

Price Controls Act

Zakon o Kontroli Cen (ZKC)

Article 1

The present act shall regulate control of the prices of goods and services (hereinafter: price controls) in the Republic of Slovenia implemented by state bodies.

Article 2

Insofar as they are not defined otherwise, the terms used in the present act shall be as follows:

- price controls encompass monitoring and analysis of the fluctuation of prices, the preparation, proposal and prescription of price control measures and the implementation of such measures by state bodies
- the price of goods is the payment stipulated, agreed or handed over for goods with regard to the place where the goods are received in accordance with the rules of obligational law
- the price of services is the payment stipulated, agreed or handed over for services with regard to the place where the services are provided
- a company is any legal or natural person that performs commercial activities on the market, including public companies and subsidiaries of foreign companies; individuals, institutes and other legal persons

that in accordance with the law perform their activities according to market principles either constantly or periodically, to a limited extent or alongside their principal activity shall also be deemed companies

– the sale of goods is any action by which obligational relations deriving from a sales contract are established or executed, i.e. an offer, acceptance of an offer, specification of price in tariffs and stipulation of general business conditions, issue of a bill, etc.

Article 3

(1) Market participants shall freely set prices on the basis of supply and demand and other competition factors; these must be taken into consideration by state bodies in stipulating price control measures.

(2) State bodies may only apply price control measures stipulated by law to prices, and only for reasons stipulated by law.

(3) In a particular case state bodies may only apply price control measures that:

- are urgently required in respect of the reason for the measure
- place the minimum possible restrictions on competition and are closest to normal market conditions
- lead most rapidly to the elimination of the reasons for price control measures

(4) If monetary obligations stipulated by regulations and included in the price upon sale of goods (taxes, contributions, customs duties and other levies) lapse or reduce, the prices for which the price control measure is stipulated must be reduced as appropriate, unless the prescription stipulates otherwise.

Article 4

Insofar as is not stipulated otherwise either expressly or in the sense of the provisions, the present act shall not affect the rights and obligations of market participants and the responsibilities of state bodies under other acts governing the regulation of the market, especially acts on commercial public services, competition, consumer protection, dumping, state aid, taxes and collation of statistics on prices.

Article 5

(1) If the Government of the Republic of Slovenia (hereinafter: the government) or the minister responsible for price controls (hereinafter: the minister) is of the opinion that a price is set by a cartel agreement or vertical restrictive agreement, a resolution by a business association, or coordinated behaviour by companies, or is the result of the abuse of a monopoly or a company's predominant position, the government or the minister shall notify the Office of the Republic of Slovenia for Protection of Competition of such without delay and shall send it the information at its/his/her disposal.

(2) The government's possibilities under Article 13 of the present act shall not be restricted thereby.

Article 6

(1) The government shall be answerable to the National Assembly of the Republic of Slovenia (hereinafter: the National Assembly) for its prices policy and shall prescribe price control measures.

(2) Monitoring and analysis of the fluctuation of prices, the preparation of prescriptions and the implementation of price control measures shall be performed by the ministry responsible for price controls (hereinafter: the ministry).

(3) Irrespective of the provision of the previous paragraph administrative units shall monitor the fluctuation of the prices of services within municipal activities, the prices of products thereof, the prices of fuels in local distribution or local consumption, and other prices stipulated by the minister. Administrative units shall keep the ministry constantly informed regarding the price fluctuations they determine.

Article 7

Unless stipulated otherwise either expressly or in the sense of the provisions, the provisions in the present act on goods and the prices and sellers thereof shall also refer to services that are transacted on the market and the prices and providers thereof.

Article 8

(1) The government shall stipulate appropriate price control measures via a decree if:

1. such is necessary in order to achieve the objectives and measures of economic policy stipulated by National Assembly acts
2. it is a case of activities in which an individual company or unit that independently performs activities or certain companies has/have a monopoly or a predominant position, and the activities are necessary for the fulfilment of the needs of people and organisations
3. serious disturbances on the market are arising or can justifiably be expected in the fluctuation of prices, and it is not a matter of ordinary seasonal fluctuation
4. prices could arise on the market that could threaten the regular supply of consumers, and such prices would be the result of natural or other large-scale disasters
5. it is a matter of the sale of goods from national commodity reserves
6. it is a matter of state purchase based on law
7. it is a matter of harmonisation of prices with obligations adopted by the Republic of Slovenia through international agreements
8. it is a matter of permitted forms of state aid, or special levies are prescribed for import

(2) A price control measure shall last as long as the reason specified in the previous paragraph exists, but no longer than six months. The government may in justifiable cases renew the measure after such a time on the basis of preliminary analysis of the situation.

(3) Irrespective of the previous paragraph:

- measures specified in points 1 and 2 of the first paragraph may last one year; the government may renew such a measure in accordance with the previous paragraph

- measures specified in points 5 to 8 of the first paragraph of this article may last for as long as the sale, purchase, obligation of the Republic of Slovenia, state aid or levy lasts

(4) The government shall via a decree stipulate a list of goods to which price control measures may be applied for reasons specified in points 1 and 2 of the first paragraph of this article.

(5) In stipulating the list specified in the previous paragraph the government shall primarily take into consideration:

- the particular significance of specific goods in ensuring economic development

- the regular supply of consumers

- the strengthening of the competitive capabilities of the domestic market

- the implementation of stricter environmental and health requirements in the production and use of goods

- the regular operation of the market and possibilities for including new providers

- consumer purchasing power, particularly with regard to vital goods and services used by all consumers for which there is no possibility of choosing supplier or provider

(6) The government may stipulate in detail the application of a price control measure to individual types of goods or activities via a decree.

Article 9

Price control measures are:

1. specification of a maximum price, whereby companies may not sell goods above such a price, but may sell below it
2. specification of a fixed price, whereby companies may not sell goods above or below such a price
3. specification of a minimum price, whereby companies may not set or accept lower prices
4. specification of elements of a price, whereby in accordance with points 1 to 3 of this article a maximum, fixed or minimum price for individual components or several components is set
5. specification of a price mechanism, whereby a method for formulating prices or components thereof that a company may or must or may not apply and criteria according to which prices or components thereof must or may be formulated (e.g. bourse prices) are stipulated
6. acquisition of prior approval for prices, whereby a price may not be set or changed without prior approval
7. return of prices to a specific level, whereby a company is obliged to set prices that applied prior to a rise or cut, as the prices were determined in a government act
8. prior registration of prices, whereby companies are obliged to register valid prices and any changes thereto with the ministry
9. compulsory regular or periodic submission of information on prices for an individual type or several types of goods on the basis of an

order by the minister

Article 10

- (1) Price control measures shall relate to an individual type of goods, a group of goods, several groups of goods, or all goods.
- (2) Price control measures may be applied to prices at any stage in the production or trade of goods or the provision of services. The decree on the introduction of a price control measure shall stipulate to which stage of production, trade or provision of services the measure is to relate.
- (3) If prices to which a price control measure applies are a component of a tariff system or similar system or of general business conditions by which the calculation of prices of goods that actually apply to customers is stipulated, it shall not be permitted to change, add to, replace or abolish such a system or such conditions without prior changes to the price control measure.
- (4) In the decree on specification of prior approval specified in point 6 of Article 9 of the present act the government may stipulate that approval for the prices of individual types of goods is to be given by the ministry responsible for price controls.
- (5) If a price control measure specified in point 6 or point 8 of Article 9 of the present act is stipulated, a company may apply the prices for one month after obtaining prior approval or for one month after prior registration of the price.

(6) The minister may prescribe compulsory submission of information on prices for individual goods or services if the ministry requires such information to monitor the fluctuation of prices.

(7) The minister may demand all information important to price control from companies that formulate prices.

(8) For the prior approval of prices specified in point 6, the prior registration of prices specified in point 8 and the submission of information on prices specified in point 9 of Article 9 of the present act the minister may prescribe, via an order, the compulsory components of the application or report and, as required, appropriate forms.

(9) If an application, registration or report specified in the seventh paragraph of this article is not completed the ministry shall request supplementation. If the company fails to complete and send such within eight days of receiving the report it shall be deemed to have not sent it.

(10) In the use of goods reserves to supply the market price control measures may be prescribed for the prices of such goods in onward sale and for the prices of goods manufactured from the goods placed on the market from goods reserves.

Article 11

(1) Companies that sell goods to which a price control measure relates shall be obliged to harmonise their prices with the price control measure.

(2) Buyers shall be entitled to be sold goods at prices in accordance with

price control measures and to be charged such prices. If a company that sells goods charges a different price, the customer may pay the price that is in accordance with the price control measure.

Article 12

(1) In acts by which they stipulate to companies conditions for acquiring rights, authorisations and benefits and for concluding contracts, state bodies, other bodies and organisations with public authorisations, and local community bodies shall also stipulate the condition that the companies have harmonised their prices with price control measures for the period of the last three years. Through such acts the bodies shall stipulate that they may revoke decisions on the acquisition of rights, authorisations and benefits that are not fully realised and cancel contracts if a company fails to harmonise its prices with price control measures implemented after the adoption of the decision in question or the conclusion of the contract.

(2) The term "acts" in the previous paragraph refers to acts regulating the assignment of import quotas and licences, the awarding of concessions, the purchase of goods and use of services in order to perform the tasks and activities of such bodies, incentives, grants, subsidies, supplements and compensation, other financial interventions, active employment policy measures and other measures.

(3) A company shall be deemed to have failed to harmonise its prices with price control measures if such is determined by a legally valid ruling by a market inspection body specified in Article 17 of the present act.

(4) Bodies specified in the first paragraph of this article shall report in writing to the relevant market inspection body regarding persons that have acquired rights or authorisations or have concluded contracts.

Article 13

(1) At the proposal of one or several companies or major consumers that are regular buyers of goods, one or several consumer organisations, or the Office of the Republic of Slovenia for Consumer Protection, the government may stipulate an appropriate price control measure if it determines that the current price of the goods from one or several companies is excessive, or if it is disproportionately high with regard to the international movement of prices, the general index of prices in the branch of the economy or the general rise in prices in the branch of the economy.

(2) The price control measure specified in the previous paragraph may last a maximum of one year.

(3) Proposals for a measure specified in the first paragraph of this article shall be lodged with the ministry. The ministry shall conduct an investigation of the justification of the proposal and shall report its findings to the proposer and to the company or association of companies concerned.

(4) If the ministry determines that the proposal is justified, it may require the company or companies concerned to immediately lower the price in accordance with the ministry's findings, which shall stop the procedure.

(5) If the company concerned fails to initiate a sufficient cut in prices, the ministry shall submit a proposal together with its findings to the government.

(6) If the ministry determines that the proposal is not justified, the proposer may lodge the proposal with the government itself.

(7) The government must decide on a proposal within one month of receiving the proposal and the ministry's findings or within one month of receiving it from the proposer itself.

(8) If the government agrees with the proposal it shall publish a resolution on such in the Official Gazette of the Republic of Slovenia.

(9) An appropriate price control measure may also be stipulated by the relevant body of a local community for prices of public services that are the responsibility of the local community.

Article 14

(1) Upon the introduction of a price control measure or at any time while it lasts the government may instruct companies that because of the measure they may not cease selling the goods to which the measure relates.

(2) The government may only charge companies with the obligation specified in the previous paragraph if the abandonment of sales would seriously threaten the supply of consumers or the ordinary and vital operations of other companies and other legal persons, and such could not be eliminated or prevented through other measures.

(3) If the government charges companies with the obligation specified in the first paragraph of this article it may also stipulate appropriate compensation for companies that would incur considerable damage by such a measure.

(4) This article shall not exclude the authorisations held by the market inspection body under Article 18 of the present act.

Article 15

(1) For the preliminary coordination of standpoints regarding the prescription of price control measures a Prices Council shall operate at the ministry as an advisory body for price control issues (hereinafter: the council).

(2) The council shall have a president, who shall be the minister responsible for price controls, and ten other members. The minister may for an individual council session or for a specific time appoint a deputy to preside over the council. The deputy may not be a member of the council. The members of the council shall be appointed by the minister from among the ranks of experts as follows:

- one from the ministry responsible for price controls
- one at the proposal of the ministry responsible for finance
- four at the proposal of the Chamber of Commerce and Industry of Slovenia
- one at the proposal of the director of the Office of the Republic of Slovenia for Protection of Competition
- one at the proposal of the director of the Office of the Republic of Slovenia for Consumer Protection
- two independent experts

(3) It shall be compulsory to invite to sessions representatives of ministries

whose area of work relates to the price control measure under discussion at the session. At the proposal of the members proposed by the Chamber of Commerce and Industry of Slovenia the president may also invite representatives of commercial associations and individual companies whose activities relate to the price control measure. The representatives invited shall have no voting rights.

(4) The council must discuss all proposals for price control measures, and other standpoints and analyses, which the minister shall send to the government.

(5) The council shall adopt standpoints by a majority vote. The standpoints shall be sent by the minister in his/her report to the government. The report must also cite the opinions of invited participants and the separate standpoints of council members.

(6) In urgent cases the minister may propose a price control measure or amendment thereof to the government without the council's preliminary standpoints, but must convene the council as soon as possible and send its standpoints to the government.

(7) The minister shall be independently answerable for his/her decisions and proposals to the government, and shall not be tied to the council's standpoints.

Article 16

(1) All participants in price control procedures shall be obliged during the procedures and after the completion thereof to safeguard as an official secret all information relating to prices and price controls, particularly information on elements of prices, the calculation thereof, proposals for

price changes, information sent by companies to the ministry or the government and information that comprises a commercial secret of companies under the act governing commercial companies.

(2) The obligation under the previous paragraph shall apply to all information, irrespective of whether individual items of information were previously defined as different types of secret.

Article 17

(1) The implementation of the obligations with which the present act and prescriptions issued on its basis charge sellers of goods shall be supervised by market inspection bodies.

(2) If in conducting supervision a market inspection body determines that a company has failed to apply price control measures specified in Articles 9 or 13 of the present act, it shall via a ruling instruct the company to implement the measure.

(3) In the ruling the market inspection body shall also determine whether the company has charged an excessive price or paid too low a price, and to what extent, and shall instruct the company to repay the difference in price with the appurtenant interest. The market inspection body shall also determine whether the company has gained any other material benefit through violation of the price control measure.

(4) If a company that has failed to apply a price control measure has charged buyers an excessive price or paid sellers too low a price, it shall be obliged to return the difference in price to the buyers or sellers, without an express appeal to do so, within 15 days of the market inspection body's ruling

becoming legally valid.

(5) If the buyers or sellers are not known, the company shall be obliged, immediately after the market inspection body's ruling becomes legally valid, to publish in an appropriate manner an appeal for the buyers or sellers to contact the company for the payment of the difference in price and interest within a period that may not end less than 30 days after the publication of the appeal. A buyer or seller that fails to contact the company within this period shall not lose the right to repayment of the excess amount paid and the buyer's or seller's rights under obligational law.

(6) The interest under this article shall be equal to the penalty interest on commercial transactions under obligational law.

(7) The market inspection body shall acquaint bodies and organisations specified in the first paragraph of Article 12 of the present act with the legally valid ruling.

Article 18

(1) If because of a price control measure a company ceases to sell goods and such could seriously threaten the supply of consumers or the ordinary operations of other companies and legal persons, the market inspection body shall in the ruling specified in Article 17 of the present act instruct the company to begin sales without delay and in so doing apply the price control measure.

(2) In the ruling the market inspection body shall stipulate the period during which the company's obligation under the previous paragraph is to apply; however this obligation may not apply for more than three months after the market inspection body's ruling becomes legally valid.



Article 19

Appeals against rulings specified in Articles 17 and 18 shall not delay the execution of rulings, with the exception of those regarding obligations to return excess amounts paid according to the fourth and fifth paragraphs of Article 17.



Article 20

(1) A fine of at least 1,000,000 tolar for an infringement shall be imposed upon a company if:



1. it fails to harmonise prices with price control measures (Article 9)
2. it changes, adds to, replaces or abolishes a tariff system or similar system or commercial conditions without receiving prior approval for such from the government (Article 9)
3. it ceases selling in contravention of Articles 14 and 18
4. it fails to return an excess amount paid and penalty interest thereon (Article 17)



(2) A fine of at least 200,000 tolar shall also be imposed upon the responsible officer of a company that commits an infringement specified in the previous paragraph.



Article 21

(1) A fine of at least 300,000 tolars for an infringement shall be imposed upon a company if:

1. it fails to register prices in advance according to point 8 of Article 9 of the present act; or
2. it fails to send information in accordance with point 9 of Article 9 of the present act or sends erroneous information

(2) A fine of at least 50,000 tolars shall also be imposed upon the responsible officer of a company that commits an infringement specified in the previous paragraph.



Article 22

A fine of at least 300,000 tolars for an infringement shall be imposed upon a company that fails to act according to a ruling by a market inspection body specified in Article 17 of the present act.



Article 23

If a market inspection body determines that a company has gained a material benefit through violation of a price control measure it shall propose to the misdemeanours judge that such benefit be seized from the company; however a monetary amount returned by the company to buyers shall not be deemed a material benefit.

Article 24

(1) On the day the present act enters into force the Prices Act (Zakon o cenah ; Ur. 1. RS, No. 1/91-I) shall cease to be valid.

(2) Executive regulations adopted on the basis of the prices act specified in the previous paragraph shall cease to be valid on the day stipulated for the cessation of the validity thereof.

(3) Executive regulations adopted on the basis of the prices act specified in the first paragraph of this article in which there is no period of validity stipulated shall cease to be valid within four months of the entry into force of the present act.

(4) The government may repeal regulations specified in the previous paragraph before their validity expires.

Article 25

The present act shall enter into force fifteen days after its publication in

the Official Gazette of the Republic of Slovenia.



全球法律法规

Global Laws & Regulations

No. 312-01/91-2/14

Ljubljana, 22 July 1999



全球法律法规

Global Laws & Regulations

Janez Podobnik

President

National Assembly of the Republic of Slovenia



全球法律法规

Global Laws & Regulations



全球法律法规

Global Laws & Regulations