



## Slovenia

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In Slovenia the Law on Reduction of Alcohol Consumption prohibits the sell and provision of alcohol at workplaces during working hours (Article 12 see below). The Labour Inspectorate of the Republic of Slovenia is responsible for the supervision of the enforcement of the above mentioned stipulation. However, there is no legal provision concerning general prohibition of alcohol consumption in working environment. The Health and Safety at Work Act stipulates that an employee must comply with and implement measures necessary to ensure health and safety at work. Furthermore, the employee must take care of his own safety and health and that of other persons affected by his acts at work.

Most Slovenian companies define this issue in their internal acts and employment contracts.

Who can carry out the breath analysis and how - it is more or less clear and it has been defined also through case-law.

There is a legal prohibition of alcohol consumption for certain professions, for example pilots (the Aviation Act), railway workers (the Safety of Railway Transport Act) and drivers (the Road Traffic Safety Act).

At the moment in Slovenia there is no national project dealing with alcohol abuse at workplace going on. However, some Slovenian companies have developed their own OSH projects which proved to be very successful also in the field of prevention of drug and alcohol abuse at workplace.

### Annex 1: Extracts from “Law on Reduction of Alcohol Consumption (ZOPA)” of Slovenia

#### I. GENERAL PROVISIONS

##### Article 1

**This Act defines ways and means of limiting the consumption of alcohol and of the prevention of the harmful effects of the consumption of alcohol.**

##### Article 2

In accordance with this Act, an alcoholic drink is any drink that contains more than 1.2 percent alcohol by volume, and spirits are those alcoholic drinks that contain more than 15 percent alcohol by volume.

Foodstuffs containing alcohol are those foodstuffs that are provided to consumers in a pre-packaged form and contain more than 0.5 percent alcohol per mass of that foodstuff.

In accordance with this Act, the sale of alcoholic drinks includes any opportunity to purchase an alcoholic drink or any other form of direct provision of alcoholic drinks against payment.

In accordance with this Act, the provision of alcoholic drinks includes any provision of an alcoholic drink for tasting or any other form of direct provision of alcoholic drinks without payment.

The signs of alcohol intoxication are those generally recognisable signs displayed either in general appearance, behaviour, manner of walking or speaking, or in disturbed balance that are recognised as such by a non-expert.

Expressions used in this Act in their male grammatical form shall apply neutrally to either male or female sex.

## **II. MEASURES FOR THE PREVENTION OF THE HARMFUL EFFECTS OF ALCOHOL CONSUMPTION**

### Article 3

The following count as some of the measures for the prevention of harmful effects of alcohol consumption:

- monitoring alcohol consumption and the extent of the harmful effects of alcohol consumption on health;
- informing, educating and raising the awareness of the general public and of specific population groups about the harmful effects of alcohol consumption;
- coordination of activities for as early recognition as possible of persons with an alcohol problem and their inclusion in preventative programmes;
- coordination, monitoring and evaluation of preventative programmes aimed at specific population groups;
- creation and implementation of programmes encouraging a healthy lifestyle among different age groups and social groups, and their evaluation;
- expert advice and support for institutions, societies, non-governmental organisations and local communities and individuals in the implementation of preventative programmes in the resolution of problems associated with alcohol consumption.

### Article 4

The ministry responsible for health, in cooperation with other relevant ministries, institutions, experts and non-governmental organisations shall draw up two-year programmes for the limitation of alcohol consumption and the reduction of the harmful effects of alcohol consumption (hereinafter: programmes), which include measures referred to in the previous paragraph.

The programmes referred to in the previous paragraph shall be adopted by the Government of the Republic of Slovenia on the basis of a proposal by the ministry responsible for health.

### Article 5

The Health Council of the Republic of Slovenia is responsible for overseeing the overall protection of the health of the population against harmful effects of alcohol consumption, and thus has the following duties:

- monitoring harmful effects of alcohol consumption on health and proposing measures that require inter-ministerial cooperation,
- monitoring the implementation of the programmes referred to in the previous Article,
- monitoring the provision and sale of alcoholic drinks and proposing measures for the prevention of illegal provision and sale of alcoholic drinks;
- other duties related to the reduction of alcohol consumption and the prevention of the harmful effects thereof.

## **III. WAYS AND MEANS OF LIMITING ALCOHOL CONSUMPTION**

### Article 6

The packaging of foodstuffs containing alcohol must display the alcohol content and a warning that the foodstuff is not suitable for children.

The warning referred to in the previous paragraph must be printed in capital letters that are clearly visible, readable and are a distinctly different colour from the background.

#### Article 7

The sale and provision to persons under the age of 18 of alcoholic drinks or drinks to which alcoholic drinks are added shall be prohibited.

The sale of alcoholic drinks to persons displaying obvious signs of alcohol intoxication shall be prohibited.

The sale from vending machines of alcoholic drinks and drinks to which alcoholic drinks have been added shall be prohibited.

#### Article 8

A seller or provider can request that any person he presumes does not fulfil the condition referred to in paragraph 1 of the previous Article proves his age with a public document providing identification. If a person refuses to do this, the seller or supplier may not sell or supply an alcoholic drink to this person.

#### Article 9

It is prohibited to sell or provide alcoholic drinks to persons whom it is possible to justifiably assume will pass them on to persons under the age of 18.

In catering establishments and in relation to any other forms of provision to end consumers in accordance with the regulations governing catering (hereinafter: catering establishments) it shall be prohibited to sell or provide alcoholic drinks to persons whom it is possible to justifiably assume will pass them on to persons displaying obvious signs of alcohol intoxication.

#### Article 10

The sale of alcoholic drinks between 21.00 hours and 07.00 hours the following day shall be prohibited, except in catering establishments where the sale of alcoholic drinks is permitted until the closing time determined in accordance with the law.

Notwithstanding the previous paragraph, the sale of alcoholic drinks in catering establishments between opening time and 10 o'clock in the morning shall be prohibited. This prohibition includes the adding of spirits to non-alcoholic drinks and other beverages.

#### Article 11

The prohibition of alcoholic drinks and the time limitation for the sale of alcoholic drinks must be announced in a visible place on all the premises where alcoholic drinks are sold and to which apply the prohibitions referred to in paragraphs 1 and 2 of Articles 7, 9 and 10 of this Act.

#### Article 12

**The sale or provision of alcoholic drinks shall be prohibited:**

- in buildings and their functional areas where education and health-care activities take place,
- in sports facilities, where sports events are held, one hour prior to the start of an event and during an event,
- at workplaces during working hours.

#### Article 13

The sellers of alcoholic drinks must sell at least two different types of non-alcoholic drinks that have an equal or lower price than the cheapest alcoholic drink.

### IV. RESOURCES

#### Article 14

Financial resources for the implementation of the programmes referred to in Article 4 of this Act shall be provided from the national budget. The amount is determined in the annual budget proportionally to the envisaged extent of the need and the income from excise duties on alcohol and alcoholic drinks.

## V. SUPERVISION

### Article 15

Supervision of the enforcement of this Act shall be carried out by the Health Inspectorate of the Republic of Slovenia, the Labour Inspectorate, the Market Inspectorate, the Police and the Inspectorate for Education and Sport.

The supervision referred to in the previous paragraph also includes supervision of the surreptitious sale and provision of alcohol.

In accordance with this Act, surreptitious sale or provision of alcoholic drinks is a way of selling or providing alcoholic drinks where there is an attempt to hide the sale or provision of alcoholic drinks by mixing them with non-alcoholic drinks or other beverages.

The Health Inspectorate shall carry out supervision of:

- the designation of foodstuffs containing alcohol (Article 6);
- the sale and provision in catering establishments to persons under the age of 18 of alcoholic drinks and drinks to which alcoholic drinks have been added (the first paragraph of Article 7);
- the sale of spirits, including the adding of spirits to non-alcoholic drinks and other beverages in catering establishments from opening time to 10 o'clock in the morning (the second paragraph of Article 10);
- notification of the prohibition of the sale of alcoholic drinks or the time limitations for the sale thereof in catering establishments (Article 11);
- the prohibition of the sale or provision of alcoholic drinks in buildings and their functional areas where educational and health activities take place (the first indent of Article 12);
- the supply of non-alcoholic drinks in catering establishments with respect to their price (Article 13).

**The Labour Inspectorate shall carry out supervision of:**

- **the prohibition of the sale or provision of alcoholic drinks at workplaces during working hours (third indent of Article 12).**

The Market Inspectorate shall carry out supervision of:

- the sale and provision to persons under the age of 18 of alcoholic drinks and drinks to which alcoholic drinks have been added in shops (the first paragraph of Article 7);
- the sale of alcoholic drinks in shops to persons displaying obvious signs of alcohol intoxication (the second paragraph of Article 7);
- the sale from vending machines of alcoholic drinks and drinks to which alcoholic drinks have been added (the third paragraph of Article 7);
- the sale and provision of alcoholic drinks in shops to persons whom it can justifiably be assumed will pass them on to persons under the age of 18 (the first paragraph of Article 9);
- the prohibition of the sale of alcoholic drinks in shops between 21.00 hours and 07.00 hours the following day (the first paragraph of Article 10);
- notification of the prohibition of the sale of alcoholic drinks and the time limitation for the sale of alcoholic drinks in shops (Article 11).

The Police shall carry out supervision of:

- the sale and provision to persons under the age of 18 of alcoholic drinks and drinks to which alcoholic drinks have been added in catering establishments (the first paragraph of Article 7);
- the sale of alcoholic drinks in catering establishments to persons displaying obvious signs of alcohol intoxication (the first paragraph of Article 7);
- the sale and provision of alcoholic drinks in catering establishments to persons whom it can justifiably be assumed will pass them on to persons under the age of 18 (the first paragraph of Article 9);
- the sale and provision of alcoholic drinks in catering establishments to persons whom it can be justifiably assumed will pass them on to persons displaying obvious signs of alcohol intoxication (the second paragraph of Article 9).

The Inspectorate for Education and Sport shall carry out supervision of:

- the sale and provision of alcoholic drinks in sports facilities in which sports events take place one hour prior to the start of an event and during an event (the second paragraph of Article 12).

Legal and natural persons who sell and supply alcoholic drinks must provide the inspectors with a free sample of a drink, beverage or foodstuff for checking or laboratory testing.

If a laboratory test establishes that the sample taken during inspection is not in compliance with the provisions of this Act, the costs of the laboratory testing shall be paid by the legal or natural person supplying the sample.

#### **VI. PENAL PROVISIONS**

##### Article 16

A fine of between SIT 500,000 and SIT 8,000,000 shall be imposed on legal persons for the following violations:

1. making or selling foodstuffs containing alcohol in contravention of Article 6 of this Act;
2. selling or providing to persons under the age of 18 alcoholic drinks or drinks to which alcoholic drinks have been added (the first paragraph of Article 7);
3. selling alcoholic drinks to persons displaying obvious signs of alcohol intoxication (the second paragraph of Article 7);
4. selling from vending machines alcoholic drinks or drinks to which alcoholic drinks have been added (the third paragraph of Article 7);
5. selling or providing alcoholic drinks in contravention of Article 9 of this Act;
6. selling alcoholic drinks in contravention of the first paragraph of Article 10 of this Act;
7. selling spirits in contravention of the second paragraph of Article 10 of this Act;
8. not displaying in a visible place a notice of prohibition in accordance with Article 11 of this Act;
9. selling or providing alcoholic drinks in contravention of Article 12 of this Act;
10. selling alcoholic drinks in contravention of Article 13 of this Act.

A fine of between SIT 250,000 and SIT 5,000,000 shall be imposed on an individual committing a violation specified in the previous paragraph in relation to freelance activities.

A fine of between SIT 100,000 and SIT 500,000 shall be imposed on the accountable representative of the legal person who commits a violation specified in the first paragraph of this Article.

A person who enables a person under the age of 18 to drink alcoholic drinks in a public place or offers such a person alcohol to drink in a public place, or a person who in any other way facilitates an underage person's drinking in a public place shall be sentenced to a fine of SIT 50,000.

The fine referred to in the previous paragraph shall be pronounced and collected by a health inspector or a police officer on the spot where the violation was committed.

In addition to a fine, violations referred to in the third paragraph of Article 7 of this Act shall carry a sentence of compulsory deprivation of the vending machine.

#### **VII. TRANSITIONAL AND FINAL PROVISIONS**

##### Article 17

The printing of the information and warning on the packaging as referred to in the first paragraph of Article 6 of this Act must be provided by manufacturers and sellers of foodstuffs containing alcohol within a year of this Act entering into force.

Legal persons and individuals who sell alcoholic drinks must bring their activities in line with the first paragraph of Article 10 of this Act within three months of this Act entering into force.

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