure set out in this Act. The contract shall as a rule be concluded for a period of more than one year.

Article 58

(public cultural programme providers)

Public cultural programme providers are:

- legal persons whose activity is comparable in terms of quality or importance with the cultural activity of public institutions in their field of work
- legal entities whose activity as a rule is not provided by public institutions but whose cultural programmes are in the public interest
- autonomous artists who apply as candidates for public cultural programmes.

Article 59

(*mutatis mutandis* application of provisions)

The provisions which apply to the provision of public cultural programmes shall *mutatis mutandis* apply to the provision of the programmes of the Italian and Hungarian national minorities, where the contract under Article 93 of this Act shall be concluded without a public invitation for applications on the basis of a direct invitation.

1.2 Support for cultural projects

Article 60

(definition of the term)

Support for cultural projects is a form of public funding whose aim is to enable the provision of individual cultural activities which are in the public interest.

Article 61

(funding cultural projects)

The State or local community shall conclude with the provider of a cultural project the contract under Article 93 of this Act on the basis of a public call for applications or a public invitation under the procedure set out in this Act.

Public funds for the financing of cultural projects shall be provided both by the State and by local communities, where the State shall be responsible for funding cultural projects of national importance and local communities for funding projects important for their area.

Article 62

(cultural project providers)

Those eligible to compete for support for cultural projects are legal persons who are not public institutions, i.e. whose cultural programmes are not funded as public cultural programmes, and individuals.

Notwithstanding the preceding paragraph, public institutions or public cultural programme providers may also compete for cultural projects funded from other public sources.

Public cultural programme providers shall receive funds from the same source for cultural projects which could not be planned in advance on the basis of the annexe to the contract on the funding of a public cultural programme; public institutions shall receive funds via a change in the programme of work which has been confirmed by the council of the public institution.

The owner or manager of a cultural monument who receives public funds for the renovation and restoration of its monumental properties shall also be considered a cultural project contractor.

Article 63

(notification)

In the case of a public institution or public cultural programme provider receiving public funds for cultural projects from another source, it must notify, respectively, its founder or the financier of the public cultural programme of this.

Article 64

(other activities)

The provisions on cultural projects shall *mutatis mutandis* apply to the funding of:

- investments, investment maintenance or equipment
 - working scholarships
- awards, scholarships, training, attendance of professional meetings, expert lectures, research
- other activities in the field of culture which are in the public interest and financed from budget funds intended for culture.

The provisions on the funding of cultural projects shall *mutatis mutandis* apply to the funding of several simultaneous projects representing a whole in one year.

1.3 Demarcation between the State and local communities in the provision of public cultural assets

Article 65

(competences of the State)

The State shall found those public institutions, fund those public cultural programmes of other providers and support those cultural projects which cover the whole of Slovenia or which, because of their leading role in a given field or their special importance for the integrity of the Slovene cultural area, are important for the whole of Slovenia.

In addition to the public cultural programmes and cultural projects under the preceding paragraph, the State shall also fund those cultural programmes or projects aimed at the following:

- the Slovene national minorities in Italy, Austria, Hungary and Croatia and Slovenes around the world
- the autochthonous Italian and Hungarian minorities and the Roma community
- the cultural integration of minority communities and immigrants if their cultural programmes/projects go beyond local importance
- the needs of the blind, the deaf-mute and other groups of the population with special needs.

Article 66

(competencies of municipalities)

The municipality shall provide at least those public cultural assets stipulated by the special Act (library services, protection of cultural heritage, archive activities etc.), support amateur cultural activities including those aimed at the cultural integration of

minority communities and immigrants, and cover the other cultural needs of its inhabitants stated in its programme for culture.

Notwithstanding the preceding paragraph, the municipality shall also provide public cultural assets of wider importance (dramatic arts, visual arts, new media, etc.) if this is possible with regard to objective circumstances such as the number of inhabitants, economic strength, premises, staff, etc., or if this derives from the cultural tradition of the municipality.

Article 67

(municipal public institutions of broader importance)

A municipality which is the founder of a public institution which is of more than municipal importance or which also meets the needs of the inhabitants of neighbouring municipalities, and if this is in the public interest, shall be provided with corresponding additional funds within the framework of the system of funding municipalities.

The public interest of the State under the preceding paragraph shall be established by the Government by means of a resolution at the proposal of the Minister when the latter has received a petition from the municipality under the preceding paragraph.

On the basis of the resolution of the Government under the preceding paragraph the Minister and the competent body of the municipality shall agree on the amount of State funds and the extent of the obligations of the municipality by means of the contract under Article 93 of this Act.

The provisions under the preceding paragraphs shall *mutatis mutandis* apply to municipal public cultural programmes of wider importance.

Article 68

(municipal support for public institutions of the State)

To a public institution whose founder is the State and whose work is important for the municipality where it has its registered office the municipality shall provide appropriate additional funds to enrich its work or part of its own public cultural infrastructure on the basis of a resolution of the competent body of the municipality by means of which the municipality establishes the enduring interest of the municipality in the work of this institution.

The municipality and the public institution shall agree on the amount of funds under the preceding paragraph and on their mutual obligations by means of the contract under Article 93 of this Act.

Article 69

(ensuring the uniform provision of a public service)

The State shall ensure the uniform provision of the public service in an individual field of culture or area by supporting special functions of interconnection, consultation, coordination etc.

The Minister shall specify by means of a resolution the public institutions which will carry out the functions under the preceding paragraph, where the scope of these functions and the amount of public funds shall be agreed with the individual institution on the basis of the contract under Article 93 of this Act.

2. Public infrastructure in the field of culture

Article 70

(definition of public infrastructure)

Immovable property and equipment which is in public ownership and which has a cultural purpose comprise the public infrastructure in the field of culture (hereinafter: public cultural infrastructure).

A resolution on what real estate and equipment shall be deemed to have a cultural purpose shall be adopted by the Government at the proposal of the ministry responsible for culture or the competent body of the local community.

The real estate under the preceding paragraph shall be designated in the land register as public cultural infrastructure at the proposal of the ministry responsible for culture or the competent body of the local community.

The ministry responsible for culture shall keep a record of the real estate comprising public cultural infrastructure on the basis of the resolutions under the preceding paragraph which shall be submitted ex officio by the bodies responsible for adopting them.

Article 71

(investments)

The State shall plan, build and maintain public cultural infrastructure owned by the State. Local communities shall plan, build and maintain public cultural infrastructure owned by local communities.

Article 72

(State co-funding of local public cultural infrastructure)

The State shall co-fund investments in the public cultural infrastructure of local communities if this exceeds the importance it has for the local community, or in order to ensure the coordinated development of Slovenia, and if this is in the public interest of the State.

Article 73

(management of public cultural infrastructure by a public institution)

The founding act of a public institution in the field of culture shall specify the real estate and equipment which, as part of the public cultural infrastructure, are managed by the public institution in the exercise of the activity for which it was founded.

The public institution is obliged to ensure the full exploitation of the public cultural infrastructure under the preceding paragraph. In offering free capacity (unused premises), priority shall be given to cultural providers of public cultural programmes or cultural projects which are compatible with the area of work of the public institution.

Article 74

(management and use of public cultural infrastructure
by other cultural providers)

The ministry responsible for culture or the competent body of the local community shall offer the use or management of public cultural infrastructure to other legal persons and individuals providing public cultural programmes or cultural projects on the basis of a public call for applications by means of the contract under Article 93 of this Act.

Notwithstanding the preceding paragraph, the use or management of public cultural infrastructure may be offered to an organisation working in the public interest (Article 80 of this Act) without a public call for applications.

Article 75

(obligations of managers or users of public cultural infrastructure)

Public cultural infrastructure shall be ceded gratuitously to providers of cultural activities on the condition that they take over the obligation of regular running maintenance.

If the manager or user of public cultural infrastructure offers this infrastructure or part of it to other providers of public cultural programmes or cultural projects, he may only claim from them compensation equal to the actual additional costs incurred as part of this process.

Article 76

(change in purpose of use)

If the State or local community uses for other purposes part of the public cultural infrastructure which is temporarily or permanently no longer necessary for the provision of cultural activities, income from this use shall be invested in public cultural infrastructure.

Article 77

(free transfer)

The State or local community may transfer public cultural infrastructure gratuitously to another entity of public law or institution if this is in the public interest.

The public interest under the preceding paragraph shall be established by the ministry responsible for culture or the competent body of the local community on the basis of the national programme for culture or the local programme for culture.

The purpose of use of the immovable property under the first paragraph of this article cannot be changed and the property is excluded from further legal transactions. In the case of it no longer being possible to use the property in accordance with its purpose of use it shall be returned to the public cultural infrastructure of the body that transferred the property gratuitously.

Article 78

(*mutatis mutandis* application of provisions)

The provisions on gratuitous transfer, management/use or letting of public cultural infrastructure shall also apply, *mutatis mutandis*, to other material property of the State or local communities which is used for cultural purposes but has not been proclaimed public cultural infrastructure.

2.1 Costs of premises

Article 79

(costs of premises)

In the case of a provider who on a permanent basis meets cultural needs in a specific area, and whose work is in the public interest, but who has not been provided funds within the framework of other forms of public funding or been entrusted with the management or use of public cultural infrastructure, the State or local community may provide him with funds to cover the costs relating to ensuring suitable premises for his activity.

The public funds under the preceding paragraph shall be provided for a fixed term of up to three years with the possibility of limitless renewal on the basis of a public call for applications.

3. Status of the associations and other organisations in the public interest in the field of culture

Article 80

(conferral of status)

Cultural associations are associations in which individuals come together in order to:

- carry out cultural activities
- combine professions in individual fields of culture
- deal with technical issues in individual fields of culture
- carry out activities in the field of cultural education
- contribute to the accessibility of cultural assets and to the development of cultural activities.

The status of an association working in the public interest in the field of culture shall be granted to an association which in addition to fulfilling the general conditions set out by the law regulating associations also fulfils one of the following special conditions:

- that it is of special importance
- that it carries out cultural activities comparable in terms of quality or importance with the cultural activity of public institutions
- that it carries out cultural activities which mean a complementing of the network of public institutions in terms of the content of its work or its method of work (volunteer).

The areas of work which shall be considered as being in the public interest shall be the areas of work under Article 4 of this Act, taking into account the national programme for culture.

Fulfilment of the special conditions under the second paragraph of this article shall be ascertained by the ministry responsible for culture in cooperation with the expert commission under Article 20 of this Act from the area of work of the association.

More detailed criteria and the method of attestation and fulfilment of personal conditions in order to obtain the status of association in the public interest shall be prescribed by the Minister.

Article 81

The status of work in the public interest in the field of culture can also be obtained by other entities of private law (institutes, institutions, cooperatives), where the provisions on the status of an association in the public interest set out in this Act and the law regulating associations shall, *mutatis mutandis*, be applied.

4. Social rights

4.1 Registration of self-employed professionals in the field of culture

Article 82

(entry in the register of self-employed professionals
at the ministry responsible for culture)

The carrying out of cultural activities on an independent and professional basis shall be registered according to general regulations.

If the individual meets the special conditions under this article he may be registered at the ministry responsible for culture rather than under general regulations by being entered in the register of self-employed professionals in the field of culture.

Conditions for entry in the register under the preceding paragraph are the following:

- that the candidate independently practises a specialised profession in the fields under Article 4 of this Act and is not in receipt of a pension
- that the candidate has appropriate professional training or can show by means of his work to date that he is capable of practising this activity.

Within the framework of his registered activity a self-employed professional in the field of culture shall conclude contracts of civil law. When an individual also practises activities which do not fall among the cultural activity under the first indent of the preceding paragraph, he may not practise them as a self-employed professional in the field of culture but as per general regulations.

When special conditions are stipulated for the practising of a specific cultural activity, an individual under this article may commence work as soon as a final decision on his meeting these conditions is issued.

Article 83

(the right to the payment of a social insurance contribution for self-employed
professionals in the field of culture)

Self-employed professionals in the field of culture may request the right to the payment from the State budget of contributions for compulsory pension and disability insurance and for compulsory health insurance from the lowest pension basis for social and health insurance in cases where their work means an outstanding cultural contribution or in the case of professions which need to be specially supported because of personnel requirements in the field of culture

The right under the preceding paragraph shall be granted for three years with the possibility of being re-granted after that time.

Anyone requesting entry in the register for the first time after completing his studies shall be entered under the following conditions:

- that his study achievements promise important work in the field of culture
- that more than two years have not passed since the conclusion of his studies or professional exam if such an exam is prescribed by special legislation.

Article 84

(funding social rights)

Public funds for financing contributions for social and health insurance under this Act shall be provided by the ministry responsible for culture from that part of the State budget intended for culture.

Decisions on the provision of the funds under the preceding paragraph shall be issued in individual cases by the Minister.

Article 85

(income threshold)

Notwithstanding the provisions of Article 83 of this Act, the right to the payment of contributions from the State budget may only be claimed if the income position of the claimant does not allow normal conditions for work (hereinafter: income threshold).

The income threshold shall be established on the basis of a submitted decision on assessment of income.

Fulfilment of the conditions under the preceding paragraph shall be ascertained every year. Until a decision on assessment of income is submitted, contributions shall be paid as an advance, where the State shall demand repayment if the decision shows that the income threshold has been exceeded.

Article 86

(decree)

The Government shall determine by means of a decree:

- the specialised professions under Article 82 of this Act
- the height of the income threshold under the preceding article
- entry in the register of self-employed professionals in the field of culture
- granting of the right to the payment of social insurance contributions from State funds
- the ascertaining of the exceeding of the income threshold.

Article 87

(decision on a request for entry in the register)

The decision on a request for entry in the register of self-employed professionals in the field of culture and on the granting of the right to the payment of social insurance contributions from State funds shall be taken by the Minister after consultation with the expert commission under Article 20 of this Act from the candidate's area of activity and with the Chamber of Culture.

Article 88

(deletion)

A individual eligible for the payment of contributions shall be deleted from the register of self-employed professionals in the field of culture at his own request or ex officio if the ministry responsible for culture ascertains that he no longer fulfils the conditions.

Article 89

(date from the register)

The following data shall be entered in the register of self-employed professionals in the field of culture: date and serial number of entry, date and number of the decision on the basis of which the entry is made, full name, date and place of birth, citizenship, place of residence, area of cultural activity, date and number of the decision on the right to payment of contributions under Article 83 of this Act, date and number of the decision of the termination of this right and the date and number of the decision on deletion from the register.

An individual eligible for the payment of contributions is obliged to report changes in the data under the preceding paragraph and other data which affect his entry in the register within 15 days of these changes occurring.

4.2 The republic allowance and the conferring of the title of cultural ambassador

Article 90

(republic allowance)

A retired cultural worker who has made an especially important contribution to Slovene culture but whose pension does not correspond to the contribution he has made may be granted a republic allowance by the Minister after consultation with the expert commission under Article 20 of this Act from the area of work of the candidate.

In determining the level of the republic allowance social circumstances will also be taken into account.

A republic allowance may also be granted as an addition to a family pension.

More detailed conditions and the procedure for obtaining a republic allowance shall be prescribed by the Government.

Public funds for the republic allowance under this Act shall be provided by the ministry responsible for culture from that part of the State budget intended for culture.

Article 91

(register)

The ministry responsible for culture shall keep a register of recipients of a republic allowance in which the following data shall be entered: serial number of the entry, date and number of the decision on the basis of which the right to a republic allowance was acknowledged, full name, place and date of birth, place of residence, area of cultural activity, date and number of the decision on the termination of the right.

The registers under the preceding paragraph and the first paragraph of Article 89 of this Act are public registers.

Article 92

(title of cultural ambassador of the Republic of Slovenia)

The Minister shall confer on a citizen of the Republic of Slovenia who through his work abroad makes an important contribution to the establishment and recognition of

Slovene culture in the world, with his consent, the title of cultural ambassador of the Republic of Slovenia.

IV. CONTRACTS ON CULTURAL FUNDING IN THE PUBLIC INTEREST

Article 93

(definition of contracts)

The contract on cultural funding in the public interest (hereinafter: the contract) is a contract concluded by the State with a legal person or individual (hereinafter: recipient of funds) who is the provider of a public cultural programme or cultural project.

The provisions on contracts within this Act shall be suitably applied to:

- contracts with the Italian and Hungary national minorities (Article 59)
- contracts on funding public cultural assets of wider importance (Article 67)
- contracts on municipal co-funding of the public institutions of the State (Article 68)
- contracts by means of which the use or management of cultural infrastructure is ceded to another party (Article 74)

Unless provided otherwise by this Act the general rules of contract law shall apply to the contracts.

The recipient of funds may not transfer the rights and obligations deriving from this contract to a third party without the written consent of the State.

The provisions on contracts within this Act shall also be applied, *mutatis mutandis*, to local communities, public agencies and public funds.

Article 94

(conclusion of a contract)

The basis for concluding a contract is the final decision under Articles 113 and 120 of this Act.

Notwithstanding the preceding paragraph, the basis for concluding a contract in cases where it is concluded without a public call for applications shall be the acts of the competent bodies under Articles 59, 67, 68 and 69 and the second paragraph of Article 102 of this Act.

The State is represented in the contract by the Minister.

The contract shall be concluded in written form. A contract which is not concluded in written form is void.

An action may be brought in an administrative dispute in the case of significant violations of procedure, the choice of a contractor who does not meet the conditions or clear violations of the criteria of evaluation and assessment. An annulled decision or one that is pronounced void shall not affect an already concluded contract.

Article 95

(duration of the contract)

The contract shall be concluded for a fixed term and may also run for more than one year. With it the ministry responsible for culture may also take on the obligations which require payment in future years if funds are provided for this purpose in the budget of the current year for the first year of duration of the contract.

The duration of the contract may be extended by concluding an annexe to the same, though at the most to the end of the year in which the normal contractual period expired.

Article 96

(public interest)

It must be stated concretely and clearly in the contract what purpose and what aims of the contract constitute public interest as generally defined in the regulation or national programme for culture.

Article 97

(change to multiannual contracts)

If the amount of public funds in the contract was determined with regard to a forecast that the budget funds intended for culture during the period of validity of the contract would not be less than they were in the year the contract was signed, and these funds are later reduced to such an extent that it is no longer possible to carry out the cultural programme or project to the agreed extent, a multiannual contract shall be changed for this reason in the public interest.

Article 98

(rescission of a contract in the public interest)

If in the years following the signing of a contract the amount of funds earmarked for culture in the State budget is reduced to such an extent that it is no longer possible to fulfil a contract on the funding of a public cultural programme or project, the project shall be rescinded at the proposal of the ministry.

The recipient of funds must implement that part of the programme or project which corresponds to the funds received in accordance with the contract before the rescission of the contract unless this implementation is unreasonable. In this case he must return any funds received which were not used for carrying out the activity or implementing the programme or project which was the subject of the contract.

Article 99

(content of the contract)

The contract shall regulate all relations connected with the provision of State funds for the funding of the subject of the contract, and in particular:

- the aims which will be realised during the contract period in order to realise the purpose of the contract
 - the criteria according to which their realisation will be monitored
 - the period within which the aims must be achieved
 - extent, time limits and method of providing State funds
 - other issues concerning mutual relations.

V. PROCEDURES OF PUBLIC INVITATIONS AND PUBLIC CALLS FOR APPLICATIONS

1. General provisions

Article 100

(*mutatis mutandis* application of general administrative procedure)

Insofar as issues relating to the procedures of public calls for applications and public invitations are not regulated otherwise within this Act, the provisions of the law regulating general administrative procedure shall, *mutatis mutandis*, be applied.

Decisions on funding public cultural programmes or cultural projects may not be issued until the budget for the year in which the decision is issued is adopted.

Procedures for funding a public call for applications and a public invitation shall also apply to local communities with the difference that the competences of the minister shall be exercised by the mayor or other body authorised by law to represent and act for the local community.

Article 101

(*mutatis mutandis* application of this Act)

The procedures for funding a public call for applications and a public invitation shall also be used by local communities, public funds and public agencies which distribute the public funds of the State or local communities and, *mutatis mutandis*, by the Italian and Hungary national minorities if they distribute independently to their cultural providers the public funds earmarked for them.

Article 102

(types of procedure)

The procedure for collecting proposals of public cultural programmes and cultural projects which are financed from public funds shall be implemented as:

- a public invitation
- a public call for applications

Notwithstanding the provision under the preceding paragraph, the Minister may in exceptional circumstances issue a resolution on the funding of a specific public cultural programme or cultural project without a public invitation or public call for applications if it is funded from the intervention funds of the ministry and if this is unavoidably necessary because of the short time available for the decision on funding.

The level of intervention funds under the preceding paragraph shall be determined by the annual budget.

Article 103

(use of procedures)

The procedure of a public invitation shall be used when it is possible to clearly determine in advance the artistic, cultural-political, technical and other criteria and requirements which the public cultural programme or cultural project must meet. Those programmes or projects which meet these criteria and requirements shall be funded in the order that the proposals are received, until all the funds are used up.

The procedure of a public call for applications shall be used when it is only possible to determine in advance the criteria for assessment and evaluation of proposals of cultural programmes and projects. Those programmes or projects which receive a higher assessment or evaluation in the selection process shall be funded.

Article 104

(initiation of the procedure)

The procedure shall be initiated by the publication of the public invitation or public call for applications.

The public invitation or public call for applications shall be published by the ministry responsible for culture for a specific type of cultural programme or cultural project.

The Minister shall pass a resolution on the commencement of the procedure for the selection of cultural programmes and projects in which he shall specify the type of procedure, date of publication and the date of the invitation/call for applications.

Article 105

(expert commissions)

Responsibility for the expert evaluation and assessment of proposals of cultural programmes and cultural projects shall lie with the expert commissions under Article 20 of this Act.

Article 106

(regulation by the Minister)

The Minister shall prescribe:

- the method of work of the ministry responsible for culture in relation to the procedure of selecting the cultural programmes and projects to be funded
 - the procedure of concluding contracts
- the method of implementing supervision of contracts.

1.1 Procedure of public invitation

Article 107

(text of a public invitation)

The text of the publication of a public invitation must contain the following:

- a clear statement that its subject is a public invitation for the purpose of collecting proposals in which the proposals which meet the criteria and requirements will be funded
- the type of programmes or projects which are the subject of the public invitation

- the specific artistic cultural-political, technical and other criteria and requirements which the cultural programme or project must meet in order to be funded
 - the conditions which must be fulfilled by providers
- the framework value of available funds earmarked for the subject of the public invitation
 - the period in which the awarded funds must be used
- the period in which applications must be sent, with a clear statement that within this period applications will be dealt with in the order that they are received
 - the method of sending applications and the content of applications
- a list of the personnel of the ministry or body within the ministry responsible for providing information in relation to the public invitation
- information about any more detailed documentation which may be available to applicants.

In addition to the information under the preceding paragraph other information may also be published if necessary with regard to the type of subject of the public invitation.

The content of the more detailed documentation shall be stipulated separately by the text of the public invitation.

Article 108

(deadline for the public invitation)

The text of the publication of the public invitation shall stipulate the latest deadline within which applications must arrive. This must be a minimum of one month and a maximum of one year.

Article 109

(applications)

The applicant may supplement or change his application before its assessment and evaluation by the expert commission.

If the applicant sends more than one application in response to a public invitation for the same programme or project the first application shall be dealt with and the others rejects unless they can be dealt with as a supplement or alteration to the first application.

Article 110

(reception of applications)

The public officer who receives applications in response to a public invitation shall clearly mark on each application the date and time the application was lodged or the date and time it was posted.

Article 111

(work of the public officer at the ministry)

Applications in response to a public invitation shall be dealt with singly and each one shall represent a separate administrative matter, unless the legal conditions for the joinder of proceedings are met.

The public officer at the ministry shall open the applications received in response to a given public invitation in the order in which they are received.

For each application the public officer at the ministry shall ascertain whether it has been submitted within the deadline, whether it is complete and whether it has been submitted by a person who fulfils the conditions set out in the public invitation (eligible person).

Applications which have not been submitted within the deadline, which are incomplete or which have not been submitted by an eligible person shall be rejected by the Minister by means of a resolution.

For the remaining applications the public officer at the ministry shall prepare a report briefly summarising the application and describing the content of the cultural programme or project which is its subject.

Article 112

(assessment and evaluation of applications)

The expert commission shall assess applications in the order in which it receives them.

The expert commission shall assess whether the proposed cultural programme or cultural project meets the artistic, cultural-political, technical and other criteria and requirements set out in the publication of the public invitation and propose to the Minister:

- that he reject the application because it does not meet the stated criteria and requirements
- that he fund a given share of the cultural programme or cultural project.

Article 113

(decision)

On the basis of the report of the expert commission the Minister shall either issue a decision rejecting an application which does not meet the artistic, cultural-political, technical and other criteria and requirements or issue a decision stating that an individual cultural programme or project has been accepted for funding and stipulating the share of public funds for which it is eligible. The scope of the obligations entailed and the manner in which they are to be met shall set out in more detail in the contract under Article 93 of this Act.

The decision shall be the basis for concluding a contract on funding a public cultural programme or cultural project.

1.2 Procedure of public call for applications

Article 114

(text of public call for applications)

The text of the publication of a public call for applications must contain the following:

- a clear statement that its subject is a public call for applications for the selection of cultural programmes or projects in which those programmes or projects given a higher assessment or evaluation in the selection procedure will be funded within the context of the funds available for the individual call for applications
- the area or areas of the cultural programmes or projects which are the subject of the public call for applications
- the artistic, cultural-political, technical and other criteria according to which the individual submitted cultural programme or project will be assessed or evaluated
 - the conditions which must be fulfilled by providers
- the approximate value of the available funds earmarked for the subject of the public call for applications
 - the period within which funds awarded must be used
 - the bidding period
 - the method of sending applications and the content of applications
- a list of the personnel of the ministry or body within the ministry responsible for providing information in relation to the public call for applications

- information about any more detailed documentation which may be available to applicants.

In addition to the information under the preceding paragraph other information may also be published if necessary with regard to the type of subject of the public call for applications.

The content of the bid documentation shall be stipulated separately by the text of the public call for applications.

Article 115

(bidding periods)

The call for applications must last for at least one month

Article 116

(applications)

An applicant may supplement or alter his application until the expiry of the bidding period.

Until the expiry of the period under the preceding paragraph the applicant shall not have the right to look at the applications of other applicants participating in the same call for applications.

An application sent after the expiry of the application deadline shall be considered to have missed the deadline.

Until the expiry of the period under the first paragraph of this Article, an applicant may only take part in the procedure by submitting an application for the funding of a programme or project as invited, in the manner prescribed in the call for applications and the application documentation.

Article 117

(opening applications)

After the expiry of the application deadline the applications opening commission shall simultaneously open all the applications that have arrived to date.

The opening of the applications may be attended by anyone who has submitted an application.

The Minister shall appoint, from among the officials employed at the ministry responsible for culture, one or more committees to open the applications as part of the procedure of selecting cultural programmes or projects.

For each application the committee shall ascertain whether it has arrived within the deadline, whether it has been submitted by a person who meets the conditions set out in the public call for applications (eligible person) and whether it is complete in terms of the text of the public call for applications.

Applications which arrive outside the deadline, which are incomplete or which have not been submitted by an eligible person shall be rejected by the Minister by means of a resolution.

Article 118

(work of the applications opening commission)

For the other applications (hereinafter: suitable applications), the applications opening commission shall prepare a common report containing the application code, the name of the applicant and the title of the cultural programme or cultural project.

Applicants may not be present at the preparation and adoption of the report under the first paragraph of this article by the applications opening commission.

Article 119

(assessment and evaluation of applications)

The applications opening commission shall submit suitable applications for the same public call for applications together with the reports to the expert commission for the field to which the application belongs.

The expert commission shall classify all cultural programmes or cultural projects contained in suitable applications with regard to the criteria for assessment and evaluation of a cultural programme or cultural project as set out in the publication of the call for applications.

The expert commission shall prepare a report on the classification under the preceding paragraph. This report must contain the precisely stated reasons for the classification of cultural programmes or cultural projects and a proposal stating which cultural programmes or cultural projects that are the subject of the assessed suitable applications are to be funded and which, given the level of funds and the classification, are not to be funded.

Applicants may not be present at the assessment and evaluation of applications and the adoption of the report by the expert commission.

Article 120

(decision)

In the basis of the proposal of the expert commission the Minister shall issue one decision on all the suitable applications from the same field submitted in response to the same call for applications, with which he shall decide which cultural programmes

or cultural projects are to be accepted for funding (and to what extent) and which are not to be accepted.

The decision is the basis for the concluding of a contract on the funding of a public cultural programme or cultural project.

VI. SUPERVISION BY THE INSPECTORATE

Article 121

(inspectorate of the ministry responsible for culture)

Supervision of the implementation of the provisions of this Act and regulations and other acts issued on its basis shall be provided by the inspectorate of the ministry responsible for culture.

Article 122

(supervision of management or use of public cultural infrastructure)

The supervision by the inspectorate under the preceding article shall also include supervision of the management or use of public cultural infrastructure in accordance with the provisions of this Act.

VII. SUPERVISION OF THE PROVISION OF PUBLIC CULTURAL ASSETS – EXPERT SUPERVISION

Article 123

(contents of supervision)

The ministry responsible for culture and the competent bodies of local communities shall carry out supervision of the fulfilment of:

- the obligations of the public institutions which they have founded which derive from their founding acts, strategic plans, work programmes and other documents setting out these obligations
- the contractual obligations of providers of public cultural programmes and cultural projects which have received public funds.

Within the framework of this supervision the authorised officers of the bodies under the preceding paragraph shall monitor and assess the work of public institutions and other recipients of public funds and in so doing may:

- request a written report on the implementation of the acts and contracts under the first paragraph of this article

- inspect the documentation of public institutions or recipients of funds
- ascertain the conformity of the implemented programme with the acts of the public institution or the contract of other recipients of public funds
- ascertain the expedience of the use of funds in order to achieve the purpose and aims deriving from the acts of the public institution or the contract of other recipients of public funds.

Article 124

(reporting on supervision)

If an authorised officer finds that a public institution or other recipient of funds is not meeting its agreed obligations he shall report on this to the Minister or competent body of the local community and propose measures to improve the situation.

Article 125

(authorised officers)

The authorised officers of the bodies under the second paragraph of Article 123 of this Act shall be appointed by their superior by means of a decision. Persons who have taken part in the allocating of funds to the public institutions or other recipients which they supervise may not be appointed authorised officers. Internal auditors shall by virtue of their position be considered authorised officers.

VIII. PENAL PROVISIONS

Article 126

(failure to respect the provisions on language)

A legal person who fails to announce, publicise and explain a cultural event in the Slovene language, or who in the ethnically mixed areas does not also announce a cultural event in Italian or Hungarian, or who fails to show films in the Slovene language or with Slovene subtitles (Article 6) shall be punished with a fine of up to 5,000,000 tolar.

The responsible officer of the legal person under the preceding paragraph shall be punished with a fine of up to 500,000 tolar.

An individual who commits the violation under the first paragraph of this article in the course of the independent practising of his activity shall be punished with a fine of up to 500,000 tolar.

Article 127

(allowing the use or management of public cultural infrastructure without a public call for applications)

A legal person who, contrary to the first paragraph of Article 74 of this Act, allows the use or management of public cultural infrastructure without a public call for applications shall be punished with a fine of at least 3,000,000 tolar.

The responsible officer of the legal person under the first paragraph of this article shall also be punished with a fine of at least 300,000 tolar.

In the case of the legal person under the fourth paragraph of Article 93 of this Act transferring rights and obligations to a third party without the written consent of the State, he shall be punished with a fine of at least 2,000,000 tolar.

The responsible officer of the legal person under the preceding paragraph shall also be punished with a fine of at least 300,000 tolar.

IX. TRANSITIONAL AND FINAL PROVISIONS

Article 128

(transfer of funding of municipal public institutions to the founding municipalities)

The provisions of Articles 129 to 131 of this Act regulate the transfer of the funding of those public institutions which were founded by one municipality or co-founded by more than one municipality but whose public service was entirely funded by the State on the day that this Act entered into force, to the founding municipality or founding municipalities or to a federation of municipalities founded for the purpose of exercising founder's rights and obligations in respect of the joint public institution.

Article 129

(provision of funds)

Until the founding municipality or founding municipalities of the institution and the State agree otherwise, the municipality or federation of municipalities for public institutions under the preceding paragraph shall be provided from the State budget with funds equal to at least 60% of the public funds used for funding the public service in the preceding calendar year, under the condition that the municipality or federation of municipalities contributes the remaining 40% and provides suitable premises for the work of the institution.

Unless the founding municipalities agree otherwise, the municipality where the institution is situated shall contribute half of the 40% of funds under the preceding paragraph (i.e. 20% of the total public funds) and the other municipalities the remaining half (i.e. the remaining 20% of the total public funds). If the founding

municipalities agree to transfer founder's rights to the municipality where the institution is situated or in the case of a municipal public institution of wider importance, the municipality where the institution is situated shall receive additional funds on the basis of the law regulating the funding of municipalities.

Article 130

(content of the contract)

The State funds under the preceding article shall be provided on the basis of the contract under Article 93 of this Act, by means of which all reciprocal relations shall be regulated, and in particular:

- the definition of public institutions according to the criterion under Article 128 of this Act
 - the purpose of their funding
 - the aims which will be realised during the contract period
 - the criteria according to which their realisation will be monitored
- the premises, staffing and technical conditions necessary for the work of the public institution
- the manner of providing State and municipal funds and related time limits and amounts.

The contract shall as a rule be concluded for several years on the basis of a direct invitation from the ministry responsible for culture.

Article 131

(abeyance)

The provisions of the first paragraph of Article 129 of this Act, relating to the funding of public institutions whose founders are municipalities when this Act enters into source but which are funded by the State, shall begin to be applied on 1 January 2004, provided that by then the provision of additional funds to the municipality where the public institution is situated under the second paragraph of Article 129 of this Act is regulated within the statutory regulation of the funding of municipalities.

Article 132

(public cultural infrastructure)

Within six months of this Act entering into force the Government or competent body of the local community must establish via a resolution what immovable property and equipment in public ownership on the day this Act enters into force is predominantly used for cultural purposes and is therefore public cultural infrastructure.

In the case of the resolution under the preceding paragraph of this Article being adopted before this Act enters into force, a new decision on what immovable property and equipment is part of public cultural infrastructure shall not be necessary.

Article 133

(deadline for executive regulations)

Executive regulations deriving from this Act must be adopted within six months of this Act entering into force.

Article 134

(harmonisation of the collective agreement for cultural activities)

The Government must begin negotiations on the collective agreement for cultural activities in Slovenia within three months of this Act entering into force.

Even in the case of a change in the law, collective agreement or general act of the employer, the employee shall retain all those rights that are set out more favourably in his contract of employment, provided the contract is not altered.

Article 135

(harmonisation of activity with the Act)

Founders must bring founding statutes into line with this Act within six months of its entering into force; public institutions must adopt strategic plans, a systemisation of positions and a staffing plan within a year of this Act entering into force. The founding act of a public institution shall also substitute the statute of the public institution.

All other bodies and organisations must harmonise their activity with this Act within a year of its entering into force.

Article 136

(term of office of current directors)

The obligations relating to the harmonisation of the founding acts and other general acts of public institutions under the preceding article shall not affect the regular expiry of the term of office of directors of public institutions occupying this function when this Act enters into force.

Article 137

(transformation of status of public institutions)

Institutions engaged in an activity which their founder considers could be better provided in the form of a legal entity under private law shall have their status transformed accordingly provided that conditions regarding staff and premises and other conditions for their operation are guaranteed.

The founder of a legal entity under private law under the preceding paragraph may be the State, a local community or other legal entities and natural persons, with the consent of the founder of the public institution.

Article 138

(time limit for the adoption of the national programme for culture)

The national programme for culture shall be adopted within a year of this Act entering into force. Until the adoption of the national programme for culture, the competent bodies shall adopt single decisions deriving from this Act without it.

Article 139

(current public calls for applications)

Public calls for applications procedures published before this Act entered into force shall be completed under already existing regulations.

Article 140

(register of autonomous artists in the field of culture)

On the day that this Act enters into force the register of autonomous artists in the field of culture shall become the register of self-employed professionals in field of culture. The entry of autonomous artists in the field of culture in this register shall not carry any time restriction.

Article 141

(public interest associations)

Associations which have obtained the status of an association working in the public interest in the field of culture under existing regulations shall remain associations in the public interest until the end of the period for which they have been granted this status. After this period they must submit a new application if they wish to have this status under this Act.

Article 142

(abrogatory provisions)

On the day this Act enters into force, the Act on the Exercising of the Public Interest in Culture (*Uradni list Republike Slovenije*, 75/94) shall cease to be in force, with the exception of its Articles 55, 56 and 57, which shall remain in force until a new Act regulating associations enters into force.

On the day this Act enters into force, Article 34 of the Libraries Act (*Uradni list Republike Slovenije*, 87/01) shall cease to be in force.

The executive regulations adopted on the basis of the Act under the first paragraph of this article shall continue in force until the entering into force of executive regulations adopted on the basis of this Act.

Article 143

(final provision)

This Act shall enter into force fifteen days after it is published in the official gazette of the Republic of Slovenia (*Uradni list Republike Slovenije*).

(Published 14 November 2002)

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