

With a view to implementing Annex XIII of the Chapter: Free Movement of Persons in the Act on the Ratification of the Treaty between the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, Ireland, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland, the Kingdom of Sweden, the United Kingdom of Great Britain and Northern Ireland (Member States of the European Union) and the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic concerning the accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic to the European Union on the basis of the Final Act of the Treaty of Accession (Official Gazette of the RS, No 12/04-MP, No 3), and the first paragraph of Article 3 of the Employment and Work of Aliens Act (Official Gazette of the RS, No 4/06 – official consolidated text), and on the basis of Article 74 of the State Administration Act (Official Gazette of the RS, No 113/05 – official consolidated text), the Minister of Labour, Family and Social Affairs hereby issues the following

RULES

on the manner of determining the right of free access to the labour market with regard to the nationals of the EU and the EEA and their family members

I. GENERAL PROVISIONS

Article 1

(1) These Rules shall define the manner of determining the right of free access to the labour market of the Republic of Slovenia with regard to the nationals of the EU and the EEA and their family members.

(2) These Rules shall transpose into the legal order of the Republic of Slovenia Directive 2004/38/EC of the European Parliament and of the Council on the right of EU nationals and their family members to move and reside freely within the territory of the Member States, amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC.

Article 2

(1) The right of free access to the labour market by EU or EEA nationals shall mean that such persons can become employed in the Republic of Slovenia without a work permit.

(2) The right of free access to the labour market by family members of EU or EEA nationals, who are not themselves EU Member State or EEA citizens, shall mean that such persons can become employed or self-employed in the Republic of Slovenia without a work permit.

Article 3

(1) Family members of EU or EEA nationals shall, regardless of their citizenship, be the following:

- spouses;
- unmarried children of up to 21 years of age;
- unmarried children of the spouse of up to 21 years of age;
- unmarried children aged 21 and above and the parents whom EU or EEA nationals are liable to support according to the legislation of the country in which they are citizens;
- unmarried children aged 21 and above and the parents of the spouse whom the spouse of a EU or EEA national is liable to support according to the legislation of the country in which he or she is a citizen;

- the parents of EU or EEA nationals until the latter reach 21 years of age.

(2) According to these Rules, family members of EU or EEA nationals shall also be any other relatives who, for family reunion reasons, have received a residence permit from a competent body in the Republic of Slovenia.

II. DETERMINING THE RIGHT OF FREE ACCESS TO THE LABOUR MARKET

Article 4

(1) EU and EEA nationals shall exercise their right of free access to the labour market in Slovenia by presenting evidence to the employer that they are EU or EEA nationals.

(2) Family members of the nationals referred to in the previous paragraph, who are not themselves EU or EEA citizens, shall exercise their right of free access to Slovenia's labour market by presenting to the employer their residency permit issued for family reunion purposes.

V. TRANSITIONAL AND FINAL PROVISIONS

Article 5

On the day these Rules enter into force, the Rules on the method for determining the right of free access to the labour market with regard to nationals of the Kingdom of Belgium, the Kingdom of Denmark, the Federal Republic of Germany, the Hellenic Republic, the Kingdom of Spain, the French Republic, the Italian Republic, the Grand Duchy of Luxembourg, the Kingdom of the Netherlands, the Republic of Austria, the Portuguese Republic, the Republic of Finland and their family members (Official Gazette of the RS, No. 41/05) and the certificate on the right of free access to the labour market issued on its basis shall cease to apply.

Article 6

These Rules shall come into force the day after their publication in the Official Gazette of the Republic of Slovenia.

No.: 01701-12/2006

Done in Ljubljana on 8 June 2006

EVA 2006-2611-0058

Minister
of Labour, Family and Social Affairs
mag. Janez Drobnič