

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o povračilu škode osebam, ki so bile izbrisane iz registra stalnega prebivalstva, obsega:

- Zakon o povračilu škode osebam, ki so bile izbrisane iz registra stalnega prebivalstva – ZPŠOIRSP (Uradni list RS, št. 99/13 z dne 3. 12. 2013),
- Odločbo o razveljavitvi 12. člena v zvezi s prvim odstavkom 28. člena Zakona o povračilu škode osebam, ki so bile izbrisane iz registra stalnega prebivalstva, ter o razveljavitvi 12. člena istega zakona z odložnim rokom (Uradni list RS, št. 24/18 z dne 13. 4. 2018).

ZAKON
O POVRAČILU ŠKODE OSEBAM, KI SO BILE IZBRISANE IZ
REGISTRA STALNEGA PREBIVALSTVA (ZPŠOIRSP)

(neuradno prečiščeno besedilo št. 1)

I. SPLOŠNE DOLOČBE

1. člen

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The unofficial consolidated version of the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents comprises:

- Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents – ZPŠOIRSP (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 99/13 of 3 December 2013),
- Decision abrogating Article 12 in connection with paragraph one of Article 28 of the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents and abrogating Article 12 of the same Act with the suspensive deadline (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 24/18 of 13 April 2018).

ACT
REGULATING THE COMPENSATION FOR DAMAGE SUSTAINED AS
A RESULT OF ERASURE FROM THE REGISTER OF PERMANENT
RESIDENTS (ZPŠOIRSP)

(Unofficial consolidated version No. 1)

I. GENERAL PROVISIONS

Article 1

(namen in vsebina zakona)

(1) Ta zakon ureja pravico do denarne odškodnine in drugih oblik pravičnega zadoščenja z namenom poprave kršitev človekovih pravic in temeljnih svoboščin za osebe, določene s tem zakonom, ki jim je, ko so zanje začele veljati določbe Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), v registru stalnega prebivalstva prenehala prijava stalnega prebivališča (v nadaljnjem besedilu: izbris iz registra stalnega prebivalstva).

(2) Ta zakon določa tudi upravičence in upravičenke, merila za odmero in višino denarne odškodnine, načine in roke za izplačilo, druge oblike pravičnega zadoščenja ter postopek in organe, pristojne za odločanje.

2. člen (upravičenec in upravičenka)

(1) Upravičenec ali upravičenka (v nadaljnjem besedilu: upravičenec) do povračila škode zaradi izbrisa iz registra stalnega prebivalstva je oseba, ki je bila izbrisana iz registra stalnega prebivalstva in

- je po izbrisu iz registra stalnega prebivalstva pridobila dovoljenje za stalno prebivanje po Zakonu o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), Zakonu o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo), Zakonu o tujcih (Uradni list RS, št. 50/11 in 57/11 – popr.), Zakonu o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (Uradni list RS, št. 76/10 – uradno prečiščeno besedilo) ali Zakonu o začasnem zatočišču (Uradni list RS, št. 20/97, 94/2000 – odločba US, 67/02, 2/04 – ZPNNVSM, 65/05 – ZZRO) ali
- je bila po izbrisu iz registra stalnega prebivalstva sprejeta v državljanstvo Republike Slovenije.

(Purpose and content of the Act)

(1) This Act lays down the right to pecuniary compensation and other forms of just satisfaction to redress the violation of human rights and fundamental freedoms caused to persons specified in this Act whose permanent residence registration in the Permanent Population Register ceased when the provisions of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/91-I, 44/97, 50/98 – Dec. of the CC and 14/99 – Dec. of the CC) entered into force for them (hereinafter: the erasure from the permanent population register).

(2) This Act further lays down the beneficiaries, the criteria for assessing pecuniary compensation and determining its amount, the manner of and time limits for its payment, other forms of just satisfaction, and the procedure and the authorities responsible to decide thereon.

Article 2 (Beneficiaries)

(1) Beneficiaries of compensation for damage sustained as a result of erasure from the permanent population register shall be persons who were erased from the permanent population register and

- who, after the erasure from the permanent population register, obtained a permanent residence permit pursuant to the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/91-I, 44/97, 50/98 – Dec. of the CC and 14/99 – Dec. of the CC), the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – Official Consolidated Text), the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 50/11 and 57/11 – corr.), the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Gazette of the Republic of Slovenia [*Uradni list RS*], No. 76/10 – Official Consolidated Text), or to the Temporary Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 20/97, 94/2000 – Dec. of the CC , 67/02, 2/04 – ZPNNVSM, 65/05 – ZZRO), or
- who were admitted to citizenship of the Republic of Slovenia after the erasure from the permanent population register.

(2) Upravičenec do povračila škode zaradi izbrisa iz registra stalnega prebivalstva je tudi oseba, ki je bila izbrisana iz registra stalnega prebivalstva in

- je po izbrisu iz registra stalnega prebivalstva in pred uveljavitvijo Zakona o spremembah in dopolnitvah Zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (Uradni list RS, št. 50/10) vložila vlogo za izdajo dovoljenja za stalno prebivanje po Zakonu o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), Zakonu o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo), Zakonu o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (Uradni list RS, št. 61/99, 54/2000 – odločba US, 64/01 in 36/03 – odločba US) ali Zakonu o začasnem zatočišču (Uradni list RS, št. 20/97, 94/2000 – odločba US, 67/02, 2/04 – ZPNNVSM, 65/05 – ZZRO) ali vlogo za sprejem v državljanstvo Republike Slovenije in
- je bila vloga zavrnjena, zavržena ali je bil postopek ustavljen, razen v primeru, če je bila vloga zavrnjena zaradi nevarnosti za javni red, varnost ali obrambo Republike Slovenije, mednarodne odnose ali izvrševanja kaznivih dejanj v skladu z določbami Zakona o državljanstvu Republike Slovenije (Uradni list RS, št. 24/07 – uradno prečiščeno besedilo), Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), Zakona o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo), Zakona o tujcih (Uradni list RS, št. 50/11 in 57/11 – popr.) ali obstoja razlogov iz 3. člena Zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (Uradni list RS, št. 61/99, 54/2000 – odločba US, 64/01 in 36/03 – odločba US) ali je bil postopek ustavljen zaradi nesodelovanja stranke pri ugotavljanju teh razlogov, in

(2) Beneficiaries of compensation for damage sustained as a result of the erasure from the permanent population register shall also include persons who were erased from the permanent population register and

- who, after the erasure from the permanent population register and before the entry into force of the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 50/10), lodged an application for the issuance of a permanent residence permit pursuant to the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/91-I, 44/97, 50/98 – Dec. of the CC and 14/99 – Dec. of the CC), the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – Official Consolidated Text), the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 61/99, 54/2000 – Dec. of the CC , 64/01 and 36/03 – Dec. of the CC), or the Temporary Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 20/97, 94/2000 – Dec. of the CC , 67/02, 2/04 – ZPNNVSM, 65/05 – ZZRO), or lodged an application for admission to citizenship of the Republic of Slovenia and
- the application was refused, rejected or the proceedings were stayed, except in cases when the grounds for refusal were a threat to the public order, security or defence of the Republic of Slovenia, international relations or the perpetration of criminal offences pursuant to the provisions of the Citizenship of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 24/07 – Official Consolidated Text), the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/91-I, 44/97, 50/98 – Dec. of the CC and 14/99 – Dec. of the CC), the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – Official Consolidated Text), the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 50/11 and 57/11 – corr.), or the grounds referred to in Article 3 of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 61/99, 54/2000 – Dec. of the CC , 64/01 and 36/03 – Dec. of the CC), or the proceedings were stayed for reason of the non-cooperation of the claimant in

- če je oseba v obdobju od izbrisa iz registra stalnega prebivalstva do pravnomočnosti odločbe ali sklepa iz prejšnje alineje v Republiki Sloveniji tudi dejansko živela.

(3) Pogoj dejanskega življenja v Republiki Sloveniji iz prejšnjega odstavka je izpolnjen, če je oseba zapustila Republiko Slovenijo in odsotnost v neprekinjenem trajanju ni trajala dlje kot leto dni, ne glede na razlog odsotnosti. Pogoj dejanskega življenja v Republiki Sloveniji je izpolnjen tudi v primeru, če je odsotnost trajala več kot leto dni in gre za upravičeno odsotnost iz naslednjih razlogov:

- če je oseba zapustila Republiko Slovenijo zaradi posledic izbrisa iz registra stalnega prebivalstva;
- če je oseba zapustila Republiko Slovenijo, ker jo je poslala na delo, študij ali na zdravljenje pravna oseba iz Republike Slovenije ali v primeru mladoletne osebe njeni starši oziroma skrbniki, ali če je bila zaposlena na ladji z matično luko v Republiki Sloveniji, za čas napotitve na delo, študij ali zdravljenje oziroma za čas zaposlitve na ladji;
- če je oseba zapustila Republiko Slovenijo, ker ni mogla pridobiti dovoljenja za prebivanje v Republiki Sloveniji zaradi neizpolnjevanja pogojev in ji je bila prošnja za izdajo dovoljenja zavrnjena, zavržena ali je bil postopek ustavljen;
- če se oseba ni mogla vrniti v Republiko Slovenijo zaradi vojnih razmer v drugih državah, naslednicah nekdanje SFRJ ali iz zdravstvenih razlogov;
- če je bila oseba prisilno odstranjena iz Republike Slovenije na podlagi 28. člena Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), 50. člena Zakona o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo) ali 69. člena Zakona o tujcih (Uradni list RS, št. 50/11 in 57/11 – popr.), ali če je Republiko Slovenijo prostovoljno zapustila na podlagi odločbe o vrnitvi, razen če je bila prisilno odstranjena ali je Republiko Slovenijo prostovoljno zapustila zaradi izrečene stranske kazni izгона tujca iz države, zaradi storjenega kaznivega dejanja;
- če je bil osebi zavrjen vstop v Republiko Slovenijo, razen v primeru,

- establishing the above grounds, and
- if the person actually lived in the Republic of Slovenia in the period between the erasure from the permanent population register and the finality of the decision or procedural decision referred to in the preceding indent.

(3) The condition of actual residence in the Republic of Slovenia referred to in the preceding paragraph shall be fulfilled if the person left the Republic of Slovenia whereby this period of uninterrupted absence did not exceed one year, irrespective of the reason for absence. The condition of actual residence in the Republic of Slovenia shall also be fulfilled if the absence lasted for more than one year and the absence was justified on the following grounds:

- if the person left the Republic of Slovenia on account of the consequences of the erasure from the permanent population register;
- if the person left the Republic of Slovenia due to being sent to work, study or undergo a medical treatment by a legal entity based in the Republic of Slovenia or, in the case of a minor, by his or her parents or guardians, or the person was employed on board a ship with a home port in the Republic of Slovenia, for the duration of the period of such work, study or medical treatment or employment on board a ship;
- if the person left the Republic of Slovenia due to being unable to obtain a residence permit in the Republic of Slovenia on account of failure to fulfil the conditions and his or her application was refused, rejected or the proceedings were stayed;
- if the person was unable to return to the Republic of Slovenia due to a state of war in any of the successor states of the former Socialist Federal Republic of Yugoslavia or for health reasons;
- if the person was expelled from the Republic of Slovenia on the basis of Article 28 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/91-I, 44/97, 50/98 – Dec. of the CC and 14/99 – Dec. of the CC), Article 50 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – Official Consolidated Text) or Article 69 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 50/11 and 57/11 – corr.), or if he or she voluntarily left the Republic of Slovenia on the basis of a decision on return, unless the person was expelled from or voluntarily left the Republic of Slovenia due to the secondary sanction of expulsion imposed on a foreigner for a criminal offence;
- if the person was denied entry into the Republic of Slovenia, except

če ji je bil vstop zavrnjen zaradi izrečene stranske kazni izгона tujca iz države, zaradi storjenega kaznivega dejanja, ali zaradi razlogov iz prve, druge, pete ali sedme alineje 10. člena Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), iz razlogov iz prve, druge ali šeste alineje prvega odstavka 9. člena Zakona o tujcih (Uradni list RS, št. 61/99, 87/02 in 93/05) ali iz razlogov iz točke d ali e prvega odstavka 5. člena Uredbe (ES) št. 562/2006 Evropskega Parlamenta in Sveta z dne 15. marca 2006 o Zakoniku Skupnosti o pravilih, ki urejajo gibanje oseb prek meja (UL L št. 105, 13. 4. 2006 in 182, 29. 6. 2013).

(4) Pravica do povračila škode zaradi izbrisa iz registra stalnega prebivalstva se ne prizna osebi, ki je bila izbrisana iz registra stalnega prebivalstva in ji je bila vloga za izdajo dovoljenja za stalno prebivanje, vložena po zakonu, ki ureja status državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji, zavrnjena, zavržena ali je bil postopek ustavljen po uveljavitvi Zakona o spremembah in dopolnitvah Zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (Uradni list RS, št. 50/10).

3. člen (obdobje izbrisa)

(1) Obdobje izbrisa je čas od dne izbrisa iz registra stalnega prebivalstva do dne izdaje dovoljenja za stalno prebivanje ali čas od dne izbrisa iz registra stalnega prebivalstva do dne sprejema v državljanstvo Republike Slovenije za osebo, ki pred sprejemom v državljanstvo Republike Slovenije ni imela dovoljenja za stalno prebivanje v Republiki Sloveniji.

(2) Za upravičenca iz drugega odstavka 2. člena tega zakona je obdobje izbrisa čas od dne izbrisa iz registra stalnega prebivalstva do pravnomočnosti zadnje odločbe ali sklepa, s katerim je bila vloga za

in cases when the entry was refused due to the secondary sanction of expulsion imposed on a foreigner for a criminal offence or on the grounds referred to in indents one, two, five or seven of Article 10 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 1/91-I, 44/97, 50/98 – Dec. of the CC and 14/99 – Dec. of the CC), or the grounds referred to in indents one, two or six of paragraph one of Article 9 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 61/99, 87/02 and 93/05) or for the reasons referred to in points d) or e) of paragraph one of Article 5 of Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (OJ L 105, 13.4.2006, and 182, 29.6.2013).

(4) The right to compensation for damage sustained as a result of the erasure from the permanent population register shall not be accorded to a person who was erased from the permanent population register and whose application for a permanent residence permit lodged on the basis of the Act regulating the status of citizens of the former Socialist Federal Republic of Yugoslavia living in the Republic of Slovenia was refused, rejected or the proceedings were stayed after the entry into force of the Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 50/10).

Article 3 (Period of erasure)

(1) The period of erasure shall be the time between the date of erasure from the permanent population register and the date of issue of a permanent residence permit or the time between the date of erasure from the permanent population register and the date of admission to citizenship of the Republic of Slovenia with regard to persons who, prior to their admission to citizenship of the Republic of Slovenia, were not holders of permanent residence permits.

(2) For the beneficiaries referred to in paragraph two of Article 2 of this Act, the period of erasure shall be the time between the erasure from the permanent population register and the finality of the last decision

izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije zavrnjena, zavržena ali je bil postopek ustavljen. Če je bila upravičencu vloga za izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije večkrat zavrnjena ali zavržena ali je bil postopek ustavljen in pogoj dejanskega življenja v Republiki Sloveniji izpolnjuje le do pravnomočnosti ene od odločb ali sklepov, je obdobje izbrisa čas od dne izbrisa iz registra stalnega prebivalstva do pravnomočnosti odločbe ali sklepa, do katere izpolnjuje pogoj dejanskega življenja v Republiki Sloveniji.

(3) Ne glede na prvi in drugi odstavek tega člena se upravičencu obdobje izbrisa šteje najdlje do dne uveljavitve tega zakona.

4. člen

(povračilo škode zaradi izbrisa iz registra stalnega prebivalstva)

(1) Za škodo, povzročeno zaradi izbrisa iz registra stalnega prebivalstva, ki je upravičencu nastala v obdobju izbrisa, lahko upravičenec zahteva denarno odškodnino v upravnem postopku, ki se določi pod pogoji in po merilih, določenih s tem zakonom, lahko pa vloži tudi tožbo za plačilo denarne odškodnine v sodnem postopku.

(2) Upravičenec je pod pogoji, določenimi s tem zakonom, upravičen tudi do drugih oblik pravičnega zadoščenja kot povračilo za škodo, ki mu je nastala zaradi izbrisa iz registra stalnega prebivalstva.

(3) Upravičenec, kateremu je bil pred začetkom uporabe tega zakona v sodnem postopku tožbeni zahtevak za izplačilo denarne odškodnine za škodo, povzročeno zaradi izbrisa iz registra stalnega prebivalstva, pravnomočno zavrnjen, zavržen ali je bil postopek ustavljen, ima pravico do uveljavljanja povračila škode po tem zakonu.

or procedural decision by which their application for a permanent residence permit or admission to citizenship of the Republic of Slovenia was refused, rejected or the proceedings were stayed. In the case of beneficiaries whose applications for a permanent residence permit or admission to citizenship of the Republic of Slovenia were repeatedly refused or rejected or proceedings were stayed, and who fulfilled the condition of actual residence in the Republic of Slovenia only until such time as the finality of one of the decisions or procedural decisions, the period of erasure shall be the time between the date of erasure from the permanent population register and the finality of the decision or procedural decisions up until which they fulfilled the condition of actual residence in the Republic of Slovenia.

(3) Notwithstanding paragraphs one and two of this Article, the period of erasure of a beneficiary shall not extend beyond the date of the entry into force of this Act.

Article 4

(Compensation for damage sustained as a result of the erasure from the permanent population register)

(1) Pecuniary compensation for damage sustained in the period of erasure as a result of the erasure from the permanent population register may be claimed by beneficiaries in administrative proceedings and shall be determined under the conditions and criteria laid down in this Act; beneficiaries may also file an action and seek the award of pecuniary compensation in judicial proceedings.

(2) Subject to the conditions laid down in this Act, beneficiaries shall also be entitled to other forms of just satisfaction to compensate for damage sustained as a result of the erasure from the permanent population register.

(3) Beneficiaries shall have the right to claim compensation under this Act if, prior to the entry into force of this Act, their claims for the awarding of pecuniary compensation for damage sustained as a result of the erasure from the permanent population register were raised in judicial proceedings and were finally refused or rejected or proceedings were stayed.

5. člen
(upoštevanje denarne odškodnine)

(1) Pri odmeri višine denarne odškodnine, ki se po tem zakonu določi v upravnem postopku, se denarna odškodnina zmanjša za denarno odškodnino, ki je bila upravičencu predhodno pravnomočno določena v sodnem ali katerem koli drugem postopku. Če je bila upravičencu v sodnem ali katerem koli drugem postopku predhodno pravnomočno določena višja denarna odškodnina, kot bi mu bila določena v upravnem postopku po tem zakonu, se zahteva zavrne.

(2) Pri odmeri višine denarne odškodnine, ki se določi v sodnem postopku, se denarna odškodnina zmanjša za denarno odškodnino, ki je bila upravičencu predhodno pravnomočno določena v upravnem ali katerem koli drugem postopku. Če je bila upravičencu v upravnem ali katerem koli drugem postopku predhodno pravnomočno določena višja denarna odškodnina, kot bi mu bila določena v sodnem postopku po tem zakonu, se tožba zavrne.

II. UVELJAVLJANJE DENARNE ODŠKODNINE V UPRAVNEM
POSTOPKU

6. člen
(denarna odškodnina)

Denarna odškodnina za škodo, ki je upravičencu nastala zaradi izbrisa iz registra stalnega prebivalstva, se v upravnem postopku določi po merilih iz 7. člena tega zakona.

7. člen
(merila za določitev denarne odškodnine)

(1) Višina denarne odškodnine se upravičencu v upravnem postopku določi glede na obdobje izbrisa.

Article 5
(Pecuniary compensation taken into account)

(1) The amount of pecuniary compensation determined in administrative proceedings in accordance with this Act shall be reduced by any pecuniary compensation previously awarded to the beneficiary by a final decision in judicial or other proceedings. A claim shall be refused when pecuniary compensation higher than that due in administrative proceedings under this Act has already been awarded to the beneficiary by a final decision in judicial or other proceedings.

(2) The amount of pecuniary compensation determined in judicial proceedings shall be reduced by any pecuniary compensation previously awarded to the beneficiary by a final decision in administrative or other proceedings. An action shall be refused when pecuniary compensation higher than that due in judicial proceedings under this Act has already been awarded to the beneficiary by a final decision in administrative or other proceedings.

II. PECUNIARY COMPENSATION CLAIMED IN ADMINISTRATIVE
PROCEEDINGS

Article 6
(Pecuniary compensation)

Pecuniary compensation for damage sustained by a beneficiary as a result of the erasure from the permanent population register shall be determined in administrative proceedings in accordance with the criteria referred to in Article 7 of this Act.

Article 7
(Criteria for determining pecuniary compensation)

(1) The amount of pecuniary compensation determined for a beneficiary in administrative proceedings shall depend on the period of erasure.

(2) Za vsak zaključen mesec izbrisa iz registra stalnega prebivalstva je upravičenec upravičen do 50 eurov denarne odškodnine.

(3) Za zaključen mesec iz prejšnjega odstavka se šteje vsak mesec, v katerem je bil upravičenec izbrisan iz registra stalnega prebivalstva cel mesec, šteto od dneva izbrisa dalje.

8. člen **(postopek za določitev denarne odškodnine)**

(1) Upravni postopek za določitev denarne odškodnine se začne na zahtevo stranke. Zahteva za določitev denarne odškodnine se lahko vloži v treh letih po začetku uporabe tega zakona.

(2) Oseba, ki ima ob začetku uporabe tega zakona vloženo vlogo za izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije, o kateri še ni pravnomočno odločeno in na podlagi katere izpolni pogoje iz 2. člena tega zakona, lahko zahtevo za določitev denarne odškodnine vloži v treh letih po pridobitvi dovoljenja za stalno prebivanje ali po sprejemu v državljanstvo Republike Slovenije oziroma v treh letih po pravnomočnosti odločbe ali sklepa, s katerim je bila vloga za izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije zavržena, zavrnjena ali je bil postopek ustavljen.

(3) Upravičenec zahtevo za določitev denarne odškodnine vloži pri kateri koli upravni enoti.

(4) Za odločanje o določitvi denarne odškodnine je pristojna upravna enota, na katere območju je imela stranka v času izbrisa iz registra stalnega prebivalstva prijavljeno stalno prebivališče.

(5) Če se v postopku ugotovi, da je stranka upravičena do denarne odškodnine, upravna enota v izreku odločbe ugotovi obdobje izbrisa, določi višino denarne odškodnine ter način in rok izplačila

(2) Beneficiaries shall be entitled to EUR 50 of pecuniary compensation for each full month of erasure from the permanent population register.

(3) A full month referred to in the preceding paragraph shall be for each month of the beneficiary's erasure from the permanent population register, counting from the date of erasure.

Article 8 **(Proceedings for determining pecuniary compensation)**

(1) The onus to initiate administrative proceedings for determining pecuniary compensation shall rest with the claimant. A claim for determining pecuniary compensation may be lodged within three years of the date of application of this Act.

(2) A person whose application for a permanent residence permit or admission to citizenship of the Republic of Slovenia is pending a final decision as of the date of application of this Act and who, based on such application, satisfies the conditions referred to in Article 2 of this Act shall have the right to lodge a claim for determining pecuniary compensation within three years of obtaining a permanent residence permit or being granted citizenship of the Republic of Slovenia or within three years of the final decision or procedural decision by which an application for permanent residence or admission to citizenship of the Republic of Slovenia has been refused, rejected or the proceedings were stayed.

(3) A beneficiary may lodge a claim for determining pecuniary compensation with any administrative unit.

(4) The authority to decide on the determination of pecuniary compensation shall rest with the administrative unit on the territory of which the claimant had a registered permanent residence at the time of erasure from the permanent population register.

(5) If it is established in proceedings that the claimant qualifies for pecuniary compensation, the administrative unit shall determine, in the operative part of its decision, the period of erasure, the amount of

denarne odškodnine.

(6) Zoper odločitev upravne enote je dovoljena pritožba. O pritožbi odloča ministrstvo, pristojno za notranje zadeve.

(7) V postopku za določitev denarne odškodnine se uporabljajo določbe zakona, ki ureja splošni upravni postopek, če ta zakon ne določa drugače.

(8) V postopku za določitev denarne odškodnine se za vlogo in odločitev na prvi in drugi stopnji taksa ne plača.

9. člen (postopek v primeru smrti upravičenca)

(1) Če upravičenec med postopkom umre, se upravni postopek za povračilo škode, nastale zaradi izbrisa iz registra stalnega prebivalstva, ustavi.

(2) Terjatev za povračilo denarne odškodnine zaradi izbrisa iz registra stalnega prebivalstva v upravnem postopku preide na dediče, če je bila priznana s pravnomočno odločbo.

III. UVELJAVLJANJE DENARNE ODŠKODNINE V SODNEM POSTOPKU

10. člen (tožba)

(1) Za škodo, povzročeno zaradi izbrisa iz registra stalnega prebivalstva, ki je upravičencu nastala v obdobju izbrisa, lahko upravičenec vloži tožbo za plačilo denarne odškodnine zaradi izbrisa iz registra stalnega prebivalstva (v nadaljnjem besedilu: tožba) v treh letih

pecuniary compensation and the manner and time limit for the payment thereof.

(6) An appeal may be lodged against the decision of an administrative unit. The appeal shall be decided on by the ministry responsible for the interior.

(7) Unless otherwise provided by this Act, the proceedings for determining pecuniary compensation shall be subject to the provisions of the Act regulating the general administrative procedure.

(8) No fee shall be charged for applications and decisions in proceedings for determining pecuniary compensation at the first and second instances.

Article 9 (Proceedings in the event of the death of a beneficiary)

(1) If a beneficiary dies while his or her case is pending, the administrative proceedings for awarding compensation for damage sustained as a result of the erasure from the permanent population register shall be discontinued.

(2) A claim for pecuniary compensation for damage sustained as a result of the erasure from the permanent population register filed in administrative proceedings shall pass to inheritors provided that it has been granted by a final decision.

III. PECUNIARY COMPENSATION CLAIMED IN JUDICIAL PROCEEDINGS

Article 10 (Action)

(1) Pecuniary compensation for damage sustained in the period of erasure as a result of the erasure from the permanent population register may be claimed by beneficiaries by filing an action for the payment of pecuniary compensation for damages sustained as a result of

po začetku uporabe tega zakona.

(2) Oseba, ki ima ob začetku uporabe tega zakona vloženo vlogo za izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije, o kateri še ni pravnomočno odločeno in na podlagi katere izpolni pogoje iz 2. člena tega zakona, lahko vloži tožbo v treh letih po pridobitvi dovoljenja za stalno prebivanje ali po sprejemu v državljanstvo Republike Slovenije oziroma v treh letih po pravnomočnosti odločbe ali sklepa, s katerim je bila vloga za izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije zavrnjena, zavržena ali je bil postopek ustavljen.

(3) Ne glede na določbe zakona, ki ureja pravdni postopek, je rok za odgovor na tožbo šest mesecev.

11. člen **(uporaba splošnih pravil obligacijskega prava)**

(1) Za odločanje o denarni odškodnini zaradi izbrisa iz registra stalnega prebivalstva se uporabljajo določbe zakona, ki ureja obligacijska razmerja, če ta zakon ne določa drugače.

(2) V postopkih po prvem in drugem odstavku prejšnjega člena se ne uporabljajo določbe o zastaranju terjatev iz zakona, ki ureja obligacijska razmerja.

12. člen **(omejitev višine denarne odškodnine)** **([delno razveljavljen](#))**

Skupna višina denarne odškodnine za povzročeno škodo zaradi izbrisa iz registra stalnega prebivalstva skupaj z zakonskimi zamudnimi obrestmi, ki se lahko določi v sodnem postopku, je omejena do 3-kratnika zneska denarne odškodnine, ki je lahko upravičencu določena v upravnem postopku.

the erasure (hereinafter: an action) within three years of the date of application of this Act.

(2) A person whose application for a permanent residence permit or admission to citizenship of the Republic of Slovenia is pending a final decision as of the date of application of this Act, and who, based on such application, satisfies the conditions referred to in Article 2 of this Act, may file an action within three years of obtaining a permanent residence permit or being granted citizenship of the Republic of Slovenia or within three years of the final decision or procedural decision by which the application for the issuance a permanent residence permit or admission to citizenship of the Republic of Slovenia was refused, rejected or the proceedings were stayed.

(3) Notwithstanding the provisions of the Act regulating civil procedure, the time limit for filing a defence plea shall be six months.

Article 11 **(Application of the general rules of the law of obligations)**

(1) In reaching a decision on pecuniary compensation as a result of the erasure from the permanent population register, the provisions of the Act regulating the law of obligations shall apply, unless otherwise provided by this Act.

(2) The proceedings referred to in paragraphs one and two of the preceding article shall not be subject to provisions on the statute of limitations referred to in the Act regulating obligations.

Article 12 **(Limits on pecuniary compensation)** **(Abrogated in part)**

The total pecuniary compensation for damage sustained as a result of the erasure from the permanent population register, including default interest, that may be awarded in judicial proceedings shall not exceed three times the amount of pecuniary compensation determined for a beneficiary in administrative proceedings.

IV. IZPLAČILO DENARNE ODŠKODNINE

13. člen (način in roki izplačila denarne odškodnine)

(1) Denarna odškodnina se glede na višino upravičencu izplača v največ petih obrokih.

(2) Denarna odškodnina, določena v višini do vključno 1000 eurov, se upravičencu izplača v enem znesku v 30 dneh po pravnomočnosti odločbe ali sodbe.

(3) Denarna odškodnina, določena v višini nad 1000 eurov do vključno 2000 eurov, se upravičencu izplača v dveh obrokih. Prvi obrok v višini 1000 eurov se izplača v 30 dneh po pravnomočnosti odločbe ali sodbe, preostali znesek pa v drugem obroku, ki zapade v plačilo eno leto po zapadlosti prvega obroka.

(4) Denarna odškodnina, določena v višini nad 2000 eurov do vključno 3000 eurov, se upravičencu izplača v treh obrokih. Prvi obrok v višini 1000 eurov se izplača v 30 dneh po pravnomočnosti odločbe ali sodbe, preostali znesek pa v dveh enakih obrokih, ki zapadeta v plačilo eno leto po zapadlosti prvega oziroma prejšnjega obroka.

(5) Denarna odškodnina, določena v višini nad 3000 eurov do vključno 4000 eurov, se upravičencu izplača v štirih obrokih. Prvi obrok v višini 1000 eurov se izplača v 30 dneh po pravnomočnosti odločbe ali sodbe, preostali znesek pa v treh enakih obrokih, ki zapadejo v plačilo eno leto po zapadlosti prvega oziroma prejšnjega obroka.

(6) Denarna odškodnina, določena v višini nad 4000 eurov, se upravičencu izplača v petih enakih obrokih, pri čemer prvi obrok ne sme biti nižji od 1000 eurov. Prvi obrok, najmanj v višini 1000 eurov, se izplača v 30 dneh po pravnomočnosti odločbe ali sodbe, preostali znesek pa v

IV. PAYMENT OF PECUNIARY COMPENSATION

Article 13 (The method and time limits for paying pecuniary compensation)

(1) Pecuniary compensation shall be payable to the beneficiary in up to five instalments, depending on the amount.

(2) Pecuniary compensation up to and including EUR 1,000 shall be payable to the beneficiary in a lump sum within 30 days of the decision or judgement becoming final.

(3) Pecuniary compensation from EUR 1,000 up to and including EUR 2,000 shall be payable to the beneficiary in two instalments. The first instalment of EUR 1,000 shall be payable within 30 days of the decision or judgement becoming final; the remaining amount shall be payable in the second instalment, which shall fall due one year following the due date of the first instalment.

(4) Pecuniary compensation from EUR 2,000 up to and including EUR 3,000 shall be payable to the beneficiary in three instalments. The first instalment of EUR 1,000 shall be payable within 30 days of the final decision or judgement; the remaining amount shall be payable in two equal instalments, which shall fall due for payment one year following the due date of the first or the previous instalment.

(5) Pecuniary compensation from EUR 3,000 up to and including EUR 4,000 shall be payable to the beneficiary in four instalments. The first instalment of EUR 1,000 shall be payable within 30 days of the decision or judgement becoming final; the remaining amount shall be payable in three equal instalments, which shall fall due for payment one year following the due date of the first or the previous instalment.

(6) Pecuniary compensation above EUR 4,000 shall be payable to the beneficiary in five equal instalments whereby the first instalment shall not be lower than EUR 1,000. The first instalment, which shall be a minimum of EUR 1,000, shall be payable within 30 days of the decision or

štirih enakih obrokih, ki zapadejo v plačilo eno leto po zapadlosti prvega oziroma prejšnjega obroka.

14. člen
(zagotavljanje sredstev za izplačilo denarnih odškodnin)

(1) Denarno odškodnino upravičencu izplača upravna enota, ki je o denarni odškodnini odločala v upravnem postopku na prvi stopnji, oziroma Državno pravobranilstvo, če je bilo o denarni odškodnini odločeno v sodnem postopku.

(2) Sredstva za izplačilo denarne odškodnine po tem zakonu se zagotovijo v proračunu Republike Slovenije.

(3) Sredstva za izplačilo denarnih odškodnin, določenih v upravnem postopku, se zagotovijo v okviru finančnega načrta ministrstva, pristojnega za upravo.

(4) Sredstva za izplačilo denarnih odškodnin, prisojenih v sodnem postopku, se zagotovijo v finančnem načrtu Državnega pravobranilstva.

V. DRUGE OBLIKE PRAVIČNEGA ZADOŠČENJA

15. člen
(druge oblike pravičnega zadoščenja)

Upravičenec je poleg denarne odškodnine pod pogoji, določenimi s tem zakonom, upravičen tudi do naslednjih oblik pravičnega zadoščenja:

1. do plačila prispevka za obvezno zdravstveno zavarovanje,
2. do vključitve in prednostne obravnave v programih socialnega varstva,
3. do olajšav pri uveljavljanju pravic iz javnih sredstev,
4. do državne štipendije,
5. do enakega obravnavanja pri reševanju stanovanjskega vprašanja,
6. do dostopa do izobraževalnega sistema,

judgement becoming final; the remaining amount shall be payable in four equal instalments, which shall fall due for payment one year following the due date of the first or the previous instalment.

Article 14
(Allocating funds for the payment of pecuniary compensation)

(1) Pecuniary compensation shall be paid to a beneficiary by the administrative unit deciding on pecuniary compensation in administrative proceedings at the first instance or by the State Attorney's Office if pecuniary compensation is awarded in judicial proceedings.

(2) Funds for the payment of pecuniary compensation under this Act shall be allocated in the budget of the Republic of Slovenia.

(3) Funds for the payment of pecuniary compensation determined in administrative proceedings shall be allocated in the financial plan of the ministry responsible for administration.

(4) Funds for the payment of pecuniary compensation awarded in judicial proceedings shall be allocated in the financial plan of the State Attorney's Office.

V. OTHER FORMS OF JUST SATISFACTION

Article 15
(Other forms of just satisfaction)

In addition to pecuniary compensation, beneficiaries shall also be entitled to the following forms of just satisfaction under the conditions laid down in this Act:

1. the payment of contributions for compulsory health insurance,
2. participation and preferential treatment in social assistance programmes,
3. relief afforded in the exercise of rights to public funds,
4. state scholarships,
5. equal treatment in resolving housing matters,
6. access to the education system,

7. do vključitve in prednostne obravnave v programih pomoči za vključitev tujcev, ki niso državljani držav članic Evropske unije, v kulturno, gospodarsko in družbeno življenje Republike Slovenije.

16. člen
(pravica do plačila prispevka za obvezno zdravstveno zavarovanje)

(1) Upravičencu z dovoljenjem za stalno prebivanje, ki po zakonu, ki ureja zdravstveno varstvo in zdravstveno zavarovanje, ne izpolnjuje pogojev za vključitev v zavarovanje in prejema ali izpolnjuje pogoje za pridobitev denarne socialne pomoči, pripada pravica do plačila prispevka za obvezno zdravstveno zavarovanje, ki ga krije občina, na katere območju ima upravičenec prijavljeno stalno prebivališče.

(2) O upravičenosti do plačila prispevka iz prejšnjega odstavka na prošnjo upravičenca odloči center za socialno delo po zakonu, ki ureja uveljavljanje pravic iz javnih sredstev.

17. člen
(pravica do vključitve in prednostne obravnave v programih socialnega varstva)

Upravičenec, ki zaradi posledic izbrisa iz registra stalnega prebivalstva potrebuje pomoč, ima pravico do vključitve in prednostne obravnave v programih socialnega varstva.

18. člen
(olajšava pri uveljavljanju pravic iz javnih sredstev)

Denarna odškodnina, izplačana po tem zakonu, se ne šteje v dohodek, ki se upošteva pri uveljavljanju pravic iz javnih sredstev.

19. člen

7. participation and preferential treatment in programmes for foreigners who are non-EU citizens aimed at their integration into the cultural, economic and social life of the Republic of Slovenia.

Article 16
(The right to the payment of contributions for compulsory health insurance)

(1) A beneficiary holding a permanent residence permit who fails to comply with the requirement to enter the health insurance scheme pursuant to the Act regulating healthcare and health insurance and who receives social assistance or fulfils the conditions for such shall be entitled to compulsory health insurance contributions paid by the municipality in which his or her permanent residence is registered.

(2) Entitlement to the payment of the contributions referred to in the preceding paragraph shall be decided on by a social work centre following an application submitted by the beneficiary in accordance with the Act regulating the exercise of the right to public funds.

Article 17
(Right to participation and preferential treatment in social assistance programmes)

Beneficiaries who are in need of assistance because they were affected by the consequences of the erasure from the permanent population register shall have the right to participate and preferential treatment in social assistance programmes.

Article 18
(Relief in the exercise of rights to public funds)

The pecuniary compensation provided under this Act shall be excluded from income taken into consideration in the exercise of rights to public funds.

Article 19

(pravica do državne štipendije)

Ne glede na določbe zakona, ki ureja uveljavljanje pravic iz javnih sredstev, in zakona, ki ureja štipendiranje, je do državne štipendije upravičen tudi upravičenec z dovoljenjem za stalno prebivanje, če izpolnjuje druge pogoje, določene z zakonom, ki ureja uveljavljanje pravic iz javnih sredstev, in zakonom, ki ureja štipendiranje.

20. člen

(pravica do enakega obravnavanja pri reševanju stanovanjskega vprašanja)

Ne glede na določbe zakona, ki ureja stanovanjska razmerja, je upravičenec z dovoljenjem za stalno prebivanje pri reševanju stanovanjskega vprašanja izenačen z državljanom Republike Slovenije.

21. člen

(dostop do izobraževalnega sistema)

Upravičenec z dovoljenjem za stalno prebivanje se izobražuje po javnoveljavnih izobraževalnih ali študijskih programih za pridobitev javnoveljavne izobrazbe pod enakimi pogoji kot državljan Republike Slovenije.

22. člen

(pravica do vključitve in prednostne obravnave v programih pomoči za vključitev tujcev, ki niso državljani Evropske unije)

Upravičenec iz prvega odstavka 2. člena tega zakona ima pravico do vključitve in prednostne obravnave v programih, ki zagotavljajo hitrejše vključevanje v kulturno, gospodarsko in družbeno življenje Republike Slovenije, kot se zagotavljajo tujcu v skladu z določbami zakona, ki ureja vstop in bivanje tujcev.

VI. IZKAZOVANJE UPRAVIČENCA

(Right to a state scholarship)

Notwithstanding the provisions of the Act regulating the exercise of rights to public funds and the Act regulating scholarships, a beneficiary holding a permanent residence permit shall also be entitled to a state scholarship provided that he or she fulfils the other conditions laid down by the Act regulating the exercise of rights to public funds and the Act regulating scholarships.

Article 20

(Right to equal treatment in resolving housing situations)

Notwithstanding the provisions of the Act regulating housing relationships, a beneficiary holding a permanent residence permit shall be entitled to treatment equal to that enjoyed by citizens of the Republic of Slovenia with respect to resolving housing situations.

Article 21

(Access to the education system)

A beneficiary holding a permanent residence permit shall have the right to participate in state-approved education or study programmes for the acquisition of state-approved qualifications under the same conditions as citizens of the Republic of Slovenia.

Article 22

(Right to participation and preferential treatment in assistance programmes for the integration of foreigners other than EU citizens)

A beneficiary referred to in paragraph one of Article 2 of this Act shall have the right to participation and preferential treatment in programmes facilitating integration into the cultural, economic and social life of the Republic of Slovenia provided to foreigners pursuant to the provisions of the Act regulating the entry and residence of foreigners.

VI. IDENTIFICATION OF BENEFICIARIES

23. člen
(izkazovanje upravičenca)

(1) Pri uveljavljanju denarne odškodnine v sodnem postopku ali drugih oblik pravičnega zadoščenja se izpolnjevanje pogojev iz prvega odstavka 2. člena tega zakona izkazuje s potrdilom upravne enote, da je bil upravičenec izbrisan iz registra stalnega prebivalstva in da je po izbrisu pridobil dovoljenje za stalno prebivanje ali da je bil sprejet v državljanstvo Republike Slovenije ali s pravnomočno odločbo o določitvi denarne odškodnine, izdano po tem zakonu.

(2) Pri uveljavljanju denarne odškodnine v sodnem postopku ali drugih oblik pravičnega zadoščenja se izpolnjevanje pogojev iz drugega odstavka 2. člena tega zakona izkazuje s pravnomočno odločbo upravne enote o priznanju statusa upravičenca ali s pravnomočno odločbo o določitvi denarne odškodnine, izdane po tem zakonu v upravnem postopku. Če je tožba vložena pred pravnomočnostjo odločitve upravne enote o priznanju statusa upravičenca ali o določitvi denarne odškodnine v upravnem postopku, sodišče izda sklep o prekinitvi postopka do pravnomočnosti odločitve upravne enote.

(3) Zahteva za priznanje statusa upravičenca iz drugega odstavka 2. člena tega zakona se vloži pri kateri koli upravni enoti, za odločanje pa je pristojna upravna enota, na katere območju je imela stranka v času izbrisa iz registra stalnega prebivalstva prijavljeno stalno prebivališče.

(4) V izreku odločbe, s katero upravna enota prizna status upravičenca iz drugega odstavka 2. člena tega zakona, se ugotovi tudi obdobje izbrisa.

(5) Zoper odločitev upravne enote o priznanju statusa upravičenca je dovoljena pritožba. O pritožbi odloča ministrstvo, pristojno

Article 23
(Identification of beneficiaries)

(1) When claiming pecuniary compensation in judicial proceedings or other forms of just satisfaction, and compliance with the conditions referred to in paragraph one of Article 2 of this Act shall be demonstrated by a certificate issued by an administrative unit indicating that the beneficiary was erased from the permanent population register and thereafter obtained a permanent residence permit or was admitted to citizenship of the Republic of Slovenia, or by presenting a final decision determining the awarding of pecuniary compensation issued pursuant to this Act.

(2) When claiming pecuniary compensation in judicial proceedings or other forms of just satisfaction, compliance with the conditions referred to in paragraph two of Article 2 of this Act shall be demonstrated by a final decision of the administrative unit recognising the status of a beneficiary or a final decision determining the awarding of pecuniary compensation issued in accordance with this Act in administrative proceedings. If an action was filed prior to the finality of the decision of an administrative unit recognising the status of a beneficiary or determining pecuniary compensation in administrative proceedings, the court shall issue a procedural decision staying the proceedings until the decision of the administrative unit becomes final.

(3) The claim for the recognition of the status of a beneficiary referred to in paragraph two of Article 2 of this Act may be lodged with any administrative unit, whereby the authority to decide shall lie with the administrative unit on the territory of which the claimant was registered as a permanent resident at the time of erasure from the permanent population register.

(4) The operative part of the decision by which the administrative unit recognised the status of a beneficiary referred to in paragraph two of Article 2 of this Act shall also determine the period of erasure.

(5) An appeal shall be allowed against the decision of the administrative unit recognising the status of a beneficiary. The appeal

za notranje zadeve.

(6) V postopku za priznanje statusa upravičenca se uporabljajo določbe zakona, ki ureja splošni upravni postopek, če ta zakon ne določa drugače. V postopku se za vlogo in odločitev na prvi in drugi stopnji taksa ne plača.

VII. EVIDENCA

24. člen

(evidenca o odločitvah in izplačilih denarne odškodnine)

(1) Zaradi odločanja v postopkih za določitev denarne odškodnine in zaradi zagotovitve podatkov o izplačilih denarne odškodnine upravna enota upravlja evidenco, v kateri obdeluje naslednje osebne in druge podatke:

1. priimek in ime,
2. EMŠO,
3. spol,
4. rojstni datum (dan, mesec, leto),
5. rojstni kraj (država, kraj),
6. državljanstvo,
7. stalno ali začasno prebivališče,
8. datum vložitve zahteve oziroma tožbe ter opravilno številko zadeve sodišča,
9. številko, datum izdaje in organ, ki je odločbo oziroma sklep izdal, vrsto odločitve, datum vročitve,
10. podatke o dokončnosti in pravnomočnosti odločitve iz prejšnje točke,
11. številko in datum sklenitve izvensodne poravnave pred Državnim pravobranilstvom,
12. obdobje izbrisa, ugotovljeno z odločbo iz petega odstavka 8. člena in četrtega odstavka 23. člena tega zakona,
13. višino denarne odškodnine,
14. datum in način izplačila denarne odškodnine.

(2) Podatki iz 1. do 7. točke prejšnjega odstavka se pridobijo s povezavo z registrom tujcev, matičnim registrom, registrom stalnega

shall be decided on by the ministry responsible for internal affairs.

(6) Unless otherwise provided by this Act, proceedings recognising the status of a beneficiary shall be subject to the provisions of the Act regulating the general administrative procedure. No fees shall be chargeable for applications and decisions in proceedings at the first and second instances.

VII. RECORDS

Article 24

(Records of decisions and the payment of pecuniary compensation)

(1) For the purpose of deciding in proceedings for determining pecuniary compensation and with a view to ensuring data on pecuniary compensation payments, administrative units shall manage records in which the following personal and other data shall be processed:

1. name and surname,
2. personal identification number (EMŠO),
3. gender,
4. date of birth (day, month, year),
5. place of birth (country, place),
6. citizenship,
7. permanent or temporary residence,
8. the date of lodging a claim or filing action and the court case number,
9. the number, date of issue and issuing authority, type of decision, and date of service,
10. the data on the administrative finality and finality of the decision referred to in the preceding point;
11. the number and date of the conclusion of an out-of-court settlement before the State Attorney's Office,
12. the period of erasure established by a decision referred to in paragraph five of Article 8 and paragraph four of Article 23 of this Act,
13. the amount of pecuniary compensation,
14. the date and manner of payment of pecuniary compensation.

(2) The data referred to in points 1 to 7 of the preceding paragraph shall be acquired by means of links to the register of

prebivalstva in centralnim registrom prebivalstva.

(3) Podatek iz 8. točke prvega odstavka tega člena v evidenco vpiše upravna enota, pri kateri je vložena zahteva za določitev denarne odškodnine ali priznanje statusa upravičenca, oziroma Državno pravobranilstvo, kadar je vložena tožba za plačilo denarne odškodnine v sodnem postopku. Da se zagotovijo točni in posodobljeni podatki, ki so potrebni za odločanje po tem zakonu, mora sodišče o vloženi tožbi poslati Državnemu pravobranilstvu v treh delovnih dneh po vpisu tožbe v vpisnik pristojnega sodišča informacijo z razpoložljivimi podatki iz 1. do 8. točke prvega odstavka tega člena in opravilno številko zadeve, tako da se lahko ustrezno vpišejo v evidenco.

(4) Podatke iz 9., 10., 12., 13. in 14. točke prvega odstavka tega člena v evidenco vpiše upravna enota, ki je izdala odločbo oziroma sklep v upravnem postopku.

(5) Podatke iz 9., 10., 11., 13. in 14. točke prvega odstavka tega člena v evidenco vpiše Državno pravobranilstvo, kadar je sklenjena izvensodna poravnava ali je o denarni odškodnini odločeno v sodnem postopku.

(6) Upravna enota podatke iz evidence posreduje ministrstvu, pristojnemu za notranje zadeve, ki upravlja centralno evidenco.

(7) Zaradi pridobitve podatkov o izbrisu iz registra stalnega prebivalstva, izdanem dovoljenju za stalno prebivanje, sprejemu v državljanstvo Republike Slovenije, pravnomočnosti odločbe ali sklepa, s katerim je bila vloga za izdajo dovoljenja za stalno prebivanje ali za sprejem v državljanstvo Republike Slovenije zavržena, zavrnjena ali je bil postopek ustavljen, se evidenca iz prvega odstavka tega člena povezuje z registrom tujcev, matičnim registrom, registrom državljanstev in registrom stalnega prebivalstva.

(8) Podatki iz evidence se hranijo deset let od pravnomočnosti

foreigners, the civil register, the permanent population register and the central population register.

(3) The data referred to in point 8 of paragraph one of this Article shall be entered in the records by the administrative unit where the claim for determining pecuniary compensation or recognition of the status of a beneficiary was lodged, or by the State Prosecutor's Office if an action for the payment of pecuniary compensation was raised in judicial proceedings. With a view to ensuring accurate and updated data necessary for deciding under this Act, the court shall, within three working days of an action being entered in the register of the competent court, communicate to the State Attorney's Office the data available under points 1 to 8 of paragraph one of this Article pertaining to the action filed, including the court case number, in order for such data to be entered into the records accordingly.

(4) The data referred to in points 9, 10, 12, 13 and 14 of paragraph one of this Article shall be entered in the records by the administrative unit that issued the decision or procedural decision in administrative proceedings.

(5) If a case is settled out of court or compensation is awarded in judicial proceedings, the data referred to in points 9, 10, 11, 13 and 14 of paragraph one of this Article shall be entered in the records by the State Attorney's Office.

(6) Administrative units shall submit the data from their records to the ministry responsible for the interior, which shall manage the central record.

(7) For the purpose of obtaining data on the erasure from the permanent population register, permanent residence permits issued, admissions to citizenship of the Republic of Slovenia, and the finality of decisions or procedural decisions by which applications for a permanent residence permit or admission to citizenship of the Republic of Slovenia were refused, rejected or the proceedings were stayed, the records referred to in paragraph one of this Article shall be linked to the register of foreigners, the civil register, the citizenship register and the permanent population register.

(8) The data in the records shall be kept for ten years after the

odločbe oziroma od izplačila denarne odškodnine, nato se arhivirajo.

(9) Za druga vprašanja, ki se nanašajo na varstvo, uporabo in posredovanje osebnih podatkov, se uporabljajo določbe zakona, ki ureja varstvo osebnih podatkov.

25. člen
(dostop do podatkov iz evidence)

Upravne enote, ministrstvo, pristojno za notranje zadeve, Državno pravobranilstvo in sodišča imajo za namen odločanja po določbah tega zakona dostop do podatkov iz evidence iz prvega odstavka prejšnjega člena.

VIII. PREHODNE IN KONČNA DOLOČBA

26. člen
(uskladitev pravilnika)

Minister, pristojen za stanovanjske zadeve, uskladi Pravilnik o dodeljevanju neprofitnih stanovanj v najem (Uradni list RS, št. 14/04, 34/04, 62/06, 11/09 in 81/11) s tem zakonom v šestih mesecih od njegove uveljavitve.

27. člen
(plačilo dohodnine)

Do spremembe zakona, ki ureja dohodnino, se za denarno odškodnino, izplačano po tem zakonu, dohodnina ne plača.

28. člen
(začeti sodni postopki)

(1) Sodni postopki za povračilo škode, nastale zaradi izbrisa iz registra stalnega prebivalstva, ki so bili začeti do začetka uporabe tega

decision becomes final or compensation is paid, after which it shall be archived.

(9) Other matters concerning the protection, use and supply of personal data shall be subject to the Act regulating personal data protection.

Article 25
(Access to data kept in the records)

For the purpose of deciding under this Act, administrative units, the ministry responsible for the interior, the State Attorney's Office and courts shall have access to the data kept in the records referred to in paragraph one of the preceding Article.

VIII. TRANSITIONAL AND FINAL PROVISIONS

Article 26
(Harmonisation of the rules)

The minister responsible for housing shall harmonise the Rules on renting non-profit housing (Official Gazette of the Republic of Slovenia [Uradni list RS], Nos 14/04, 34/04, 62/06, 11/09 and 81/11) with this Act within six months of its entry into force.

Article 27
(Personal income tax payment)

No income tax shall be charged for the pecuniary compensation paid under this Act pending the amendments to the Act regulating personal income tax.

Article 28
(Judicial proceedings in progress)

(1) Judicial proceedings for the compensation of damage sustained as a result of the erasure from the permanent population

zakona in o njih še ni pravnomočno odločeno, se končajo po določbah tega zakona.

(2) V sodnih postopkih iz prejšnjega odstavka lahko tožnik do pravnomočnosti odločbe brez privolitve nasprotne stranke umakne tožbo in vloži zahtevo za določitev denarne odškodnine v upravnem postopku v skladu s tem zakonom. Če tožnik tožbo umakne, ni dolžan povrniti stroškov postopka nasprotni stranki.

29. člen
(uveljavitev in uporaba zakona)

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, uporabljati pa se začne šest mesecev po njegovi uveljavitvi.

register initiated prior to the date of application of this Act that are still pending final decisions shall be concluded under the provisions of this Act.

(2) In the judicial proceedings referred to in the preceding paragraph, the plaintiff may withdraw the action without the opposing party's consent before a decision becomes final and lodge a claim for determining pecuniary compensation in administrative proceedings in accordance with this Act. Plaintiffs who withdraw an action shall not be obliged to reimburse the costs of proceedings to the opposing party.

Article 29
(Entry into force and application)

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