

# REPUBLIKA SLOVENIJA THE REPUBLIC OF SLOVENIA

## CAVE CONSERVATION ACT Unofficial English Translation

### I. GENERAL PROVISIONS

#### Article 1

(Contents of the Act)

This Act shall govern the protection and use of underground caves, protection arrangements, protective measures and other rules of conduct, including the restoration of polluted or damaged caves.

#### Article 2

(Underground cave)

(1) An underground cave under this Act (hereinafter referred to as 'cave') is an underground void formed in rock by various natural processes, included into external space limited by a vertical projection of the covered part of the cave or a shaft with the entrance depression starting where the slope inclination exceeds 30 degrees and its accessible part is longer or deeper than 10m, regardless of whether the cave entrance or exit (hereinafter referred to as 'entrance') is natural or man-made. Caves are cavities, fractures, potholes and subterranean passages, and can be dry or permanently or periodically, partially or entirely inundated with water.

(2) Irrespective of the provision of the preceding paragraph, a cave can also be a space less than 10m in length, defined as such in view of unique morphological, hydrological, faunistic or other features.

#### Article 3

(Principle of cave protection and conservation)

The discovery and exploration of caves, speleology, caving, cave inspections and visits, monitoring of the condition of damaged caves and their restoration, cave protection and cave use, as well as any kind of other activities in connection with caves shall be performed in such a manner as to minimize the impact it might have on the cave, cave formations and cave life forms.

#### Article 4

(Terms)

The terms used in this Act shall have the following meaning:

1. Speleology (speleological activities) includes discovery, exploration and documentation of caves, as well as visits to the caves for the purpose of recreation and sport, which requires special qualifications for independent cave activity.
2. Cave infrastructure are all engineering structures and immovable instruments within the cave, which serve or used to serve the purpose of cave conservation or cave use.
3. Cave formations are all natural formations in the cave, in particular flowstone formations in all possible shapes, minerals, crystals, formations in mud and clay, landforms on walls, the ceiling and the ground, as well as other sediments, palaeontological and archaeological

remnants or cultural strata. Cave formations are part of the cave.

4. Caving tourism are the activities of legal entities or natural persons, who charge visitors for guided tours of those caves that are purposely equipped for tourist visits.

5. A cave tour guide is a natural person who is qualified for guiding visitors through caves and is entered in the register of cave tour guides.

6. Cave life forms are all the species of wild fauna and flora which inhabit the cave on a permanent or periodical basis.

7. A caver is a natural person qualified for independent cave activities.

8. A caving or speleological society is a society whose constituent instrument defines caving as a principal activity of the society.

9. A visitor to the cave (hereinafter referred to as 'cave visitor') is a natural person who pays for a visit to the cave.

10. The discovery and exploration of caves includes discoveries of new caves or new parts of caves, gathering information and collecting samples, measurements of all kinds, photographing, filming, as well as audio and video recording for the purpose of documentation. It is carried out for the purpose of scientific research, as well as sports and recreation.

11. An open cave with free access is any cave that cannot be damaged by unsupervised entry, provided the general protection regime pursuant to this Act is respected.

12. An open cave with controlled access is any cave, where the natural cave environment is vulnerable to such an extent that an unsupervised entry of people into the cave could damage or threaten it.

13. Visit to the cave is any visit whereby natural trails and passages or the cave infrastructure are used.

14. Cave custodianship includes performing individual tasks with regard to the protection of rare or endangered caves or those caves that are exceptional according to expert evaluation criteria pursuant to the regulations in the field of nature conservation.

15. A custodian of the cave (hereinafter referred to as 'cave custodian') is a person who performs the cave custodianship function in accordance with the custodial contract that has been concluded, or a body governed by public law which performs the cave custodianship function as part of its tasks within the public service in the field of nature conservation.

16. A closed cave is any cave, where the natural cave environment is vulnerable to such an extent that entry into the cave by any person could damage or threaten it.

## **Article 5**

(Status and ownership)

(1) Caves are natural features of national importance and public natural assets and are owned by the state.

(2) Cave infrastructure is owned by the state.

(3) Caves and cave infrastructure are not subject of commerce or trade.

## **Article 6**

(Application of regulations in the field of nature conservation)

(1) For the purpose of cave conservation those provisions of regulations shall also be applied that govern the scheme of conservation of natural assets, providing they are not in breach of the provisions of this Act.

(2) A cave which has been defined as an ecologically important area or a special conservation area pursuant to the regulations governing the field of nature conservation, shall also be considered according to these regulations.

(3) Caves are habitat types and priority shall be given to maintaining their favourable conservation status in accordance with regulations governing the field of nature conservation.

### **Article 7**

(Application of regulations in the field of conservation of cultural heritage)

If caves hold archaeological remnants or cultural strata which are cultural heritage, their conservation shall be ensured pursuant to the regulations governing the field of cultural heritage conservation in compliance with this Act.

## **II. CAVE CONSERVATION**

### **1. The valuable natural feature status**

#### **Article 8**

(Obligation to communicate information)

(1) Anyone who may discover a part of nature which he suspects has characteristics of a cave or parts of a cave, shall be obliged to inform about it the expert body qualified for providing professional findings and verifying information about caves.

(2) The minister responsible for the conservation of nature (hereinafter referred to as 'minister'), shall determine in detail the extent and manner for the communication of the information referred to in the preceding paragraph.

#### **Article 9**

(Expert data processing)

(1) The tasks of the expert body referred to in the preceding Article shall under public authorization be performed by the Karst Research Institute within the Scientific Research Centre of the Slovenian Academy of Sciences and Arts (hereinafter referred to as 'Institute').

(2) The Institute shall collect the data and process them expertly for the purpose of finding out whether the part of nature truly has characteristics referred to in Article 2 of this Act, and shall examine the new data by comparison with the data known about the previously discovered caves.

(3) The data, processed in accordance with provisions of the preceding paragraph and prepared to the extent referred to in the second paragraph of Article 10 and the first paragraph of Article 11 of this Act, and in the manner prescribed by the minister, shall annually be notified to the organization responsible for nature conservation.

(4) The organization responsible for nature conservation shall have the right to view the data referred to in the second paragraph of this Article.

(5) The costs of data collection, data processing and data verification referred to in this Article shall be born by the state budget.

(6) The ministry responsible for the conservation of nature (hereinafter referred to as 'ministry') and the Institute shall regulate their mutual relations with regard to collecting, processing and verifying data about caves by means of a contract, which shall specify, in particular, the quality of the service, the envisaged scope of work within a year, its financial evaluation as well as the method of payment.

## **Article 10**

(The valuable natural feature status)

(1) The organization responsible for nature conservation shall prepare an expert proposal for the classification of caves according to the access regime, which shall include data from the second and third paragraphs of this Act, and shall submit the proposal to the ministry.

(2) The part of nature that owns characteristics of a cave according to this Act, shall be defined as a valuable natural feature by the regulation of the minister in compliance with regulations governing the field of nature conservation, in particular by determining the following attributes:

1. cave cadastre number,
2. cave name,
3. type of cave,
4. specification of the cave entrance by means of geographical coordinates, and
5. classification of the cave according to the access regime into open caves with free or controlled access and closed caves.

(3) Irrespective of the provision referred to in point 4 of the preceding paragraph, the data regarding the position of the cave entrance shall not include geographic coordinates, if publicizing the data about the position of the cave entrance might threaten the cave.

## **Article 11**

(Contents of the Register of valuable natural features)

(1) In the register of valuable natural features shall with regard to caves in particular be kept data on:

1. cave cadastre number;
2. the name and synonyms of the cave, if there are any;
3. the type or types of the cave according to an internationally comparable classification;
4. classification of the cave with regard to the access regime;
5. the position of the cave (the Gauss-Krueger coordinates, the Hill of the cave entrance, the method of determining coordinates and the Hill of the cave entrance, description of the cave access);
6. cadastral municipalities, where the cave entrance is located;
7. measurement data of the cave;
8. condition of the cave;
9. condition of the cave infrastructure;
10. cave life forms, cave features and unique features of the cave;
11. measures taken with regard to cave protection;
12. prohibitions on examining or visiting the cave or its parts;
13. concessions granted for the use of the cave;
14. cave custodians (first name and surname, date of birth (day, month and year), place of permanent or temporary residence, profession);
15. equipment needed to visit the cave;
16. natural person or legal entity that provided the data for recording the cave, the names of the cavers or caving clubs who first provided the data (first name and surname, date of birth (day, month and year), place of permanent or temporary residence of the natural person, as well as the name of the company and seat of the legal entity) and the discovery date;
17. the cave as a war grave site.

(2) Data referred to in the preceding paragraph shall be public, with the exception of the data referred to in points 5 and 10, which shall be publicly available in the manner and to the extent as set forth in the regulations governing the field of nature conservation.

## **2. Monitoring of the conditions of caves**

### **Article 12**

(The scope of monitoring of the conditions of caves)

(1) Monitoring of the conditions of caves shall include observation and supervision of discovered caves in the Republic of Slovenia, their cave life forms and cave features, environmental conditions in caves, pollution of caves and the number of cave visitors.

(2) The data referred to in the preceding paragraph shall once yearly be reported to the organization responsible for nature conservation. This shall be done in the prescribed manner by cave custodians, managers of protected areas, cave concessionaires (hereinafter referred to as 'concessionaires') and caving or speleological societies operating in the general interest.

(3) The organization responsible for nature conservation shall monitor the condition of closed caves.

(4) More detailed contents, as well as the method and form in which data referred to in paragraph 1 of this Article is to be communicated shall be prescribed by the minister.

### **Article 13**

(Report on the conditions of caves)

(1) The organization responsible for nature conservation shall prepare annual reports on the conditions of caves on the basis of the data referred to in the preceding Article as well as on the basis of the data recorded for the purpose of monitoring the condition of nature conservation in accordance with regulations governing the field of nature conservation.

(2) The report referred to in the preceding paragraph shall be an integral part of the report on the condition in the field of nature conservation.

(3) An integral part of the report from the first paragraph of this Article shall also be a proposal on the measures needed for the protection and restoration of caves, in particular an operational programme of cleaning the polluted caves, which shall be determined in compliance with regulations governing nature conservation.

## **3. Compulsory code of conduct**

### **3.1. Discovery and exploration of caves**

#### **Article 14**

(Discovery and exploration of caves)

(1) Discovery and exploration of caves or parts of caves shall be performed by natural persons qualified for it, which shall present their results to the the expert body referred to in the first paragraph of Article 8 of this Act, to the extent of the data referred to in the second paragraph of Article 10 and first paragraph of Article 11 of this Act.

(2) The qualifications of natural persons for performing the activity referred to in the preceding paragraph shall be established by certificates proving they are qualified for independent cave activity.

(3) Natural persons referred to in the first paragraph of this Article shall be permitted to freely enter any open cave in compliance with the provisions of this Act. The cave custodian, concessionaire or manager of protected area shall be informed of the intentions of entering the cave in due time. Cave activities of those persons shall not disturb the work of the concessionaire or manager of protected area.

## **Article 15**

(Training for independent cave activity)

- (1) Training for independent cave activity shall be carried out pursuant to public authorization by organizations which are specially qualified and competent for it.
- (2) The ministry shall organize an open competition in order to select the organizations referred to in the preceding paragraph.
- (3) The minister shall select those organizations referred to in the first paragraph of this Article that fulfill the conditions of the open competition and submit programmes for training for independent cave activity in which adequate presentations of the field of cave conservation are included.
- (4) Qualifications for independent cave activity shall pursuant to public authorization be verified by the Speleological Association of Slovenia. For the purpose of carrying out the public authorization, the Speleological Association of Slovenia must meet the stipulated requirements in compliance with the regulation referred to in the fifth paragraph of Article 16 of this Act.
- (5) In the event of the public authorization to the Speleological Association of Slovenia being revoked, an open competition shall be organized in order to find organizations qualified for verifying the qualifications for independent cave activity in the manner laid down by this Act. The selected organizations which meet the stipulated requirements set out in compliance with the regulation referred to in the fifth paragraph of Article 16 of this Act, shall be granted a public authorization for verifying the qualifications for independent cave activity.
- (6) The public authorization to the Speleological Association of Slovenia shall be revoked, if the association no longer meets the stipulated conditions or if it violates the regulations, which shall be determined by the minister with a decision issued in an administrative procedure.
- (7) Training and verifying qualifications for independent cave activity shall in the part concerning conservation of caves in compliance with this Act be performed under the scheme approved by the minister.
- (8) With regard to laying down the selection criteria, public opening, examination and evaluation of tenders, as well as other issues not regulated by this Act, provisions of the act governing public procurement shall apply during the procedure of selecting the organization referred to in the first paragraph of this Article.
- (9) The Ministry shall keep records of authorized organizations referred to in the first and fifth paragraphs of this Article.

## **Article 16**

(Certificate of qualifications for independent cave activity)

- (1) The authorized organization referred to in the fourth paragraph of the preceding Article shall issue certificates of qualifications for independent cave activity to those natural persons who have successfully completed training and the process of verifying the qualifications.
- (2) For the purpose of cave conservation and exercising supervision over the discovery and exploration of caves, a database of those natural persons, who have been awarded certificates of qualifications for independent cave activity, shall be established. The database shall be administered by the ministry, and it shall be allowed to include personal data of the aforementioned persons.
- (3) The database referred to in the preceding paragraph shall include the following data: date and sequence number of the entry in the database, date and certificate number, personal name, date and place of birth, nationality, profession and permanent or temporary place of residence. Personal data included in the database shall be stored permanently.

(4) To the database referred to in the second paragraph of this Article the ministry shall also add a foreigner who will prove membership in a club or society involved in cave activities and is a member of an international federation of such societies.

(5) The minister shall prescribe conditions, which the organization referred to in the first paragraph of the preceding Article must meet, in order to be able to provide training for independent cave activity. The minister shall also set out obligations of this organization with regard to providing the training service and obligations of the authorized organization referred to in the fourth paragraph of the preceding Article with regard to verifying the qualifications. He shall also set out the administering of the database referred to in the third paragraph of this Article and prescribe the contents and the layout of the certificate of qualifications for independent cave activity.

## **3.2. Conservation arrangements**

### **Article 17**

(Conservation arrangements with regard to entering the cave)

(1) As stipulated in the regulation by the minister referred to in the second paragraph of Article 10 of this Act, caves shall be classified as closed caves and open caves with controlled access or free access.

(2) Open caves with free access may be entered by anyone under the same conditions.

(3) Open caves with controlled access may be entered by anyone providing the entry is controlled, registered and carried out to the extent permissible, where the extent is determined.

(4) Closed caves may not be entered, except in the event of scientific research and archaeological work, which may be conducted pursuant to an official permit by the ministry.

(5) In the official permit referred to in the preceding paragraph the following shall also be set out: permissible actions and interventions in the cave, as well as conditions for making an intervention in nature.

(6) Actions referred to in the fourth paragraph of this Article must be performed under professional supervision of an organization responsible for the conservation of nature, which shall also draw up a report on the condition of the closed cave.

### **Article 18**

#### **(Conservation arrangements in the cave)**

(1) In compliance with the conservation arrangements which apply in the cave the following shall be prohibited:

1. staying in the cave contrary to the purpose permitted by this Act and the regulations governing the conservation of nature;
2. polluting the walls, ceiling or ground of the cave, air in the cave, or the waters flowing through the cave;
3. drilling holes in the walls, ceiling or ground of the cave;
4. mining;
5. making noise that exceeds 45 Leq (dBA);
6. causing vibrations;
7. storing or discarding objects, substances or waste;
8. making fire or smoking;
9. using naked flame lamps with the exception of acetylene lamps and other gas lamps;

10. using any kind of engine powered vehicles or vessel with the exception of battery-powered underwater scooters for the purpose of exploring siphons in the parts of caves that are under water;
  11. using any kind of aircraft or flying devices, with the exception of balloons for the purpose of conducting different kinds of research;
  12. erecting any kind of permanent or temporary objects, except for the purposes permitted with this Act to the prescribed extent;
  13. leaving anything in the cave;
  14. filming or video recording in the cave, with the exception of individual recording for own needs using lightning not exceeding the wattage of 50W;
  15. constructing cave infrastructure;
  16. destroying, damaging or removing cave features;
  17. taking any cave features from the cave, trading or exporting them;
  18. destroying, damaging, collecting or taking away any plants or their parts;
  19. hunting, killing, carrying around, poisoning, holding in captivity in the cave, or intentionally disturbing or taking out of the cave animals of all forms that live in it or inhabit it periodically;
  20. destroying, damaging, collecting or carrying around nests and litter of animals which inhabit the cave permanently or periodically;
  21. preventing animals from migrating and plants from growing naturally;
  22. digging out or turning over sediments, archaeological or palaeontological strata, as well as taking out, carrying around or damaging paleontological or archaeological objects.
- (2) Prohibitions referred to in the preceding paragraph shall not apply in the event of rescuing people from the cave. The rescue mission shall be carried out by means of a measure which damages the cave to the least possible extent, it is however just as effective.

## **Article 19**

### **(Exceptions)**

- (1) Irrespective of the prohibitions from the preceding Article:
1. the concessionaire or the manager of the protected area shall in an open cave be allowed to construct, maintain or use the cave infrastructure as well as film or video record in a manner and under conditions laid down in the concession instrument and other regulations pursuant to this Act and acts governing conservation of nature;
  2. in the course of discovery and exploration of open caves, it shall be permitted to dig out or turn over sediments, as well as drill holes in an open cave, however, to the least possible extent and by choosing the methods which shall cause the minimum damage possible for meeting the objective, with the exception of flowstone formations, and to leave in there the equipment which is part of the technical equipment of the cave or is used for exploring;
  3. a water reservoir shall be allowed in order to supply drinking water to the population, as shall be erection of facilities or equipment required to carry this out in an open cave, however, this shall be conducted in such a way that the impact on the cave, cave features and cave life forms will be as negligible as possible, and in a manner and under conditions set out in the act governing nature conservation and the act governing the use of water;
  4. the ministry may allow the erection of a gate at the entrance to the cave or part of the cave if so required for reasons of cave conservation;
  5. for reasons of scientific research or educational work, the ministry may allow a natural person or a legal entity to carry out paleontological excavations, take samples of rock, minerals and fossils, collect specimens of plant species and individual animal species in the cave in accordance with regulations from the field of nature conservation;

6. archaeological research may be conducted in the cave in compliance with the regulations governing the fields of protection of cultural heritage, and pursuant to a prior consent of the ministry, with which conditions concerning the activities in the cave shall be determined;
  7. the ministry may allow filming or video recording in an open cave, and shall determine conditions in compliance with which filming in an open cave shall be allowed, so that the cave, cave features and cave life forms shall not be harmed;
  8. the ministry may allow the cave rescue service to carry out cave rescue practice sessions in an open cave, and shall determine the conditions under which the rescue practice session may be carried out in such a way that the impact on the cave, cave features and cave life forms will be as negligible as possible;
  9. exhumation may be performed in the cave in compliance with the War Grave Sites Act.
- (2) The permits for interventions in nature referred to in points 4, 5, 7, and 8 of the preceding paragraph shall be issued by the ministry in accordance with the procedure laid down in the Act governing nature conservation.
- (3) The permit referred to in point 5 of the first paragraph of this Article shall be granted on the basis of an expert opinion provided by the organization responsible for nature conservation.
- (4) In the permits referred to in points 4, 5, 7, and 8 and the consent referred to in point 6 of the first paragraph of this Article a compulsory professional supervision of the intervention in nature may also be determined.
- (5) Professional supervision referred to in the preceding paragraph shall be exercised by an organization responsible for nature conservation, which shall also prepare a report on the conduct of the intervention in nature and the condition of the cave.
- (6) Cost of professional supervision shall be born by the performer of the intervention in nature.

## **Article 20**

### **(Prohibition of public meetings and public events)**

- (1) Organization of public meetings or public events in the cave shall be prohibited.
- (2) Irrespective of the prohibition from the preceding paragraph, it shall be allowed to organize cultural events or religious rites in the cave, if the ministry is in agreement with it and providing that the cave, cave features and cave life forms shall not be harmed by it. The agreement might also set out those conditions under which a cultural event or a religious rite shall be allowed to be organized that are related in particular to the extent to which the cave may be burdened.

## **3.3. Cave conservation with regard to building constructions**

### **Article 21**

(Destruction of and damage to caves due to construction work)

- (1) If it is neither possible to complete the construction of buildings, which are being built for the public benefit, in compliance with the law, without causing destruction or severe damage to known caves, nor are there any more suitable solutions for the nature conservation, a decision that some other public benefit shall prevail over the public benefit of nature conservation might be taken during the procedure of adopting spatial planning documents. In doing so mitigation or countervailing measures, which shall be in accordance with the extent of damage or destruction of the cave and the significance of the cave regarding nature conservation, must also be adopted in compliance with regulations concerning nature conservation.
- (2) In determining the form of the countervailing measure, priority shall be given to establishing

another area relevant to the protection of valuable natural features.

(3) The ministry shall permit the investor to damage or destroy the cave on the grounds of a spatial planning document, which has been adopted under conditions referred to in the first paragraph of this Article.

(4) In the permit referred to in the preceding paragraph decision shall also be taken regarding the method of removing cave features and cave life forms, and the investor shall be imposed an obligation to record the original state of the cave.

(5) The permit referred to in the third paragraph of this Article shall be a mandatory component of the application for issuing of the building permit.

## **Article 22**

(Measures to be taken upon discovery of the cave during construction work)

(1) If a cave is discovered during the construction process, the same procedure is to be followed that is laid down in the act governing nature conservation for the event of discovery of minerals and fossils.

(2) Irrespective of the provision of the preceding paragraph, the ministry shall make a decision regarding the exploration of the discovered cave within three days of notification of the discovery.

(3) Documentation and evaluation of the cave, as well as physical protection of the cave entrance, if there is any, referred to in the preceding Article and the preceding paragraph, shall be provided by the organization responsible for nature conservation at the expense of the investor.

### **3.4. Excessive burden imposed on the cave**

## **Article 23**

(Excessive burden imposed on the cave)

(1) Excessive burden is defined as any kind of pollution, which alters natural characteristics of the cave, as well as damage to the cave inflicted contrary to the provisions of this Act.

(2) The person responsible for imposing excessive burden on the cave shall be held criminally responsible and accountable for any damages in accordance with the law.

## **4. Cave conservation measures**

### **Article 24**

(Cave conservation measures)

(1) For the purpose of cave conservation the state shall apply cave conservation measures.

(2) Cave conservation measures shall include custodianship, protection, temporary protection and renovation.

#### **4.1. Custodianship**

### **Article 25**

(Principles of custodianship)

(1) Cave custodianship includes execution of the following cave conservation tasks:

1. supervision of the entry into the cave;
2. setting up and maintenance of cave infrastructure for the supervision of the entry into the cave ( a gate, a fence and a lock);
3. keeping a registry book of people who enter the cave;
4. informing visitors of the stipulated conservation arrangements;
5. supervision over the observance of the stipulated conservation arrangements;
6. taking care of the conservation of the cave, cave life forms and cave features;
7. communication of the prescribed data to the organization responsible for nature conservation;

(2) Tasks referred to in points 1, 3 and 5 of the preceding paragraph shall be performed under public authorization.

(3) For the purpose of cave conservation and supervision of the entry into the cave, the cave custodian shall obtain personal data of the people who enter the cave, and shall establish and manage a database of people who enter the cave in the form of a registry book.

(4) The database referred to in the preceding paragraph shall include the following data: date and sequence number of the entry in the database, personal name, date and place of birth, nationality, permanent or temporary place of residence, the purpose of staying in the cave, and the duration of the stay in the cave. Personal data included in the database shall be stored for ten years from the entry into the database.

## **Article 26**

(Determining caves for custodianship)

(1) The minister shall determine caves in which cave custodianship is to be performed. This shall be done on the basis of an expert proposal of the organization responsible for nature conservation, which is formulated by taking into consideration high conservation values and endangerment of individual caves.

(2) There shall only be one custodian for the cave.

(3) Cave custodianship referred to in the first paragraph of this Article shall in a protected area, which has been established by the state, as a general rule, be performed by the manager of the protected area.

(4) If the manager of the protected area, which has been established by the state, is not capable of performing cave custodianship duties, an open competition shall be organized in order to find a cave custodian referred to in the first paragraph of this Article in a manner referred to in Article 27 of this Act.

## **Article 27**

(Custodian selection)

(1) The ministry shall hold an open competition to find candidates for custodians of caves referred to in the first paragraph of the preceding article.

(2) The open competition held to select candidates for custodians of caves shall contain in particular the following:

1. information about caves referred to in the first paragraph of the preceding article;
2. conditions, which have to be met by the person whose aim is to be the cave custodian, and are related in particular to the qualifications for performing the custodianship duties, which in addition to the proven qualifications for independent cave activity also includes the required staff and equipment;
3. the expected amount of allowance for the custodianship.

(3) Any natural person or legal entity who owns land, where the cave entrance is located, shall

have the pre-emption right to be granted custodianship for this cave, providing it meets the conditions of the open competition.

(4) If more candidates who equally meet the conditions of the open competition apply for the custodianship, and if this is not the case referred to in the preceding paragraph, the pre-emption right shall in the selection procedure be given to the speleological society which acts for the public benefit and has explored the cave, documented it properly and had taken care of it until the open competition was announced.

(5) If it is not possible to select a custodian by means of an open competition, or if the selected person refuses to enter into a custodial contract, the ministry shall without holding another open competition conclude the custodial contract for this cave with the organization responsible for nature conservation, for a fixed period of one year. Before the one-year period has expired, the open competition for the selection of the cave custodian shall be held again.

(6) During the procedure of selecting the custodian, provisions of the act governing public procurement shall be used with regard to laying down the selection criteria, public opening, examination and evaluation of tenders, as well as other issues not regulated by this Act.

## **Article 28**

(Contents of the custodial contract)

(1) After the decision regarding the selection of a cave custodian has been made final, the ministry shall invite the selected person to conclude the custodial contract.

(2) The custodial contract must be concluded no later than within three months after the decision regarding the selection has been made final.

(3) If the person referred to in the first paragraph of this article does not wish to enter into custodial contract within the time-limit referred to in the preceding paragraph, the ministry shall by means of a decision reverse the decision about the selection referred to in the first paragraph of this article.

(4) The custodial contract shall in particular set out obligations of the custodian with regard to executing custodianship, the method of exercising supervision over entries into the cave, duration of the custodianship, material costs and amount of the allowance for material costs as regards the execution of custodianship, examples of and grounds for unilateral contract termination for breach of provisions of this Act, provisions issued on the basis of this Act and other provisions governing nature conservation, as well as the means of regulating mutual relations after the contract has expired.

(5) With the contract referred to in the preceding paragraph, the ministry can also hire out premises and equipment needed for executing the custodianship to the custodian.

(6) The custodial contract shall cease to be valid if concession for the use of the cave is granted. The validity of the contract shall cease on the date when the concession contract enters into force, which shall be determined in the custodial contract.

## **Article 29**

(Reporting commitment)

Custodians shall once a year report to the organization responsible for nature conservation on the condition of the cave, condition of the cave infrastructure used for supervising entry into the cave, the total number of people who have entered the cave, the number of cavers, the number of cave tour guides, the number of visitors to the cave, and other people if there have been any.

### **Article 30**

(Admission fee)

(1) Custodians shall collect admission fee from the people who enter the cave, unless otherwise stipulated by law.

(2) The admission fee shall constitute allowance for material costs as regards the execution of custodianship.

(3) The amount of admission fee referred to in the first paragraph of this article shall be approved by the ministry on the proposal of the custodian.

(4) The amount of the collected admission fees shall be evaluated annually, and deducted from the amount of allowance for material costs as regards the execution of custodianship, which is provided by the state.

## **4.2. Protection**

### **Article 31**

(Protection)

The cave shall be protected by the protection act in accordance with the act governing nature conservation.

### **Article 32**

(Temporary protection)

(1) If a part of nature is discovered, for which it is according to this Act reasonable to assume it has characteristics of a cave, and is defined as a natural asset or as an environmentally significant area in need of immediate supervision in view of conservation of its natural assets, the minister may, in a manner and by the procedure stipulated by the act governing nature conservation, adopt an act of temporary protection.

(2) With the act of temporary protection a cave custodian may also be designated, however, for a period not exceeding the duration of temporary protection.

(3) The function of the custodian referred to in the preceding paragraph can be assigned to the manager of the protected area which has been established by the state, to the speleological society that acts for the public benefit, or to the organization responsible for nature conservation.

(4) Mutual relations between the state and the custodian shall be regulated by means of a custodial contract.

## **4.3. Renovation**

### **Article 33**

(Renovation)

(1) A cave, which is polluted or damaged, shall be renovated in a manner and under conditions laid down by the act governing nature conservation.

(2) If it is not possible to ascertain, who the person responsible for the pollution or the damage is, then costs for the renovation of the cave, for which concession has been granted, shall be born by the concessionaire.

### **III. USE OF OPEN CAVES**

#### **1. Common use of open caves**

##### **Article 34**

(Common use)

- (1) An open cave shall be explored in a manner, which does not threaten the open cave, cave features and cave life forms.
- (2) Exploration of open caves shall be allowed to anyone under same conditions in compliance with this act and regulations from the field of nature conservation.
- (3) Irrespective of the provision referred to in the preceding paragraph, the minister shall prohibit or restrict exploration of an open cave or parts of it, if exploration might jeopardize conservation of the open cave.
- (4) Prohibition or restriction referred to in the preceding paragraph shall be implemented in the manner determined in articles 31 and 32 of this Act.

#### **2. Concession for the use of open caves**

##### **Article 35**

(Use of open caves)

- (1) Use of an open cave shall be allowed for the purpose of performing activities in the fields of cave tourism, culture, scientific research, education and healthcare, as well as supply of drinking water to the population.
- (2) Execution of these activities shall be done in compliance with the prescribed conservation arrangements pursuant to this Act and regulations governing nature conservation, and in such a manner as not to harm or destroy natural characteristics of open caves.

##### **Article 36**

(Grant of a concession)

- (1) For the use of an open cave for the purposes referred to in the preceding article, with the exception of the supply of drinking water to the population, the Government of the Republic of Slovenia (hereinafter referred to as 'government') shall against payment grant a concession to a legal entity or natural person qualified for the use of an open cave and meets the conditions stipulated in the act regarding the grant of a concession. The decision regarding the granting of the concession for the use of an open cave shall be taken on the basis of an expert opinion provided by the organization responsible for nature conservation.
- (2) The concession shall be granted in accordance with provisions of the act governing granting of concessions for natural goods.
- (3) Decisions regarding the selection of the concessionaire shall be taken by the government and following an opinion of the local community which populates the area where the entrance to the cave is located and through which the activity will take place, whereby priority shall be given to the proposed programme for the use of an open cave which is more appropriate in terms of environmentalism.
- (4) Qualifications of a natural person or legal entity for the use of open caves which are subject of the concession referred to in the first paragraph of this article, shall be verified also on the basis of an opinion provided by the organization responsible for nature conservation.
- (5) The concession contract shall be concluded once the concessionaire proves his title to using

the land necessary for the execution of the activity.

(6) The concessionaire shall be obliged to effectively manage and use the cave infrastructure, which he has been given responsibility over on the basis of the concession he has been granted.

### **Article 37**

(Special provisions regarding the concession)

(1) If guided tours of the cave are conducted in the context of use of an open cave referred to in Article 35 of this Act, the concessionaire shall be obliged to provide guide services and conclude an insurance contract for the insurance of cave tour guides and cave visitors in the event of an accident in an open cave.

(2) Guided tours of an open cave shall be concluded in compliance with the prescribed conservation arrangements in open caves pursuant to this Act and regulations governing nature conservation.

(3) Guided tours of the cave shall be concluded by providing care of cave visitors at all times.

3. Arrangement of an open cave

### **Article 38**

(Arrangement of an open cave)

For the purpose of conducting the activity referred to in the first paragraph of Article 35 of this Act, an open cave shall be arranged in such a manner as to ensure the safety of cave visitors, as well as conservation of the open cave, cave features and cave life forms.

### **Article 39**

(Permit to arrange an open cave)

(1) The concessionaire shall before the commencement of the conduct of the activity obtain a permit from the ministry to arrange the open cave in accordance with the act governing granting of concessions.

(2) The permit referred to in the preceding paragraph shall lay down conditions regarding arrangement of the cave for conducting the activity from the concessionary act, by observing the principle referred to in Article 3 of this Act and urgent preventive measures with regard to protection of an open cave and visitors to it, which shall be set out by means of a concession contract.

(3) The application of the concessionaire to obtain a permit for arranging an open cave shall include:

1. the name or code of the cave;
2. a map of the open cave including the inventory of cave features and cave infrastructure, if the open cave has already been equipped with it;
3. a plan for the conduct of the activity;
4. an evaluation of the initial condition of the open cave and evaluation of the impact of the suggested arrangement and execution of the activity on the cave,
5. a concept for operating of the open cave.

(4) In the case referred to in point 3 of the preceding paragraph the ministry may allow arrangement of an open cave providing it is clear from the plan for arrangement of the open cave that the following conditions will be met:

1. the entrance to the open cave shall be arranged in such a manner that it enables supervision over entering and exiting the cave, and at the same time allows movement and natural migration of plants and animals;

2. if the entrance to the open cave is man-made, it must also prevent the outer environment to have an impact on the open cave;
  3. paths in the open cave shall be tended and secured;
  4. fixed lightning, if it is planned for the open cave, shall be carried out by delimitation of sectors.
- (5) The permit for arrangement of an open cave shall be issued on the basis of an expert proposal provided by the organization responsible for nature conservation.

#### **Article 40**

(Building permit)

- (1) The ministry responsible for spatial planning and construction shall issue a building permit for the construction of cave infrastructure to the concessionaire in accordance with the permit referred to in the preceding Article.
- (2) The concessionaire shall apply for the building permit after the finality of the permit for arrangement of an open cave.
- (3) The application for authorization of a building permit shall include the documents in compliance with the act governing building construction, whereby the permit for arrangement of an open cave shall be deemed as a proof of the right to build in an open cave, irrespective of provisions of the act governing building construction.
- (4) The building permit referred to in the first paragraph of this article shall also state conditions for maintenance and use of the cave infrastructure.

#### **Article 41**

(Operating permit)

- (1) The concessionaire may commence the permitted activity only after the permit for operation of an open cave has been obtained.
  - (2) The ministry shall issue the permit referred to in the preceding paragraph on the basis of an application by the concessionaire, when all prescribed conditions are met regarding the arrangement of an open cave, as well as a harmless and secure visit to the cave, including guided tours of an open cave which are conducted by cave tour guides, and when an operating permit is acquired in compliance with the act governing building construction.
4. Guided tours of open caves

#### **Article 42**

(Guided tours of open caves)

- (1) Tours of open caves shall be conducted by cave tour guides, who are specially qualified for providing guiding services in open caves.
- (2) Training for cave tour guides and verification of qualifications shall pursuant to public authorization be carried out by authorized organizations on the basis of programmes for training and verification of qualifications for cave tour guides, separately for guiding in open caves properly arranged for tourist visits, and guiding in open caves not intended for tourist visits. Programmes shall be approved by the ministry in the part, which applies to the conservation of open caves.
- (3) Qualifications for cave tour guides shall be proven by means of a certificate proving that the examination for cave tour guides has been passed, which shall be issued by the organization referred to in the preceding paragraph after the training has successfully been completed.
- (4) The ministry shall hold an open competition to select organizations referred to in the second paragraph of this Article.

(5) The minister shall select organizations that fulfill conditions of the open competition and submit programmes for training and verification of qualifications for cave tour guides, in which adequate presentations of the field of cave conservation are included.

(6) During the procedure of selecting the organization referred to in the second paragraph of this Article, provisions of the act governing public procurement shall be used with regard to laying down the selection criteria, public opening, examination and evaluation, as well as other issues not regulated by this Act.

(7) The minister shall prescribe conditions, which have to be met by the organization referred to in the second paragraph of this article in order to be allowed to conduct training for cave tour guides and verify qualifications, obligations of this organization with regard to conducting training for cave tour guides, and the course of the exam, and shall prescribe the content and layout of the certificate of successfully completed examination for cave tour guides.

(8) The Ministry shall keep records of authorized organizations referred to in the second paragraph of this article.

### **Article 43**

(Register of cave tour guides)

(1) For the purpose of conservation of open caves and exercising supervision over visits to open caves, as well as the condition open caves are in, a register of cave tour guides shall be established, and will be administered by the ministry, whereby personal data of natural persons who have acquired certificates of successfully completed examination for cave tour guides may be used.

(2) The register of cave tour guides shall include the following data: date and sequence number of the entry in the register, personal name, date and place of birth, nationality, profession and permanent or temporary place of residence, information about attained education, date of examination and date of removal from the register. Personal data included in the register shall be stored for ten years from removal from the register.

(3) A cave tour guide shall be removed from the register of cave tour guides at his request or under compulsory powers.

(4) Under compulsory powers a cave tour guide shall be removed from the register if it is established that:

1. he is responsible for imposing excessive burden on the cave or
2. that he has repeatedly violated the prescribed conservation arrangements.

(5) The method of keeping the register shall in more detail be stipulated by the minister.

## **IV. OPERATION OF PUBLIC INTEREST SOCIETIES**

### **Article 44**

(Acquisition of status)

(1) Speleological societies shall acquire and lose the status of society acting in the public interest in the field of nature conservation under conditions and in a manner set out in this Act and in the act governing nature conservation.

(2) A speleological society meets the condition of contributing significantly to nature conservation providing:

1. it is active in exploring caves and records results of exploration in reports on discovery and exploration of caves, or collects and processes data on caves from reports on discovery and exploration of caves, or is active in promoting awareness and education in the field of

conservation of caves and the karst;

2. it applies rules stipulated by a suitable society act, which dictate that exploration and visits to the cave must be conducted in a manner friendly to the cave;

3. the statute of the society ensures such a structure of bodies of the society that the body responsible for activities in the field of conservation of caves enjoys equal rights with regard to making decisions if compared with bodies in charge of other areas of action of the society;

4. environmental education is suitably incorporated in programmes of the society regarding training for independent cave activity, and

5. it cooperates with environmental and educational organizations.

(3) Irrespective of the provision of the first paragraph of this article, for the purpose of granting the status of a society acting in the public interest in the field of nature conservation to the speleological society, the condition referred to in point 4 of the second paragraph of Article 137 of Nature Conservation Act (Official Gazette of the Republic of Slovenia, Nos. 56/99, 31/2000 – Cor. and 119/2002) shall not be considered.

(4) If the speleological society which has acquired the status of a society acting in the public interest pursuant to this Act, does not comply with the condition referred to in point 1 of the second paragraph of this Article, its status of a society acting in the public interest shall be abolished.

(5) For the purpose of regulating the activities of the speleological society acting in the public interest, provisions of the act governing nature conservation shall be applied.

## **V. SUPERVISION**

### **1. Inspection supervision**

#### **Article 45**

(Inspection supervision)

(1) Supervision over implementation of this Act, as well as provisions and measures adopted pursuant to this Act, shall be exercised by inspectors responsible for nature conservation.

(2) In exercising supervision referred to in the preceding paragraph, the inspector shall have the power to order:

1. removal from the cave of a person who is in the cave for the purpose not permitted or has been caught violating the prescribed conservation arrangements.

2. removal of objects, substances or waste from the cave, and restoration to its earlier condition at the expense of the person who has been caught violating the arrangements or person who has been issued final judgment with regard to an offense as a result of violation of arrangements, and, if it is not possible to establish who the violator is, at the expense of the owner of the object or substance, the removal of which has been ordered.

#### **Article 46**

(The right to free entry into the cave)

Competent inspectors and environmental supervisors shall have free entry into caves at all times, providing they obey the prescribed conservation arrangements. If there is a cave concessionaire or custodian, they shall be informed of the intended entry into the cave.

## **2. Immediate supervision**

### **Article 47**

(Immediate supervision)

(1) An immediate supervision in nature over compliance with the provisions of this Act and regulations issued on the basis of this Act shall beside inspectors also be exercised by environmental supervisors, in compliance with the regulations governing nature conservation.

(2) Declarations of environmental supervisors and material evidence collected in connection with acts on the basis of which action is taken by means of an inspection procedure, shall be considered evidence obtained in accordance with the act governing general administrative procedure.

(3) Duties of immediate supervision in nature shall also be exercised by voluntary supervisors in compliance with regulations governing the field of nature conservation.

(4) Speleological societies acting in the public interest may designate voluntary supervisors who are not members of the society to exercise immediate supervision over open caves which are not subject to concession or custodianship.

(5) More detailed provisions regarding organizational arrangements referred to in the preceding paragraph shall be regulated in the statute of the society.

## **3. Professional supervision**

### **Article 48**

(Professional supervision)

The ministry shall exercise supervision over execution of administrative tasks which are carried out in accordance with the public authorization pursuant to this Act, whereas professional supervision shall be exercised by the organization responsible for nature conservation.

## **VI. PENAL PROVISIONS**

### **Article 49**

(1) A fine in the amount between SIT 100,000 and SIT 30,000,000 shall be imposed on a legal entity if it:

1. enters a closed cave without a permit by the ministry (fourth paragraph of Article 17);
2. conducts scientific research or archaeological work in a closed cave in contravention with the permit which has been issued (fifth paragraph of Article 17);
3. its actions in the cave are in contravention with the prescribed conservation arrangements (first paragraph of Article 18);
4. constructs, maintains or uses the cave infrastructure, as well as films or video records in contravention with the prescribed conditions and the prescribed manner (point 1 of the first paragraph of Article 19);
5. discovers and explores caves in contravention with with the prescribed manner (point 2 of the first paragraph of Article 19);
6. acts in contravention with the prescribed rules of conduct regarding the supply of drinking water (point 3 of the first paragraph of Article 19);
7. erects a gate at the entrance to the cave or part of the cave without a permit or in contravention with the permit (point 4 of the first paragraph of Article 19);

8. excavates, takes samples, collects plants or hunts animals in the cave without a permit or in contravention with the permit (point 5 of the first paragraph of Article 19);
  9. operates in the cave without consent or in contravention with the consent (point 6 of the first paragraph of Article 19);
  10. conducts filming or video recording in the cave without a permit or in contravention with the permit (point 7 of the first paragraph of Article 19);
  11. carries out a cave rescue practice session without a permit or in contravention with the permit (point 8 of the first paragraph of Article 19);
  12. organizes a public meeting or a public event in the cave (first paragraph of Article 20);
  13. organizes a cultural event or a religious rite in the cave without consent or in contravention with the consent (second paragraph of Article 20);
  14. damages or destroys the cave without a permit (third paragraph of Article 21);
  15. does not act in the prescribed manner when a cave is discovered during the construction process (first paragraph of Article 22);
  16. acts in contravention with the provisions of the Protection Act (Article 31);
  17. acts in contravention with the provisions of the Temporary Protection Act (first paragraph of Article 32);
  18. explores an open cave in contravention with with the prescribed rules of conduct (third and fourth paragraphs of Article 34).
- (2) A fine in the amount between SIT 100,000 and SIT 15,000,000 shall be imposed on a sole proprietor for a violation referred to in the preceding paragraph.
- (3) A fine in the amount between SIT 100,000 and SIT 1,000,000 shall also be imposed on the responsible person of the legal entity and the responsible person of the sole proprietor for a violation referred to in the first paragraph of this Article.
- (4) A fine in the amount between SIT 50,000 and SIT 300,000 shall be imposed on an individual for a violation referred to in the first paragraph of this Article.

## **Article 50**

- (1) A fine in the amount between SIT 500,000 and SIT 30,000,000 shall for a violation be imposed on a legal entity, who acts as a concessionaire by the provisions of this Act, if it:
1. uses the cave in contravention with the provisions of this Act and regulations from the field of nature conservation (second paragraph of Article 35);
  2. uses the cave without a concession granted (first paragraph of Article 36);
  3. arranges the cave without or in contravention with the permit by the ministry (first and second paragraphs of Article 39);
  4. operates in the cave without an operating permit (first paragraph of Article 41);
  5. does not provide guided tours of the cave in compliance with this Act (first paragraph of Article 42).
- (2) A fine in the amount between SIT 100,000 and SIT 15,000,000 shall for a violation referred to in the preceding paragraph be imposed on the sole proprietor acting as a concessionaire under the provisions of this Act.
- (3) A fine in the amount between SIT 100,000 and SIT 1,000,000 shall for a violation referred to in the first paragraph of this Article be also imposed on the responsible person of the legal entity referred to in the first paragraph of this Article and the responsible person of the sole proprietor referred to in the preceding paragraph.
- (4) A fine in the amount between SIT 150,000 and SIT 300,000 shall for a violation referred to in the first paragraph of this Article and points 4, 7, 12 and 13 of the first paragraph of the

preceding Article be imposed on an individual acting as a concessionaire under the provisions of this Act.

### **Article 51**

(1) A fine in the amount between SIT 500,000 and SIT 30,000,000 shall for a violation be imposed on the legal entity acting as an authorized person under the provisions of this Act, if it:

1. provides training or verifies qualifications for independent cave activity without being authorized to do so (first and fifth paragraphs of Article 15);
2. provides training or verifies qualifications for independent cave activity under a scheme not approved by the ministry (seventh paragraph of Article 15);
3. provides training for cave tour guides and verifies their qualifications without being authorized to do so (second paragraph of Article 42);
4. provides training for cave tour guides under the programme not approved by the ministry (second paragraph of Article 42).

(2) A fine in the amount between SIT 100,000 and SIT 15,000,000 shall for a violation referred to in the preceding paragraph be imposed on a sole proprietor acting as an authorized person under the provisions of this Act.

(3) A fine in the amount between SIT 100,000 and SIT 1,000,000 shall for a violation referred to in the first paragraph of this Article also be imposed on the responsible person of the legal entity and the responsible person of the sole proprietor.

(4) A fine in the amount between SIT 150,000 and SIT 300,000 shall for a violation referred to in the first paragraph of this Article be imposed on an individual.

### **Article 52**

(1) A fine in the amount between SIT 100,000 and SIT 30,000,000 shall for a violation be imposed on the legal entity acting as a cave custodian under the provisions of this Act, if it:

1. does not report the data regarding monitoring of the conditions of caves in the prescribed manner (second paragraph of Article 12);
2. does not perform duties of custodianship in the prescribed extent and in the prescribed manner (first paragraph of Article 25);
3. collects admission fee for entry into the cave without the amount of the fee being approved by the ministry (third paragraph of Article 30).

(2) A fine in the amount between SIT 100,000 and SIT 15,000,000 shall for a violation referred to in the preceding paragraph be imposed on the sole proprietor acting as a cave custodian under the provisions of this Act.

(3) A fine in the amount between SIT 100,000 and SIT 1,000,000 shall for a violation referred to in the first paragraph of this Article also be imposed on the responsible person of the legal entity and the responsible person of the sole proprietor.

(4) A fine in the amount between SIT 100,000 and SIT 300,000 shall for a violation referred to in the first paragraph of this Article and points 4, 7, 12 and 13 of the first paragraph of Article 49 be imposed on an individual acting as a cave custodian under the provisions of this Act.

### **Article 53**

A fine in the amount between SIT 50,000 and SIT 300,000 shall for a violation be imposed on an individual, if he:

1. discovers and explores caves without prescribed qualifications (first paragraph of Article 14);
2. does not report results of discovery and exploration of caves (first paragraph of Article 14);

3. discovers and explores the cave as a foreigner and is not entered in the database of persons who have acquired certificates of qualifications for independent cave activity administered by the ministry (fourth paragraph of Article 16).

#### **Article 54**

(1) A fine in the amount between SIT 300,000 and SIT 90,000,000 shall be imposed on a legal entity if it is guilty of a violation referred to in the first paragraph of Article 49, first paragraph of Article 50, first paragraph of Article 51 and first paragraph of Article 52 of this Act, and the violation results in irreversible damage or destruction of the cave, cave features or cave life forms.

(2) A fine in the amount between SIT 300,000 and SIT 90,000,000 shall for a violation referred to in the preceding paragraph be imposed on a sole proprietor.

(3) A fine in the amount between SIT 300,000 and SIT 3,000,000 shall for a violation referred to in the first paragraph of this Act be also imposed on the responsible person of the legal entity and the responsible person of the sole proprietor.

(4) A fine in the amount between SIT 300,000 and SIT 900,000 shall for a violation referred to in the first paragraph of this Article be imposed on an individual.

### **VII. TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 55**

On the day this Act enters into force caves and cave infrastructure shall become property of the state.

#### **Article 56**

On the day this Act enters into force the following caves are deemed to be arranged for organized tourist visits and equipped with the cave infrastructure:

1. Vilenica, reg. number NV 113 (Lokev),
2. Škocjanske jame, reg. number NV 312 (Matavun),
3. Ravenska jama, reg. number NV 254 (Gorenje Ravne pri Cerknem),
4. Jama pod Predjamskim gradom, reg. number NV 243 (Predjama),
5. Otoška jama, reg. number NV 2244 (Veliki otok),
6. Pivka jama, reg. number NV 2304 (Veliki otok),
7. Črna jama, reg. number NV 2246 (Veliki otok),
8. Postojnska jama, reg. number NV 241 (Postojna),
9. Planinska jama, reg. number NV 221 (Planina),
10. Zelške jame, reg. number NV 924 (Zelše),
11. Križna jama, reg. number NV 155 (Bloška polica),
12. Županova (Taborska) jama, reg. number NV 361 (Velike Lipljene),
13. Železna jama, reg. number NV 364 (Gorjuša),
14. Snežna jama, reg. number NV 1870 (Raduha),
15. Pekel, reg. number NV 742 (Šempeter v Savinjski dolini),
16. Kostanjeviška jama, reg. number NV 149 (Kostanjevica na Krki),
17. Divaška jama, reg. number NV 40 (Divača),
18. Dimnice, reg. number NV 94 (Markovščina),
19. Sveta jama, reg. number NV 767 (Socerb),
20. Huda luknja, reg. number NV 730 (Gornji Dolič),

21. Jama pod Babjim zobom, reg. number NV 105 (Bohinjska bela) and
22. Francetova jama, reg. number NV 58 (Ribnica).

### **Article 57**

- (1) Legal entities which had prior to the entry into force of this Act owned the cave infrastructure as assets in public property, shall no later than within one year of the entry into force of this Act inform the ministry responsible for nature conservation of the cave infrastructure over which they have power of disposal.
- (2) By means of a contract concluded between the ministry responsible for nature conservation and the legal entity referred to in the preceding paragraph, the extent of cave infrastructure, which has become property of the state pursuant to this Act, shall be determined.
- (3) If the legal entity referred to in the first paragraph of this Article obtains a concession for the use of the cave, it shall have the right to use the cave infrastructure free of charge for the duration of its depreciation period. The duration of the concession shall be at least equal to that of the depreciation period of the cave infrastructure, which shall be determined in the contract referred to in the preceding paragraph.
- (4) If the legal entity referred to in the preceding paragraph does not obtain the concession, or if the concession relationship terminates before expiry of the depreciation period of cave infrastructure for reasons not attributable to the concessionaire, then the legal entity referred to in the first paragraph of this Article shall be entitled to a refund of investments in the cave infrastructure in the amount of unamortized accounting value of this infrastructure on the balance sheet in the last year prior to the termination of the concession, or in the event of the concession not obtained, in the year prior to the entry into force of this Act
- (5) Provisions of this Article shall also be used for the purpose of settling relationships with regard to the amount of funds invested in natural attractions, rarities or natural assets referred to in the annex to the Nature Conservation Act (Official Gazette of the Republic of Slovenia, No 56/99, 31/2000 - Cor. and 119/2002) from Nos. 14 to 83 and from Nos. 86 to 114.

### **Article 58**

With regard to determining compensation for cave infrastructure, which had prior to the entry into force of this Act, been privately owned, provisions of the Spatial Planning Act (Official Gazette of the Republic of Slovenia, No 110/2002 and 8/2003 - Cor.), which concern compensations in the event of expropriation of immovable property, shall be applied *mutatis mutandis*.

### **Article 59**

- (1) Persons referred to in the preceding two Articles, who had at the entry into force of this Act the right to use the cave, acquired with the current act, shall retain this right up until the regulation of use of caves pursuant to this Act, and they shall implement it in the extent, in the manner and under conditions laid down in the act on granting the right.
- (2) Persons referred to in the preceding paragraph shall have the right of pre-emption to have the concession granted, providing they comply with tender specifications.
- (3) Irrespective of settlement of rights referred to in the first paragraph of this Article, the person who uses the cave, shall lose the right of pre-emption referred to in the preceding paragraph, if it does not submit an application of interest in having the concession granted.

**Article 60**

The minister shall issue implementing regulations pursuant to this Act no later than within one year of the entry into force of this Act.

**Article 61**

Until the act, which shall regulate the procedure of granting the public authorization, enters into force, shall for the open competition procedures referred to in Articles 15, 27 and 42 of this Act mutis mutandis be used provisions of the act governing public procurement.

**Article 62**

(1) The ministry shall issue invitations to an open competition for collection of applications for cave custodianship for the first time no later than within three months after the regulation, referred to in the second paragraph of Article 10 of this Act, enters into force.

(2) Until the custodianship is awarded, it shall in the extent prescribed by the law be performed by speleological societies and other persons taking care of the cave at the time when this Act enters into force.

(3) Persons referred to in the preceding paragraph, who comply with the conditions prescribed with this Act, shall providing they apply for custodianship on the basis of an open competition have the right of pre-exemption to the first custodianship, except in the event referred to in the third paragraph of Article 27 of this Act.

**Article 63**

The ministry shall issue invitations to an open competition for selection of authorized organizations to perform tasks referred to in the first paragraph of Article 15 and Article 42 of this Act no later than within three months of the entry into force of this Act.

**Article 64**

(1) Natural persons who perform guided tours for cave visitors at the time of entry into force of this Act, shall be obliged to complete training for guiding cave tours and pass the examination for cave tour guides no later than within three months after the programme referred to in the second paragraph of Article 42 of this Act has been approved.

(2) Irrespective of the provision referred to in the preceding paragraph, natural persons who have been guiding visitors in caves arranged for tourist visits for five years, shall not be obliged to complete training for guiding cave tours, they shall however be obliged to pass the examination within the time limit referred to in the preceding paragraph.

**Article 65**

Investors of building constructions referred to in Article 21 of this Act, who have already submitted applications for building permits, shall be obliged to bring the project documentation in line with the requirements of this Act no later than within three months of entry into force of this Act.

**Article 66**

The organization responsible for nature conservation shall prepare the first report on the condition of caves no later than within two years of the entry into force of this Act.

## **Article 67**

(1) Holders of data needed to define parts of nature, which own characteristics of a cave according to this Act, as valuable natural assets, and to establish and administer databases and keep records of caves, cave features and cave life forms, shall be obliged to report the data on the caves, cave features and cave life forms to the Institute no later than within two months after the entry into force of this Act and in the extent referred to in the second paragraph of Article 10 and first paragraph of Article 11, whereby personal data shall be safeguarded.

(2) The Institute shall no later than within eight months after the entry into force of this Act report to the organization responsible for nature conservation the data needed to define parts of nature, which own characteristics of a cave according to this Act, as valuable natural features pursuant to this Act.

## **Article 68**

The penalties, as set out by this Act, shall be imposed as penalty payments until Minor Offenses Act shall apply (Official Gazette of the Republic of Slovenia, No. 7/2003), and for:

1. a violation referred to in Article 49 of this Act:

- legal entity in the amount between SIT 300,000 and SIT 8,000,000,
- sole proprietor in the amount between SIT 300,000 and SIT 4,000,000,
- responsible person of the legal entity in the amount between SIT 100,000 and SIT 500,000,
- natural person in the amount between SIT 50,000 and SIT 150,000;

2. a violation referred to in Article 50 of this Act:

- concessionaire - legal entity in the amount between SIT 500,000 and SIT 10,000,000,
- concessionaire – sole proprietor in the amount between SIT 500,000 and SIT 5,000,000,
- responsible person of the legal entity in the amount between SIT 100,000 and SIT 500,000,
- concessionaire - natural person in the amount between SIT 50,000 and SIT 150,000;

3. a violation referred to in Article 51 of this Act:

- legal entity in the amount between SIT 300,000 and SIT 8,000,000,
- sole proprietor in the amount between SIT 300,000 and SIT 4,000,000,
- responsible person of the legal entity in the amount between SIT 100,000 and SIT 500,000,
- natural person in the amount between SIT 50,000 and SIT 150,000;

4. a violation referred to in Article 52 of this Act:

- custodian - legal entity in the amount between SIT 300,000 and SIT 8,000,000,
- custodian - sole proprietor in the amount between SIT 300,000 and SIT 4,000,000,
- responsible person of the legal entity in the amount between SIT 100,000 and SIT 500,000,
- custodian - natural person in the amount between SIT 50,000 and SIT 150,000;

5. a violation referred to in Article 53 of this Act:

- custodian in the amount between SIT 50,000 and SIT 150,000;

6. a violation referred to in Article 54 of this Act:

- legal entity in the amount between SIT 900,000 and SIT 24,000,000;
- sole proprietor in the amount between SIT 300,000 and SIT 12,000,000;
- responsible person of the legal entity in the amount between SIT 300,000 and SIT 1,500,000;

- natural person in the amount between SIT 50,000 and SIT 450,000.

## **Article 69**

For the conservation of caves located in the area of Škocjan Caves Regional Park, established by the Škocjan Caves Regional Park Act (Official Gazette of the Republic of Slovenia, No 57/96), the provisions of this Act, with the exception of Articles 1 to 13, Articles 17 and 18, points 1, 2

and 4 to 7 of the first paragraph, second to sixth paragraph of Article 19, 42 and 43, shall not apply.

**Article 70**

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

No. 801-07/94-4/6

Ljubljana, 17 December 2003.

EPA 1454

President of the  
National Assembly  
of the Republic of Slovenia  
Borut Pahor