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Nr. 215-13/201

Date: 14 March 2019

Pursuant to the Non-Governmental Organisations Act (Ur. l. of the Republic of Slovenia, No. 21/18; ZNOrg), Article 45 of the Spatial Management Act (Ur. l. of the Republic of Slovenia, No. 61/17; ZUreP-2), Article 3 of the Rules on the criteria determining an association's significant achievements in order to be granted the status of an association operating in the public interest in transport, energy and spatial planning (Ur. l. of the Republic of Slovenia, No. 35/14) and Article 207 of the General Administrative Procedure Act (Ur. l. of the Republic of Slovenia, No. 24/2006 - official consolidated version, 105/06- ZUS-I, 126/07, 65/08, 47/09 Ruling of the Constitutional Court; U-I-54/06-32, 8/10 and 82/13; hereinafter referred to as ZUP), acting on the request of the Slovenian Real Estate Association FIABCI Slovenia, Slamnikarska 3B, 1230 Domžale, represented by its President Jože Podgoršek, to obtain the status of a non-governmental organisation acting in the public interest in the field of spatial planning, the Minister responsible for the environment and spatial planning issues the following

#### DECISION

1. The Slovenian Real Estate Association FIABCI Slovenia, Slamnikarska 3B, 1230 Domžale, represented by its President Jože Podgoršek, is granted the status of a non-governmental organisation in the field of spatial planning, operating in the public interest.
2. The non-governmental organisation referred to in the first point of the enacting part of this Decision shall submit to the Ministry of the Environment and Spatial Planning by 31 March of every second year a report on its activities in the previous two calendar years, indicating the activities carried out and the main results, as well as a programme for future activities for at least two calendar years.
3. The non-governmental organisation referred to in the first item of the enacting part of this Decision must notify the Ministry of the Environment and Spatial Planning in writing within 30 days of any change in its founding act that relates to the purpose of the organisation, the activities of the organisation, the use of the surplus of revenues over expenses or the transfer of assets in the event of dissolution.
4. The Slovenian Real Estate Association FIABCI Slovenia, Slamnikarska 3B, 1230 Domžale, represented by its President Jože Podgoršek, shall be entered in the register kept by the Ministry of the Environment and Spatial Planning as of the day this Decision enters into force.
5. No costs have been incurred in the proceedings.

#### Statement of grounds:

On 30 May 2018, the Slovenian Real Estate Association FIABCI Slovenia, Slamnikarska 3B, 1230 Domžale, represented by its President Jože Podgoršek (hereinafter: the Client), filed an application with the competent administrative authority for the status of a non-governmental organisation acting in the public interest in the field of spatial planning. Following the granted request for an extension of time to complete the application and additional requests by the administrative body to substantiate the application, the party duly completed its application on 10 September 2018, 29

November 2018, 21 December 2018, and 22 February 2019.

The Client has submitted all the necessary documents and annexes in accordance with the Non-Governmental Organisations Act (Ur. l. of the Republic of Slovenia, No 21/18; ZNOrg) and the Rules on the criteria determining an association's significant achievements in order to be granted the status of an association operating in the public interest in transport, energy and spatial planning (Ur. l. of the Republic of Slovenia, No. 35/14; hereinafter: Rules of Procedure), namely the proof of registration of the association in the Register of Associations dated 11 August 1993, the basic act,

the Statutes of the Slovenian Real Estate Association - FIABCI Slovenia, dated 23 November 2018, the reports on the Association's activities with the financial report for the years 2016 and 2017, the work programme of the Association for the years 2019 and 2020 and the evidence on the Association's activities in the years 2013, 2014, 2016, 2017 and 2018, as well as the declaration of compliance with the conditions for granting the status of a non-governmental organisation in the public interest pursuant to ZNOrg, dated 22 February 2019.

In order to obtain the status of a non-governmental organisation acting in the public interest in the field of spatial planning, it must first meet the requirements set out in Article 2(1) of the Non-Governmental Organisations Act (Ur. l. of the Republic of Slovenia No 21/18, hereinafter referred to as: ZNOrg), which sets out the conditions for classifying an organisation as a non-governmental organisation. A non-governmental organisation is an organisation that is a legal entity under private law, has its registered office in the Republic of Slovenia, is established exclusively by domestic or foreign natural or legal persons under private law, is non-profit-making, is independent of other entities and is not organised as a political party, church or other religious community, trade union or chamber. The administrative authority found that the Client meets the requirements of a non-governmental organisation within the meaning of Article 2(1) of the ZNOrg.

Pursuant to Article 3 of the Rules, an association has made significant achievements in the field of spatial planning if it meets at least three of the following criteria. Based on this Article, the Party has demonstrated in its application the main achievements of its activities in the field of ensuring sustainable spatial development and public participation in the management of public space, for active participation in the development of the field of spatial development directly related to the field of construction land, real estate brokerage, real estate management and housing policy in which the Association operates, through the dissemination of expertise through education, training, seminars or workshops, the development or implementation of a programme for the development of the field, or by actively participating in the formulation of state or local policies and proposing the adoption of regulations and policies in the field in which the Society operates; By publishing professional literature, publications or other professional publications in the media in the field in which the Society operates; By adding and developing new or underexposed topics related to the field in which the Association operates. The administrative authority finds that the party complies with the conditions of Article 3 of the Rules, on the basis of which it has demonstrated its scope of activities and forms or types of activities.

The work programme of the Slovenian Real Estate Association FIABCI Slovenia for 2019 and 2020 shows that the party intends to carry out several activities related to spatial planning in the field of housing (preparation of an expert base and organisation of a public event on the future regulation of the public rental service, preparation of an initiative for the regulation of the housing register and the preparation of an expert base and organisation of an event in this regard, preparing an initiative for the gradual introduction of the housing subsidy and organising an expert consultation in this regard, designing a monitoring (registration) system for housing rents at the municipal, regional and national levels and organising an expert consultation in this regard, organising a round table on public cost rents, actively participating in the public debate on the new Housing Act); on spatial planning and construction legislation; on the regulatory framework concerning the compensation for the use of construction land; on real estate brokerage and other areas relevant to spatial planning (legislation on real estate taxation, real estate cadastre, land registry). The Association will carry out advisory activities (e.g. professional support and advice to real estate owners in compiling real

estate data, initiatives for the organisation of a central website for access to comprehensive information on the organisation and functioning of the Association (VEM Access Point) and initiatives for the organisation of a network of advisory offices and advice via the Internet), educational activities in the field of the Association's activities and international cooperation activities (including the exchange of best practices and legal solutions and the transfer of practices and solutions to Slovenia).

It is evident from the application, the required attachments and the statement of the party's main achievements under the Rules that the party meets the conditions for obtaining the status of a non-governmental organisation acting in the public interest in the field of spatial planning, both in terms of meeting the conditions of the Non-Governmental Organisations Act and the Rules, which is why the administrative authority has made the decision set out in the enacting part of this Decision. The second point of the enacting part of the decision is based on the provisions of Article 11(1) ZNOrg and the third point is based on the provisions of Article 12(1) ZNOrg. The Authority did not adjudicate upon costs of the proceedings as they were not notified.

Pursuant to the third subparagraph of Article 24(1) of the Administrative Fees Act (Ur. l. of the RS, No. 106/10 - official consolidated version 14/15 - ZUUJFO, 84/15 - ZZelP-J, 32/16 and 30/18 - ZKZaš), the decision is exempt from the administrative fee.

**INSTRUCTION ON LEGAL REMEDIES:** This decision may be appealed within 15 days of its receipt to the Government of the Republic of Slovenia, Gregorčičeva 20-25, 1000 Ljubljana.

To be served:

- Slovenian Real Estate Association FIABCI Slovenia, Slamnikarska 3B, 1230 Domžale (registered mail with the acknowledgment of receipt);

To be filed:

- Register at the Ministry of the Environment and Spatial Planning, Directorate for Spatial Planning, Construction and Housing;
- Court record, here.