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INTERNAL ADMINISTRATIVE AFFAIRS**ASSOCIATIONS ACT**

(Official Gazette No.: 60/95, 49/98 - judgement of the Court of justice, 89/99)

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I. GENERAL PROVISIONS**Article 1**

An association shall be a voluntary, autonomous, non-profit association of natural persons who have joined together in order to exercise the jointly determined interests defined in the association's charter and in accordance with this Act.

An association may not perform exclusively lucrative activities, nor may it be founded for such a purpose.

Article 2

An association shall be a legal entity in private law.

Article 3

An association shall independently determine its purpose, objectives and activities, and the manner of performing such activities, in its charter, in accordance with the legislation of the Republic of Slovenia.

Pursuant to specific legislation, an association may be granted the status of an association operating in the public interest if its operation goes beyond the interests of its members.

Article 4

The name of an association shall indicate both its activities and the fact that it is an association under this Act.

The name of an association should differ from the names of other associations, and should not be misleading or offensive.

The name of an association may not include the phrase "Republika Slovenija" (Republic of Slovenia).

The use, in whole or in part, of the name of a state body, business corporation, or a historic or other notable personality by an association as a component part of its name shall be subject to the prior consent of the persons or entities concerned. If such a person has died, the use of his/her name shall be subject to the consent of the legal heirs of the person concerned.

An association may not use any name other than its registered name in legal relations.

An association, believing that another association's name does not differ from its own already registered name and that this fact causes, or may cause, ambiguity in legal relations, shall be entitled to dispute, by means of a complaint, the written order which allowed the entry of the other association in the register of associations. The deadline for lodging the complaint shall be six months from the registration of the other association.

Article 5

Anybody may become a member of an association and may act in the association under equal conditions.

If a minor becomes a member of an association before his/her seventh birthday, his/her legal representative shall sign his/her entrance statement. For a minor aged between seven and fifteen years, his/her legal representative must submit written consent prior to the minor becoming a member of an association.

The special rights and duties of members from the preceding paragraph shall be regulated by the association's charter.

Article 6

Pursuant to the provisions of this Act, associations may also be founded by foreigners who are permanent residents of the Republic of Slovenia, or temporary residents for a period exceeding one year.

A foreigner may become a member of an association if this is determined in the charter.

Article 7

An association's activities shall be open to the public.

Data entered in the register of associations and the records referred to in Articles 13 and 14 of this Act shall be open to the public.

The register of associations shall process the following personal data:

- the personal name of the association's representative (register book),
- the personal names, dates of birth, nationalities and addresses of permanent residence of the founders of an association (collection of documents).

The records referred to in Articles 13 and 14 of this Act shall process personal data on the name of the representative of an international association or federation of international associations in the Republic of Slovenia.

II. FOUNDING OF ASSOCIATIONS

Article 8

Associations may be founded by persons who have reached the age of 18.

The founders shall draw up a resolution on the establishment of the association and shall adopt the charter of the association at their founding assembly.

Article 9

The charter shall determine the following:

- the name and head office of the association;
- the procedure of gaining and terminating membership;
- the method of managing the association; the rights and duties of the members;
- the representation of the association; the funding of the association and the procedure of supervising the disposal of financial means;
- the dissolution of the association and the disposal of its property in such a case;
- the manner of ensuring its activities are open to the public; and
- the method of adopting amendments to the charter.

Article 10

An association may merge with other associations or join another association.

An association resulting from a merger, or an association which has been joined by another association, shall be the legal successor of the merged or joined associations.

Article 11

Two or more associations may found a federation of associations in order to exercise their common interest.

A federation of associations shall be founded by an agreement concluded by the associations on the basis of decisions taken by the supreme bodies of the associations concerned. Such an agreement shall regulate all basic operational issues of the federation.

The provisions of this Act shall be duly applicable to federations of associations.

Article 12

This Act shall also apply to international associations or to federations of international associations if they are established, or have their head office, on the territory of the Republic of Slovenia.

Article 13

An international association or federation of international associations whose status as a legal entity is recognised in Slovenia on the basis of an international agreement shall, prior to exercising such a status, submit to the ministry responsible for the interior the founding act, the charter, evidence of registration according to the law of the signatory state, and other evidence which proves the fulfilment of the conditions of the relevant international agreement.

Based on the submission of the documents referred to in the first paragraph of this Article, the ministry responsible for the interior shall keep the record of international associations and federations of international associations.

Article 14

International associations or federations of international associations established pursuant to foreign law, except those from Article 14 of this Act, may operate in the Republic of Slovenia provided that they obtain permission from the Government of the Republic of Slovenia.

The record of such associations shall be kept by the ministry responsible for the interior.

The following documents shall be enclosed with an application:

- the charter;
- evidence of the registration or documented status of the legal entity issued by the state authority;
- evidence of being active at least in two countries;
- the personal name of the representative;
- and the address of the international association or federation of international associations.

Article 15

An association may regulate the rights and duties of supporters and honorary members in its charter.

III. REGISTRATION

Article 16

The local administrative unit in whose area an association has its head office (hereinafter: competent

authority) shall be responsible for the registration of associations.

The ministry responsible for the interior shall decide upon complaints against the competent authority.

Article 17

The following documents shall be enclosed with an application for the registration of an association: the minutes of the founding assembly; two copies of the charter; personal data on the founders (name, date of birth, nationality, address of permanent residence) with their certified signatures; and the name of the representative of the association.

Article 18

The competent authority shall be obliged to decide on the application referred to in Article 17 of this Act not later than 30 days from its receipt.

Should the competent authority establish that the application is incomplete or that the charter or name of the association does not conform to the provisions of this Act, the applicant shall be reminded of this and the deadline by which the application must be completed or the charter adjusted shall be defined. This deadline may not be less than 15 days and not longer than three months.

Should the association fail to complete the application or adjust the charter or its name by the deadline referred to in the preceding paragraph, the application for registration shall be deemed to have been withdrawn.

If the competent authority's decision on registration depends on the prior resolution of an issue which is disputable between the parties in the registration procedure, the competent authority shall suspend the registration procedure and direct the party which objects to the registration to initiate civil or other appropriate procedures for taking a decision on the issue in reasonable time.

Article 19

An association shall become a legal entity in private law upon registration.

Article 20

If it amends its charter or changes its designated representative, an association must lodge an application for a revision of registration no later than 30 days from the date of alteration.

An association should enclose the minutes of the session at which the amendments were adopted with the application from the preceding paragraph. If the charter was amended, two copies of the new charter should be enclosed.

In the event of amendments to the charter, the provisions of Articles 17 and 18 of this Act shall be applied *mutatis mutandis*.

Article 20a

An application for the registration of an association resulting from a merger, or the registration of an association which was joined by another association, should be lodged by the association or its legal successor within 30 days of the adopted change in status.

The following documents shall be enclosed with an application for the registration of an association resulting from a merger of two or more associations:

- the resolutions of all associations involved, including the decision on the merger;

- the minutes of the founding assembly of an association resulting from a merger, indicating that the association adopted a new charter and elected the association's representative; and
- two copies of the charter of the new association.

The resolutions of all associations involved, including the decision on joining, should be enclosed with the application for the registration of an association which has been joined by another association.

For the registration of an association resulting from a merger or the registration of an association which was joined by another association, the provisions of Article 18 of this Act shall be applied *mutatis mutandis*.

An association which was dissolved because of a merger or because it joined another association shall be removed from the register on the basis of an order on the registration of the new association, or an order on the registration of the joining.

IV. FUNDING

Article 21

An association may acquire funding for its operation from:

- subscription fees from members;
- the material rights and activities of the association;
- gifts and legacies;
- donations;
- public sources; and
- other sources.

Any surplus of income over expenditure may be spent only for the activities for which the association was established.

Any distribution of the association's property between its members shall be deemed void.

Article 22

An association may directly perform lucrative activities under the conditions prescribed by law for the performance of such activities. Lucrative activities should be determined in the charter and connected with the purpose and objectives of the association, and may be performed to the extent necessary in order to fulfil them.

An association may entrust the direct performance of lucrative activities using the association's resources to other persons on the basis of a lease or related contract.

Article 23

Any surplus of income over expenditure generated by an association's direct performance of lucrative activities under the preceding Article may only be used to fulfil the purpose and objectives of the association in accordance with its charter.

Article 24

An association shall provide data relating to its financial and material transactions in the manner and form determined by the charter or special acts. Data shall be presented pursuant to the accounting standards applicable to associations and adopted by an authorised organisation.

Article 25

A report on financial management to be discussed and adopted by the association should reflect the real

situation regarding the assets and business transactions of the association. It should be prepared pursuant to the rules of the accounting standards applicable to associations and adopted by an authorised organisation, and in accordance with the provisions of the charter or the special act of the association.

An association must submit an annual business report to an organisation authorised to process and publish data no later than the last day of February of the current year.

The authorised organisation shall deal with the data in accordance with the accounting regulations.

Article 26

The Court of Auditors shall exercise supervision of the legality, purpose, and economic and efficient use of public funds received by the association for the performance of its activities.

V. DISSOLUTION OF ASSOCIATIONS

Article 27

An association may be dissolved by its members, by merging with other associations, by joining another association, or in accordance with this Act.

Article 28

An association may adopt a resolution on its dissolution.

The resolution should include the name of an association with related activities, founded pursuant to this Act, to which the property of the dissolved association shall be allocated after the settlement of all obligations. Funds deriving from the budget shall be returned to the budget. If such an association does not exist, the property shall be allocated to the local community.

The representative of the association should inform the competent authority of the resolution of the association referred to in the first paragraph of this Article within 30 days. A report on the disposal of the financial means of the association which demonstrates the extent of funds, the method of settlement of the association's obligations, the amount of public funds and their return to the budget, and the allocation of the association's property to another association or local community should be enclosed with the resolution.

Article 28a

The competent authority shall announce the resolution on the dissolution of an association on its noticeboard. The announcement must state that creditors may communicate to the competent authority their claims on the association within 30 days of the day of announcement; otherwise the administrative body shall issue an order on the removal of the association from the register of associations.

Should the creditors communicate their claims to the competent authority, the latter shall suspend the procedure and impose on the creditors, by means of a resolution, the obligation to propose to the authorised court of law that the procedure referred to in Article 31 of this Act commence within 30 days, and submit evidence thereof to the competent authority.

Article 29

According to this Act, an association shall be deemed to have been dissolved if its activities have actually ceased or if the purpose of its activities is the unlawful destruction of constitutional order, the commission of criminal offences, the encouragement of national, racial, religious or other forms of inequality, the incitement of national, racial, religious or other hatred and intolerance, or the incitement of violence or war.

The dissolution of an association under the preceding paragraph shall be established by the competent authority by written order.

The provisions referred to in the first paragraph of Article 28a shall apply mutatis mutandis to the final order from the preceding paragraph.

Should the creditors communicate their claims to the competent authority and the authority does not possess information on the association having any property, they should submit to the competent authority, within 30 days, evidence that the commencement of the procedure referred to in Article 31 of this Act has been proposed; otherwise the competent authority shall issue an order on the removal of the association from the register of associations.

Article 30

In the cases referred to in Articles 28 and 29 of this Act, the competent authority shall, on the basis of a final written order, remove the association from the register.

Article 31

Should an association fail to act in accordance with the second paragraph of Article 28, under the second paragraph of Article 28a, and in cases of the dissolution of the association under Article 29 of this Act, the competent court of law shall decide upon the allocation of the association's property pursuant to the regulations on liquidation.

Should the competent authority possess information on the property of the association but the creditors fail to propose the commencement of proceedings, the competent authority shall propose the commencement of proceedings to the court of law.

VI. PENAL PROVISIONS

Article 32

A fine of SIT 100,000 shall be imposed for a misdemeanour on an association that:

1. exceeds the area of activities defined by its charter (Article 3);
2. uses, in legal relations, a name other than its registered name (fifth paragraph of Article 4);
3. amends its charter or changes its representative and fails to lodge an application for the revision of registration by the prescribed deadline (first paragraph of Article 20);
4. performs activities which do not conform to the purpose and objectives of the association (first paragraph of Article 22);
5. fails to spend the surplus of income over expenditure for the performance of the association's basic activities (third paragraph of Article 21, and Article 23);
6. presents false data relating to financial and material transactions, or fails to submit a business report by the deadline to the organisation authorised to process and publish data (Article 25).
7. fails to lodge an application with the registration body for the registration of an association resulting from a merger, or the registration of an association which has been joined by another association (Article 20a) within 30 days of the adopted changes in status.

A fine of SIT 20,000 shall be imposed for a misdemeanour from the preceding paragraph of this Article on the representative of the association.

VII. TRANSITIONAL AND FINAL PROVISIONS

Article 33

An association established pursuant to the Associations Act (Ur. l. SRS, 37/74, 42/86) shall continue to function in accordance with the provisions of this Act, but it should adjust its charter and operation, if they do not conform, to the provisions of this Act no later than two years from the day this Act enters into force. The association shall submit a possible new charter and the personal name of its representative to the competent authority.

Article 34

The entire files of an association registered by the Ministry of the Interior of the Republic of Slovenia in accordance with the regulations in force shall be assigned to the competent authority.

Article 35

Within three months of the entry into force of this Act, the minister responsible for the interior shall issue detailed regulations concerning the contents, form and method of maintenance of the register of associations.

Article 36

The Agency for the Auditing of the Ownership Transformation of Companies shall verify the legality and correctness of the implementation of regulations relating to the financial and material transactions of associations possessing socially-owned property until the ownership transformation thereof has been completed.

Article 37

Socially-owned property possessed by an association on the day this Act enters into force shall be transformed in accordance with special laws.

Until the entry into force of the special laws from the preceding paragraph, an association shall, with due diligence, manage and administer the social property in its possession. The ownership relations and other legal entitlements of the association to such property may not be altered until the adoption of these special laws.

Article 38

The status of an association operating in the public interest shall be granted by the minister who heads the administrative authority responsible for the area of work of a particular association, according to the conditions, criteria and manner of granting the status defined by special laws.

Should an association operate in areas of work which lie within the competence of several ministries, the decision on the granting of status from the preceding paragraph shall be taken by the minister competent for the prevailing part of the association's activities, subject to the prior consent of the other competent ministries.

Should an association operate in an area of work for which no ministry is competent, the decision on the granting of status from the first paragraph of this Article shall be taken by the minister responsible for public administration.

The competent ministry shall inform the competent authority of the granting, extension or withdrawal of the status of an association operating in the public interest within eight days.

Until the entry into force of the special regulations referred to in Article 3 of this Act, the criteria for granting the status of an association operating in the public interest shall be defined by the competent ministry within three months of the entry into force of this Act.

Article 39

On the day this Act enters into force, the Associations Act (Official Gazette SRS, No. 37/74, 42/86) shall cease to be valid.

Until the adoption of the regulations from Article 35 of this Act, the provisions of the Regulations on the Register of Associations (Official Gazette SRS, No. 5/75) shall be applied.

Article 40

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

Act Amending the Associations Act (Official Gazette RS No. 89/99, 4 November 1999)

Article 20

On the day this Act enters into force, the provision of the fifth paragraph of Article 58 of the Protection, Breeding and Hunting of Wildlife and the Management of Hunting Grounds Act (Official Gazette SRS, No. 25/76, 29/86) and the provision of the fifth paragraph of Article 37 of the Freshwater Fishing Act (Official Gazette SRS, No. 25/76, 42/86) shall cease to be valid.

Article 21

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

NOTE:

The Act entered into force on 19 November 1999.

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