

Pursuant to Articles 7 and 26 of the Standardization Act (Official Gazette of RS No. 59/99), pursuant to Article 8 of the Institutes Act (Official Gazette of RS No. 12/91, 45/94 and 8/96) in its eighth session of 20 July 2000 the Government of the Republic of Slovenia has adopted this

DECISION

On the Foundation of the Slovenian Institute for Standardization

I. INTRODUCTORY PROVISION

Article 1

In pursuance of the objectives laid down in Article 3 of the Standardization Act (Official Gazette of RS No. 59/99) (hereinafter referred to as the Standardization Act) the Republic of Slovenia (hereinafter referred to as the Founder) hereby founds the Slovenian Institute for Standardization (hereinafter referred to as the Institute) as a Slovenian national standards body.

The Government of the Republic of Slovenia shall implement the founder's rights and obligations.

II. STATUS PROVISIONS

Article 2

The name of the Institute: Slovenski inštitut za standardizacijo.

The name of the Institute in English: Slovenian Institute for Standardization.

Acronym of the name of the Institute: SIST.

The head office of the Institute: Ljubljana.

Article 3

The Institute shall be a legal person under the public law. Unless otherwise regulated by the Standardization Act, the provisions of the laws and other regulations governing public institutions shall apply to the Institute.

III. ACTIVITIES OF THE INSTITUTE

Article 4

Pursuant to the Decree on introduction and implementation of standard classification of activities (Official Gazette of RS No. 34/94, 13/95, 33/95, 15/96, 89/98 and 12/99) the activities of the institute shall comprise the following:

DE/22.110	Publishing books
DE/22.130	Publishing journals and periodicals
DE/22.150	Other publishing
DE/22.220	Other printing
DE/22.230	Bookbinding and completion
DE/22.240	Preparation of the texts for printing
DE/22.250	Other services related to printing
DE/22.330	Multiplying of computer outputs
G/51.190	Intermediary in sale of various products
G/52.471	Bookshops activity
G/52.472	Retail sale of newspapers and magazines
G/52.610	Retail sale by post
K/72.200	Programming
K/72.300	Data processing
K/72.400	Data bases related activities
K/72.600	Other computer based activities
K/73.10	Research and experimental development in the field of natural science and technology
K/73.20	Research and experimental development in the field of sociology and humanities
K/74.140	Company and business consultancy
K/74.300	Technical testing and consultancy
K/74.400	Advertising
K/74.831	Translating
K/74.832	Photocopying and other multiplying
K/74.841	Organizing exhibitions, fairs and congresses
K/74.843	Other business activities
L/75.130	Activity of public institutions for promotion of business activities
M/80.422	Other kinds of training
O/91.120	Activity of professional associations
O/92.511	Activity of libraries
O/92.512	Activity of archives
O/93.05	Other service activities

Article 5

The Institute shall implement the following tasks:

- Prepare, adopt, issue and maintain the Slovenian national standards and other documents of the Slovenian national standardization;
- Keep a register of the Slovenian national standards;
- Collect, file and provide standards and other standardization documents,

- Provide information concerning standardization,
- Maintain databases on standards and other standardization documents and provide information from the databases,
- Follow-up and provide information on the European and international standardization programmes,
- Publish a bulletin intended for publication of the adopted Slovenian national standards and for providing information on other standardization documents and standardization related activities,
- Promote application of the Slovenian national standards, certify the conformity of production, processes or services with the Slovenian SIST standards,
- Conduct training in standardization activities and application of standards,
- Represent the interests of the Slovenian national standardization in the international, European and other national standards organizations, independently signing with them agreements or contracts,
- Implement obligations resulting from its membership of international and European standards organizations,
- Perform other assignments in accordance with the regulations and international treaties concluded by and binding on the Republic of Slovenia,
- Perform tasks and services laid down in its Statutes.

The Institute shall not perform its activities as a public service. In agreement with the Founder the Institute may perform other activities as well.

IV. MEMBERSHIP OF THE INSTITUTE

Article 6

Any citizen of the Republic of Slovenia or any legal person established under the law of the Republic of Slovenia and based in the Republic of Slovenia may become a member of the Institute. Membership of the Institute shall be obtained by filing a written application and shall commence on the date when the Institute has received the signed accession declaration together with the membership fee receipt.

Article 7

A member of the Institute shall be entitled to participate in the work and management of the Institute:

- By attending the meetings of the Institute's Assembly and voting at them,
- By participating in elections of other Institute's bodies,
- By participating by proxy in the work of other Institute's bodies and in the work of technical working bodies.

A member of the Institute shall be obliged to pay to the Institute a membership fee that shall be fixed for the non-economic and economic organizations with regard to the nature of their activity, their annual income or budget and number of employees.

The amount of membership fee for physical persons shall be fixed in terms of percentage based on average gross salary in Slovenia in the previous year.

The method of fixing the membership fee, fixing the membership fee for a certain year, as well as the method of assessment and payment of membership fee shall be specified by a general act of the Institute, adopted by the Institute's Council.

Other rights, obligations and benefits of a member of the Institute, as well as the issues related to the membership and its termination, with the exception of those governed by law, shall be laid down in the Institute's Statutes.

V. THE INSTITUTE'S BODIES

Article 8

The Institute shall have the following bodies:

- The Assembly
- The President of the Institute
- The Council
- The Director
- Two Technical Boards.

The Assembly

Article 9

The Institute's operations shall be steered and managed by the Assembly, consisting of all the members of the Institute and of five Founder's representatives from various fields of national standardization (hereinafter referred to as members of the Assembly).

The Government of the Republic of Slovenia shall appoint the Founder's representatives.

The Assembly shall perform the following tasks:

- Adopt the Statutes and its amendments with the Founder's consent,
- Adopt the Institute's annual work programme and other programme acts with the Founder's consent,
- Appoint its representatives in the Council from among the members of the Institute,
- Elect the Institute's President from among the members of the Assembly,
- Review annual report on activities, financial plan and annual balance sheet of the Institute,
- Decide on the expulsion of a member of the Institute,
- Perform other tasks as laid down in the Statutes.

Pursuant to paragraph 3 of Article 21 of the Standardization Act the Assembly may empower the Council to adopt the amendments to annual work programme. The Council may adopt the amendments to the annual work programme with previous consent of the Founder.

Article 10

At the Assembly meetings each member of the Assembly shall be entitled to one vote.

The decisions taken by the Assembly shall be considered valid, provided that at least one third of the Institute's members attend the meeting.

The Assembly shall take its decisions by the majority of declared votes of its members present, with the exception of the Statutes, which shall be adopted by the two-thirds majority of its members attending the meeting.

The method of work of the Assembly shall be specified in its Rules of procedure.

The President of the Institute

Article 11

The President of the Institute shall represent the Institute, shall summon and chair the Assembly meetings and perform other tasks as laid down in the Statutes.

The President of the Institute shall be elected by majority of votes of the present members of the Assembly for the 4-year term of office. Upon expiry of this term the President may be re-elected.

The election procedure shall be more precisely regulated by the Statutes and by the Assembly's Rules of procedure.

The Council

Article 12

The Council of the Institute shall consist of seven members, including: three Founder's representatives, two representatives of the members of the Institute, one representative of the employees and the President of the Institute.

The Government of the Republic of Slovenia shall nominate the Founder's representatives. The Assembly from among the members of the Institute shall appoint the representatives of the members of the Institute. The employees of the Institute shall elect in direct elections the representative of the employees by secret vote.

Each member of the Council shall be entitled to one vote.

The tasks of the Council shall be as follows:

- To make the Institute's business decisions,
- To ensure implementation of the annual work programme and other programme acts of the Institute,
- To decide on the amendments to annual work programme on authority of the Assembly pursuant to paragraph 3 of Article 21 of the Standardization Act, with previous consent of the Founder,

- To adopt the annual work report, financial plan and annual balance sheet of the Institute with the Founder's consent,
- To adopt, in agreement with the Founder, the criteria for remuneration of the members of the Assembly, of the Council and of the Technical Boards,
- To propose the decisions to the Assembly in its authority and to be in charge of preparation of the Assembly meetings,
- To appoint the members of the Institute's Technical Boards from among the members of the Institute,
- To nominate and release the Director,
- To decide on demands of the Institute's employees for protection of their rights,
- To adopt a general act of the Institute, governing the procedure of adopting the Slovenian national standards and other documents of Slovenian national standardization,
- To adopt a general act of the Institute, laying down the method of fixing the membership fee, its annual amount for each year and the method of assessment and payment of membership fee,
- To adopt a general act, specifying the prices of the Institute's services,
- To adopt a general act, specifying the rules for application of the national mark of conformity, indicating the conformity with the Slovenian national SIST standards,
- To adopt general acts of the Institute, except where this Decision or the Statutes expressly specify for a general act to be adopted by some other body, to supervise implementation of general acts within its competence and to adopt decisions aiming at elimination of the consequences of violations,
- To adopt the act on job systemization in agreement with the Founder,
- To perform other tasks as specified in the Statutes.

Article 13

The President of the Institute shall manage the work of the Council.

The decisions of the Council shall be valid if more than fifty per cent of its members are present at the meeting; the majority of declared votes of the members present should adopt the decisions.

The method of work of the Council shall be specified more in detail in the Rules of procedure of the Council.

The Director

Article 14

The Director shall organize and manage the Institute's work and business operations, represent the Institute as legal person with unlimited liability, shall be responsible for the legality of the Institute's work and business operations, as well as for the professional work of the Institute and shall perform other tasks, as laid down in the Standardization Act, in the Decision on foundation and in the Statutes.

The Director shall decide on the rights and obligations of the Institute's employees related to their employment.

The Director shall not be the member of the Supervisory Council or the member of a management body with a member of the Institute.

Article 15

The term of office of the Director shall be 5 years as from the date of his nomination. Upon expiry of this term his nomination may be renewed.

Article 16

The call for applications for the post of the director shall be published in mass media.

The requirements to be fulfilled by the applicants are as follows:

- University education,
- 10 years working experience,
- Experience gained in the field of standardization or related activities,
- Capacity to organize and manage the work,
- Active knowledge of English,
- Passive knowledge of another world language,
- Other requirements as specified by law.

Technical Boards

Article 17

For providing guidance in expert work the Institute shall have two Technical Boards, i.e. a Technical Board for the general field and a Technical Board for the fields of electrotechnics, information technology and telecommunications.

The members of each Technical Board shall be appointed by the Council from among the recognized experts in the field or fields for which the Technical Board has been set up.

The Government of the Republic of Slovenia shall appoint the Founder's representative.

The number of members of each Technical Board shall be specified in the Statutes.

In its field the Technical Board shall perform the following tasks:

- Shall be responsible for implementation of the annual work programme and other programme acts of the Institute relating to the preparation and adoption of the Slovenian national standards and other standardization documents;
- Shall adopt Slovenian national standards and other standardization documents in compliance with the Statutes;
- Shall make decisions on expert issues in the scope of the Institute's activities;
- Shall prepare the expert bases for the annual programme and other programme acts of the Institute;
- Shall give to the Council and the Director its proposals and opinions in respect of the organization of the Institute's work;

- Shall set up the technical working bodies required for implementation of the annual work programme;
- Shall adopt general acts relating to the functioning of technical working bodies;
- Shall perform other tasks, as specified in the Statutes.

Article 18

The Technical Board shall be headed by the President of the Technical Board, elected by the Technical Board from among its members.

The Presidents of the Technical Boards shall have the right and liability to take part in the Assembly meetings and in the meetings of the Council but without the right to vote.

The decisions taken by the Technical Board shall be valid if more than fifty per cent of its members are present at the meeting. The majority of declared votes of the members present shall take its decisions.

The methods of work of the Technical Board shall be specified by the Rules of procedure.

VI. THE SOURCES, THE METHODS AND THE PROVISIONS FOR OBTAINING FUNDS REQUIRED FOR THE WORK OF THE INSTITUTE

Article 19

The Institute shall obtain the funds required for its work through:

- The State budget;
- Membership fees;
- The sale of standardization documents and the Institute's bulletin;
- Payments for the Institute's services;
- Other sources.

The Institute may obtain funds from other sources only with the prior consent of the Founder.

Article 20

The implementation of duties laid down in paragraph 1 of Article 5 and in Article 6 of the Standardization Act including payment of membership fees to the international (ISO, IEC) and European (CEN, CENELEC, ETSI) standards organizations shall be funded from the State budget.

The amount of funds provided from the State budget shall be defined on the basis of the annual work programme. The Institute shall submit its financial plan and its work programme for the next year to the Ministry of Economic Relations and Development by 1 September of the current year at the latest. The Government of the Republic of Slovenia shall approve the financial plan and the work programme.

In addition to the tasks laid down in Articles 5 and 6 of the Standardization Act the Institute may also perform other assignments required by certain ministries on the basis of respective contracts signed with them directly.

When specifying the scope of funding from the State budget account shall be taken of the anticipated amount of membership fees, the anticipated amount of payments received for the Slovenian national standards and funds from other sources.

Upon passing the state budget the scope of assignments planned in the annual work programme and referred to in paragraph 1 of this Article shall be adjusted, as applicable, to the scope of funding for the year concerned.

VII. THE RIGHTS, LIABILITIES AND RESPONSIBILITIES OF THE INSTITUTE IN LEGAL TRANSACTIONS

Article 21

The Institute is a legal person, appearing in legal transactions in the frame of its activities independently, with all the rights and obligations and on its behalf.

The Institute shall be liable for its obligations with all the assets at its disposal.

VIII. DISPOSING OF PROFIT-AND-LOSS SURPLUS AND COVER OF DEFICIT OF WORKING FUNDS

Article 22

The Founder shall decide on disposing of profit-and-loss surplus accumulated in implementing the tasks funded under paragraph 1 of Article 21 of the Standardization Act.

The Founder shall take decision in respect of covering any deficit, which may be incurred in implementing the tasks referred to in the previous paragraph.

In agreement with the Founder the Institute may use the profit-and-loss surplus accumulated in implementation of the tasks referred to in paragraph 2 of Article 5 of the Standardization Act for the development of its activity.

The Founder shall not cover the deficit incurred in implementation of the tasks referred to in the previous paragraph.

IX. THE FOUNDER'S LIABILITY FOR THE INSTITUTE'S OBLIGATIONS

Article 23

The Founder shall be liable for the Institute's obligations with the funds earmarked in the Founder's budget for implementation of the annual work programme referred to in paragraph 1 of Article 21 of the Standardization Act. The Founder shall not be liable for other commitments of the Institute.

X. THE RECIPROCAL RIGHTS AND LIABILITIES OF THE FOUNDER AND THE INSTITUTE

Article 24

In order to ensure the appropriate functioning of the Institute and proper use of the budgetary funds the Founder shall supervise the work of the Institute in compliance with the valid regulations.

The reciprocal rights and liabilities of the Founder and the Institute shall be laid down in the Annual Contract.

XI. LABOUR RELATIONS

Article 25

The labour relations in the Institute shall be governed by the regulations, relating to the status and salaries of the employees in the public sector.

Until the adoption of an act laying down the status of civil servants, the regulations governing the status of public institutes employees, as well as the provisions and ratios laid down in the Act Regulating Wage Rates in Public Institutions, State Bodies and Local Community Bodies (Official Gazette of RS No. 18/94 and 36/96) applying to employees in the public institutions, as well as the provisions of the collective contract for the non-economic activities in Slovenia (Official Gazette of RS No.18/91) and the provisions of the normative part of the collective contract for the research activity, shall apply.

XII. TRANSITIONAL AND FINAL PROVISIONS

Article 26

Until the appointment of the Director of the Institute pursuant to paragraph 4 of Article 12 of this Decision, the Acting Director, appointed by the Government of the Republic of Slovenia, shall perform the tasks of the Director.

Within the preparations for the commencement of the work of the Institute the acting director shall:

- Make the necessary preparations and propose the Institute's registration at court,
- Adopt provisional work programme in agreement with the Founder,

- Adopt provisional financial plan in agreement with the Founder,
- Sign an agreement with the Founder in respect to budgetary financing of the Institute,
- Provide for the funds for starting-up the Institute in agreement with the Founder;
- Adopt provisional act on job-systematization in agreement with the Founder,
- Sign an agreement on taking over the employees in compliance with Article 28 of the Standardization Act,
- Conclude permanent employment contracts;
- Fix provisional membership fee applicable until the arrangements under the Standardization Act and this Decision have been made,
- Fix provisional prices for the Institute's services in compliance with the Standardization Act and this Decision;
- Invite in appropriate manner physical and legal persons eligible to become members of the Institute, to make an application for membership;
- Invite the Founder to nominate his representatives in the Assembly,
- Summon the first Institute's Assembly meeting, propose adoption of the Statutes and chair the meeting of the Assembly until the President of the Institute has been elected;
- Invite the Founder to nominate his representatives in the Council,
- Ensure before the first session of the Council for the employees to elect by direct and secret vote their representative as a member of the Council;
- Invite the Founder to appoint his representative in the Technical Board for the general field and in the Technical Board for the electrotechnical, information technology and telecommunications fields;
- Take the necessary measures in respect of standardization work and take the role of Technical Boards until their setting-up;
- Summon the first session of and chair both Technical Boards until the Chairmen of the Technical Boards have been appointed;
- Make other necessary preparations for the commencement of the Institute's operations.

Article 27

The Institute shall start its operations by 1 July 2001 at the latest, following the notification made by the acting director to the Founder, informing him that the following preparations have been completed:

- Registration of the Institute at court,
- Opening of transfer account,
- Appropriate work premises ensured,
- The necessary funds provided for by the Founder and intended for establishment and commencement of the Institute's work available in the transfer account of the Institute,
- Concluding employment contracts with the employees of the Institute.

Article 28

The appointed representatives of the Founder and such physical and legal persons shall be entitled to participate and vote in the founders' meeting of the Assembly, whose signed declarations of accession accompanied with the receipts of payment the provisional membership fees have been received at the Institute at least a week before the founder's meeting of the Assembly.

The decisions taken by the Assembly founders' meeting shall be valid if at least fifty per cent of the registered participants attend the meeting.

At the founders' meeting the Assembly shall take decisions by majority of declared votes of the present members, with the exception of the Statutes, which shall be adopted by the two-thirds majority of the present members. At the meeting each member of the Assembly shall be entitled to one vote.

At its founders' meeting the Assembly shall elect the President of the Institute on the written proposal of a registered member of the Institute or the Founder's representative. Only the proposals received at the Institute at least a week before the meeting of the Assembly, shall be considered.

Article 29

Upon starting its operations the Institute shall take over the Technical Boards of the Standards and Metrology Institute making them the Technical Boards of the Institute. Before their redeployment in the Institute the employees of the Standards and Metrology Institute of the Republic of Slovenia shall be responsible for performing the activities of Slovenian national standardization and coordination of professional working bodies.

Article 30

Under the provisional act referred to in indent seven of paragraph 2 of Article 26 of this Decision the redeployment of the SMIS employees in the Institute shall be possible in such a way that their rights and liabilities under the labour relations are not affected.

Article 31

The funds required for establishment and the Founder shall provide start-up of the Institute's operations.

In the year of its foundation the financial means for the Institute's operation shall be ensured on the basis of the Agreement, concluded between the Institute and the Ministry of Science and Technology, Standards and Metrology Institute of Slovenia. The amount and the purpose of the financial means shall be defined on the basis of the provisional work programme and provisional financial plan of the Institute.

The Founder shall transfer to the Institute the tangible assets and equipment of the Standards and Metrology Institute, earmarked for implementation of tasks in the field of standardization for its gratuitous use.

The transfer of tangible assets and equipment referred to in the previous paragraph shall be specified in the Agreement concluded between the Standards and Metrology Institute and the Institute.

Taking into account the provisions of Article 3 of the Public Finance Act (Official Gazette of RS No. 79/99) pending a possible status transformation, the Institute shall be the indirect beneficiary of the budget.

Article 32

The premises required for the Institute's operation should be provided by the Founder.

As from the date of commencement of the Institute's operations and until more adequate premises have been provided for, the Institute shall use the premises at the address: Kotnikova 6, Ljubljana, which are currently used by the Standardization Department and Information Department of Standards and Metrology Institute.

Article 33

Before the commencement of the Institute's operations the professional and administrative tasks in the field of general administrative and personnel matters, including the arrangements in respect of redeployment of employees shall be performed by the Ministry of Science and Technology, Standards and Metrology Institute of Slovenia.

Article 34

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

No. 691-26/2000-1

Done in Ljubljana on 20 July 2000

Government of the Republic of Slovenia

Dr. Andrej Bajuk, signed

President