

Pursuant to the second paragraph of Article 117 of the Electronic Communications Act (OG RS, no. 43/04 and no. 86/04 – ZVOP) and Article 39 of the Postal Services Act (OG RS, no. 102/04 – UPB1) the director of the Post and Electronic Communications Agency of the Republic of Slovenia issues the

S T A T U T E

of the Post and Electronic Communications Agency of the Republic of Slovenia

I. GENERAL PROVISION

Article 1

The Post and Electronic Communications Agency of the Republic of Slovenia (hereinafter: the Agency) is an independent regulatory body established by the Ruling on the establishment of the Post and Electronic Communications Agency of the Republic of Slovenia (OG RS, no. 60/01, 52/02 and 80/04) with the aim of regulating and monitoring activities in the field of electronic communications and postal services and for carrying out various tasks in the field of radio and television.

II. NAME AND HEADQUARTERS OF THE AGENCY

Article 2

(1) The Slovene name of the agency shall be: Agencija za pošto in elektronske komunikacije Republike Slovenije.

(2) The shortened name of the agency shall be: APEK.

(3) The English translation of the name shall be: the Post and Electronic Communications Agency of the Republic of Slovenia.

(4) In its dealings the Agency shall use a seal with the name of the Agency and the number of the issued seal. The seal shall contain the logo of the Agency and the text: holder of public authorisation.

(5) The logo of the Agency shall contain the mark and the shortened name of the Agency: APEK

Article 3

The headquarters shall be in Ljubljana, Stegne 7.

III. MANAGEMENT AND ORGANIZATION OF THE AGENCY

Article 4

(1) The Agency shall be managed by a director.

(2) The director shall appoint two deputy directors from among the heads of divisions that will be in charge of coordinating work pursuant to the Internal Organization and Position Classification Act.

Article 5

(1) The director shall hold powers and functions laid down in the legislation governing electronic communications, the legislation governing postal services, the legislation

governing the media and in the provisions issued pursuant thereof, as well as in the decisions establishing the Agency, and shall above all:

- organize and lead the functioning of the Agency,
- represent and act on the behalf of the Agency,
- issue general and individual acts in accordance with Agency competences,
- organize the implementation of supervision in accordance with competences arising from the legislation,
- appoint periodical and permanent working bodies,
- ensure the legitimacy of operation,
- be accountable for the preparation of the work programme and financial plan and decide on the realization of the adopted work programme and financial plan,
- deliberate on the hiring of employees and redeployment of employees to positions of employment in the Agency and impose discipline sanctions,
- adopt the Internal Organization and Position Classification Act, as well as other acts needed for the uninterrupted functioning of the Agency,

(2) In the absence of the director the Agency shall be represented by the deputy director that is authorised by the director by means of a written authorisation.

(3) The deputy director shall represent the Agency in the scope specified by the director in the authorisation.

Article 6

The Agency shall execute its tasks in the following divisions:

- Telecommunications Division,
- Radiocommunications Division,
- Postal Services Division,
- Supervision Division,
- Legal Division.

Article 7

(1) The Telecommunications Division shall carry out tasks relating to the regulation of the electronic communications market, notifications and international relations, technical matters and numbering.

(2) The Radiocommunications Division shall carry out tasks relating to the management of the radiocommunications spectrum, radiofrequency spectrum supervision and regulation of the radiocommunications market.

(3) The Postal Services Division shall carry out tasks relating to the provision of postal services and regulation of the postal services market.

(4) The Supervision Division shall carry out tasks relating to supervision pursuant to the legislation governing electronic communications, with the exception of radiofrequency spectrum supervision, and the legislation governing postal services, and shall carry out tasks relating to the supervision of programme content and other tasks laid down in the provisions governing radio and television media.

(5) The Legal Division shall carry out general legal matters and shall settle disputes pursuant to the legislation governing electronic communications and the legislation governing postal services.

Article 8

General Affairs Services shall carry out tasks relating to public relations, information support, financial and accounting duties and general staff matters.

Article 9

Detailed organization and tasks of individual divisions shall be defined by the Internal Organization and Position Classification Act.

Article 10

Pursuant to legislation governing electronic communications the Agency shall provide the conditions necessary to ensure the functioning of the Electronic Communications Council, and, pursuant to the provisions of the legislation governing the media, the functioning of the Broadcasting Council in such a way as to in no way harm or curtail the independence of both bodies.

IV. POSITION, RIGHTS, RESPONSIBILITIES AND DISCIPLINE MISCONDUCTS OF AGENCY EMPLOYEES

Article 11

In force for Agency employees in relation to rights, responsibilities and obligations arising from the employment relationship are the provisions of the legislation governing employment relationships, as well as provisions of collective agreements for non-economic sector, legislation governing civil servants and legislation governing the salary system in the public sector.

V. THE FUNCTIONING OF THE AGENCY, PROVISION OF PUBLIC INFORMATION, INFLUENCE OF THE PUBLIC AND ITS USERS

Article 12

The operation of the Agency shall be public.

Article 13

(1) To the interested public the Agency shall provide general information about its operation and public information pursuant to the provisions governing the dealings of public administration bodies with clients and the provisions governing access to public information.

(2) The Agency shall provide information from the previous paragraph above all in the following ways:

- by publishing on its webpage and in the premises featuring transactions with clients information on the director of the Agency, persons responsible for transactions with clients and provision of information, information on the body responsible for monitoring the work of the Agency, the information needed to contact said body, the annual work programme with a strategy statement, and the Public Information Catalogue;
- by publishing on its webpage data and information it is obliged to publish pursuant to the provisions of the legislation governing electronic communications and the legislation governing postal services, publications on the basis of the provisions of the legislation governing public procurement, as well as other public data and information. Abstracts of individual acts shall be published by the Agency no later than 7 days from the act becoming

final;

- by publishing general acts and reports on the work of the Agency in the Official Gazette of the Republic of Slovenia;
- by providing users with the information and documentation requested either orally or in writing, via electronic means or by mail.

Article 14

- (1) The influence of users on the functioning of the Agency shall be ensured by the right of users to submit comments and proposals on the functioning of the Agency.
- (2) The Agency shall respond to user comments and proposals in 15 days, and will do so in writing or in the same manner the comment or proposal was submitted.
- (3) Once a year the Agency shall issue a report containing user opinion regarding its work and the Agency-adopted actions that are to improve its functioning.

Article 15

- (1) The Agency shall ensure public influence on the adoption of general acts and policies on the implementation of the Agency's public authorisation by publishing before the adoption of such an act or policy a draft of the document on its webpage, inviting the interested public to submit written comments, proposals and opinions to the documentation within a deadline that cannot be shorter than 30 days.
- (2) Within the deadline from the previous paragraph the Agency must ensure to the interested public access to the documentation that served as the basis for the act from the previous paragraph, with the exception of official or business secrets, and must on the demand of the interested public and for a charge enable the interested public to make a written copy or photocopy of the documentation or its parts that it has access to.
- (3) Within the deadline that shall be no longer than 7 days from the deadline from the first paragraph of this article the Agency shall publish on its webpage all of the comments, suggestions and opinions received.
- (4) The Agency shall take into consideration those comments, suggestions and opinions that are expertly reasoned, accepting or rejecting them after a thorough consideration. When the Agency shall see fit, it shall hear the comments, suggestions and opinions in a public hearing it shall convene by publishing the invitation on its webpage.
- (5) Within the deadline that cannot exceed 15 days from the deadline from the third paragraph of this article the Agency shall, prior to the publication of the adopted wording of the act, publish on its webpage how the comments, suggestions and opinions have been taken into consideration in the drafting of the act and the reasons why the comments, suggestions and opinions were not taken into account.

VI. COOPERATION WITH USER ORGANIZATIONS

Article 16

- (1) As a user organization from the field of its operation the Agency shall recognize every association that notifies itself with the Agency as such, providing the Agency with its constituent document.
- (2) In addition to implementing the rights from Articles 14 and 15 of this Statute, a user organization will be able to, when the Agency proposes a general act or raises another important question from the field of its operation, submit to the Agency a detailed proposal for a public presentation and debate.

(3) Within the scope of its competences the Agency shall provide user organizations from this article with assistance in their establishing and functioning.

VII. FINAL PROVISIONS

Article 17

With the day of this Statute coming into force the statute of the Telecommunications, Broadcasting and Postal Agency of the Republic of Slovenia (OG RS, no. 77/02) shall cease to be in force.

Article 18

(1) This Statute shall come into force on the day it is confirmed by the Government of the Republic of Slovenia.

(2) This statute is to be published in the Official Gazette of the Republic of Slovenia.

No. 000-32/2005/8

Ljubljana, 9 May 2005.

Tomaž Simonič
Acting director

With decision no. 01402-1/2005/7 as of 28 June 2005 the Government of the Republic of Slovenia confirmed the Statute of the Post and Electronic Agency of the Republic of Slovenia.