

COURT EXPERTS, CERTIFIED APPRAISERS AND COURT INTERPRETERS ACT (ZSICT)

Chapter I GENERAL PROVISIONS

Article 1 (Content)

(1) This Act shall regulate the status of court experts (hereinafter: court expert), certified appraisers (hereinafter: certified appraiser) and court interpreters (hereinafter: court interpreter), the conditions and procedures for appointment and dismissal, competences and the manner of operation of the Council of Experts for court expert opinions, certified appraisal and court interpretation (hereinafter: Council of Experts), directory and record keeping, disciplinary liability and proceedings, professional training, proficiency tests, payment for work done, and other matters which refer to the areas of court expert opinions, certified appraisal and court interpretation.

(2) Unless otherwise provided by this Act, Court interpretation shall also be deemed to refer to translation.

Article 2 (Status)

(1) Court experts shall be persons appointed for an unlimited time with the right and duty to provide the court, at its request, with their findings and opinions regarding professional matters stipulated by law or the assessment of which the court believes requires the assistance of an expert.

(2) Certified appraisers shall be persons appointed for an unlimited time with the right and duty to provide the court, at its request, with findings on the economic characteristics of things or rights, and on the appraisal of their value or the value of the damage inflicted on such thing or right.

(3) Court interpreters shall be persons appointed for an unlimited time with the right and duty to interpret at hearings or translate documents for the court at its request.

(4) The status of court experts, certified appraisers and court interpreters shall cease to be valid in the cases and under the conditions stipulated by this Act.

Article 3 (Reference to status)

- (1) Court experts or certified appraisers may refer to this status:
- whenever they provide findings, opinions and appraisals at the request of a court in judicial proceedings;
 - whenever they provide findings, opinions and appraisals at the request of an administrative authority in an administrative procedure; or
 - if another act or regulation determines their activity.

(2) Court interpreters may refer to this status:

- whenever they provide interpretations or translations at the request of the court or another state authority;
- whenever they provide interpretations or translations at the request of a party in order for the latter to exercise their rights;
- if another act or regulation determines their activity.

(3) Notwithstanding paragraph one of this Article, court experts or certified appraisers may also refer to this status in other cases if:

- they are members of a society that operates in the area of court expert opinions or appraisal; and
- the society has obtained the status of a society operating in the public interest; and
- the society's acts define the efficient supervision of their work.

If this status is referred to according to this paragraph, the society rules shall apply to the supervision of their work, and the supervision shall be carried out by the society. The society must report to the Council of Experts on the supervision carried out and measures taken by the end of March in a calendar year.

Article 4 (Open call)

(1) On the basis of an open call, court experts, certified appraisers and court interpreters shall be appointed by the minister responsible for justice (hereinafter: the Minister) for a certain area and sub-area of expertise of expert or appraisal work or for interpreting the spoken and written word from, or into, a certain language and for Slovenian sign language.

(2) The ministry responsible for justice (hereinafter: the Ministry) shall publish a call to submit applications for the appointment of court experts, certified appraisers and court interpreters twice in a calendar year. The call shall be published in view of the needs in an individual area and sub-area of expertise of the expert or appraisal work or in view of the needs for a foreign language or Slovenian sign language, which shall be established on the basis of substantiated proposals of presidents of courts.

Chapter II COUNCIL OF EXPERTS

Article 5 (Council of Experts)

(1) The highest professional coordinating body in the area of court expert opinions, certified appraisal and court interpretation shall be the Council of Experts for court expert opinions, certified appraisal and court interpretation.

(2) The Council of Experts shall operate according to the principle of professional and operational autonomy in accordance with the provisions of this Act and other regulations governing its operation. The Council of Experts shall perform expert tasks for the needs of court expert opinions, certified appraisal and court interpretation, be responsible for the tasks of court expert opinions, certified appraisal and court interpretation, and participate in the provision of unity and the protection of integrity of court expert opinions, certified appraisal and court interpretation.

(3) On a proposal from the Minister, members of the Council of Experts shall be appointed by the Government of the Republic of Slovenia for six years, with the possibility of reappointment.

Article 6
(Composition of the Council of Experts)

(1) The Council of Experts shall have 15 members who are court experts, certified appraisers or court interpreters.

(2) Members of the Council of Experts shall be proposed by professional associations of court experts, certified appraisers and court interpreters. If court experts, certified appraisers or court interpreters do not have a professional association in a certain area or sub-area of expertise or language, members of the Council of Experts shall be proposed by other authorities or professional institutions or ministries responsible for the particular area. If several members are proposed for a certain area of expertise or language and an agreement cannot be reached with the proposers, the member proposed by a society which has obtained the status of a society and operates in the public interest shall take precedence; if there are several such proposals, the member with the longest uninterrupted period of the status of a court expert, certified appraiser or court interpreters shall have priority.

(3) The Minister shall be bound by proposals made pursuant to the preceding paragraph.

(4) Each member of the Council of Experts shall represent a certain set of areas of expertise and languages. The sets of areas of expertise and languages shall be as follows:

- economy,
- environment and spatial planning,
- agriculture and forestry,
- health,
- transport,
- sports,
- culture,
- infrastructure,
- construction,
- crafts,
- machinery and equipment,
- security,
- forensics,
- court interpretation and translation, and
- Slovenian sign language.

(5) The inclusion of areas of expertise and languages in a certain set of areas of expertise and languages shall be determined in the rules issued by the Minister on a proposal of the Council of Experts.

(6) The Council of Experts shall also include a representative of the judicial administration, who shall have the right to debate without the right to vote. The representative shall be appointed by the president of the Supreme Court of the Republic of Slovenia from among judges at the court of first instance.

(7) Each member of the Council of Experts shall have a deputy who shall replace them in the event of their absence. The provisions of this Act which apply to members of the Council of Experts shall also apply *mutatis mutandis* to their deputies. Deputies shall generally be appointed so as to provide, together with members, a suitable balance between areas of expertise or languages included in a certain set.

(8) The president of the Council of Experts and the deputy shall be elected by members by a two-thirds majority by secret ballot for two years; following the expiry of this period, they may not be immediately re-elected.

(Competences of the Council of Experts)

The competences of the Council of Experts shall be as follows:

- to monitor systemic, development and strategic matters in the areas of court expert opinions, certified appraisal and court interpretation;
- to put forward proposals and initiatives in the areas of court expert opinions, certified appraisal and court interpretation;
- to approve general and individual guidelines for the preparation of expert opinions and appraisals, and for interpretation;
- to provide expert opinions in procedures for appointing court experts, certified appraisers and court interpreters;
- to verify professional qualifications in review procedures of the suitability of certificates of education and training;
- to provide expert opinions in disciplinary and dismissal proceedings;
- to provide for the suitability of the set of areas and sub-areas of expertise, and languages in the directory of court experts, certified appraisers and court interpreters;
- to establish permanent and temporary professional bodies;
- to appoint members of permanent and temporary professional bodies;
- to prepare annual reports on work;
- to provide professional assistance to the Ministry;
- to perform other tasks if so stipulated by law.

Article 8

(Decision making)

(1) The Council of Experts shall decide at meetings. Whenever professional content is addressed at a meeting, a suitable professional body shall provide it with professional assistance.

(2) Decisions shall be rendered by a majority vote of all members. The Council of Experts shall decide by a two-thirds majority of votes of all members on the following:

- the establishment of permanent and temporary professional bodies;
- the appointment of members of permanent and temporary professional bodies;
- other matters determined in the Rules of Procedure.

(3) Meetings of the Council of Experts shall be convened by the president, or in the president's absence, by the deputy. If at least five members of the Council of Experts, the president of the Supreme Court or the Minister request a meeting to be convened in writing, the meeting must be convened no later than within eight days after the request is received.

(4) The Council of Experts shall regularly invite a representative of the judicial administration who participates in the Council of Experts, the president of the Supreme Court and the Minister to its meetings, who may convey their positions and proposals on the matters under discussion. If a matter addressed by a permanent and temporary professional body is discussed at a meeting, a representative of this professional body shall also be invited to additionally substantiate the adopted position.

(5) The Council of Experts may also invite representatives of courts and other state authorities, institutions, chambers, professional associations, societies and other non-governmental organisations which operate in certain sub-areas related to the content under discussion to discuss matters within their competence.

(6) Administrative, technical and other works for the Council of Experts shall be carried out by the Ministry.

Article 9

(Permanent professional bodies)

(1) Permanent professional bodies shall be professional coordinating groups of members or representatives of professional associations composed of court experts, certified appraisers and court interpreters, which shall provide the Council of Experts with professional assistance and prepare expert opinions or positions on profession-related matters.

(2) The number and type of established permanent professional bodies whose membership shall be determined by the Council of Experts shall correspond to the number and type of sets of areas of expertise represented in the Council of Experts.

(3) A permanent professional body shall have three members appointed from among court experts, certified appraisers or court interpreters pending the expiry of the appointment period of members of the Council of Experts, with the possibility of reappointment.

(4) If court experts, certified appraisers or court interpreters do not have a professional association in a certain area or sub-area of expertise or language or if several members are proposed for a certain area of expertise or language, members of the Council of Experts shall be appointed in the manner which applies to the proposal of members of the Council of Experts.

(5) Permanent professional bodies shall provide the Council of Experts with professional assistance in certain areas of expertise or languages, and the Council of Experts shall be bound by their opinion.

Article 10 (Temporary professional bodies)

(1) Temporary professional bodies shall be professional coordinating groups of members or representatives of professional associations composed of court experts, certified appraisers and court interpreters for areas of expertise and languages according to the content of an expert matter or task, which shall be established by the Council of Experts to discuss matters within the competence of the Council of Experts in an area or language in which no permanent professional body has been established.

(2) The provisions of the preceding article shall apply to the appointment of members, the appointment period, tasks, and the obligation to comply with opinions.

Article 11 (Termination of membership of the Council of Experts)

(1) The membership of a member of the Council of Experts or a permanent or temporary professional body shall terminate:

1. upon the expiry of the appointment period;
2. by resignation;

3. by the termination of the appointment or dismissal as a court expert, certified appraiser or court interpreter;
4. if a member is unfit to further perform the tasks of the Council of Experts or a permanent or temporary professional body due to a final disciplinary measure issued in disciplinary proceedings pursuant to this Act.

(2) A member whose membership has been terminated in accordance with point 1 of the preceding paragraph shall exercise the rights and perform the duties of a member until the appointment of a new member.

(3) The decision on the termination of membership in accordance with point 2 of paragraph one of this Article shall become effective on the day when the Government receives a written statement of resignation from a member of the Council of Experts or when the Council of Experts receives a written statement of resignation from a member of a permanent or temporary professional body. The Government shall immediately inform the Ministry of the occurrence of circumstances concerning the termination of membership of a member of the Council of Experts.

(4) The reason for the termination of membership in accordance with point 3 of paragraph one of this Article shall become effective on the day when the decision on termination is final or on the day when the decision on dismissal is final.

(5) The membership of a member of the Council of Experts shall terminate in accordance with point 4 of paragraph one of this Article on the day when the Government establishes that the member is unfit to further perform the tasks of the Council of Experts due to a final disciplinary measure issued in disciplinary proceedings pursuant to this Act.

(6) The membership of a member of a permanent or temporary professional body shall terminate in accordance with point 4 of paragraph one of this Article when the Council of Experts establishes by a two-thirds majority of votes of all members that a member is unfit to further perform the tasks of the permanent or temporary professional body due to a final disciplinary measure issued in disciplinary proceedings pursuant to this Act.

(7) If membership is terminated prior to the expiry of the appointment period, an alternate member shall be appointed according to the procedure and under the conditions which apply to the appointment of members. The membership of an alternate member shall terminate upon the expiry of the appointment period of the previous member.

(8) The membership of an alternate member shall terminate for reasons and according to the procedure which apply to the member pursuant to this Act.

Article 12 (Rules of Procedure and annual report)

(1) The Council of Experts shall adopt the Rules of Procedure by a two-thirds majority of votes of all members; the Rules shall regulate the preparation and course of meetings, the working methods of the Council, voting, the method of protecting data confidentiality, cooperation with other bodies, publicity and other implementing matters.

(2) The Rules of Procedure shall be published on the website of the Ministry.

(3) The Council of Experts shall prepare an annual report on its work for the previous year by 31 January of the current year and send it to the Ministry.

Article 13 (Costs, stamp and headquarters)

(1) The president, deputy and members of the Council of Experts, and permanent and temporary professional bodies shall be entitled to the reimbursement of costs in accordance with the regulation which determines meeting fees and the reimbursement of costs in public funds, public agencies, public institutions and public utility institutes.

(2) The stamp of the Council of Experts shall be circular. The coat-of-arms of the Republic of Slovenia shall be in the centre, and the inscription the Republic of Slovenia, the Council of Experts for court expert opinions, certified appraisal and court interpretation shall be in the outer circle.

(3) The headquarters of the Council of Experts shall be at the headquarters of the Ministry, which shall also provide financial conditions for the work of the Council.

Chapter III AREAS AND GUIDELINES

Article 14 (Areas of expertise and language areas)

(1) A list of areas and sub-areas of expertise for court expert or certified appraisal activities and language areas, and a description of these areas and sub-areas shall be determined by the Ministry on a substantiated proposal of the Council of Experts, and published on the website. The explanation referred to in the preceding sentence includes the justification of the need to determine and describe the area and sub-area.

(2) Guidelines must be prepared for each area of expertise and language area or for several substantively related areas prior to their inclusion on the list of existing areas.

Article 15 (Guidelines on preparing expert opinions and appraisals, and on interpretation)

(1) On its website, the Ministry shall publish general and individual guidelines on preparing expert opinions and appraisals, and on interpretation, which must be observed by court experts, certified appraisers and court interpreters in their work.

(2) General and individual guidelines and their amendments shall be approved by the Council of Experts on a proposal of a suitable permanent or temporary professional body, which may cooperate to this end with a suitable professional association.

(3) General guidelines shall include a uniform indication of the structure of, and instructions on the preparation of, expert opinions and appraisals, and on interpretation.

(4) Individual guidelines shall primarily include instructions on preparing expert opinions and appraisals in certain areas or sub-areas of expertise, the methods and means used by court experts or certified appraisers in preparation, indicative areas and contents which may be relevant to preparation, and the structure of expert opinions in view of a certain area or sub-area of expertise.

(5) Notwithstanding the provisions of the preceding paragraphs, a professional body does not have to prepare individual guidelines on the preparation of expert opinions and appraisals in certain areas or sub-areas of expertise, or for interpretation if, in its opinion, general guidelines will suffice in these instances.

Chapter IV
CONDITIONS FOR APPOINTMENT

Article 16
(Conditions for appointment)

(1) A natural person who:

1. has suitable expertise, practical skills and experience in a certain area of expert opinions, appraisal or interpretation;
2. has pre-Bologna university education or has concluded a Bologna master's study programme;
3. is a citizen of the Republic of Slovenia or another Member State of the European Union or of the European Economic Area, and is proficient in Slovenian;
4. has legal capacity;
5. is suitable in terms of personal qualities;
6. has at least six years' work experience in the area where they wish to work as a court expert, certified appraiser or court interpreter;
7. has not been convicted *res judicata* of a premeditated criminal offence prosecuted *ex officio* which would render them morally unfit to provide court expert opinions, certified appraisal or court interpretation, as it could prevent the impartial or professional performance of their work or harm the reputation of the court;
8. does not pursue an activity which is incompatible with court expert opinions or certified appraisals;
9. has not been dismissed as a court expert, certified appraiser or court interpreter in accordance with the provisions of this Act on grounds of permanent withdrawal of the right to provide expert opinions, appraisals or interpretation,

may also be appointed as a court expert, certified appraiser or court interpreter.

(2) A person whose work or actions do not demonstrate justified expectations that expert opinions, appraisals or interpretations will be rendered honestly or conscientiously or do not warrant justified expectations that they will protect the reputation and credibility of court expert opinions, certified appraisal or court interpretation shall not be fit to provide court expert opinions, certified appraisal or court interpretation. The condition shall also be deemed not met when five years have not yet passed since a final decision on dismissal.

(3) Exceptionally, a person with education lower than stipulated in paragraph one of this Article may be appointed court expert, certified appraiser or court interpreter if the required condition of education cannot be met, since a suitable level of the study programme does not exist in the Republic of Slovenia.

(4) A person who wishes to be appointed as a court expert, certified appraiser or court interpreter shall demonstrate suitable expertise, practical skills and experience, and has passed a special proficiency test. If a person does not take an oath in accordance with this Act within a year after passing the proficiency test, unless they do not take an oath for reasons beyond their control and has informed the Ministry thereof, it shall be deemed that the person has withdrawn the application for appointment and the appointment procedure shall be suspended. In any event, the appointment procedure shall be suspended after two years from the date when the proficiency test is passed and the person has not taken an oath in this period.

(5) The Minister shall prescribe in detail the methods for appointing court experts, certified appraisers and court interpreters.

(Identity card and stamp)

(1) Court experts, certified appraisers and court interpreters shall have identity cards with which they identify themselves when providing court expert opinions, certified appraisals and court interpretation.

(2) Court experts, certified appraisers and court interpreters shall use a stamp in their work.

(3) The Ministry shall keep a record of identity cards and stamps issued.

(4) The following data shall be entered in the record for each identity card:

- name of the holder of the identity card;
- registration number of the identity card;
- date of issue;
- date of deposit and return of the identity card;
- reason for depositing the identity card;
- date of archiving the identity card and reason for archiving.

(5) The following data shall be entered in the record for each stamp:

- name of the holder of the stamp;
- date of deposit and of return of the stamp;
- reason for depositing the stamp;
- date of archiving the stamp reason for archiving.

(6) Detailed rules on the content and shape of the identity card and the stamp of court experts, certified appraisers and court interpreters shall be determined by the Minister in an implementing regulation.

Article 18

(Work in judicial proceedings)

(1) In court proceedings, whenever a court expert, certified appraiser or court interpreter determined by the court establishes that they are not fully or only partially qualified to perform a task, or whenever other circumstances arise due to which they justifiably expect a task not to be of full or partial assistance to the court, they must promptly alert the court.

(2) A court expert, certified appraiser or court interpreter may also send an electronic message to the court if procedural rules allow, and if they send the message in a manner and form which comply with the rules regulating electronic services in these proceedings.

(3) A court expert, certified appraiser or court interpreter may inform the court that they wish to send messages via secure electronic means to a secure e-mail account or to an address for service via safe electronic means registered in the information system of the justice administration, the address of which shall be stated in the application with which they inform the court that they wish to communicate in this manner. A court expert, certified appraiser or court interpreter who informs the court that they wish to send messages in this manner shall send messages via safe electronic means in the same manner as to a party to proceedings.

Article 19

(Data)

(1) In addition to evidence that the conditions for appointment are fulfilled, a person who wishes to be appointed as a court expert, certified appraiser or court interpreter must also submit the following data to the Ministry:

- personal name;
- academic or professional title;
- personal identification number; if they do not have this, date of birth;
- place of birth;
- postal address where they can be contacted;
- contact telephone number and e-mail address;
- information on employment or other employment status;
- area or sub-area of expertise or language area for which they wish to be appointed.

(2) The person shall submit the data and the evidence on the fulfilment of conditions referred to in the preceding paragraph for the needs of legal certainty, the appointment procedure, subsequent verification of the fulfilment of conditions and the dismissal procedure.

Article 20 (Special proficiency test)

(1) A special proficiency test shall be taken before a committee, whose members shall be:

- experts from the area or sub-area of expertise or the language in which the person will provide court expert opinions or appraisal or interpretation;
- judges, state attorneys, state prosecutors, attorneys or notaries, and
- employees of the Ministry.

(2) The committee shall be appointed by the Minister. The Council of Expert shall provide professional assistance to select expert members

(3) Members of the committee must have at least the same level of education as required for the appointment of a court expert, certified appraiser or court interpreter.

(4) The whole test may be taken a maximum of three times. If a person who wishes to be appointed as a court expert, certified appraiser or court interpreter does not pass the test in three attempts, it shall be deemed that the person does not fulfil the proficiency and practical skill conditions to perform the work of a court expert, certified appraiser or court interpreter.

(5) The content of the special proficiency test and the manner of its taking shall be prescribed by the Minister.

Article 21 (Oath)

(1) Court experts, certified appraisers and court interpreters shall be appointed on the date when they take the following oath before the Minister:

- court experts: "I swear on my word of honour to perform expert work according to my conscience, impartially, in accordance with the rules of science and expertise, and to provide my findings and opinions accurately and completely.";
- certified appraisers: "I swear on my word of honour to perform the work of an appraiser according to my conscience, impartially, in accordance with the rules of science and expertise, and to provide my findings and opinions accurately and completely.";

- court interpreters: “I swear to perform my work as a court interpreter in good conscience, accurately and to the best of my abilities.”.

(2) Within thirty days after taking the oath, court interpreters must deposit their signatures and stamps with the Ministry for the purpose of certifying their signatures and stamps on documents intended for use abroad.

(3) If a person who is already a court expert for another area or sub-area of expertise or language area is appointed as a court expert, certified appraiser or court interpreter, they do not retake the oath, and shall be appointed for the new area or sub-area of expertise on the date of the service of the decision on appointment.

(4) If an area or sub-area of expertise or language area is renamed or a court expert, certified appraiser or court interpreter must be reallocated on the list of areas or sub-areas, the Ministry shall issue a declaratory decision to the court expert, certified appraiser or court interpreter. The provisions of the preceding paragraph shall apply to the oath and the date of appointment.

Chapter V MANAGING THE DIRECTORY AND KEEPING RECORDS

Article 22 (Directory)

(1) To render decisions and manage proceedings pursuant to this Act, and to provide legal certainty in proceedings before the court and other state authorities, the Ministry shall manage a directory of court interpreters, certified appraisers and court interpreters, which shall comprise the following data:

- personal name;
- academic or professional title;
- personal identification number; if they do not have this, date of birth;
- postal address where they are available;
- contact telephone number and e-mail address;
- information on employment or other employment status;
- area or sub-area of expertise or language area for which the person is appointed;
- date of appointment;
- profession;
- date and place of birth; and
- information on a final disciplinary measure.

(2) The data in the directory shall be provided for courts to implement matters of the court administration free of charge.

(3) For the purposes of legal certainty, the functioning of courts and other state authorities, the section of the directory which comprises the following data shall be public:

- personal name;
- academic or professional title;
- postal address where they are available, unless the court expert, certified appraiser or court interpreter states that these data are to be fully or partially excluded from the public section of the directory;
- contact telephone number and e-mail address;

- information on employment or other employment status, unless the court expert, certified appraiser or court interpreter states that these data are to be fully or partially excluded from the public section of the directory;
- area or sub-area of expertise or language area for which the person is appointed;
- date of appointment; and
- information on a public reprimand if it has been issued as a disciplinary measure for one year after the decision which was the basis for the entry of these data became final.

(4) The public section of the directory shall be published on the website of the Ministry.

(5) To update the directory, and manage or decide in proceedings pursuant to this Act or other acts, the Ministry may obtain and process the following data on a court expert, certified appraiser or court interpreter:

- information on permanent or temporary residence from the administrator of the Central Population Register;
- information on the entry in, or removal from, the criminal record for the criminal offences referred to in point 7 of paragraph one of Article 16 of this Act from the administrator of criminal records;
- information on the date of death from the administrator of the civil register; and
- information on health insurance from the administrator of the record of insured persons with compulsory health insurance.

(6) Following removal from the directory, data on a person shall be archived. The Ministry shall provide permanent storage of archived data pursuant to the act governing personal data protection.

(7) The entities referred to in paragraph two and eligible persons who demonstrate legal interest shall have the right to see archived data for the needs of official procedures. Legal interest shall be demonstrated if the archived data affects the rights and obligations of a person who is a party to proceedings.

Article 23 (Obligation to communicate data)

(1) For the purposes referred to in the preceding article, a court expert, certified appraiser or court interpreter must communicate, in writing or via e-mail, to the Ministry any change in data concerning the postal address where they are available, the address of permanent or temporary residence, contact telephone number and e-mail address, and information on employment or other employment status.

(2) For the purposes referred to in the preceding article, a court expert, certified appraiser or court interpreter must send a written statement that all data kept in the directory on them are accurate, or must communicate changed data by the end of January in the calendar year.

(3) Within the time limit referred to in the preceding article, a court expert, certified appraiser or court interpreter must also send to the Ministry a written statement about their work in the previous calendar year (reporting period), which shall include data on expert opinions, appraisals, or translations or interpretations, i.e.:

- number of prepared expert opinions or appraisals, or translations or interpretations provided, and their amendments;
- and
- names of state authorities which required them to perform work.

(4) If the Ministry does not receive written statements within the set time limit, a court expert, certified appraiser or court interpreter shall be removed from the public section of the directory and re-entered in this section of the directory after both statements have been sent.

(5) To implement this Act, a court expert, certified appraiser or court interpreter must keep all prepared expert opinions or appraisals, or provided translations in hard copy or electronic form for at least five years after their occurrence.

Article 24 (Standstill)

(1) Once every five years, a court expert, certified appraiser or court interpreter may request to be temporarily removed from the public section of the directory for a period which may not be shorter than three months or longer than one year (subjective reasons).

(2) If objective reasons exist, such as extended illness or other circumstance which is beyond the control of the court expert, certified appraiser or court interpreter and which may not even be prevented by their diligence, the court expert, certified appraiser or court interpreter may request a temporary removal from the public section of the directory for the period stated in the request, which shall not be longer than five years.

(3) The standstill period shall not affect the rights or obligations related to their status.

Article 25 (Record of tests)

(1) To implement tests and monitor the situation in this field, the Judicial Training Centre shall keep a record of special proficiency tests for court experts, certified appraisers and court interpreters, which shall include the following:

- the area or sub-area of expertise or the language in which a special proficiency test is taken;
- reference number of the test;
- name of the person taking the test and the address of their permanent or temporary residence;
- number of file;
- date and place of birth;
- level and type of education;
- special proficiency test committee;
- date the test was taken;
- amount and date of payment of the costs of the test; and
- test achievement.

(2) The record referred to in the preceding paragraph shall be kept permanently.

(3) When carrying out statistical analyses, personal data may be used and published in a manner that does not disclose the identity of individuals.

Chapter VI PROFESSIONAL TRAINING

Article 26

(Training and special proficiency tests)

(1) Court experts, certified appraisers and court interpreters must undergo professional training and keep themselves regularly informed of new findings and methods in their profession, and participate in consultations and professional training organised by the competent state authority, authorised organisation, professional association or another professional institution.

(2) On a proposal of the Council of Experts, the Minister may order that court experts, certified appraisers and court interpreters in individual areas and sub-areas or expertise or language areas must pass special proficiency tests within a set time limit. If a court expert, certified appraiser or court interpreter does not pass the test, they shall be removed from the public section of the directory and re-entered in this section of the directory after passing the test; in this period, the court expert, certified appraiser or court interpreter must deposit their stamp and identity card with the Ministry.

(3) The whole test may be taken a maximum of three times. If a person does not pass the test in three attempts, it shall be deemed that the person does not fulfil the proficiency and practical skill conditions to perform the work of a court expert, certified appraiser or court interpreter.

Article 27

(Proficiency testing methods)

(1) After five years from the date of appointment and every subsequent five-year period, the Council of Experts shall verify the proficiency of court experts, certified appraisers or court interpreters following preliminary discussion with the appropriate professional body.

(2) Generally, proficiency is verified through the submission of evidence of professional training, of being informed of new findings and methods in their profession, and of participation in consultations and professional training.

(3) Notwithstanding the preceding paragraph, proficiency may be verified in the following manners:

- by proposing that a special proficiency test be taken;
- by verifying diligence in the preparation of three randomly provided anonymised copies of expert opinions, appraisals or translations carried out in the past appointment period;
- by taking into account opinions, recommendations, assessments or other evidence of professional training; or
- by determining another suitable manner which shall facilitate the verification of proficiency of a court expert, certified appraiser or court interpreter.

(4) Following the verification of proficiency, the Council of Experts shall provide an opinion on it and submit it to the Minister. If the opinion shows that a court expert, certified appraiser or court interpreter does not demonstrate proficiency, it shall be deemed that the person does not fulfil the proficiency and practical skill condition to perform the work of a court expert, certified appraiser or court interpreter.

Chapter VII

DISCIPLINARY LIABILITY AND PROCEEDINGS

Article 28

(Disciplinary liability)

(1) A court expert, certified appraiser or court interpreter shall be liable to disciplinary action if, in relation to their work of providing court expert opinions, certified appraisals or court interpretation, they violate the provisions of this Act or other

regulations or if they tarnish the reputation of court expert opinions, certified appraisal or court interpretation with their actions.

(2) The provisions of this Act which govern the disciplinary liability of court experts, certified appraisers or court interpreters shall not apply if another act governs the supervision of their work.

Article 29 (Disciplinary measures)

(1) The following disciplinary measures may be imposed in disciplinary proceedings on a court expert, certified appraiser or court interpreter:

1. Disciplinary measures for minor violations shall be:
 - written reprimand;
 - public reprimand which shall be entered in the public section of the directory for one year of the decision being final.
2. Disciplinary measures for grave violations shall be:
 - a fine which is not lower than EUR 300 and not higher than EUR 1,000;
 - temporary withdrawal of the right to work as a court expert, certified appraiser or court interpreter for a period which is not shorter than two years and not longer than four years;
 - permanent withdrawal of the right to provide court expert opinions, certified appraisal or court interpretation.

(2) It shall be possible at all times to refer a court expert, certified appraiser or court interpreter to take a proficiency test in an individual area of expertise or language area as the primary or ancillary measure. The provisions of this Act which govern the special proficiency test shall apply to the referral to take a special proficiency test.

(3) Regardless of the disciplinary measures referred to in paragraph one of this Article, a written warning may be issued for minor disciplinary violations if the violation has been committed in such mitigating circumstances which make the violation particularly minor.

Article 30 (Disciplinary violations)

Types of disciplinary violations shall be as follows:

1. Minor disciplinary violations:
 - a) actions which constitute a breach of reputation or credibility of court expert opinions, certified appraisal or court interpretation;
 - b) inappropriate or offensive behaviour when providing court expert opinions, certified appraisal or court interpretation;
 - c) actions which constitute a breach of reputation or credibility of court expert opinions, certified appraisals or court interpretation;
 - d) unjustified failure to take a special proficiency test if it has been ordered by the Minister;
 - e) failure to comply with the rules of science and profession, which does not lead to serious harmful consequences for parties or other participants (minor negligence);
 - f) reference to their status in matters in which they have no legal powers;
 - g) unjustified refusal to provide court expert opinions, certified appraisal or court interpretation
 - h) irregular performance of duties of a court expert, certified appraiser or court interpreter.
2. Grave disciplinary violations:
 - a) failure to comply with the rules of science and profession if it leads, or could lead, to severe harmful consequences for parties or other participants (gross negligence);

- b) recurrent irregular performance of duties of a court expert, certified appraiser or court interpreter;
- c) recurrent disciplinary violations for which a disciplinary measure has already been imposed on a court expert, certified appraiser or court interpreter, and it may be justifiably concluded on the basis of their behaviour that they will not provide court expert opinions, certified appraisal or court interpretation diligently and honestly;
- d) delayed warning to the court that a court expert, certified appraiser or court interpreter is not fully or only partially qualified to perform a task, or that other circumstances have arisen due to which it could be justifiably expected that their task would not provide full or partial assistance to the court;
- e) unauthorised use or disclosure of confidential information learned in relation to the provision of court expert opinions, certified appraisals or court interpretation.

Article 31

(Imposing disciplinary measures)

(1) The disciplinary measures that are imposed must be proportional to the seriousness of the respective disciplinary violation.

(2) When imposing disciplinary measures, all circumstances which affect the type of measure and the amount of fine, and particularly the seriousness of the violation and its consequences, damage incurred, level of liability, previous work and behaviour of the person against whom disciplinary proceedings are instigated, and potential previous imposed disciplinary measures shall be taken into account.

(3) When imposing a fine and determining a payment time limit, which must not be shorter than one month and longer than six months, the financial situation of the person on whom the disciplinary measure has been imposed shall also be taken into account.

Article 32

(Temporary and permanent withdrawal)

(1) If the right to work of a court expert, certified appraiser or court interpreter is temporarily suspended, they shall be removed from the public section of the directory for the respective period, which shall commence when the measure imposed is final; in this period, they must deposit their stamp and identity card with the Ministry.

(2) If the right to work as a court expert, certified appraiser or court interpreter is permanently withdrawn, the person concerned shall be dismissed by the Minister.

Article 33

(Disciplinary record)

(1) To carry out competences pursuant to this Act, the Ministry shall keep a disciplinary record wherein the following data from final decisions on imposed disciplinary measures shall be processed:

- name and surname, and the personal identification number of the court expert, certified appraiser or court interpreter; if they do not have a personal identification number, date of birth;
- number and date of decision;
- disciplinary measure imposed.

(2) The disciplinary record may be kept as part of the keeping of the directory of court interpreters, certified appraisers and court interpreters.

(3) The disciplinary record shall be kept permanently.

(4) The Ministry may inspect the disciplinary record, and copy or photocopy data to perform the tasks of judicial management

Article 34

(Decision on initiation)

(1) Disciplinary proceedings shall be initiated by the Minister with a decision on a substantiated proposal of the president of the court, the president of the Council of Experts, the State Prosecutor General, the State Attorney General, the Ombudsman, the president of the Bar Association of Slovenia or *ex officio*. No appeal may be filed against such decision.

(2) Disciplinary proceedings during which a court expert, certified appraiser or court interpreter who is alleged to have committed minor or gross negligence may not be initiated before the case in which the person worked as a court expert, certified appraiser or court interpreter is final.

Article 35

(Right to be heard)

(1) A court expert, certified appraiser or court interpreter against whom disciplinary proceedings have been initiated must have the opportunity during the disciplinary proceedings to state their opinion of the violations that are the subject of the proceedings.

(2) The Minister shall have the final decision in disciplinary proceedings.

(3) An administrative dispute shall be permitted against the decision of the Minister.

(4) Detailed provisions on the implementation of disciplinary proceedings shall be prescribed by the Minister.

Article 36

(Application of procedural provisions)

(1) All documents in relation to disciplinary proceedings shall be served on the person against whom disciplinary proceedings have been initiated by post, or by e-mail if the person in the proceedings has a secure e-mail account.

(2) Unless otherwise provided by this Act, the provisions of the act governing general administrative procedure shall apply *mutatis mutandis* to disciplinary proceedings.

Article 37
(Expert assessment)

(1) If suitable expertise or an expert assessment is required to establish or assess a fact relevant to disciplinary or dismissal proceedings, the Council of Experts shall provide its opinion.

(2) The request to provide an opinion must indicate the circumstances, facts and issues regarding which the Council of Experts must take a position, and a time limit for the submission of the opinion.

(3) To form an opinion, the Council of Experts may establish a temporary professional body in accordance with the provisions of this Act, or cooperate with a permanent professional body.

(4) In making a decision, the Minister shall be bound by the opinion of the Council of Experts.

Article 38
(Temporary prohibition)

(1) If disciplinary proceedings are initiated for violations for which a measure of temporary or permanent withdrawal of the right to provide court expert opinions, certified appraisal or court interpretation may be imposed, the Minister may temporarily prohibit a court expert, certified appraiser or court interpreter from providing court expert opinions, certified appraisal or court interpretation (suspension).

(2) A temporary prohibition may continue until disciplinary proceedings are concluded, but for a maximum of one year, and the suspended court expert, certified appraiser or court interpreter must deposit their stamp and identity card with the Ministry for the period of temporary prohibition.

Article 39
(Statute of limitations)

(1) The statute of limitations on prosecuting disciplinary violations shall be two years from the day the violation occurred.

(2) If the alleged disciplinary violation has the characteristics of a criminal offence prosecuted *ex officio* or on someone's proposal, the statute of limitations shall be the same as that prescribed by law for the statute of limitations on prosecuting a criminal offence.

(3) If it is a case of a minor or gross negligence regarding which disciplinary proceedings may not be initiated before the case in which the person worked as a court expert, certified appraiser or court interpreter is final, the statute of limitations shall commence as soon as the case is final.

(4) The statute of limitations on prosecuting a disciplinary violation shall be interrupted by any action in disciplinary proceedings.

(5) The execution of a disciplinary measure shall lapse within two years from the finality of the decision with which it has been imposed.

(6) The absolute statute of limitations on prosecuting a disciplinary violation shall be twice the time determined as the statute of limitations on prosecuting the violation, while the absolute statute of limitations on executing a disciplinary measure shall be twice the time determined as the statute of limitations on executing such a measure.

Article 40
(Costs)

The provisions of the act governing general administrative procedure shall apply to the definitions of the range, amount and reimbursement of costs incurred during disciplinary proceedings.

Chapter VIII
TERMINATION, DISMISSAL, REMOVAL AND SUSPENSION

Article 41

(Termination of appointment)

(1) The Minister shall declare the termination of appointment of a court expert, certified appraiser or court interpreter if they provide a written statement that they no longer wish to provide court expert opinions, certified appraisal or court interpretation.

(2) The reason shall be deemed to occur when the statement is received by the Ministry.

(3) As of the day of service of a decision on the termination of appointment, a court expert, certified appraiser or court interpreter must no longer refer to the status they had as a court expert, certified appraiser or court interpreter, but may conclude already accepted work and tasks without reference to their status.

Article 42
(Dismissal)

(1) The Minister shall dismiss a court expert, certified appraiser or court interpreter:

1. if they have been convicted of a criminal offence in relation to their work as a court expert, certified appraiser or court interpreter;
2. if they have been convicted of a premeditated criminal offence that is subject to a sentence of at least six months' imprisonment;
3. if the right to work as a court expert, certified appraiser or court interpreter has been permanently withdrawn in concluded disciplinary proceedings;
4. if they no longer fulfil the conditions for appointment.

(2) As of the day of the service of a decision on dismissal, a court expert, certified appraiser or court interpreter must no longer refer to the status they had as a court expert, certified appraiser or court interpreter, but may conclude already accepted work and tasks without reference to their status.

(3) A dismissed court expert, certified appraiser or court interpreter must submit their identity card and stamp to the Ministry.

(4) In the regulation referred to in paragraph five of Article 16 of this Act, the Minister shall prescribe methods for dismissing court experts, certified appraisers and court interpreters.

Article 43
(Removal from the public section of the directory)

(1) If an indictment has been filed against a court expert, certified appraiser or court interpreter for a criminal offence prosecuted *ex officio* and which may be punished with more than two years' imprisonment, the Ministry shall remove them from the public section of the directory no later than three days after being notified of the legal fact.

(2) Re-entry in the public section of the directory shall be carried out after the cessation of the reasons for removal.

(3) The State Prosecutor's Office must notify the Ministry of the legal facts referred to in the preceding paragraph promptly, or no later than three days after their occurrence. The notification shall be deemed as the task of the state prosecution administration.

Article 44
(Temporary prohibition)

(1) If criminal proceedings have been initiated against a court expert, certified appraiser or court interpreter for a criminal offence prosecuted *ex officio* and which may be punished with more than two years' imprisonment, the Ministry shall temporarily prohibit the court expert, certified appraiser or court interpreter from working as a court expert, certified appraiser or court interpreter.

(2) Temporary prohibition shall continue pending the finality of a decision which concludes criminal proceedings, and the suspended court expert, certified appraiser or court interpreter must deposit their stamp and identity card with the Ministry for the period of temporary prohibition.

(3) An administrative dispute against the decision on temporary prohibition may be initiated within eight days from when the decision is served. The court shall treat the decision on action as a priority.

(4) The competent court must notify the Ministry of the legal facts referred to in paragraph one or two promptly, or no later than three days after their occurrence. The notification shall be deemed as the task of the court administration.

Chapter IX
PAYMENT FOR WORK

Article 45

(Right to payment for work)

(1) Court experts, certified appraisers and court interpreters shall have the right to be paid for their work as a court expert, certified appraiser or court interpreter, and the right to reimbursement of the costs incurred in relation to their work as a court expert, certified appraiser or court interpreter.

(2) If a court expert, certified appraiser or court interpreter does not prepare an opinion, appraisal or translation within the time limit determined by the court of another state authority, the amount to be paid to them shall be reduced for each day of delay by a maximum of 50 per cent, unless the court expert, certified appraiser or court interpreter proves that the delay was justified.

(3) Remuneration for the work of a court expert, certified appraiser or court interpreter as payment for work is termed in other regulations shall be payment for work done as a court expert, certified appraiser or court interpreter.

(4) The Minister shall prescribe the amount of payment for work done and the reimbursement of the costs referred to in paragraph one of this Article.

Chapter X

TRANSMISSION OF DATA

Article 46

(Obligation to transmit data)

(1) Administrators of official records, registers, public register, personal databases and other protected data must provide court experts, certified appraisers and court interpreters with the data they need to prepare expert opinions or appraisals or to provide interpretation or translation free of charge and promptly no later than eight days after receiving a request on the basis of an attached order or decision of a court or an administrative authority to prepare an expert opinion or appraisal or an order to provide interpretation or translation.

(2) The required data must also be provided by persons in the private sector free of charge and as soon as possible, provided that this obligation is explicitly stated in the order or decision of the court or administrative authority.

Chapter XI

TRANSITIONAL AND FINAL PROVISIONS

Article 47

(Appointment of members of the Council of Experts)

(1) Eligible proposers shall propose members and deputies of members of the Council of Experts referred to in Article 6 of this Act within one month after the entry into force of this Act.

(2) The Government of the Republic of Slovenian shall appoint members and deputies of members of the Council of Experts within three months after the entry into force of this Act.

Article 48

(Inaugural session)

(1) The inaugural session of the Council of Experts shall be convened by the longest-serving member within 15 days after the latter's appointment.

(2) The Council of Experts shall adopt the Rules of Procedure on its work and establish permanent professional bodies by the application of this Act.

Article 49

(Annual report)

The Council of Experts shall prepare an annual report on its work for the first year following the year in which it was established.

Article 50

(Descriptions of areas and guidelines)

Descriptions, and general and individual guidelines on areas and sub-areas of expertise of court experts and appraisers, and for language areas shall be adopted and published on the website of the Ministry within two years after the application of this Act.

Article 51

(Obligation to communicate data)

Court experts, certified appraisers and court interpreters must send a written statement about their work as referred to in paragraph three of Article 23 of this Act by the end of January 2020 for the 2019 calendar year.

Article 52

(Conclusion of ongoing procedures)

(1) The appointment or dismissal procedures of court experts, certified appraisers and court interpreters which commenced prior to the application of this Act shall be concluded according to regulations that have applied thus far.

(2) In the cases referred to in paragraph four of Article 16 of this Act, a one-year or two-year period shall commence on the date of the application of this Act.

Article 53

(Application of provisions on disciplinary liability)

The provisions on disciplinary liability and proceedings may be applied only to violations which occurred after the application of this Act commenced.

Article 54

(Issue of implementing regulations)

The implementing regulations stipulated by this Act shall be issued within three months after the entry into force of this Act.

Article 55

(End of validity and application of regulations)

(1) On the day of the entry into force of this Act, the following shall cease to have effect:

- Rules on court experts and certified appraisers (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 88/10, 1/12, 35/13 and 50/15);
- Rules on court interpreters (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 88/10, 1/12, 35/13 and 50/15); and
- Rules on the provision of funds for the professional training of court experts and certified appraisers (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 87/05).

(2) The implementing regulations referred to in the preceding paragraph shall apply pending the application of the implementing regulations referred to in this Act.

Article 56

(End of validity and application of acts)

(1) On the date this Act enters into force, Chapter 12, and Article 84, Article 85, Article 86, Article 87, Article 88, Article 89, Article 90, Article 91, Article 92, Article 93, Article 94, Article 95, Article 95a and Article 96 of the Courts Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 94/07 – official consolidated text, 45/08, 96/09, 86/10 – ZJNepS, 33/11, 75/12 – ZSPDSLS- A, 63/13 and 17/15) shall cease to apply.

(2) The provisions of the preceding paragraph of this Act shall apply pending the application of this Act.

Article 57

(Assessment of the situation)

Within two years after the application of this Act, the Government together with the Council of Experts shall report to the National Assembly of the Republic of Slovenia on the attainment of the objectives of reforming court expert activity, certified appraisal or court interpretation, the suitability of the inclusion of professionals, the regulation of professional matters in this area, and on the need to establish a chamber.

Article 58

(Terms in other acts)

If another act or regulation refers to the appointment of a court expert, certified appraiser or court interpreter to determine the activity of a court expert, certified appraiser or court interpreter, it shall be deemed that it refers to a court expert, certified appraiser or court interpreter appointed pursuant to this Act.

Article 59

(Entry into force and application)

This Act shall enter into force one month following its publication in the Official Gazette of the Republic of Slovenia, and shall begin to apply on 1 January 2019, with the exception of the provisions of articles 5, 6, 7, 8, 9, 10, 11, 12 and 13, which shall begin to apply on the day this Act enters into force.

Number: 740-03/18-1/

Date: 22 March 2018

EPA 2530-VII

National Assembly
Dr Milan Brglez
President