

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

Neuradno prečiščeno besedilo Zakona o proizvodnji in prometu s prepovedanimi drogami obsega:

- Zakon o proizvodnji in prometu s prepovedanimi drogami – ZPPPD (Uradni list RS, št. 108/99 z dne 27. 12. 1999),
- Zakon o spremembi zakona o proizvodnji in prometu s prepovedanimi drogami – ZPPPD-A (Uradni list RS, št. 44/00 z dne 26. 5. 2000),
- Zakon o spremembah in dopolnitvah zakona o zdravstveni inšpekciji – ZZdrl-A (Uradni list RS, št. 2/04 z dne 15. 1. 2004),
- Zakon o spremembah in dopolnitvah določenih zakonov na področju zdravja – ZdZPZ (Uradni list RS, št. 47/04 z dne 30. 4. 2004).

ZAKON

O PROIZVODNJI IN PROMETU S PREPOVEDANIMI DROGAMI (ZPPPD)

(neuradno prečiščeno besedilo št. 3)

I. SPLOŠNE DOLOČBE

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The unofficial consolidated version of the Production of and Trade in Illicit Drugs Act comprises:

- Production of and Trade in Illicit Drugs Act – ZPPPD (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 108/99 of 27 December 1999),
- Act Amending the Production of and Trade in Illicit Drugs Act – ZPPPD-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 44/00 of 26 May 2000),
- Act Amending the Health Inspection Act – ZZdrl-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 2/04 of 15 January 2004),
- Act Amending Certain Acts in the Field of Health – ZdZPZ (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 47/04 of 30 April 2004).

PRODUCTION OF AND TRADE IN ILLICIT DRUGS ACT (ZPPPD)

(Unofficial consolidated version No. 3)

I. GENERAL PROVISIONS

1. člen

Ta zakon določa pogoje, pod katerimi sta dovoljena proizvodnja in promet s prepovedanimi drogami ter posest prepovedanih drog.

2. člen

Prepovedane droge so rastline ali substance naravnega ali sintetičnega izvora, ki imajo psihotropne učinke ter lahko vplivajo na telesno ali duševno zdravje ali ogrožajo primerno socialno stanje ljudi in so opredeljene v seznamu iz tretjega odstavka tega člena.

Razvrstitev prepovedanih drog sprejme Vlada Republike Slovenije, na predlog ministra, pristojnega za zdravstvo (v nadaljnjem besedilu: minister).

Seznam iz prejšnjega odstavka mora vsebovati za vse substance mednarodno nezaščiteno ime v latinski verziji ali drugo priznано ime ter kemijsko ime, empirično formulo in molekulsko težo.

Ta zakon se smiselno uporablja tudi za prepovedane droge, ki se uporabljajo v veterini, kolikor poseben zakon ne določa drugače.

3. člen

Prepovedane droge so razvrščene v eno od naslednjih treh skupin glede na resnost nevarnosti za zdravje ljudi, ki je lahko posledica njihove zlorabe ter glede na uporabo v medicini:

Skupina I: rastline in substance, ki so zelo nevarne za zdravje ljudi zaradi hudih posledic, ki jih lahko povzročijo njihova zloraba in se ne uporabljajo v medicini;

Skupina II: rastline in substance, ki so zelo nevarne zaradi hudih posledic, ki jih lahko povzročijo njihova zloraba in se lahko uporabljajo v medicini;

Article 1

This Act shall set out the conditions under which the production of and trade in illicit drugs are permitted and the possession of illicit drugs.

Article 2

Illicit drugs shall be deemed to be plants and substances of natural or synthetic origin which have psychotropic effects and which can influence a person's physical or mental health or threaten a person's appropriate social status and which are defined in the list referred to in paragraph three of this Article.

The classification list of illicit drugs shall be adopted by the Government of the Republic of Slovenia on the proposal of the minister competent for health (hereinafter: the Minister).

The list referred to in the preceding paragraph must, for all substances, contain an internationally unprotected (generic) name in the Latin version or another recognised name and their chemical name, empirical formula and molecular weight.

This Act shall apply *mutatis mutandis* to illicit drugs used in veterinary medicine if not otherwise stipulated in a special Act.

Article 3

Illicit drugs shall be classified into one of the following three groups based on the risk they pose to human health, and with regard to their use in medicine:

Group I: plants and substances which are very hazardous for human health due to the severe consequences which can be caused by their abuse and which are not used in medicine;

Group II: plants and substances which are very dangerous due to the severe consequences which can be caused by their abuse and which can be used in medicine;

Skupina III: rastline in substance, ki so srednje nevarne zaradi posledic, ki jih lahko povzroči njihova zloraba in se lahko uporabljajo v medicini.

4. člen

Za proizvodnjo prepovedanih drog se štejejo vsi postopki, kjer se pridobivajo substance iz 2. člena tega zakona, vključno z gojenjem, predelavo in njihovo končno izdelavo.

Za promet s prepovedanimi drogami se po tem zakonu štejejo uvoz, izvoz, tranzit, prodaja in vsak drug način dajanja prepovedanih drog v promet.

Uvoz je del prometa, ki pomeni vnos prepovedane droge na območje Republike Slovenije iz držav članic Evropske unije ali držav podpisnic Sporazuma o Evropskem gospodarskem prostoru (EGP) in iz tretjih držav.

Izvoz je del prometa, ki pomeni iznos prepovedane droge iz območja Republike Slovenije v države članice Evropske unije in v tretje države.

Tranzit je vsak prenos prepovedanih drog čez območje Republike Slovenije.

5. člen

Prepovedana je posest prepovedanih drog, razen pod pogoji določenimi v 7. in 19. členu tega zakona.

6. člen

Za prepovedane droge se ne štejejo substance, ki se v skladu s posebnimi predpisi uporabljajo kot zdravila.

Group III: plants and substances which are of medium hazard due to the consequences which can be caused by their abuse and which can be used in medicine.

Article 4

The production of illicit drugs shall be deemed to be all procedures in which substances referred to in Article 2 of this Act are obtained, including their cultivation, processing and final preparation.

For the purpose of this Act, trade in illicit drugs shall be deemed to be the import, export, transit and sale of illicit drugs and any other method of releasing illicit drugs into circulation.

Import shall be that part of trade meaning the introduction of illicit drugs into the territory of the Republic of Slovenia from other Member States of the European Union, from the signatory states of the Agreement on the European Economic Area (EEA) and from third countries.

Export shall be that part of trade meaning the exit of illicit drug from the territory of the Republic of Slovenia into Member States of the European Union and to third countries.

Transit shall be any transfer of illicit drugs through the territory of the Republic of Slovenia.

Article 5

The possession of illicit drugs shall be prohibited except under the conditions specified in Articles 7 and 19 of this Act.

Article 6

Substances which in accordance with special regulations are used as medicinal products shall not be deemed to be illicit drugs.

7. člen

Proizvodnja, promet in posest prepovedanih drog iz skupine I se lahko opravlja le v znanstveno-raziskovalne in učne namene.

Prepovedane droge iz skupine II in III se lahko proizvajajo, dajejo v promet in imajo v posesti za medicinske, veterinarske, učne in znanstveno-raziskovalne namene.

Dovoljenje za opravljanje dejavnosti iz prvega in drugega odstavka tega člena izda minister, na podlagi ocene letnih potreb.

II. PROIZVODNJA PREPOVEDANIH DROG

8. člen

Proizvodnja prepovedanih drog se lahko opravlja na podlagi dovoljenja ministra.

Prepovedane droge lahko proizvajajo pravne in fizične osebe, ki izpolnjujejo pogoje za izdelavo zdravil, določene s posebnim zakonom.

Dovoljenje iz prvega odstavka tega člena ne more pridobiti oseba, če je bila obsojena za kaznivo dejanje neupravičene proizvodnje in prometa s prepovedanimi drogami v skladu z 196. in 197. členom kazenskega zakonika, v roku petih let od dneva pravnomočnosti sodbe.

9. člen

Vrtni mak (*Papaver Somniferum*) in konoplja (*Cannabis Sativa* l.) se lahko gojita samo za prehrabene in industrijske namene na podlagi dovoljenja, ki ga izda ministrstvo, pristojno za kmetijstvo.

Article 7

The production of, trade in and possession of illicit drugs from Group I may be performed exclusively for scientific research and for educational purposes.

Illicit drugs from groups II and III may be produced, released into circulation or possessed for medical, veterinary, educational and scientific research purposes.

Licences to perform the activities from paragraphs one and two of this Article shall be issued by the minister, this based on the estimated annual requirements.

II. PRODUCTION OF ILLICIT DRUGS

Article 8

The production of illicit drugs may be performed on the basis of a licence obtained from the minister.

Illicit drugs may be produced by legal entities or natural persons who fulfil the conditions for the production of medicinal products specified in a special Act.

The licence referred to in paragraph one of this Article may not be granted to a person who has been convicted of committing the criminal offence of unjustified production of and trade in illicit drugs in accordance with Articles 196 and 197 of the Penal Code until the expiry of five years of the day the legal decision was issued.

Article 9

Opium poppy (*Papaver Somniferum*) and cannabis (*Cannabis Sativa* l.) may be cultivated solely for food or industrial purposes on the basis of a licence issued by the ministry competent for agriculture.

Natančnejše pogoje za pridobitev dovoljenja iz prejšnjega odstavka predpiše minister, pristojen za kmetijstvo v soglasju z ministrom, pristojnim za zdravstvo in ministrom, pristojnim za notranje zadeve.

III. PROMET S PREPOVEDANIMI DROGAMI

10. člen

Prepovedane droge se lahko dajo v promet le na podlagi dovoljenja ministra.

Vloga za izdajo dovoljenja za promet s prepovedanimi drogami se vloži pri ministrstvu, pristojnemu za zdravstvo.

Natančnejši postopek izdajanja dovoljenja za promet in obrazec vloge predpiše minister.

11. člen

Promet s prepovedanimi drogami na debelo lahko opravljajo pravne in fizične osebe, ki se ukvarjajo s proizvodnjo prepovedanih drog ter pravne in fizične osebe, ki izpolnjujejo pogoje, določene s posebnim zakonom za opravljanje prometa z zdravili na debelo.

Pravne in fizične osebe, ki opravljajo promet s prepovedanimi drogami na debelo iz skupin I in II, morajo poleg pogojev iz prejšnjega odstavka izpolnjevati še naslednje pogoje:

1. da imajo ustrezne prostore in opremo za hrambo in izdajanje prepovedanih drog, ki ustrezajo tehničnim in sanitarnim pogojem;
2. da hranijo prepovedane droge v posebnih prostorih, v katerih ne sme biti drugih proizvodov, ti prostori pa morajo biti zavarovani pred dostopom nepooblaščenih oseb.

Minister podrobneje določi tehnične in sanitarne pogoje ter

More detailed conditions for obtaining the licence referred to in the preceding paragraph shall be prescribed by the minister competent for agriculture in agreement with the minister competent for health and the minister competent for internal affairs.

III. TRADE IN ILLICIT DRUGS

Article 10

Illicit drugs may be released into circulation exclusively on the basis of a licence issued by the minister.

Applications for the issuing of a licence for trade in illicit drugs shall be submitted to the ministry competent for health.

The more detailed procedure for the issuing of licences for trade in illicit drugs and the form of the applications shall be prescribed by the minister.

Article 11

Wholesale trade in illicit drugs may be performed by legal entities and natural persons involved in the production of illicit drugs and legal entities and natural persons who meet the conditions stipulated in a special Act governing wholesale trade in medicinal products.

In addition to the conditions specified in the preceding paragraph, legal entities and natural persons who perform wholesale trade in illicit drugs from Groups I and II must meet the following conditions:

1. that they have premises and equipment which are suitable for the storage and issuing of illicit drugs and which meet technical and sanitary conditions;
2. that they store the illicit drugs in special premises in which there may be no other products and that such premises must be secured against access by unauthorised persons.

The minister shall specify in greater detail the technical and

način zavarovanja prostorov iz prejšnjega odstavka.

12. člen

Promet s prepovedanimi drogami iz skupin II in III na drobno opravljajo lekarne v skladu z zakonom, ki ureja opravljanje lekarniške dejavnosti.

13. člen

Prepovedane droge smejo uvažati in izvažati le pravne in fizične osebe, ki so registrirane za opravljanje proizvodnje ali prometa z zdravili na debelo ter na podlagi dovoljenja ministra.

14. člen

Dovoljenje za uvoz prepovedanih drog se izda, če sta izpolnjena naslednja pogoja:

1. da so prepovedane droge, ki se uvažajo, namenjene za medicinske, veterinarske, učne ali znanstveno-raziskovalne namene;
2. da je količina prepovedanih drog, za katero se zahteva uvozno dovoljenje, v skladu z oceno letnih potreb.

15. člen

Dovoljenje za izvoz prepovedanih drog se izda, če sta izpolnjena naslednja pogoja:

1. da so prepovedane droge, ki se izvažajo, namenjene za medicinske, veterinarske, učne ali znanstveno-raziskovalne namene;
2. da je vlogi za izvozno dovoljenje priloženo uvozno dovoljenje pristojnega organa države uvoznice.

sanitary conditions and the method of securing the premises referred to in the preceding paragraph.

Article 12

Retail trade in illicit drugs from Groups II and III shall be performed by pharmacies in accordance with the Act governing the performance of pharmacy activities.

Article 13

Illicit drugs may be imported and exported solely by legal entities and natural persons who are registered to perform the production of or wholesale trade in medicinal products on the basis of a licence issued by the minister.

Article 14

Licences for the import of illicit drugs shall be issued if the following two conditions are met:

1. that the illicit drugs being imported are intended for medical, veterinary, educational or scientific research purposes;
2. that the quantity of illicit drugs for which an import licence is being requested is in accordance with the estimated annual requirements.

Article 15

Licences for the export of illicit drugs shall be issued if the following two conditions are met:

1. that the illicit drugs being exported are intended for medical, veterinary, educational or scientific research purposes;
2. that an import licence from the competent authority of the importer state is attached to the application for the export licence.

16. člen

Vsaka pošiljka prepovedanih drog, ki se uvaža oziroma izvaža mora vsebovati tudi kopijo uvoznega oziroma izvoznega dovoljenja.

Ministrstvo, pristojno za zdravstvo posreduje kopijo izvoznega dovoljenja pristojnemu organu države uvoznice.

17. člen

Vloga za izdajo uvoznega oziroma izvoznega dovoljenja mora vsebovati naslednje podatke:

1. ime oziroma firmo in sedež pravne in fizične osebe, ki želi uvoziti ali izvoziti prepovedane droge;
2. naziv prepovedane droge in namen, za katerega se uvaža oziroma izvaža;
3. predvideno količino prepovedane droge;
4. odstotno količino baze prepovedane droge;
5. skupno količino baze prepovedane droge;
6. firmo oziroma ime in sedež tuje firme, ki je posrednik pri uvozu oziroma izvozu prepovedane droge;
7. označbo carinarnice, preko katere se uvaža oziroma izvaža prepovedana droga, če gre za uvoz oziroma izvoz iz tretjih držav;
8. rok, v katerem bo opravljen uvoz oziroma izvoz;
9. številko uvoznega dovoljenja in navedbo organa države uvoznice, ki je izdal dovoljenje.

18. člen

Tranzit prepovedanih drog čez območje Republike Slovenije je dovoljen le, če ima pošiljka izvozno dovoljenje države, iz katere se prepovedano drogo izvaža ter uvozno dovoljenje države uvoznice.

O poteku tranzita iz tretjih držav se morata medsebojno obvestiti vstopna in izstopna carinska izpostava.

Article 16

Each consignment of illicit drugs which is imported or exported must also contain a copy of the import or export licence.

The ministry competent for health shall forward a copy of the export licence to the competent authority of the importer state.

Article 17

Applications for the issuing of an import or export licence must contain the following data:

1. the company title or name and head office of the legal entity or natural person who wishes to import or export the illicit drugs;
2. the name of the illicit drug and the purpose for which it is being imported or exported;
3. the envisaged quantity of the illicit drug;
4. the percentage quantity of the base of the illicit drug;
5. the total quantity of the base of the illicit drug;
6. the company title or the name and head office of the foreign company which is the intermediary in the import or export of illicit drugs;
7. designation of the customs post through which the illicit drug is to be imported or exported;
8. the deadline within which the import or export will be carried out;
9. the number of the import licence and a specification of the body of the importer state which issued the licence.

Article 18

Transit of illicit drugs across the customs territory of the Republic of Slovenia shall be permitted only if the consignment has an export licence from the state from which the illicit drugs are being exported and an import licence from the importer state.

The entry and exit customs posts via which the transit takes place must inform each other of the progress of the transit.

Pošiljke prepovedanih drog med tranzitom ne smejo biti izpostavljene postopkom, ki bi spremenili ali utegnili spremeniti naravo prepovedane droge.

Stroške varovanja plača pošiljatelj.

19. člen

Osebe, ki prestopijo mejo Evropske unije smejo imeti pri sebi za lastno uporabo prepovedane droge iz skupine II in III, ki se v skladu s posebnimi predpisi uporabljajo kot zdravila.

Od oseb iz prejšnjega odstavka organi obmejne kontrole lahko zahtevajo zdravniško potrdilo, iz katerega je razvidna upravičenost do posesti prepovedane droge iz skupine II in III.

20. člen

Prenašanje prepovedanih drog iz skupine II, namenjenih za prvo pomoč v prevoznih sredstvih v mednarodnem prometu, v količinah, ki so nujne za ta namen, se ne šteje za promet po tem zakonu.

Poleg listine o registraciji prevoznega sredstva je potrebno predložiti carinskemu organu verodostojno listino za določeno vrsto in količino prepovedane droge, ki ga je izdal pristojni organ države, v kateri je vozilo registrirano.

21. člen

Carinarnice morajo v vsako dovoljenje za izvoz oziroma dovoljenje za uvoz vpisati številko deklaracije, datum in kraj carinjenja.

Pravna in fizična oseba, kateri je bilo izdano dovoljenje za izvoz oziroma uvoz iz tretjih držav, mora kopijo dovoljenja s podatki iz prejšnjega odstavka v petnajstih dneh po carinjenju posredovati

During transit, consignments of illicit drugs may not be subjected to procedures which would change or could potentially change the nature of the illicit drug.

The costs of security shall be paid by the sender.

Article 19

Persons who cross the border of the Republic of Slovenia may have in their possession illicit drugs from Groups II and III which in accordance with special regulations are used as medicinal products.

Border control bodies may request that the persons referred to in the preceding paragraph produce a medical certificate demonstrating the justification of possession of an illicit drug from Groups II and III.

Article 20

The transport of illicit drugs from Group II intended for first aid in transportation vehicles in international trade in quantities essential for such purpose shall not be deemed to be trade in illicit drugs under this Act.

In addition to the document on registration of the transportation vehicle, a valid document which indicates the specific type and quantity of the illicit drugs and which was issued by the competent authority of the state in which the vehicle is registered must be submitted to the customs authority.

Article 21

Customs posts shall be obliged to enter in each export or import licence the number of the declaration and the date and place of customs clearance.

Legal entities and natural persons who have been issued with an import or export licence to export or import from third countries shall be obliged to forward a copy of the licence with the data specified in the

ministrstvu, pristojnemu za zdravstvo.

Za vsako pošiljko prepovedanih drog v tranzitu mora carinarnica preveriti pravilnost predložene carinske listine ter o vrsti in količini prepovedanih drog, tretji državi izvoza in tretji državi uvoza, obvestiti ministrstvo, pristojno za notranje zadeve.

Pravna in fizična oseba, ki ji je bilo izdano dovoljenje za izvoz oziroma uvoz iz držav Evropske unije, mora kopijo dovoljenja za izvoz oziroma uvoz v petnajstih dneh po carinjenju posredovati ministrstvu, pristojnemu za zdravje, vanj pa mora vpisati:

- številko in datum računa ali dobavnice, ki dokazuje uvožene oziroma izvožene količine ter
- številko in datum transportnih dokumentov z navedbo prevoznikov ter priložiti kopijo računa ali dobavnice.

IV. EVIDENCE O PREPOVEDANIH DROGAH

22. člen

Pravne in fizične osebe, ki proizvajajo in opravljajo promet s prepovedanimi drogami na debelo, morajo voditi evidenco, ki obsega naslednje podatke:

1. uvožene oziroma izvožene količine ter vrste prepovedanih drog;
2. ime oziroma firmo in sedež prodajalca oziroma kupca;
3. številko uvoznega oziroma izvoznega dovoljenja, na podlagi katerega je bila prepovedana droga uvožena oziroma izvožena;
4. datum nabave oziroma dobave prepovedane droge;
5. količine in vrste prepovedanih drog, ki so na zalogi.

23. člen

Pravne in fizične osebe, ki opravljajo promet s prepovedanimi drogami na debelo, morajo posredovati redna poročila o prometu s prepovedanimi drogami ministrstvu, pristojnemu za zdravstvo, in sicer:

1. trimesečna poročila o uvoženih in izvoženih količinah ter vrstah

preceding paragraph to the ministry competent for health within fifteen days of customs clearance.

Customs posts shall be obliged, for each consignment of illicit drugs in transit, to verify the accuracy of the submitted customs document and to inform the ministry competent for internal affairs of the type and quantity of the illicit drugs involved and the importer and exporter state.

Legal entities and natural persons who have been issued with an export or import licence to export to or import from other European Union Member States shall be obliged to forward a copy of the licence for export or import to the ministry competent for health within fifteen days of customs clearance and shall supply:

- the number and date of the invoice or delivery note proving the imported or exported quantities and
- the number and date of transport documents indicating the carriers, and enclose a copy of the invoice or delivery note.

IV. RECORDS OF ILLICIT DRUGS

Article 22

Legal entities and natural persons who produce and conduct wholesale trade in illicit drugs shall be obliged to keep records which shall contain the following data:

1. imported or exported quantities and types of illicit drugs;
2. company title or name and head office of sellers and purchasers;
3. the number of the import or export licence on the basis of which illicit drugs were imported or exported;
4. dates of purchase or delivery of illicit drugs;
5. quantities and types of illicit drugs in stock.

Article 23

Legal entities and natural persons who conduct wholesale trade in illicit drugs shall be obliged to forward regular reports on trade in illicit drugs to the ministry competent for health, comprising:

1. quarterly reports on imported and exported quantities and types of

- prepovedanih drog in državah uvoznicah oziroma izvoznicah v 15 dneh od izteka trimesečja, za katerega se pošlje poročilo;
2. letna poročila o uvoženih in izvoženih količinah, vrstah prepovedanih drog in državah uvoznicah oziroma izvoznicah v 60 dneh po izteku koledarskega leta.

24. člen

Obliko in način vodenja evidenc in poročil iz 22. in 23. člena tega zakona predpiše minister, pristojen za zdravstvo.

25. člen

Ministrstvo, pristojno za notranje zadeve vodi evidenco o številu in vrsti kaznivih dejanj in prekrškov v zvezi s proizvodnjo in prometom prepovedanih drog in o količini zaseženih prepovedanih drog.

Ministrstvo, pristojno za notranje zadeve in Carinska uprava Republike Slovenije neposredno sodelujeta s pristojnimi organi drugih držav, mednarodnimi organizacijami in njihovimi organi pri odkrivanju in zatiranju nedovoljene proizvodnje in prometa s prepovedanimi drogami.

O primerih kršitev prepovedi proizvodnje in prometa s prepovedanimi drogami sta ministrstvo, pristojno za notranje zadeve in Carinska uprava Republike Slovenije dolžna obveščati ministrstvo, pristojno za zdravstvo.

26. člen

Ministrstvo, pristojno za zdravstvo, v sodelovanju s pristojnimi organi, skrbi za izpolnjevanje mednarodnih obveznosti, ki zavezujejo Republiko Slovenijo na področju prepovedanih drog.

Ministrstvo, pristojno za zdravstvo pripravlja in posreduje mednarodnim organizacijam in njihovim organom, ki so pristojni za

- illicit drugs and importer or exporter states, these within 15 days of the end of the quarter year for which the report is being sent;
2. an annual report on imported and exported quantities and types of illicit drugs and on the importer and exporter states, this within 60 days of the end of the calendar year.

Article 24

The method and form of record-keeping and of reports referred to in Articles 22 and 23 shall be prescribed by the minister competent for health.

Article 25

The ministry competent for internal affairs shall keep records on the number and types of criminal offences and minor offences committed in relation to illicit drug production and trade and on the quantity of seized illicit drugs.

The ministry competent for internal affairs and the Customs Administration of the Republic of Slovenia shall cooperate directly with foreign competent authorities and international organisations and their bodies in the discovery and suppression of unlicensed production of and trade in illicit drugs.

The ministry competent for internal affairs and the Customs Administration of the Republic of Slovenia shall be obliged to inform the ministry competent for health of instances of violations of the prohibition of production of and trade in illicit drugs.

Article 26

The ministry competent for health shall, in cooperation with the competent authorities, ensure the fulfilment of international obligations binding on the Republic of Slovenia in the area of illicit drugs.

The ministry competent for health shall prepare and forward to international organisations and their bodies competent for the control of

kontrolo prepovedanih drog, naslednje podatke:

1. poročila o izvajanju mednarodnih pogodb o prepovedanih drogah na območju Republike Slovenije;
2. ocene letnih potreb po prepovedanih drogah;
3. statistična poročila o proizvodnji, prometu, porabi, zaplembi in zalogah prepovedanih drog;
4. druge podatke, za katere zaprosijo mednarodni organi in organizacije.

V. NADZORSTVO

27. člen

Carinsko nadzorstvo nad uvozom, izvozom in tranzitom prepovedanih drog iz tretjih držav opravljajo pristojni carinski organi.

28. člen

Inšpekcijski nadzor nad izvajanjem tega zakona in na njegovi podlagi izdanih predpisov, ki se nanašajo na proizvodnjo in promet s prepovedanimi drogami, opravlja organ, pristojen za zdravila in medicinske pripomočke oziroma organ, pristojen za kemikalije.

Pri inšpekcijskem nadzoru ima organ, pristojen za zdravila in medicinske pripomočke oziroma organ, pristojen za kemikalije pravico in dolžnost izvajati naslednje ukrepe:

1. prepovedati pravnim in fizičnim osebam, ki proizvajajo in opravljajo promet s prepovedanimi drogami, opravljanje te dejavnosti, če ne izpolnjujejo pogojev iz tega zakona, dokler ti pogoji niso izpolnjeni;
2. začasno zaseči prepovedane droge in odrediti druge ukrepe, potrebne za izvajanje tega zakona in na njegovi podlagi izdanih predpisov ter o tem obvestiti ministrstvo, pristojno za notranje zadeve, če gre za carinsko blago pa o tem obvestiti carinski organ;
3. v primeru kršitve določb tega zakona, ki se nanašajo na proizvodnjo

illicit drugs the following:

1. a report on the implementation of international treaties on illicit drugs in the territory of the Republic of Slovenia;
2. estimated annual requirements for illicit drugs;
3. a statistical report on production, trade, consumption, seizures and stocks of illicit drugs.
4. other data requested by international bodies and organisations.

V. SUPERVISION

Article 27

Customs supervision of the import, export and transit of illicit drugs shall be exercised by the competent customs authorities.

Article 28

Inspection supervision of the implementation of this Act and of regulations issued on the basis thereof which refer to the production of and trade in illicit drugs shall be conducted by the authority competent for medicinal products and medical devices or the authority competent for chemicals.

The authority competent for medicinal products and medical devices or the authority competent for chemicals shall, in conducting inspection supervision, have the right and duty to implement the following measures:

1. to prohibit legal entities and natural persons who produce and conduct trade in illicit drugs from conducting such activities if they fail to meet the conditions specified in this Act until these conditions are met;
2. to temporarily seize illicit drugs and order other measures necessary for the implementation of this Act and of regulations issued on the basis thereof and to inform the ministry competent for internal affairs of this and, if customs goods are involved, also to inform the customs authority;
3. in the case of violation of the provisions of this Act relating to the

in promet s prepovedanimi drogami, predlagati postopek o prekršku.

Ukrepe iz prejšnjega odstavka odredi v upravnem postopku pristojni inšpektor z odločbo, zoper katero pritožba ne zadrži izvršitve.

Če pomanjkljivosti iz 1. točke drugega odstavka tega člena niso odpravljene v določenem roku, minister odvzame dovoljenje za proizvodnjo in promet s prepovedanimi drogami.

V primeru prekrška iz 33. člena tega zakona, pooblaščne uradne osebe Ministrstva za notranje zadeve in pooblaščne uradne osebe Ministrstva za obrambo zasežejo prepovedane droge ter predlagajo postopek o prekršku.

29. člen

Upravni nadzor nad izvajanjem tega zakona in drugih predpisov, izdanih na njegovi podlagi, opravlja ministrstvo, pristojno za zdravstvo.

30. člen

Pravne in fizične osebe, katerih poslovanje je pod nadzorstvom, morajo organom iz 27. in 28. člena tega zakona omogočiti nadzorstvo in neovirano delo ter vpogled v evidenco in dokumentacijo in jim posredovati podatke in gradivo, ki so potrebni za izvajanje tega zakona.

VI. KAZENSKE DOLOČBE

31. člen

Z denarno kaznijo od 100.000 tolarjev do 5.000.000 tolarjev se kaznuje za prekršek posameznik, ki samostojno opravlja dejavnost, če

production of and trade in illicit drugs, propose a minor offence proceedings.

The measures specified in the preceding paragraph shall be ordered in an administrative procedure by the competent inspector by way of a decision, appeals against which shall not stay execution.

If the deficiencies referred to in point 1 of paragraph two of this Article are not rectified within the specified deadline, the minister competent for health shall revoke the licence for the production of and trade in illicit drugs.

In the case of minor offences referred to in Article 33 of this Act, the authorised persons of the Ministry of the Interior and the authorised persons of the Ministry of Defence shall seize the illicit drugs and propose a minor offence proceedings.

Article 29

Administrative supervision of the implementation of this Act and of other regulations issued on the basis thereof shall be exercised by the ministry competent for health.

Article 30

Legal entities and natural persons whose operations are subject to supervision shall be obliged to provide the bodies referred to in Articles 27 and 28 of this Act with everything necessary for supervision and unhindered work, including access to records and documentation, and to provide them with the data and materials required for the implementation of this Act.

VI. PENALTY PROVISIONS

Article 31

An individual who performs independent activities shall be fined from SIT 100,000 to SIT 5,000,000 for the offence of producing illicit

proizvaja oziroma da v promet prepovedane droge brez dovoljenja ministra (prvi odstavek 8. člena oziroma prvi odstavek 10. člena).

Z denarno kaznijo od 1,000.000 tolarjev do 10,000.000 tolarjev se za prekršek iz prejšnjega odstavka kaznuje pravna oseba.

Z denarno kaznijo od 100.000 tolarjev do 500.000 tolarjev se za prekršek iz prvega odstavka tega člena kaznuje odgovorna oseba pravne osebe.

32. člen

Z denarno kaznijo od 100.000 tolarjev do 3,000.000 tolarjev se kaznuje za prekršek posameznik, ki samostojno opravlja dejavnost:

1. če ne hrani prepovedanih drog v posebnih prostorih ali ne zavaruje teh prostorov pred dostopom nepooblaščenih oseb (11. člen);
2. če v petnajstih dneh po carinjenju ne pošlje ministrstvu, pristojnemu za zdravstvo kopije dovoljenj za uvoz in izvoz prepovedanih drog (21. člen);
3. če ne vodi predpisane evidence ali je ne vodi pravilno (22. člen);
4. če v predpisanem roku ne pošlje ministrstvu, pristojnemu za zdravstvo poročila ali drugih predpisanih podatkov, ki jih mora voditi na podlagi tega zakona ali če pošlje nepravilne podatke (23. člen);
5. če organom ne omogoči nadzorstva in neoviranega dela ter vpogleda v evidence in dokumentacijo in če jim ne pošlje podatkov in gradiva, potrebnih za opravljanje inšpekcijskih del (30. člen).

Z denarno kaznijo od 300.000 tolarjev do 5,000.000 tolarjev se za prekršek iz prejšnjega odstavka kaznuje pravna oseba.

Z denarno kaznijo od 50.000 tolarjev do 500.000 tolarjev se za prekršek iz prvega odstavka tega člena kaznuje odgovorna oseba pravne osebe.

33. člen

drugs or releasing illicit drugs into circulation without obtaining a licence from the minister (paragraph one of Article 8 and paragraph one of Article 10 of this Act).

A legal person shall be fined from SIT 1,000,000 to SIT 10,000,000 for the offence referred to in the preceding paragraph.

The responsible person of a legal person shall be fined from SIT 100,000 to SIT 500,000 for the offence referred to in paragraph one of this Article.

Article 32

An individual who performs independent activities shall be fined from SIT 100,000 to SIT 3,000,000 for the following offences:

1. if they fail to store illicit drugs in special premises or fail to secure these premises against access by unauthorised persons (Article 11);
2. if they fail, within fifteen days of customs clearance, to submit to the ministry competent for health a copy of the import or export licence for illicit drugs (Article 21);
3. if they fail to keep the prescribed records or if they fail to keep them correctly (Article 22);
4. if they fail, within the prescribed deadline, to send to the ministry competent for health a report or other prescribed data which they must keep in accordance with this Act or if they send inaccurate data (Article 23);
5. if they fail to provide the competent bodies with everything necessary for supervision, unhindered work, and access to records and documentation or if they fail to submit the data and materials required for the performance of inspection work (Article 30).

A legal person shall be fined from SIT 300,000 to SIT 5,000,000 for the offence referred to in the preceding paragraph.

The responsible person of a legal person shall be fined from SIT 50,000 to SIT 500,000 for the offence referred to in paragraph one of this Article.

Article 33

Z denarno kaznijo od 50.000 tolarjev do 150.000 tolarjev ali z zaporom do 30 dni se kaznuje za prekršek, kdor ima v posesti prepovedane droge v nasprotju z določbami tega zakona.

Z denarno kaznijo od 10.000 tolarjev do 50.000 tolarjev ali z zaporom do 5 dni se kaznuje za prekršek, kdor ima v posesti manjšo količino prepovedane droge za enkratno lastno uporabo.

Skladno z določbami zakona o prekrških se sme mileje kaznovati tisti storilec prekrška iz prvega odstavka tega člena, ki ima v posesti manjšo količino prepovedane droge za enkratno lastno uporabo in storilec prekrška iz prejšnjega odstavka, če prostovoljno vstopi v program zdravljenja uživalcev prepovedanih drog ali socialno varstvene programe, ki jih potrdira zdravstveni svet ali svet za droge.

34. člen

Storilcu prekrška po tem zakonu se prepovedane droge odvzamejo brez plačila odškodnine ne glede na to, ali so bile te prepovedane droge njegova last ali pa jih je imel le v posesti.

VII. RAVNANJE Z ZASEŽENIMI IN ODVZETIMI PREPOVEDANIMI DROGAMI

35. člen

Če se prepovedane droge, odvzete po prejšnjem členu, lahko uporabijo kot surovine za proizvodnjo in nadaljnjo predelavo, organ, ki je odločil o odvzemu po končanem kazenskem postopku ali postopku za prekršek, odvzete prepovedane droge proda pravni ali fizični osebi, ki ima dovoljenje za proizvodnjo prepovedanih drog.

Individuals shall be liable to a monetary fine of between SIT 50,000 and SIT 150,000 or a prison sentence of up to 30 days for committing the offence of possessing illicit drugs in contravention of the provisions of this Act.

Individuals shall be liable to a monetary fine of between SIT 10,000 and SIT 50,000 or a prison sentence of up to five days for committing the offence of possessing a smaller quantity of illicit drugs for one-off personal use.

In accordance with the provisions of the Minor Offences Act, persons who commit the offence specified in paragraph one of this Article and who possess a smaller quantity of illicit drugs for one-off personal use and persons who commit the offence specified in the preceding paragraph may be subject to more lenient punishment if they voluntarily enter the programme of treatment for illicit drug users or social security programmes approved by the Health Council or the Council for Drugs.

Article 34

Illicit drugs shall be confiscated from the perpetrator of a violation under this Act without any monetary compensation, irrespective of whether the illicit drugs were the property of the perpetrator or whether they were only in the perpetrator's possession.

VII. HANDLING OF SEIZED AND CONFISCATED ILLICIT DRUGS

Article 35

If illicit drugs confiscated under the preceding Article can be used as raw materials for production and further processing, the body which decided on the confiscation, following a completed criminal or minor offence procedure, shall sell the illicit drugs to a legal entity or natural person which is in possession of a licence for the production of illicit drugs.

Organ, ki vodi postopek lahko odloči, da se prepovedane droge iz prejšnjega odstavka, ki se zaradi svojih lastnosti ne morejo hraniti dalj časa, prodajo ali komisijsko uničijo še pred koncem postopka, vendar ob predhodnem dodatnem zavarovanju vzorcev.

Sredstva, pridobljena s prodajo prepovedanih drog po prejšnjem odstavku, so prihodek državnega proračuna.

36. člen

Če prepovedanih drog, odvzetih po 34. členu tega zakona, ni mogoče uporabiti kot surovino za proizvodnjo in nadaljnjo predelavo, se na podlagi odločbe organa, ki vodi postopek, komisijsko uničijo.

Komisijo iz prejšnjega odstavka imenuje organ, ki je odločil o odvzemu prepovedanih drog.

37. člen

Organi, ki zasežejo ali odvzamejo prepovedane droge, vodijo evidenco, v katero vpišejo tudi podatke, ki se nanašajo na zaseg, odvzem oziroma uničenje prepovedane droge.

Organ, ki odloča v postopku o prekršku ali kaznivem dejanju, odredi in nadzira hrambo odvzetih in zaseženih prepovedanih drog.

Zasežene in odvzete prepovedane droge hrani ministrstvo, pristojno za notranje zadeve.

Način ravnanja z zaseženimi in odvzetimi prepovedanimi drogami podrobneje predpiše Vlada Republike Slovenije.

VIII. PREHODNE IN KONČNE DOLOČBE

The body which conducts the procedure may decide that illicit drugs referred to in the preceding paragraph which, due to their properties, cannot be stored for an extended period be sold or destroyed before a commission prior to the completion of the procedure, but only after samples of the illicit drugs have been additionally secured.

Funds obtained through the sale of illicit drugs under the preceding paragraph shall be revenues of the state budget.

Article 36

If illicit drugs confiscated in accordance with Article 34 of this Act cannot be used as raw materials for production and further processing, they shall be destroyed before a commission pursuant to a ruling of the body which runs the procedure.

The commission referred to in the preceding paragraph of this Article shall be appointed by the body which decided on the confiscation of the illicit drugs.

Article 37

The bodies which seize or confiscate illicit drugs shall keep records in which they shall also enter data referring to the seizure or confiscation, or to the method of destruction, of the illicit drugs.

The body which decides in the minor offence or criminal offence procedure shall order and supervise the storage of seized and confiscated illicit drugs.

Seized and confiscated illicit drugs shall be stored by the ministry competent for internal affairs.

The method of handling of seized and confiscated illicit drugs shall be prescribed in greater detail by the Government of the Republic of Slovenia.

VIII. TRANSITIONAL AND FINAL PROVISIONS

38. člen

Razvrstitev prepovedanih drog iz 2. člena tega zakona določi Vlada Republike Slovenije v treh mesecih po uveljavitvi tega zakona.

39. člen

Pravne in fizične osebe, ki proizvajajo ter pravne in fizične osebe, ki opravljajo promet s prepovedanimi drogami na dan uveljavitve tega zakona, morajo uskladiti svojo organiziranost in delovanje s tem zakonom v šestih mesecih po njegovi uveljavitvi.

40. člen

Ministri, pristojni za izvajanje tega zakona, izdajo izvršilne predpise po tem zakonu v šestih mesecih po njegovi uveljavitvi.

41. člen

Do sprejema izvršilnih predpisov iz prejšnjega člena se uporabljajo, kolikor niso v nasprotju s tem zakonom, naslednji izvršilni predpisi:

- pravilnik o pogojih in postopku za izdajo dovoljenja za uvoz in izvoz mamil (Uradni list SFRJ, št. 50/79);
- pravilnik o vsebini in načinu vodenja evidenc in poročil, ter o rokih za pošiljanje podatkov o proizvodnji in prometu mamil (Uradni list SFRJ, št. 54/79 in 4/80);
- odločba o mamilih, ki se smejo dajati v promet za medicinske in veterinarske namene (Uradni list SFRJ, št. 70/78, 52/83, 47/85);

Article 38

The classification of illicit drugs referred to in Article 2 of this Act shall be determined by the Government of the Republic of Slovenia within three months of the entry into force of this Act.

Article 39

Legal entities and natural persons who produce or conduct trade in illicit drugs on the day this Act enters into force shall be obliged to harmonise their organisation and operations with this Act within six months of the entry into force of this Act.

Article 40

The ministers competent for the implementation of this Act shall issue executive regulations pursuant to this Act no later than within six months of its entry into force of this Act.

Article 41

Until the adoption of the executive regulations from the preceding Article, the following executive regulations shall apply insofar as they are not in contravention of this Act:

- Standing Orders on the Conditions and Procedure for the Issuing of Licences for the Import and Export of Drugs (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], No. 50/79);
- Standing Orders on the Contents and Method of Keeping Records and Reports and on Deadlines for the Submission of Data on the Production of and Trade in Drugs (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], Nos 54/79 and 4/80);
- Decree on the Drugs which May Be Released into Circulation for Medical and Veterinary Purposes (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], Nos 70/78, 52/83

- odločba o seznamu mamil (Uradni list RS, 5/98 in 69/98).

42. člen

Z dnem, ko začne veljati ta zakon, se preneha uporabljati zakon o proizvodnji in prometu mamil (Uradni list SFRJ, št. 55/78 in 58/85) ter preneha veljati uredba o pridelavi konoplje (Uradni list RS, št. 36/99).

43. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

and 47/85);

- Decision on the list of drugs (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 5/98 and 69/98).

Article 42

On the day this Act enters into force, the Production of and Trade in Drugs Act (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], Nos 55/78 and 58/85) and the Regulation on the Cultivation of Cannabis (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/99) shall cease to be in force.

Article 43

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