




**COMMISSION FOR
THE PREVENTION OF
CORRUPTION**

 REPUBLIC OF SLOVENIA

INTEGRITY AND PREVENTION OF CORRUPTION ACT

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**INTEGRITY. ACCOUNTABILITY.
RULE OF LAW**

The Commission for the Prevention of Corruption

AN OVERVIEW

The Commission and its history

The Commission for the Prevention of Corruption of the Republic of Slovenia (hereinafter: CPC) is an independent state body with a mandate in the field of preventing and investigating corruption, breaches of ethics and integrity of public office.

The current CPC has been established with the adoption of the Integrity and prevention of corruption Act of 2010 (with later amendments) and fulfils the requirement of an independent anti-corruption body as required by the UN Convention against Corruption (UNCAC) which Slovenia ratified.

The predecessor of the CPC was Government's Office for the Prevention of Corruption, established in 2002 on the recommendation of the Council of Europe's GRECO (Group of States against Corruption). With the adoption of the Prevention of Corruption Act in 2004 the Office was replaced with the Commission for the Prevention of Corruption as an independent state body (appointed by and accountable to the Parliament) with a number of corruption-preventive tasks.

On 5th of June 2010, the Integrity and Corruption Prevention Act was adopted. The Act has retained the name of the CPC, but significantly expanded its mandate, functions and powers. It also strengthened its independence and introduced additional safeguards and objectivity in the procedure for appointment and dismissal of its leadership (Chief Commissioner and two Deputy Commissioners). Most importantly, it expanded some of the investigative and sanctioning powers of the CPC and made it not only the national focal point for prevention of corruption, but also for lobbying oversight, whistleblower protection, integrity of public sector and expanded its reach beyond the public into the private and business sector. The amendments to the Act adopted in June 2011 further strengthened the powers of the CPC to subpoena financial documents from the public and private sector and to hold accountable magistrates, officials, public servants, management and boards of public enterprises for corruption, conflict of interest or breach of ethics.

Jurisdiction / field of work

The CPC is not part of the law enforcement or prosecution system of Slovenia and its employees do not have typical police powers. Criminal investigations of cases of corruption are the prerogative of the Criminal Police / National Investigation Bureau and the Prosecutors Office - institutions with which the CPC closely cooperates. The CPC, however, has broad legal powers to access and subpoena financial and other documents (notwithstanding the confidentiality level), question public servants and officials, conduct administrative investigations and proceedings and instruct different law enforcement bodies (e.g. Anti-money laundering Office, Tax Administration, ...) to gather additional information and evidence within the limits of their authority. The CPC can also issue fines for different violations under its jurisdiction to natural and legal persons in public and private sector.

The CPC has a wide mandate in the field of preventing and investigating corruption, breaches of ethics and integrity of public office. Its tasks, among others, include:

- conducting administrative investigations into allegations of corruption, conflict of interest and illegal lobbying;
- protection of whistleblowers;
- monitoring the financial status of high level public officials in the executive, legislature and judiciary through the assets declaration and monitoring system;
- maintaining the central register of lobbyists;
- adopting and coordinating the implementation of the National Anti-corruption Action Plan;
- assisting public and private institutions in development of integrity plans (tools and internal control mechanisms aimed at identification and curbing of corruption risks within the given organisation) and monitoring their implementation;
- designing and implementing different anti-corruption preventive measures (awareness raising, training, education, ...);
- serving as a national focal point for international anti-corruption cooperation on systemic level (GRECO, OECD, UN, EU, ...).

Independence

Although part of the public sector, the CPC is not subordinate to any other state institution or ministry, and does not receive direct instructions from the executive or the legislature. In legal terms its independence and autonomy in relation to other state institutions and branches of state powers is similar to that of the Court of Audit, the Ombudsman or the Information (Data Protection) Commissioner.

To strengthen its independence, the Act of 2010 provides a special procedure for appointment and dismissal of the leadership of the CPC. Chief Commissioner and two

deputies are appointed by the President of the Republic of Slovenia following an open recruitment procedure and nomination by a special selection board. Candidates which must meet high professional and integrity standards are interviewed and screened by a selection board comprising a representative of the Government, the National Assembly, non-governmental organisations, the Independent Judicial Council and the Independent Council of Officials. The Chief Commissioners' term of office is six years, the deputies' five. They can serve up to two terms in office. Prior to the expiration of the mandate, they can only be dismissed from office by the President (on his/her own motion or on the motion of the Parliament), if they act in breach of the Constitution or the law.

Financial and human resources

The budget of the CPC is determined yearly by the Parliament and the CPC is autonomous in allocating and organising its financial and human resources and priorities within the budget.

While the legal framework safeguarding the independence of the CPC and the material conditions for its work (facilities, information technology, etc) are generally satisfactorily, the CPC - due to fiscal restraints - remains understaffed, in particular given the broad new mandate under the Act of 2010. As a result, it has been facing a problem of backlogs of cases.

Accountability

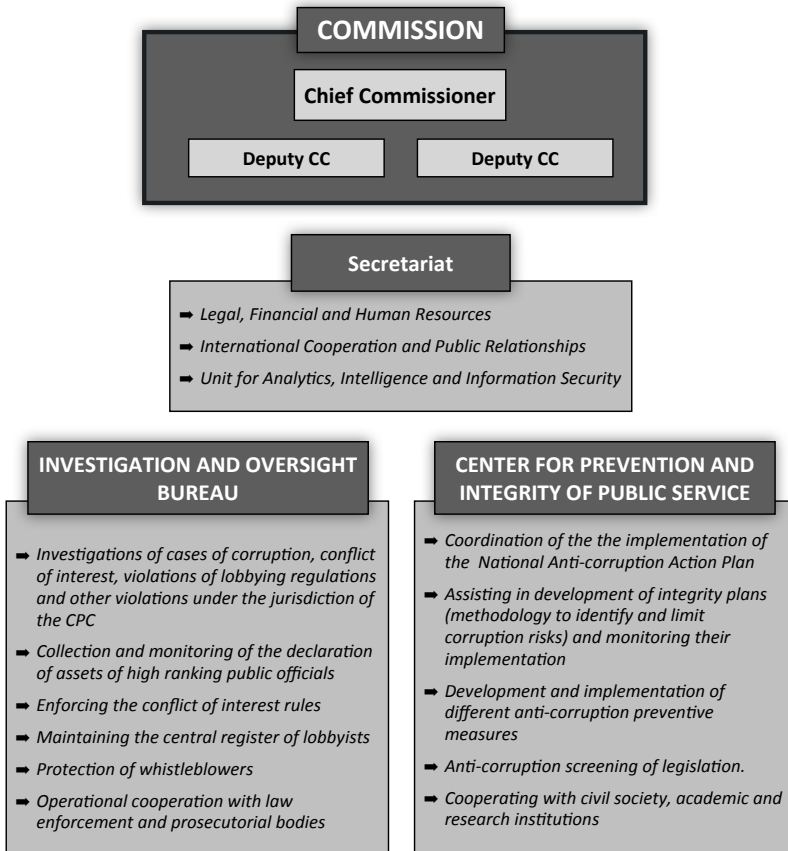
Substantive decisions of the CPC (rulings on corruption, conflict of interest, violations of lobbying regulations etc.) are subject to judicial review of the High Administrative Court. Under the Act, the CPC must be the subject to periodic external audit the reports of which are submitted to the Parliament and the President and publicly available. The CPC is also required to present yearly reports to the Parliament for elaboration. In addition, by law decisions (with few exceptions) of the CPC must be published on the internet and various provisions require the CPC to publicise its work and findings

Organisation and Staff

The decision making panel of the CPC consists of three members – Chief Commissioner and two deputies. They decide on substantial matters (ruling on corruption, conflict of interest, breach of ethics, adopting recommendations, etc) as a collegial body with majority of votes. They are supported by a number of professional staff with different expertise (in the field of law, economics, audit, social sciences, information technology, conducting investigations etc.) working in three main Units: the Secretariat, the Investigation and Oversight Bureau and the Centre for Prevention

and Integrity of Public Service. Employees of the CPC are recruited directly by the CPC in an open and competitive recruitment procedure or seconded from other state institutions; they are public servants and as such bound by salary scheme and regulations governing the public service.

Organisational chart



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INTEGRITY AND PREVENTION OF CORRUPTION ACT*

(Zakon o integriteti in preprečevanju korupcije)

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I. GENERAL PROVISIONS

Article 1 **(Contents)**

For the purpose of enhancing the rule of law, this Act lays down measures and methods to strengthen integrity and transparency, to prevent corruption and to avoid and eliminate conflicts of interest.

Article 2 **(Purpose of the Act)**

The purpose of this Act shall be achieved by carrying out the following:

1. ensuring the independent fulfilment of the functions set out by the Constitution and the law by reducing and preventing corruption and by supervising the incompatibility of an office with other offices and activities;
2. promoting and strengthening the capacity of individuals and institutions to assume responsibility for the development of integrity and, in so doing, the prevention and detection of corruption by implementing the resolution

* Official Gazette of the Republic of Slovenia no. 45/10, 26/11 and 43/11.

- governing the prevention of corruption, preparing expert opinions and standards of good practice, offering training assistance, raising awareness, and planning for and assessing integrity at all levels;
3. promoting and strengthening transparency within the processes and procedures of the exercising of public authority in the performance of public functions and management of public affairs by supervising the property of and acceptance of gifts by officials, by preventing and eliminating conflicts of interest and corrupt practices, and by supervising lobbying activities;
 4. ensuring the transparency of lobbying so as to promote good practices and restrict and sanction unethical lobbying practices by setting out the criteria for the carrying out of lobbying activities within public sector operations;
 5. promoting and strengthening the detection, prevention and elimination of corrupt practices by protecting the persons who report instances of such occurrences;
 6. promoting, supporting and strengthening cooperation and professional assistance in preventing and combating corruption at the international level by meeting the international obligations of the Republic of Slovenia; and
 7. promoting and enhancing cooperation between State bodies and self-governing local community bodies (hereinafter: local community bodies), public sector organisations, persons vested with public authority, civil society institutions, the media and legal and natural persons in raising the level of integrity in the Republic of Slovenia, preventing corruption and assisting the State in dealing effectively with all types of corrupt practices by establishing the Commission for the Prevention of Corruption and providing the conditions necessary for its operation as an autonomous and independent State body in order to strengthen integrity and suppress corruption, and through the determination of its tasks and competences.

Article 3
(Applicability)

- (1) This Act shall apply to the public sector, unless issues governed by this Act are regulated otherwise by any other law.
- (2) Where this Act so provides, it shall also apply to the private sector.

Article Article 4
(Definition of terms)

The terms used herein shall be defined as follows:

1. "Corruption" means any violation of due conduct by officials and responsible persons in the public or private sector, as well as the conduct of persons

initiating such violations or of persons benefiting from it, for the purpose of undue benefit promised, offered or given directly or indirectly, or for the purpose of undue benefit demanded, accepted or expected for one's own advantage or to the advantage of any other person;

2. "International corruption" means corruption involving at least one natural or legal person from abroad;
3. "Integrity" means the conduct and responsibility expected of individuals and organisations in the prevention and elimination of risks related to the use of any authority, office, mandate or any other decision-making power contrary to the law, legally admissible objectives and codes of ethics;
1. "Public sector" has the same meaning as the public sector under the law on public servants, including public undertakings and private companies in which a controlling interest or a dominant influence is held either by the State or a local community;
2. "Public sector employees" means officials, public servants, and employees in public undertakings and private companies in which the controlling interest or a dominant influence is held either by the State, a local community, or other employees working in the public sector;
3. "Officials" means deputies of the National Assembly, members of the National Council, the President of the Republic, the Prime Minister, ministers, state secretaries, judges of the Constitutional Court, other judges, state attorneys, officials in other self-governing local communities (hereinafter: local communities), members of the European Parliament from the Republic of Slovenia, unless their rights and obligations are stipulated otherwise by the regulations of the European Parliament, and other officials from Slovenia working in European and other international institutions, the Secretary-General of the Government, former officials while receiving wage compensation pursuant to the law, and officials of the Bank of Slovenia, unless their rights and obligations are stipulated otherwise by the Act governing the Bank of Slovenia and other regulations binding thereon;
4. "Family members" means spouses, children, adopted children, parents, adoptive parents, brothers, sisters, or any other persons living with an individual in the same household or in a common-law partnership;
5. "High-ranking civil servants" means directors-general, secretaries-general of ministries, heads of ministerial departments, heads of government offices, heads of administrative units, and the directors or secretaries of municipal administrative bodies;
6. "Managers" means the directors and members of the collective management bodies of the following: public agencies, public funds, public institutes, public utility institutes, and other entities governed by public law which are indirect

users of the government budget or the local community budget, as well as public undertakings and private companies in which a controlling interest or a dominant influence is held either by the State or a local community;

7. "Official persons" means officials, high-ranking civil servants, and other public servants, as well as managers, and members of the management and supervisory boards of public sector entities;
8. "Persons responsible for public procurement" means persons who are appointed by the contracting authorities to an expert commission responsible for the award of public contracts, and who decide upon, adopt and propose the contents of tender documentation, evaluate bids or submit proposals to the contracting authorities on the selection of bidders for public contracts, which, pursuant to the law regulating public procurement, require the completion of a public procurement procedure, with the exception of the small purchase contract award procedure, and for public contracts which do not require the completion of a public procurement procedure if the value of the contract is equal to or exceeds the cost of completion of the tender collection procedure by prior publication, regardless of whether or not these contracts or parts of public contract documentation are marked with a security classification marking pursuant to the law regulating classified information. The persons responsible for public procurement shall also be those persons who, under this definition, participate in public procurement and do not have an employment relationship with the contracting authority;
9. "Conflict of interest" means circumstances in which the private interest of an official person influences or appears to influence the impartial and objective performance of his public duties;
10. "Private interest of an official person" means a pecuniary or non-pecuniary benefit which is either to his advantage or to the advantage of his family members or other natural or legal persons with whom he maintains or has maintained personal, business or political relations;
11. "Lobbying" means the activities carried out by lobbyists who, on behalf of interest groups, exercise non-public influence on decisions made by State and local community bodies, and holders of public authority in discussing and adopting regulations and other general documents, as well as on decisions made by State bodies, the bodies and administrations of local communities, and holders of public authority on matters other than those which are subject to judicial and administrative proceedings and other proceedings carried out according to the regulations governing public procurement, as well as proceedings in which the rights and obligations of individuals are decided upon. Lobbying means any non-public contact made between a lobbyist and a lobbied party for the purpose of influencing the content or the procedure for adopting the aforementioned decisions;

12. "Lobbyist" means any person who is engaged in lobbying and who is entered into the register of lobbyists, or a person who is engaged in lobbying and is employed in an interest group and lobbies on its behalf, or a person who is an elected or otherwise legitimate representative of this interest group;
13. "Lobbied persons" means officials and public servants who are employed in State bodies and local community bodies or who work with the holders of public authority responsible for decision making, or who participate in the discussion and adoption of regulations, other general documents and decisions pursuant to paragraph 14 of this Article, and with whom lobbyists communicate for lobbying purposes;
14. "Interest groups" means legal persons governed by private law, and other legally regulated forms of association of natural or legal persons, on behalf and for the account of which a lobbyist performs a lobbying activity;
15. "Authorities responsible for measures" means any body or organisation which, under the action plan for the implementation of the resolution, has been appointed as being responsible for the implementation of measures to meet the objectives of the resolution.

II. COMMISSION FOR THE PREVENTION OF CORRUPTION

1. Definition, composition and supervision of the Commission's work

Article 5 (Legal Status)

The Commission for the Prevention of Corruption (hereinafter: the Commission) is an autonomous and independent State body which, for the purpose of strengthening the effective functioning of the rule of law and safeguarding it from being threatened by corrupt practices, autonomously implements its powers and carries out the tasks set out herein and in other Acts within the framework and on the basis of the relevant legislation.

Article 6 (Funding)

The funds for the work of the Commission shall be provided by the budget of the Republic of Slovenia upon a proposal made by the Commission. The Commission shall decide autonomously on the use of the budget funds.

Article 7

(Appointment of the Commissioners)

(1) The Commission shall comprise the chair (Chief Commissioner) and two deputy chairs (Deputy Commissioners). The chair and deputy chairs of the Commission are officials.

(2) The Commission's chair and his deputies must be citizens of the Republic of Slovenia. At the very least they must have completed higher education under the second-level study programmes or education which corresponds to the second-level of higher education under the law governing higher education, and at least ten years of work experience in performing tasks requiring the aforementioned education, and must not have been sentenced to imprisonment by way of a final judgment.

(3) The chair of the Commission and his deputies must be persons for whom it may reasonably be concluded that, in respect of their previous work, conduct or behaviour, they will perform their function in the Commission by observing the law and pursuant to the rules of the profession.

(4) The office of the chair or deputy must not be carried out in addition to the performance of a function or work in any other entity governed by public or private law that operates in areas where the Commission exercises its powers pursuant to this Act.

(5) The chair of the Commission and his deputies shall cease to perform any work or function referred to in the previous paragraph no later than one month after assuming office.

(6) The chair of the Commission shall be appointed for a period of six years and deputy chairs for a period of five years; they may be appointed to their respective office for two years in succession.

Article 8

(Conditions for the operation of the Commission)

(1) The chair and deputy chairs of the Commission shall perform their respective functions on a full-time basis.

(2) The Commission shall employ the necessary number of public servants. The categories and number of public servant posts shall be defined by the document on job classification.

2. Selection procedure, appointment, operation, tasks and powers of the Commission

Article 9

(Appointment of the Commission)

(1) Six months before the expiry of the term of office of the chair and deputy chairs of the Commission, the chair shall notify the President of the Republic accordingly, who in turn shall invite the proposers for members of the selection committee to appoint the members in question within 30 days of receipt of the notice from the President of the Republic. Along with the invitation to appoint members of the selection committee, the President of the Republic shall carry out a public call for the collection of candidacies for the chair and deputy chairs of the Commission. The period for collecting candidacies to be stipulated by the President of the Republic shall be not shorter than 14 days and not longer than 30 days in duration. The candidacies collected shall then be submitted to the selection committee.

(2) The selection procedure for the choice of appropriate candidates for the posts of chair and deputy chairs shall be carried out by the selection committee which comprises five members. The following shall each appoint one member to the selection committee:

- the Government of the Republic of Slovenia (hereinafter: the Government);
- the National Assembly of the Republic of Slovenia (hereinafter: the National Assembly);
- non-profit private sector organisations engaged in the prevention of corruption from among their members;
- the Judicial Council from among its members; and
- the Officials' Council from among its members.

They shall then notify the Office of the President of the Republic of Slovenia (hereinafter: Office of the President of the Republic) of their appointments.

(3) The first sessions of the selection committee shall be convened by the Secretary-General of the Office of the President of the Republic within seven days following the expiry of the period referred to in the third sentence of paragraph 1 of this Article. At its first session, the selection committee shall define its work methodology and unless members of the selection committee decide otherwise, the session shall be chaired by the member who is the most senior in age.

(4) In the event that the proposers for members of the selection committee fail to appoint members to the selection committee within the period laid down in paragraph 1 of this Article, the Secretary-General of the Office of the President of the Republic shall invite them to do so within the five days following receipt of the

invitation and instruct them that, in the event that this does not occur, the selection committee will begin its work comprising the previously appointed members. In such a case, the selection committee shall adopt a decision by way of a majority vote of the appointed members.

(5) The selection committee shall examine whether the conditions referred to in paragraph 2 of Article 7 of this Act have been met and assess the suitability of the candidates pursuant to paragraph 3 of Article 7 of this Act. The selection committee shall within 30 days following the expiry of the period referred to in the preceding paragraph submit to the President of the Republic a list of candidates who meet the conditions and are suitable for appointment.

(6) The President of the Republic shall from among the candidates proposed to him by the selection committee appoint the chair and deputy chairs of the Commission within 30 days following receipt of the names of the candidates

(7) In the event that the President of the Republic does not appoint any candidate from among the candidates proposed for the posts of the chair or deputy chairs of the Commission, he shall notify the selection committee accordingly and repeat the public call procedure for the collection of candidacies without delay. In such cases, the period for the collection of proposals shall be not less than 14 days and not more than 30 days. The selection committee shall carry out the procedure for the selection of suitable candidates within 14 days following the expiry of the period for the collection of candidacies. In the event that the repeat procedure is also unsuccessful, it shall be repeated until the chair and both deputy chairs of the Commission have been appointed, whereby the durations referred to in this paragraph are to be observed.

(8) The official of the Commission whose term of office has expired shall perform his function until a new official has been appointed to replace him.

(9) The tasks under this Article that are required to carry out the collection of candidacies and the selection of suitable candidates shall be performed by the Office of the President of the Republic.

Article 10

(Powers of the chair of the Commission)

(1) The chair of the Commission shall represent the Commission and manage and organise its work.

(2) The chair of the Commission shall from among the appointed deputy chairs nominate the first and second deputies.

(3) The chair of the Commission may authorise a deputy to organise and manage certain areas of work.

(4) In the event that the chair of the Commission is absent or otherwise precluded from attending to his duties, he shall be substituted by the first deputy; in the event

that the chair and the first deputy chair of the Commission are absent or otherwise precluded from attending to their duties, they will be substituted by the second deputy. Where the chair of the Commission is deprived of his office pursuant to Article 22 of this Act, his tasks shall be carried out by the first deputy until the appointment of a new chair.

Article 11

(Method of operation of the Commission)

(1) The Commission shall operate and decide as a collective body comprised of the officials referred to in paragraph 1 of Article 7 of this Act. The issues at hand shall be discussed at sessions, where the Commission shall adopt opinions, positions and other decisions by way of at least two votes being cast.

(2) The Commission shall regulate its operation pursuant to the Rules of Procedure and other general documents. The Rules of Procedure shall be published in the Official Gazette of the Republic of Slovenia.

Article 12

(Tasks and powers of the Commission)

(1) The Commission shall have the following tasks and powers:

- to prepare expert groundwork for strengthening integrity and training programmes;
- to provide training for the persons responsible for integrity plans;
- to prepare, together with the representatives of equivalent public law entities or their associations, models of their integrity plans;
- to provide advice on strengthening integrity and preventing and eliminating the risks of corruption in the public and private sectors;
- to monitor and analyse data on the development and accomplishment of tasks aimed at preventing corruption in the Republic of Slovenia;
- to monitor the state of affairs in the field of international corruption, and to monitor and analyse data on the number and manifestations of all forms of criminal offences involving elements of corruption in the Republic of Slovenia;
- to perform lobbying-related tasks;
- to adopt principled opinions, positions, recommendations and explanations in respect of issues connected with the contents of this Act;
- to ensure the implementation of the resolution regulating the prevention of corruption in the Republic of Slovenia;

- to draft amendments to the resolution regulating the prevention of corruption in the Republic of Slovenia and propose that they be discussed by the Government, who then in turn submits them to the National Assembly for adoption;
- to give consent to the action plans of the individual authorities defined in the resolution, these plans relating to the implementation of the resolution regulating the prevention of corruption in the Republic of Slovenia;
- to call on the competent authorities in the Republic of Slovenia to meet the obligations arising from international instruments relating to the prevention of corruption, and to provide them with proposals regarding the method of implementation of these obligations;
- to cooperate with the competent State bodies in drafting regulations on the prevention of corruption;
- to monitor the implementation of the regulations referred to in the preceding indent and to propose initiatives for amendments to them;
- to provide its opinion on proposals for laws and other regulations before they are discussed by the Government, particularly in respect of the conformity of the provisions contained within these proposals for laws and other regulations with the laws and regulations regulating the prevention of corruption, and the prevention and elimination of conflicts of interest;
- have the option available to submit initiatives to the National Assembly and the Government to regulate a particular area by adopting a law or any other regulation in accordance with its tasks and powers;
- to cooperate with the corresponding authorities of other countries and international structures, and with international non-profit private sector organisations engaged in the prevention of corruption;
- to cooperate with scientific, professional, media and non-profit organisations from the private sector in the prevention of corruption;
- to prepare starting points for codes of conduct;
- to publish professional literature;
- to perform, upon the receipt of payment, expert tasks related to the preparation and development of integrity plans and the preparation of measures for the prevention of corruption for private sector users;
- to keep records pursuant to this Act; and
- to perform other tasks set out by this Act and other relevant laws.

(2) Within the context of the implementation of tasks under indent 6 of the preceding paragraph, the Police, the State Prosecutor's Office and the competent court are under an obligation to notify the Commission of the completed proceedings related to the criminal offences of corruption, in respect of which the Slovenian and foreign citizens or legal entities established in the Republic of Slovenia and abroad have been

simultaneously suspected, accused, charged or convicted, within 30 days following the conclusion of the relevant cases. The police shall do this by way of a notification on the manner in which the case was completed, the State Prosecutor's Office by way of a document on the rejection of the accusation or the abandonment of the prosecution and the court by way of a judgment or decision. The duty to notify shall also apply in cases where, within the framework of international cooperation, the aforementioned bodies are informed by foreign police or judicial authorities on a concluded case in a foreign country in which a citizen of the Republic of Slovenia has been accused, charged or convicted.

(3) The tariff for the implementation of the tasks referred to in indent 21 of paragraph 1 of this Article shall be determined by the Commission and published on its website. In calculating the costs and in determining the mode of payment for the implementation of the aforementioned tasks, the rules adopted pursuant to the law regulating public finance shall be observed.

Article 13

(Powers of the Commission on suspicion of corruption or other offences)

(1) The Commission may on its own motion, following a report submitted by a legal or natural person or upon a request under paragraph 2 of this Article, initiate proceedings relating to the allegations of corruption, violation of the rules on conflicts of interest, violation of restrictions on business activities, violation of the regulation of lobbying, proceedings related to the assessment and elimination of individual or systemic corruption risks, or to the violation of the ethics and integrity of the public sector.

(2) The application for the initiation of proceedings under paragraph 1 can also be submitted by the following:

- the National Assembly;
- the Government;
- the Court of Audit, the Human Rights Ombudsman, the National Review Commission, the Information Commissioner, the Bank of Slovenia and other autonomous State bodies or institutions governed by public law and operating in financial management, securities, the protection of competition and the prevention of money laundering;
- the Judicial Council and the State Prosecutors' Council;
- the State Prosecutor's Office or a court if the offences to be prosecuted or decided on do not fall within their legal competences.

(3) The Commission shall, as a rule, consider the issues referred to in the preceding paragraph as a matter of priority. The Commission may decide not to initiate proceedings or to apply priority consideration in the event that the case is being

considered by another competent authority or court, or where this is in accordance with the Rules of Procedure or the document of the Commission referred to in paragraph 4 of this Article. In the event that the application has been rejected, the Commission shall within 15 days from the date of receipt of the application notify the applicant of its decision and the grounds for the rejection.

(4) The Commission shall adopt and publish on its website the wording of the document in which it sets out the criteria and the procedure for determining the priority list for considering the reports or for initiating proceedings at its own motion, as well as the criteria for and the method of deciding on the priority consideration of individual cases.

(5) Following the concluded procedure, the Commission shall adopt a principled opinion or findings on a specific case. Under this Article, the principled opinions and findings of the Commission shall not mean any decision-making on the criminal, minor offence, compensation, disciplinary or any other accountability of a legal or natural person and shall not take the form of an administrative decision. In its principled opinions or findings, the Commission shall be entitled to process the personal data of individuals, including their name, function, position and place of employment.

(6) The principled opinions of the Commission shall in particular include its presentation of and position on systemic shortcomings, inconsistencies and problems, and its proposals to improve the situation. The findings of the Commission on a specific case shall above all include a statement of facts and an assessment of the relevant conduct in terms of the law, the strengthening of the integrity of the public sector, and corruption risks, as well as an explanation on the conduct required where irregularities and risks have been established.

(7) Where the Commission's findings relate to a particular or identifiable natural or legal person, the Commission shall prior to their publication send the draft findings to the relevant person, who shall submit his observations on the statements referred to in the findings within seven working days. Where the person in question fails to take a position on the statements in this draft, this shall not prevent the Commission from publishing its findings. In the event that the Commission takes the view, based on the opinion of the competent authority, that sending the draft findings to the person in question is likely to jeopardise the interests of the pre-trial, criminal or any other supervisory or judicial proceedings, it shall refrain from doing so.

(8) The Commission shall present its principled opinions and findings on a specific case, together with the response of the person in question, to the public by publishing them on its website or in any other appropriate manner. Where the publication of the Commission's findings is likely to jeopardise the interests of the pre-trial, criminal or any other supervisory or judicial proceedings, the Commission shall hold prior consultations with the competent authority regarding the date and contents of the publication.

(9) Where the findings relate to officials, high-ranking civil servants, public servants or managers, the Commission shall send the findings to the head of the relevant authority or to the authority responsible for the direct supervision of the activities of the person in question or for his appointment and dismissal. Either one or the other shall within 30 days assess the adverse consequences for the reputation of the function or the position, or for the reputation of the authority or entity where the person in question is employed, as well as initiate supervisory and disciplinary procedures and adopt appropriate measures pursuant to the law, the codes of conduct and the integrity plan. It shall inform the Commission on the measures implemented.

(10) Notwithstanding the preceding paragraph, in the event that the seriously corrupt conduct of an official, a high-ranking civil servant or a manager has been established, the Commission shall send to the authority responsible for the appointment and dismissal of the person in question, a proposal for his dismissal and inform the public accordingly. The competent authority shall take a position on the Commission's proposal for dismissal within 30 days.

(11) At the request of national authorities, organisations and other natural or legal persons, the Commission shall also formulate answers, opinions and explanations relating to other issues which form part of its remit.

Article 13a

(Power to request supervision)

(1) On the basis of irregularities or violations established in the implementation of the procedure referred to in the preceding Article, the Commission may submit a reasoned initiative to the following:

- the State Prosecutor General in order to carry out a supervisory inspection of the functioning of a particular organisational unit of the Office of the State Prosecutor General and the District State Prosecutor's Office, or to carry out a partial supervisory inspection of the work of an individual State prosecutor or of the work performed in a particular case;
- the Judicial Council or the Minister of Justice in order to carry out official supervision of the work of a particular court or of the work of a particular judge;
- the president of a higher court in order to review the operation of the court pursuant to the law on courts;
- the competent inspection authority or any other State body in order to carry out administrative or expert supervision of the work of a certain body or organisational unit, or of the work performed in a particular case;

- the presidents or bodies of a professional organisation vested with public authority in order to carry out expert supervision within the scope of their powers;
- other authorities or their representatives in order to carry out supervision of the work of a person or a body, or of the work performed in a particular case;
- the person in charge or the competent authority in order to initiate a disciplinary procedure against a public servant or an official.

(2) In the event that the initiative referred to in the preceding paragraph is refused, the responsible person or authority shall no later than 15 days after receipt of the initiative related to the implementation of the supervision or initiation of a disciplinary procedure send to the Commission a written explanation for its refusal.

(3) In the event that the supervision is carried out in accordance with the initiative referred to in paragraph 1 of this Article, the responsible person or authority shall send the final report on the implementation of the supervision and its findings, and on the measures carried out to the Commission no later than 8 days after receipt. In the event that a disciplinary procedure has been initiated, its conclusions and results shall also be reported to the Commission within 8 days following the conclusion of this procedure.

Article 14 (Anti-corruption clause)

(1) Any contract in which a person promises, offers or gives any undue advantage to the representative or agent of a public sector body or organisation on behalf or for the account of another contracting party for the purpose of

- obtaining business;
- concluding business under more favourable terms and conditions;
- omitting due supervision over the implementation of contractual obligations;
or
- any other act or omission which causes a public sector body or organisation damage or by which the representative or the agent of the public sector body or organisation, the other contracting party or its representative, agent or intermediary are put, in a position to obtain an undue advantage,

shall be deemed null and void.

(2) Public sector bodies and organisations entering into contracts that exceed EUR 10 000 (excluding VAT) with bidders, the suppliers of goods and services, or contractors shall, by taking each case into consideration, include in these contracts the content referred to in the preceding paragraph as a compulsory element of any contract; they may also include additional provisions for the purpose of preventing corruption or other transactions which are contrary to morality or public order. This provision shall

also apply to entering into contracts with bidders, the suppliers of goods and services, or contractors outside the territory of the Republic of Slovenia.

(3) A public sector body or organisation which has concluded a contract shall on the basis of its own findings on the alleged existence of the facts referred to in paragraph 1 of this Article or on the basis of a notification from the Commission or any other authority in respect of the alleged occurrence of these facts commence with the identification of the criteria for nullifying the contract referred to in the previous paragraph or by way of any other measure in compliance with the regulations of the Republic of Slovenia.

(4) In the event that there is a suspicion of irregularities in the implementation of paragraph 2 of this Article, the Commission shall request the public sector bodies or organisations to submit to it all contracts concluded in a specific period of time or with a specific person. In the event that the Commission establishes a violation of the provisions of paragraph 2 of this Article or the alleged existence of the facts referred to in paragraph 1 of this Article, it shall notify the body or organisation that concluded the contract and other competent authorities accordingly thereof.

(5) In the event that a public sector body or organisation takes the view that due to the nature of a contract the inclusion of the anti-corruption clause is not possible or appropriate, or in cases where the other contracting party is established outside the territory of the Republic of Slovenia and opposes the inclusion of such, the relevant body or organisation may, by way of a reasoned proposal, request that the Commission grant an exemption from the obligation laid down in paragraph 2 of this Article in respect of the contract in question. When taking a decision thereon, the Commission shall particularly take into account the public interest in the conclusion of the contract, any objective circumstances which prevent business from being concluded owing to the inclusion of the anti-corruption clause, and the level of the general corruption risk in equivalent business transactions. The Commission's permission regarding the conclusion of a contract without the anti-corruption clause shall be published on its website or, in accordance with an agreement with the relevant body or organisation, when it can no longer have any impact on the conclusion of the contract.

(6) In order to ensure the transparency of the business and to mitigate corruption risks, any public sector body or organisation which is subject to the obligation to carry out public procurement procedures in compliance with the relevant public procurement regulations shall, prior to the conclusion of a contract exceeding the value of EUR 10 000 (excluding VAT) obtain a statement or information on the participation of natural and legal persons in the bidder's assets, including the participation of silent partners, as well as on economic operators, which are considered to be companies affiliated to the bidder under the provisions of the Companies Act. The public sector body or organisation in question shall submit this statement or information to the Commission at the latter's request. In respect of

natural persons, this statement shall include their personal name, residential address and their interest in the assets. In the event that the bidder submits a false statement or provides false information on the facts stated, the contract shall be rendered null and void.

Article 15

(Rules governing the procedure)

(1) Unless otherwise stipulated by this Act, the Commission shall apply the law governing the general administrative procedure in its procedures.

(2) There shall be no appeal against a decision of the Commission; however, an administrative dispute shall be admissible.

Article 16

(Acquisition of data and documents by the Commission)

(1) State bodies, bodies of self-governing local communities and bearers of public authority, as well as any legal person governed by public or private law shall, within the time limit set out by the Commission and notwithstanding the provisions of other Acts and irrespective of the form of the data, communicate to the Commission at its reasoned request any data, including personal data, and documents which are required by the Commission to perform its statutory tasks. They shall do so free of charge. Where the addressee of the Commission's request is the Bank of Slovenia, the exchange of data shall take place pursuant to the law of the European Union regulating the exchange of supervisory and statistical information and the protection of professional secrecy, and pursuant to the provisions of the regulations which are binding on the Bank of Slovenia in respect of the contents referred to herein.

(2) The reasoned request referred to in the preceding paragraph shall contain a statement regarding the legal basis for the acquisition of the data, and the reasons for and the purpose of the request for the data concerned.

(3) In respect of a public sector entity, the Commission shall in exercising its powers and notwithstanding the provisions of other Acts and irrespective of the form of the data or the type or level of classification, have the right of access to the data and documents at the disposal of this entity, and the right to demand an extract or a copy thereof.

(4) Paragraphs 1 and 3 of this Article shall not apply to data obtained by an attorney, a physician, a social worker, a psychologist or a cleric during the course of their work within a confidential relationship, or by any other person obliged by the law to protect data resulting from a confidential relationship. In the event that the Commission requests data obtained by the competent authorities through special methods of obtaining data under the law regulating intelligence and security

activities, or where there is a reasonable risk that the implementation of the Commission's powers with regard to the access to or the communication of these data is likely to jeopardise or substantially impair the implementation of pre-trial or criminal proceedings or endanger the lives of people or the security of the State, the Police, the State Prosecutor's Office or the Intelligence and Security Service may deny access to the entirety or part of the data required or restrict access to certain premises. The notification of the denial or restriction shall include a statement of reasons. A final decision on a repeat request made by the Commission to be permitted access to or communicate data shall be taken by the Director-General of the Police, the State Prosecutor General and the Government of the Republic of Slovenia for the areas of the Police, the prosecution, and intelligence and security, respectively.

(5) Where it can be reasonably concluded that a person is concealing his property or income for the purpose of evading supervision under this Act, and the Commission is not in a position to carry out its tasks referred to in Chapters IV and V, or supervision under paragraph 6 of Article 16 of this Act, or otherwise establish the facts, it shall send to the competent law enforcement and supervision authorities, including the authority responsible for the prevention of money laundering, a request that within their powers, they establish the facts regarding the assets and property in the Republic of Slovenia and abroad, and submit their findings to the Commission.

(6) In the event that there are grounds for suspicion of corruption and for the purpose of establishing actual signs of corruption under this Act a procedure has been initiated, in respect of which the Commission requires data falling within the competence of the office responsible for the prevention of money laundering and terrorist financing, it shall send to the office responsible a reasoned written initiative to collect and analyse data, information and documents pursuant to the Prevention of Money Laundering and Terrorist Financing Act. The office shall notify the Commission of its findings at the earliest opportunity.

(7) At the Commission's request, official persons and the heads of or responsible persons in organisations vested with public authority shall attend the session of the Commission and on this occasion respond to the Commission's questions in person. This obligation shall apply to the aforementioned persons for a further two years after the termination of the status they held during the event or the conduct considered by the Commission.

(8) The invitation to attend the session referred to in the preceding paragraph shall as a rule be served by the Commission on the invited person by personal delivery via the body or organisation in which the person in question is employed. The invitation shall be sent by post, through its official person or through a natural or legal person who performs the serving of documents by letter or electronic form enabling the recipient to be actually informed of the invitation in question. Where the Commission considers it to be more appropriate, the invitation can be served at the address of the

permanent or temporary residence of the invited person pursuant to the provision of the law regulating the general administrative procedure. In exceptional circumstances, the person in question can be invited by phone where he so agrees and confirms his agreement to the Commission on the same day in electronic form from his personal or official electronic mail address. The invitation shall be served on the invited person no later than five days before the commencement of the session.

(9) The person invited to the Commission's session referred to in the preceding paragraph shall be entitled to legal representation and, notwithstanding the provision of paragraph 7 of this Article, shall not be obliged to answer questions where an answer may cause him or a member of his family considerable property damage or give rise to criminal prosecution.

Article 16a

(Use of external experts)

(1) In carrying out its tasks and implementing its powers, the Commission may obtain an external expert opinion.

(2) A person who provides an expert opinion referred to in the preceding paragraph to the Commission shall not disclose, publish or communicate to unauthorised third parties any data or information obtained during the course of or in connection with the performance of his work for the Commission. The person in question may publish the expert opinion or communicate it to the public in any other manner, but only pursuant to the prior written permission of the Commission.

Article 16b

(Temporary performance of tasks with the Commission)

(1) On the basis of a written agreement between the Commission and the heads of State bodies, public servants from other State bodies may also perform tasks with the Commission for a period not exceeding two years. During their secondment to perform public servant tasks with the Commission, their labour-law related status and title shall not change. Other matters associated with the performance of tasks with the Commission shall be regulated by way of a written agreement between the Commission and the head of the State body with which the public servant temporarily seconded to the Commission has a valid employment contract.

(2) While performing tasks with the Commission, these employees shall in respect of their rights and obligations enjoy equal treatment as public servants employed by the Commission and shall act according to the instructions of the chair of the Commission and his deputies.

3. Cooperation with non-profit private sector organisations in the field of corruption prevention

Article 17

(Non-profit private sector organisations)

(1) For the purpose of implementing the objectives of this Act and strengthening integrity, the Commission shall cooperate with non-profit private sector organisations in the field of corruption prevention and with representative trade unions in the public sector (hereinafter: trade unions).

(2) Within the framework of its financial plan, the Commission shall finance non-profit private sector organisations in the prevention of corruption and in the performance of tasks related to training, informing and raising the awareness of the public and public sector bodies, and disseminating good practice in implementing the objectives of this Act.

4. Supervision of the work and operation of the Commission

Article 18

(Informing the public)

(1) The Commission shall keep the public informed of its work.

(2) The Commission shall keep the public informed by publishing its principled opinions, positions, and the convocations and minutes of its sessions.

(3) The Commission may invite representatives of non-profit private sector organisations working in the prevention of corruption and the trade unions referred to in the preceding Article to take part in its sessions.

Article 19

(The Commission's obligation to report on its work)

The Commission shall report once a year to the National Assembly on its work. It shall submit the annual report for the previous year by no later than 31 May of the current year.

Article 20

(Supervision over the Commission)

(1) The supervision of the Commission's performance of its tasks shall be exercised by the National Assembly. The chair of the Commission shall report once a year to the National Assembly on the content and scope of the Commission's work, decisions,

findings, and opinions related to the Commission's powers, being careful not to give any information that would result in the natural and legal persons concerned being identified, and shall provide an assessment of the current situation with regard to the prevention of corruption and prevention and elimination of conflicts of interest.

(2) At least every three years, the Commission shall conduct an internal audit of its operations regarding the use of material and financial resources, and personnel matters, which shall be carried out by an external auditing authority. The Commission shall send the audit report to the President of the Republic and the National Assembly for their information.

Article 21

(Powers of the National Assembly in exercising supervision)

By applying, *mutatis mutandis*, the provisions of this Act, the National Assembly shall supervise the chair of the Commission for the Prevention of Corruption and both deputy chairs in terms of their assets, the acceptance of gifts, conflicts of interest, and the incompatibility of holding office with the pursuit of gainful activity.

Article 22

(Dissolution of the Commission)

(1) The President of the Republic shall relieve the chair or deputy chair of the Commission of his duties in the following circumstances:

- if the chair or deputy chair of the Commission requests to be relieved of his duties;
- if the chair or deputy chair of the Commission has been convicted by way of a final judgment and sentenced to imprisonment;
- if the chair or deputy chair of the Commission has permanently lost the capacity to perform the duties of his office; and
- if the chair or deputy chair of the Commission has failed to act in accordance with paragraph 5 of Article 7 of this Act.

(2) The chair or deputy chair of the Commission shall notify the President of the Republic of the facts referred to in the second and third indents of the preceding paragraph within three days of the date of their occurrence.

(3) If it has been established that the chair or deputy chair of the Commission has failed to act in accordance with paragraph 5 of Article 7 of this Act, the President of the Republic shall relieve the chair or deputy chair of his duties upon the proposal of the National Assembly.

(4) The President of the Republic may relieve the chair or deputy chair of the Commission of his duties upon the proposal of the National Assembly if the chair or

deputy chair of the Commission fails to perform the duties of his office in accordance with the Constitution and the law.

(5) If the chair or deputy chair of the Commission is prematurely relieved of his office, a new official shall be appointed for the term of office in accordance with the procedure referred to in Article 9 of this Act.

III. PROTECTION OF WHISTLEBLOWERS

Article 23

(Reporting of corruption and protection of reporting persons)

(1) Any person may report instances of corruption in a State body, local community, by a holder of public authority or other legal persons governed by public or private law, or a practice by a natural person for which he believes that it contains elements of corruption, to the Commission or any other competent body. At the reporting person's request, the Commission and other competent authorities shall notify the reporting person of the measures or the course of action taken in this respect. This provision shall not encroach on the reporting person's right to inform the public of the corrupt practice in question.

(2) The provisions of the law regulating access to public information shall not apply to documents, files, records and other documentary material relating to a procedure conducted by the Commission with regard to the reported suspicion of corruption until the procedure before the Commission has been concluded. The information on the protected reporting person shall not be made public after the procedure has been concluded. This provision shall also apply in the event that the material referred to in this paragraph has been referred to another body for consideration. The reporting person may send the report that contains information that is defined by law as classified information only to criminal law enforcement authorities or to the Commission.

(3) If the Commission finds that the report referred to in the preceding paragraphs contains elements of a criminal offence for which the offender is prosecuted *ex officio*, it shall inform the law enforcement authorities of this in accordance with the law governing the criminal procedure and request that they keep it informed of any further courses of action.

(4) The identity of the reporting person referred to in paragraph 1 of this Article, who has made a report in good faith and has reasonably believed that the information he has provided with regard to the report is true, which shall be assessed by the Commission, shall not be established or disclosed. The filing of a malicious report shall be an offence punishable under this Act if no elements of a criminal offence have been established.

(5) In assessing whether the report has been made in good faith, or whether the reporting person has reasonably believed that the information he provided is true, the Commission shall take into account, in particular, the nature and gravity of the practice reported, the threat of damage posed by that practice or the actual damage caused as a result, a possible breach of the reporting person's duty to protect specific information, and the status of the body or person to which the report has been made.

(6) If in connection with the report of corruption, the conditions for the protection of the reporting person or his family members are fulfilled under the law on witness protection, the Commission may submit a proposal to the Commission on the Protection of Witnesses Risk to include them in the protection programme or may propose that the State Prosecutor General take urgent safeguarding measures.

(7) When the Commission on the Protection of Witnesses considers the Commission's proposal, its session may also be attended by the chair of the Commission.

(8) Only the court may rule that any information on and the identity of the persons referred to in paragraph 4 of this Article be disclosed if this is strictly necessary in order to safeguard the public interest or the rights of others.

Article 24

(Reporting unethical or illegal conduct)

(1) An official person who has reasonable grounds to believe that he has been requested to engage in illegal or unethical conduct, or has been subject to psychological or physical violence to that end, may report such practice to the superior or the person authorised by the superior (hereinafter: the responsible person).

(2) If there is no responsible person, or if the responsible person fails to respond to the report in writing within five working days, or if it is the responsible person himself who requests that the official should engage in illegal or unethical conduct, the report referred to in the preceding paragraph and the procedure pertaining to it shall fall within the competence of the Commission.

(3) The responsible person or the Commission shall assess the actual situation on the basis of the report, issue appropriate instructions on further action to be taken if necessary, and take all necessary steps to prevent any illegal or unethical requests and adverse consequences that may ensue.

Article 25

(Measures to protect the reporting person)

(1) If the reporting persons have been subject to retaliatory measures as a consequence of filing the report referred to in Articles 23 and 24 of this Act, and this

has had an adverse impact on them, they have the right to claim compensation from their employer for the unlawfully caused damage.

(2) The Commission may offer reporting persons assistance in establishing a causal link between the adverse consequences and retaliatory measures referred to in the preceding paragraph.

(3) If during the course of the procedure referred to in the preceding paragraph the Commission establishes a causal link between the report and the retaliatory measures taken against the reporting person, it shall demand that the employer ensure that such conduct is discontinued immediately.

(4) If the reporting persons referred to in paragraph 1 of this Article are public servants, and if they continue to be the focus of retaliation despite the Commission's demand referred to in the preceding paragraph, making it impossible for them to continue work in their current work post, they may request that their employer transfer them to another equivalent post and inform the Commission of this.

(5) If a reporting person cites facts in a dispute that give grounds for the assumption that he has been subject to retaliation by the employer due to having filed a report, the burden of proof shall rest with the employer.

(6) The public servant's employer shall ensure that the demand under paragraph 4 of this Article is met within 90 days at the latest and shall inform the Commission of this.

IV. CONFLICTS OF INTEREST AND SUPERVISION OF THE ACCEPTANCE OF GIFTS

1. Incompatibility of office

Article 26

(Incompatibility of office and exceptions)

(1) A professional official holding a public office may not be engaged in any professional or other activity aimed at generating income or proceeds.

(2) Notwithstanding the provision of the preceding paragraph, professional officials may engage in pedagogical, scientific, research, artistic, cultural, sports and publishing activities, manage a farm and their own assets, unless otherwise provided by another Act. An official who obtains permission from his employer or enters into a contract to engage in one of the aforementioned activities, except in the cases of sports and publishing activities and of managing a farm or one's own assets, shall notify the Commission of this in writing within eight working days of the commencement of the activity and enclose with the notification the employer's permission and the contract under which he may perform the activity or profession.

(3) The Commission may within fifteen working days of receipt of the notification referred to in the preceding paragraph initiate a procedure for assessing the incompatibility of office if it considers that the performance of the activity, given the actual scope and nature of the activity in question and the office held by the professional official, is likely to present a disproportionate risk to the objective and impartial discharge of the duties of the office, or jeopardise its integrity. In this case, the Commission may issue a decision prohibiting the official from performing an additional activity or imposing conditions or restrictions on the official that must be complied with when performing the activity.

(4) Unless otherwise provided by another Act, the Commission may allow a professional official to perform a professional or other activity aimed at generating income, taking into account the public interest and the level of risk the performance of the activity poses to the objective and impartial discharge of the duties of the office or to its integrity. If a professional official wishes to obtain income from the body in which he holds office, the Commission shall not issue an authorisation. If the Commission issues an authorisation, it may impose conditions and limitations on the official that must be complied with when performing another activity.

(5) If the Commission finds that the official has not complied with the conditions and restrictions imposed by the decision referred to in paragraph 3 or the authorisation referred to in the preceding paragraph, or that the official performs a professional or other activity in a manner that interferes with the objective and impartial discharge of the duties of his office, it shall issue a decision revoking the authorisation. The official shall immediately or no later than after the decision on revocation of the authorisation has become final cease to perform the professional or other activity in question.

(6) In an administrative dispute against the Commission's decision on the revocation of the authorisation, the Administrative Court shall give priority to the matter.

(7) If the official does not cease to perform the professional or other activity after the decision on the revocation of the authorisation has become final, the Commission shall inform the body responsible for the appointment and dismissal of the official. The body shall take appropriate measures against the official within 30 days in accordance with the law and its integrity plan and shall inform the Commission of this.

Article 27

(Prohibition of membership and activities)

(1) A professional official may not be a member of a company, economic interest grouping, cooperative, public institute, public fund, public agency, or other entity governed by public or private law, or engaged in management, supervision or representation activities in these entities, the exceptions being societies, institutions and political parties.

(2) A non-professional official may not be a member of any entity governed by public or private law referred to in the preceding paragraph, or engaged in management, supervision or representation activities in these entities if the duties of his office include direct supervision of their work.

(3) The prohibition under paragraph 1 of this Article regarding the membership of public institutes, public funds, public agencies and other entities governed by public or private law, and the performance of management, supervision or representation activities in these entities, if the entity governed by private law is a holder of public authority or a public service provider, shall also apply to non-professional mayors and deputy mayors who hold their office in the municipality that is related to the entities referred to in this paragraph in terms of founding, ownership, supervision and finance.

Article 28

(Termination of activity, office or membership)

(1) An official who, prior to taking office, performed an activity or held an office that is incompatible with his office under this Act or is contrary to the preceding Article shall cease to perform the activity or hold office no later than within 30 days of the date of his election or appointment or the approval of his mandate.

(2) An official who, prior to taking office, was a member of bodies whose membership is incompatible with his office under this Act or is contrary to the preceding Article, shall immediately submit his resignation or make a request to have his membership terminated; the membership shall be terminated within 30 days of the date of his appointment to office.

Article 29

(Warning by the Commission and the consequences of a failure to comply)

(1) If an official does not cease to perform an activity, hold membership, or hold an office that is incompatible with his office under this Act within the time limit referred to in the preceding paragraph, the Commission shall warn the official and set the time limit by which the official must cease to perform the activity or hold office. The time limit set by the Commission may not be shorter than 15 days or longer than three months. The Commission shall warn the official who, after taking office, commences an activity, gains membership or takes an office which is incompatible with his office under this Act on incompatibility and shall set the time limit by which the official must eliminate the incompatibility in question. This time limit may not be shorter than 15 days or longer than three months.

(2) If the Commission establishes that the official continues to perform the activity, hold a membership, or hold an office after the time limit set by the Commission has expired, it shall inform the relevant authority competent to propose or commence a

procedure for the removal of the official from office. The competent authority shall inform the Commission of its final decision.

(3) The provisions of the preceding paragraph do not apply to directly elected officials. If the Commission establishes that the facts referred to in the preceding paragraph in connection with directly elected officials are true then it shall inform the public of its findings and publish them on its website.

2. Prohibition and restrictions with regard to the acceptance of gifts

Article 30

(Prohibition and restrictions with regard to the acceptance of gifts by officials)

(1) An official may not accept gifts or other benefits (hereinafter: gifts) in connection with the discharge of the duties of the office, the exceptions being protocol gifts and occasional gifts which are small in value.

(2) Protocol gifts are gifts given to officials by representatives of other State bodies, other countries and international organisations and institutions on the occasions of visits, guest appearances and other occasions, and other gifts given in similar circumstances.

(3) Occasional gifts of small value are gifts given on special occasions that do not exceed EUR 75 in value, and a total value that does not exceed EUR 150 during a particular year when they are received from the same person. In no circumstances may money, securities or precious metals be accepted as a gift of small value.

(4) An official may not accept gifts that have affected or might affect the objective and impartial discharge of the duties of his office, irrespective of their value.

(5) The prohibition and restrictions referred to in this Article shall also apply to the official's family members.

Article 31

(Gift list)

(1) The body or organisation in which an official who has accepted a gift holds office shall put descriptions of the gifts accepted on the gift list and indicate their value.

(2) Gifts shall not be included on the gift list referred to in the preceding paragraph if less than EUR 25 in value.

(3) Protocol gifts and occasional gifts with a value greater than EUR 75 shall become the property of the Republic of Slovenia, local community or organisation in which the official holds office.

(4) If the Commission establishes that the value of the accepted protocol or occasional gift exceeds the amount referred to in the preceding paragraph, or in the

case referred to in paragraph 4 of the preceding Article, the gift shall, pursuant to the decision of the Commission, become the property of the Republic of Slovenia, local community or organisation in which the official holds office.

(5) The official shall give the gift referred to in paragraph 3 of this Article to the body or organisation in which he holds office to manage. If the gift no longer exists physically, or cannot be given to the body or organisation in which the official holds office to manage for other reasons, the official shall pay the amount of the value of the gift into the State or municipal budget pursuant to the decision reached by the Commission.

(6) The Commission shall define the manner in which gifts accepted by officials in connection with the discharge of the duties of their office are handled and managed, and the content of the list of these gifts, and shall address other issues relating to the implementation of prohibition and restrictions with regard to the acceptance of gifts and the duties of officials in this respect.

Article 32

(Forwarding gift lists to the Commission)

(1) State and other bodies and organisations that are obliged to keep gift lists, shall forward the copies of the lists for the previous year to the Commission by 31 March of the current year.

(2) If, upon examining a list, the Commission establishes any departure from the statutory criteria set out in Article 30 of this Act, it shall inform the body or organisation from which the list was received.

(3) On the basis of the information collected, the Commission shall prepare a public catalogue of gifts accepted in the previous year and publish it on its website.

Article 33

(Gifts and objective discharge of the duties of office)

(1) In monitoring the implementation of the provisions of this Act relating to the acceptance of gifts, the Commission shall assess whether a particular official has accepted gifts or obtained benefits that have affected or might affect the objective and impartial discharge of the duties of his office.

(2) If the Commission considers that a particular official has accepted gifts or obtained benefits that have affected or might affect the objective and impartial discharge of the duties of his office, it shall immediately inform law enforcement authorities and, if necessary, other competent authorities.

(3) If the Commission establishes that an official has accepted gifts that have affected or might affect the objective and impartial discharge of the duties of his office, the

gifts shall become the property of the Republic of Slovenia or the local community pursuant to the decision of the Commission.

Article 34

(Gifts to State and local bodies and holders of public authority)

(1) State bodies, local communities and holders of public authority may accept gifts only in cases and under conditions laid down by law.

(2) Notwithstanding the provisions of other acts, State bodies, bodies of local communities and holders of public authority may not accept gifts that affect or might affect the legality, objectivity and impartiality of their work.

(3) State bodies, bodies of local communities and holders of public authority shall forward to the Commission the gift list accepted under paragraph 1 of this Article, along with the gift list referred to in paragraph 1 of Article 31 of this Act.

(4) If the Commission establishes that a State body, local community body or holder of public authority has accepted a gift that affects or might affect the legality, objectivity and impartiality of its work, the gift shall become the property of the Republic of Slovenia or the local community pursuant to the decision of the Commission.

3. Restrictions on business activities due to conflict of interest

Article 35

(Restrictions on business activities and the consequences of violations)

(1) A public sector body or organisation which is committed to conducting a public procurement procedure in accordance with the regulations on public procurement or which carries out the procedure for granting concessions or other forms of public-private partnership, may not order goods, services or construction works, enter into public-private partnerships or grant special and exclusive rights to entities in which the official who holds office in the body or organisation concerned or in cases where the official's family member has the following role:

- participating as a manager, management member or legal representative; or
- has more than a 5% level of participation in the founders' rights, management or capital, either by direct participation or through the participation of other legal persons.

(2) The prohibition referred to in the preceding paragraph shall also apply to the public sector body or organisation's business dealings with the official or the official's family member as a natural person.

(3) The prohibition of operation within the scope detailed in paragraph 1 and the preceding paragraph of this Article shall not apply to other procedures or ways of obtaining funds that are not covered in paragraph 1 of this Article, providing that the provisions of this or any other Act relating to conflicts of interest and the obligation to avoid any conflicts of interest are duly complied with, or that the official is consistently excluded from all stages of decision-making on the performance and entering into of procedures or transactions. If the official or the official's family member violates the provisions on the avoidance of conflicts of interest or exclusion, the consequences shall be the same as those specified for the prohibition of operation.

(4) The prohibition of operation referred to in paragraph 1 of this Article and the prohibition referred to in the preceding paragraph shall also apply to smaller parts of a municipality (village, local and quarter communities), which have their own legal personality, if the municipal official is a member of the council of a smaller part of the municipality or if a particular transaction may be entered into only with the municipal official's consent.

(5) Officials shall communicate the name, registration number and head office of those entities with which they or their family members have a relationship, as specified in paragraph 1 of this Article, to the body in which they hold office within one month after taking office and then no later than within eight days of any change occurring. The body shall submit the list of entities referred to in the preceding sentence of this Article to the Commission no later than within 15 days of receipt of information on or a notification of changes regarding the entities. The Commission shall publish the list of entities referred to in the first sentence of this paragraph on its website every month.

(6) The restrictions under the provisions of this Article do not apply to operation on the basis of contracts concluded prior to the official taking office.

(7) A contract or other forms of obtaining funds that are in conflict with the provisions of this Article shall be null and void.

Article 36

(Temporary prohibition of operation after the termination of office)

(1) An official may not act as a representative of a business entity that has established or is about to establish business contacts with the body in which the official held office until two years have elapsed from the termination of his office.

(2) The body in which the official held office may not do business with the entity in which the former official has a 5% participation in the founders' rights, management or capital, either by direct participation or through the participation of other legal persons until one year has elapsed from the termination of the office.

(3) The body in which the official held office shall immediately, or within 30 days at the latest, inform the Commission of the situation referred to in paragraph 1 of this Article.

4. Conflict of interest

Article 37

(Obligation to avoid a conflict of interest)

- (1) An official person shall pay attention to any actual or possible conflict of interest and shall make every effort to avoid it.
- (2) An official person may not use his office or post to advance his personal interests or the personal interests of another person.

Article 38

(The consequences of failing to comply with the obligation to avoid a conflict of interest)

- (1) Unless otherwise provided by another Act, an official person who, upon taking up a post or office or during the performance of the duties of the post or office, finds that a conflict of interest has arisen or might arise must immediately inform his superior in writing, and if he has no superior, the Commission. In so doing, the official person shall immediately cease to perform any work with regard to the matter in which the conflict of interest has arisen, unless the delay would pose a risk.
- (2) The superior or the Commission shall decide on the conflict of interest within 15 days and shall communicate the decision to the official person.

Article 39

(Procedure for establishing a conflict of interest)

- (1) If there is a possibility that a conflict of interest has arisen in the official conduct of official persons, the Commission may initiate a procedure for the establishment of the actual existence of the conflict of interest and its consequences.
- (2) If it is established, on the basis of the procedure carried out, that a conflict of interest has arisen, the Commission shall inform the competent authority or the employer and set the time limit by which the body or the employer is obliged to inform it of the measures taken in this respect.
- (3) If the Commission finds that, in the situation addressed, an official person knew or should have or could have known that the conflict of interest existed but, despite this, acted in contravention of the provisions on the prevention of conflicts of interest, the Commission shall inform all other competent authorities.

(4) The Commission may initiate a procedure referred to in paragraph 1 of this Article within two years of the performance of the official acts.

Article 40

(Exceptions from the application of this chapter)

The provisions of this chapter do not apply to procedures in which the exclusion of an official person is regulated by another Act.

V. DECLARATION AND SUPERVISION OF ASSETS OF OFFICIALS

Article 41

(Obligation to declare assets)

(1) Persons with obligations under this chapter shall be as follows: professional officials, non-professional mayors and deputy mayors, high-ranking civil servants, managers, persons responsible for public procurement, civil servants of the National Review Commission for Reviewing Public Procurement Award Procedures (hereinafter: the National Review Commission) and the citizens of the Republic of Slovenia who hold office in EU institutions, other EU bodies and other international institutions to which they have been appointed or elected on the basis of secondment or a proposal from the Government of the Republic of Slovenia or the National Assembly and whose obligation to declare their assets is not otherwise regulated by the documents of EU institutions, EU bodies and other international institutions for which they perform duties of the office.

(2) A professional official, non-professional mayor and deputy mayor, high-ranking civil servant, manager and citizen of the Republic of Slovenia who holds office in EU institutions, other EU bodies and other international institutions to which he has been appointed or elected on the basis of secondment or a proposal from the Government of the Republic of Slovenia or the National Assembly shall immediately, and by no later than within one month after taking or ceasing to hold the office or post, communicate the information on his assets to the Commission. These persons shall also communicate the information on their assets to the Commission a year after ceasing to hold the office or post.

(3) Persons responsible for public procurement shall communicate the information on their assets to the Commission once a year by 31 January of the current year for the previous year if, in the previous year, they participated in a public procurement procedure as laid down in point 11 of Article 4 of this Act. The civil servants of the National Review Commission shall communicate the information on their assets within the time limit and in the manner laid down in the preceding paragraph.

Paragraph 2 of Article 43 of this Act does not apply to persons responsible for public procurement and civil servants of the National Review Commission.

(4) Information on assets referred to in paragraphs 2 and 3 of this Article shall be communicated by way of an electronic form which is available on the Commission's website.

(5) The bodies in which persons with obligations are employed, and contracting authorities that operate in accordance with regulations on public procurement, shall communicate lists of these persons to the Commission within 30 days of any change occurring. Information on the citizens of the Republic of Slovenia who hold office in EU institutions, other EU bodies and other international institutions to which they have been appointed or elected on the basis of secondment or a proposal from the Government of the Republic of Slovenia or the National Assembly shall be communicated to the Commission by the Government of the Republic of Slovenia or the National Assembly. These lists shall include the following information: the personal name, personal registration number (EMŠO), tax ID number of the person, office or position, address of permanent residence, and, in the case of officials with a limited term of office and high-ranking civil servants, the date of taking or ceasing to hold office or position.

Article 42 (Data on assets)

(1) Data on assets of a person with obligations shall include the following:

- personal name;
- personal registration number (EMŠO);
- address of permanent residence;
- tax ID number;
- information on the office or work;
- information on the work performed immediately before taking office;
- any other office held or activities performed;
- information on ownership or stakes, shares, management rights in a company, private institute or any other private activity with a description of the activity, and a designation of the registered name or the name of the organisation;
- information on stakes, shares, and rights that the entities referred to in the preceding indent have in another company, institute or private activity with the designation of the registered name or the name of the organisation (hereinafter: indirect ownership);

- information on taxable income under the law governing personal income tax that is not exempt from personal income tax;
- information on immovable property with all the land register information on land plots;
- monetary assets deposited in banks, savings banks and savings and loan undertakings, the total value of which in an individual account exceeds EUR 10 000;
- the total value of cash if it exceeds EUR 10 000;
- types and values of securities if, at the time of the declaration of assets, their total value exceeded EUR 10 000;
- debts, obligations or assumed guarantees and loans given, the value of which exceeds EUR 10 000;
- movable property, the value of which exceeds EUR 10 000; and
- any other information in relation to assets that the person with obligations wishes to provide.

(2) The Commission may obtain any information referred to in the preceding paragraph that can be obtained from the official records to verify the accuracy of the statements of the person with obligations.

(3) If the Commission finds any inconsistencies between the information referred to in paragraph 1 of this Article and other information, it may request the person with obligations to enclose relevant evidence with the information specified in paragraph 1.

Article 43

(Obligation to provide information on any change in assets)

(1) The Commission may obtain the information on annual income referred to in the tenth indent of paragraph 1 of the preceding Article from the competent authority.

(2) The person with obligations shall communicate to the Commission any change to the office, activity or ownership referred to in the eighth and ninth indents of paragraph 1 of the preceding Article and any change to the assets referred to in the eleventh to seventeenth indents of paragraph 1 of the preceding Article that exceeds EUR 10 000 by 31 January of the current year for the previous year.

(3) Any changes to assets shall be communicated by means of an electronic form which is available on the Commission's website. The form in which changes to assets are communicated also includes the possibility of stating the reason for the increase in assets.

(4) The Commission may at any time request the person with obligations to submit the data referred to in Article 42 of this Act. The person with obligations shall submit this data by no later than within 15 days of receipt of the request.

(5) If it can be reasonably concluded from the comparison of the provided data with the actual situation that the person with obligations has transferred his assets or income to family members to avoid supervision under this Act, the Commission may request that they submit the data referred to in the tenth to sixteenth indents of paragraph 1 of the preceding Article within one month of receipt of the request.

Article 44

(Invitation to submit data on assets)

(1) If the Commission finds that the person with obligations has not provided data on his offices, activities, assets and income in accordance with this Act, it shall invite the responsible person to submit the data required within a time limit that may not be shorter than 15 days or longer than 30 days in duration.

(2) If the person with obligations fails to submit the required data within the time limit referred to in the preceding paragraph, the Commission shall decide that this person's salary or salary compensation should be reduced by ten percent of his basic salary each month after the expiry of the time limit, but to no less than the minimum salary level. This decision shall be implemented by the employer.

(3) Paragraph 2 of this Article does not apply to non-professional mayors and deputy mayors.

Article 45

(Disproportionate increase in assets)

(1) If, on the basis of data on assets or other information, the Commission finds that, since the last declaration, the assets of the person with obligations have increased disproportionately compared to his income derived from the performance of his duties of office or an activity in accordance with the provisions and restrictions laid down in this Act and other acts, or that the value of the person's actual assets, which is the basis for the assessment of tax liabilities, considerably exceeds the declared value of the person's assets, it shall invite the person with obligations to explain the increase in assets or the difference between the actual value and the declared value of assets by no later than within 15 days.

(2) If the person with obligations referred to in the preceding paragraph fails to explain the increase in assets or the difference between the actual and declared value of assets, or fails to do so in a comprehensible manner, the Commission shall notify the body in which the person concerned holds office or the body responsible for the election or appointment of the person concerned, and, in the event of a suspicion held that other violations are being committed, it shall also notify other competent authorities.

(3) The body in which the person with obligations holds office or performs work, or the body responsible for the election or appointment of the person with obligations,

may initiate a procedure for the termination of the term of office or dismissal or any other procedure on the basis of the notification referred to in the preceding paragraph in accordance with the Constitution and the law and shall notify the Commission of this; the exception to this is in the case of directly elected officials.

(4) The bodies referred to in paragraph 2 and the preceding paragraph shall notify the Commission of their findings and decisions within three months of receipt of the Commission's notification.

(5) If the Commission reasonably suspects that the assets of the person with obligations referred to in paragraph 1 of this Article have increased considerably, and the person with obligations has failed to provide an adequate explanation for the increase, and there is a reasonable risk that the person with obligations will have these assets available or will hide or appropriate them, the Commission may propose that the State Prosecutor's Office or the competent authority in the field of money laundering prevention, taxes or financial supervision, take all necessary steps within their legal powers to temporarily stop transactions and secure the money and assets for the purpose of seizing unlawfully obtained proceeds or money and assets of illegal origin.

(6) The State Prosecutor's Office or other bodies referred to in the preceding paragraph shall inform the Commission in writing of the measures taken in this regard by no later than within 72 hours.

Article 46

(Public availability of data)

(1) Data on the income and assets of persons with obligations, with the exception of persons responsible for public procurement and civil servants of the National Review Commission, shall be publicly available in the part relating to income and assets obtained during the period of holding a public office or performing an activity and within one year after the termination of the office or activity, irrespective of the restrictions stipulated in the law governing the protection of personal information and the law governing the protection of confidential tax information. The data shall be made publicly available for 24 months after the date of the termination of the office or work. A more detailed methodology for publishing the data shall be laid down by the Commission in its Rules of Procedure.

(2) On its website, the Commission shall publish data on income and assets obtained during the period of holding a public office or performance of an activity and within one year after the termination of the office or activity; the data shall include the following:

- the personal name and office of the person with obligations;

- the ownership or stakes and the number of shares and rights in a company, institute or private activity with the designation of the registered name or the name of the organisation;
- the ownership or stakes, shares and management rights in a company, private institute or any other private activity with the designation of the registered name or the name of the organisation;
- the number and value of immovable properties without land registry information on land plots;
- the total value of monetary assets deposited in banks, savings banks and savings and loan undertakings if this exceeds EUR 10 000 in value;
- the total value of cash if this exceeds EUR 10 000 in value;
- the total value of securities if this exceeds EUR 10 000 in value;
- the total value of debts, obligations or guarantees assumed if this exceeds EUR 10 000 in value;
- the total value of loans given if this exceeds EUR 10 000 in value; and
- movable property, the value of which exceeds EUR 10 000, in a manner that does not allow for the property's identification.

(3) The data referred to in the preceding paragraph shall be published in a manner that facilitates a comparison of the data.

VI. INTEGRITY PLANS

Article 47 (Integrity plan)

(1) State bodies, self-governing local communities, public agencies, public institutes, public utility institutes and public funds (hereinafter: entities obliged to draw up integrity plans) shall draw up and adopt the integrity plan and inform the Commission of this in accordance with this Act.

(2) If the Commission finds that there is a risk of corruption and other forms of unlawful conduct in performing an activity in the public interest and having public assets available, it may issue a decision ordering a public entity which is not specified in the preceding paragraph and in which this activity is performed or assets are available to draw up, to implement and amend the integrity plan in cooperation with the Commission.

(3) An integrity plan shall contain in particular the following:

- an assessment of the institution's exposure to corruption;
- the personal names and posts of persons responsible for the integrity plan;

- a description of the areas and manner of decision-making with the assessment of exposure to corruption risks and proposals for integrity improvements;
- measures for the timely detection, prevention and elimination of corruption risks; and
- other parts of the plan as defined in the guidelines referred to Article 50 of this Act.

(4) The Commission shall provide training for the persons referred to in the second indent of the preceding paragraph.

Article 48

(Drawing up and supervising integrity plans)

(1) On the basis of the assessment of exposure to corruption risks, the entities obliged to draw up integrity plans shall be divided into three groups: the least, medium and most exposed; indicators for dividing entities into individual groups, the methodology and manner of the drawing up and evaluation of integrity plans shall be specified in the guidelines referred to in Article 50 of this Act.

(2) The Commission shall check whether the entities have adopted the integrity plans and how they plan to implement them.

Article 49

(Request for the assessment of the integrity plan)

On the proposal and at the expense of other legal entities not specified in paragraph 1 of Article 47 of this Act, and by applying the provision of paragraph 2 of Article 47 of this Act, the Commission may make an assessment of integrity or make suggestions for integrity improvements.

Article 50

(Publication of guidelines for drawing up the integrity plan)

The Commission shall produce guidelines for the drawing up of integrity plans, checking their functioning and assessing levels of integrity, and then publish them on its website.

VII. RESOLUTION ON THE PREVENTION OF CORRUPTION

Article 51

(Purpose and objective)

(1) The resolution is a document adopted by the National Assembly upon the proposal of the Government.

(2) The resolution is aimed at taking realistic, gradual and considered measures to eliminate corruption; its fundamental objectives focus on preventive action: the long-term and permanent elimination of conditions for the occurrence and development of corruption, the establishment of an adequate legal and institutional environment for the prevention of corruption, consistent enforcement of accountability for illegal actions, the establishment of a generally acceptable system of zero tolerance for all acts of corruption through different forms of education, and the effective application of internationally recognised standards in this area.

(3) The Commission shall monitor the implementation of the resolution on the basis of an action plan that it shall adopt within three months of the adoption of the resolution or its amendments in cooperation with the authorities responsible for the measures contained in the resolution.

(4) In order to meet the obligations referred to in the preceding paragraph, the Commission may make proposals for the adoption of and amendments to regulations, and provide guidelines on the manner in which the measures contained in the resolution are implemented and on plans for the implementation of the resolution.

Article 52

(Activities)

(1) In the implementation of the resolution and the plans for doing so, the Commission shall cooperate with non-profit public and private sector organisations, non-profit organisations governed by private law in the field of prevention of corruption, and citizens.

(2) The cooperation referred to in the preceding paragraph shall apply to joint activities for the implementation of the resolution and the plans for doing so, analysing the situation in the field of corruption, conducting media campaigns and other activities relevant to strengthening integrity and preventing corruption.

Article 53
(Action plan)

- (1) The public sector authorities responsible for the measures contained in the action plan for the implementation of the resolution shall report annually to the Commission by the end of February on the activities undertaken during the previous year to implement these measures.
- (2) The Commission shall prepare a report on the implementation of the resolution containing key achievements, problems, risk factors and a performance assessment within three months of receipt of the reports referred to in the preceding paragraph, and shall include it in the annual report on work referred to in Article 19 of this Act.
- (3) If any failure to implement measures contained in the action plan for the implementation of the resolution should arise, the Commission may propose that the competent authority calls the persons responsible for the implementation of measures to account.

Article 54
(Modifications and amendments to the resolution)

- (1) If the authorities responsible for the measures contained in the resolution and the plans for its implementation propose modifications and amendments to the resolution in their reports, the Commission shall adopt an opinion on the proposed amendments and shall inform the National Assembly of the proposals of the authorities responsible for the measures, and of its own proposals contained in the report referred to in paragraph 2 of the preceding Article.
- (2) If the Commission finds that immediate corrigenda to the resolution are required or that other urgent measures for its implementation need to be implemented, it shall call on the competent authorities to commence with the implementation of the measures and shall inform the National Assembly immediately.
- (3) If the Commission disagrees with the proposals of the authorities responsible for the measures referred to in paragraph 1 of this Article, it shall inform them of this and provide reasons for its decision.

Article 55
(Modifications to the resolution)

Every three years, the Commission shall check whether the resolution needs to be modified. It shall include its findings and proposals in the next regular report to the National Assembly.

VIII. LOBBYING

1. Lobbying

Article 56

(Lobbying and lobbyists)

(1) Lobbying activities may be performed only by registered lobbyists, with the exception of the persons listed in paragraph 4 of Article 58 of this Act.

(2) A lobbyist may be any person having reached the age of majority who is not employed in the public sector, has not been deprived of the capacity to enter into contracts, and has not been sentenced by way of a final judgment for an intentionally committed criminal offence, or prosecuted ex officio in the Republic of Slovenia to a prison sentence of more than six months.

(3) Officials may not lobby until two years have elapsed from the date of termination of their office.

Article 56a

(Exceptions to lobbying)

Actions taken by individuals, informal groups or interest groups for the purpose of influencing the decision-making of State bodies, bodies of self-governing local communities and the holders of public authority in the consideration and adoption of regulations and other general documents in the area directly relating to the systemic issues of strengthening the rule of law, democracy and the protection of human rights and fundamental freedoms is not considered lobbying under the provisions of this Act.

2. Lobbyist associations

Article 57

(Lobbyist associations)

Lobbyists may form lobbyist associations which adopt the code of professional ethics.

3. Registration of lobbyists

Article 58

(Entry into the register)

- (1) Lobbying activities may be performed by a domestic or foreign natural person entered in the register of lobbyists in the Republic of Slovenia, which is kept by the Commission. Entry into the register shall be a prerequisite for the commencement of lobbying activities.
- (2) Lobbying activities for legal persons may be performed only by natural persons entered in the register of lobbyists in the Republic of Slovenia.
- (3) Lobbyists shall be entered in a register that contains the following data: the personal name of the lobbyist, tax ID number, the address where the notices and invitations referred to in paragraph 2 of Article 67 of this Act are to be received, the registered office or name and the head office of the company, sole trader or interest group if that is where the lobbyist is employed, and the areas in which the lobbyist has registered an interest.
- (4) Notwithstanding the provisions of this Act, persons carrying out lobbying activities for the interest group in which they are employed shall not be obliged to enter into the register of lobbyists. The same shall apply to the legal representative or elected representative of the interest group.
- (5) A fee shall be charged for entry into the register in accordance with the law governing administrative fees.
- (6) The data in the register shall be made public, with the exception of the tax ID number.
- (7) Foreign lobbyists shall be entered into the register on the basis of officially translated documents proving, *mutatis mutandis*, that the conditions specified in paragraph 3 of this Article have been met.
- (8) Lobbyists shall report any change regarding the data for entry into the register within eight days of its occurrence.

Article 59

(Entry documents)

In order to enter into the register, a foreign natural person must also submit an extract from a public register for a lobbyist sole trader, company or interest group if they employ the lobbyist in question.

Article 60
(Issuing a decision)

- (1) The Commission shall issue a decision on entry into the register or a decision on removal from the register within 15 days of receipt of the application for entry or after the reasons for removal from the register have arisen.
- (2) A lobbyist shall be entered in the register on the date on which the decision is served.
- (3) Confirmation of entry shall be issued to the lobbyist on the basis of the decision on entry into the register. The confirmation form shall be specified by the registration authority.
- (4) A lobbyist shall return the confirmation form to the registration authority within eight days of the expiry of validity of the registration or the removal from the register.

Article 61
(Completing data for entry)

- (1) If the Commission finds that a lobbyist candidate has failed to submit all the required data and enclosures for the entry or renewal of the entry into the register, it shall invite the candidate, within five days at the latest, to submit them within the time limit set. This time limit may not be shorter than 5 days or longer than 15 days.
- (2) If the lobbyist candidate submits the data in question within the time limit set, the Commission shall issue a decision on entry into the register to the candidate within the next 15 days.
- (3) If the lobbyist candidate fails to submit the required data within the time limit specified in paragraph 1 of this Article, the candidate's application for entry into the register shall be dismissed.

Article 62
(Removal from the register)

The Commission shall remove a lobbyist from the register on the following bases:

- if it has been established that the data and documents used by the lobbyist for entry into the register are false;
- if the lobbyist has been sentenced to a prison sentence of more than six months by way of a final judgment for an intentionally committed criminal offence prosecuted ex officio in the Republic of Slovenia;
- if it finds that the lobbyist no longer meets the criteria for entry into the register;

- if the lobbyist states in writing that he no longer wishes to be a lobbyist or carry out lobbying activities.

4. Reporting obligations for lobbyists

Article 63

(Report by the lobbyist)

(1) A lobbyist entered in the register of lobbyists in the Republic of Slovenia shall report in writing to the Commission on his work within the following timeframes:

- by 31 January of the current year for the previous year; and
- by no later than within 30 days of the expiry of the validity of registration.

(2) A lobbyist entered in the register of lobbyists in the Republic of Slovenia shall keep the documentation on which reporting to the Commission is based for five years from the date on which the report referred to in the preceding paragraph is submitted.

Article 64

(Content of the report)

The report referred to in the preceding Article shall contain the following:

- the lobbyist's tax ID number;
- data on interest groups for which the lobbyist has lobbied;
- data on the amount of payment received from these organisations for each matter in which the lobbyist has lobbied; if lobbying is a part of a service contract that also includes other activities and the value of lobbying cannot be clearly determined, the lobbyist shall state the value of the service contract and the percentage of payment for lobbying;
- the statement of the purpose and objective of lobbying for a particular interest group;
- the names of State bodies in which the lobbyist has lobbied and persons lobbied by the lobbyist;
- types and methods of lobbying for a particular matter in which the lobbyist has lobbied; and
- the type and value of donations made to political parties and the organisers of electoral and referendum campaigns.

Article 65

(Verifying and completing the report)

The Commission shall verify whether the report contains all the data required. If it finds that the report is incomplete in this respect, the Commission shall request the lobbyist to properly complete the report within the time limit set. This time limit may not be shorter than 20 days or longer than 30 days in duration.

Article 66

(Verifying the accuracy of data and statements)

The Commission may verify the accuracy of the data and statements contained in the report by carrying out the following:

- viewing the lobbyist's documentation referred to in Article 64 of this Act;
- making enquiries with interest groups for which the lobbyist has lobbied;
- making enquiries with State bodies in which the lobbyist has lobbied and persons lobbied by the lobbyist;
- making enquiries with political parties and the organisers of electoral and referendum campaigns; and
- proposing that competent authorities conduct an audit of operation of the lobbyist, or a company, sole trader or interest group employing the lobbyist, or interest groups for which the lobbyist has lobbied.

4. Providing information

Article 67

(The lobbyist's right to information)

(1) In a written request for access to information of a public nature under the law governing access to information of a public nature, the lobbyist is not required to meet the conditions stipulated under paragraph 1 of Article 69 of this Act.

(2) A lobbyist entered in the register of lobbyists in the Republic of Slovenia shall have the right to be invited to all public presentations and all forms of public consultations with regard to the areas in which he has registered an interest, and shall be informed thereof by the State bodies and local communities.

Article 68

(Informing persons lobbied and lobbying record)

- (1) A lobbyist may submit to lobbied persons any verbal or written information and material on matters in which the lobbyist carries out lobbying activities for interest groups.
- (2) In carrying out lobbying activities, a lobbyist may meet the persons lobbied. At every contact with the lobbyist, the person lobbied shall make a record containing the following data on the lobbyist: the personal name, information on whether the lobbyist has identified himself in accordance with the provisions of this Act, the area of lobbying, the name of the interest group or any other organisation for which the lobbyist is lobbying, any possible enclosures, the date and place of the visit by the lobbyist, and the signature of the person lobbied. The person lobbied shall forward a copy of the record to his superior and the Commission within three days. The obligation of persons lobbied to keep a record shall also apply in the event of contact arising as referred to in paragraph 3 of Article 69 of this Act. The Commission shall keep lobbying records for a period of five years.

Article 69

(The lobbyist's duty of identification)

- (1) A lobbyist shall show to the persons lobbied his identification and an authorisation obtained from the interest group to lobby in a particular matter. The lobbyist shall also state the purpose and objective of the lobbying in question.
- (2) The persons lobbied may agree to have contact with the lobbyist only after verifying whether the lobbyist is entered in the register of lobbyists – exceptions to this are referred to in paragraph 4 of Article 58 of this Act.
- (3) If, during contact with a particular lobbyist, a conflict of interest arises on the part of the person lobbied, the person lobbied shall refuse any contact with the lobbyist.

5. Prohibitions

Article 70

(Prohibited actions of lobbyists)

- (1) A lobbyist may not lobby outside the scope specified in point 14 of Article 4 of this Act.
- (2) A lobbyist may not provide incorrect, incomplete or misleading information to the persons lobbied.

(3) When carrying out lobbying activities, a lobbyist may not act in contravention of regulations on the prohibition of the acceptance of gifts in connection with the discharge of the duties of the office or public duties of the persons lobbied.

Article 71

(Reporting prohibited lobbyist actions)

(1) If a lobbyist fails to act in accordance with the preceding Article or is not entered in the register of lobbyists in accordance with Article 58, the person lobbied shall report the lobbyist to the Commission within ten days of the attempt to lobby in question.

(2) Persons lobbied shall be obliged to report the contact referred to in paragraph 4 of Article 58 to the Commission in the event that it is made in a non-public manner.

(3) If the persons lobbied consider the contact referred to in the preceding paragraph to be illegal or contrary to the purpose of this Act, they must reject it and inform the Commission thereof.

Article 72

(Right to a make statement with regard to the report)

(1) In the event that a report referred to in the preceding Article is filed, the Commission shall inform the lobbyist or reported person of this and shall set the time limit by which the lobbyist or reported person may make a statement with regard to the report. This time limit may not be shorter than 15 days or longer than 30 days in duration.

(2) The lobbyist or reported person may make a statement referred to in the preceding paragraph orally or in writing for the record before the Commission.

(3) The Commission may verify the accuracy of data contained in the report and in the statement of the lobbyist or reported person in accordance with Article 66 of this Act.

Article 73

(Sanctions for failure to comply with the provisions of this Act)

(1) The Commission shall impose the following sanctions on a lobbyist who has failed to submit a report referred to in Article 63 of this Act or complete it in accordance with Article 65 of this Act, or for whom it has been established under Article 66 of this Act that he has given false information in the report:

- a written reminder;
- a ban from lobbying activities for a specified period of time which may not be shorter than 3 months or longer than 24 months in duration; and

- removal from the register.

(2) The sanctions specified in the preceding paragraph shall be entered in the register of lobbyists.

(3) The Commission may impose a sanction depending on the gravity of the violation, on the consequences that ensue, and on whether the violation is a first-time or repeat violation.

Article 74

(Sanctions for violations of the duty of identification and the prohibition regarding lobbyist actions)

(1) The Commission may impose the following sanctions on a lobbyist who has acted in contravention of Articles 69 or 70 of this Act:

- a written reminder;
- a ban from further lobbying activities in a particular matter;
- a ban from lobbying for a specified period of time which may not be shorter than 3 months or longer than 24 months in duration; and
- removal from the register.

(2) The Commission may impose a sanction depending on the gravity of the violation, on the consequences that ensue, and on whether the violation is a first-time or repeat violation. The sanctions specified in the preceding paragraph shall be entered in the register of lobbyists.

IX. USE OF INFORMATION AND RECORD KEEPING

Article 75

(Use of information)

All information obtained in accordance with this Act and the data contained in records under this Act shall be processed only for the purpose of implementing the measures and methods required to strengthen integrity, ensuring the transparency of operation of the public sector, preventing corruption and conflicts of interest, supervising assets and the acceptance of gifts, and keeping the record of lobbyists.

Article 76

(Data records and the storage period)

(1) The Commission shall store the data, information and documentation obtained pursuant to this Act for a period of ten years; after the expiry of that period, the documentation, data and other information shall be archived.

(2) The Commission shall keep the following data records:

- a record of reported suspicions of corruption and violations of this Act containing the name, surname, and address of the permanent or temporary residence of the reporting person and reported persons, and other data relating to the prevention and investigation of reported acts of corruption for the purpose of establishing corruption and exercising the powers of the Commission and other State bodies in the prevention of corruption;
- a record of officials, high-ranking civil servants, managers, official persons, persons responsible for public procurement under Article 4 of this Act (the personal name, personal registration number (EMŠO), tax ID number of the person, office or position, address of permanent residence) for the purpose of establishing persons with obligations and their identity, verifying data and making decisions under this Act;
- a record of cases involving international corruption in accordance with the sixth indent of paragraph 1 of Article 12 of this Act (the personal name of the suspected, denounced, accused or convicted person, personal registration number (EMŠO), the type of criminal offence, and the manner in which the case was concluded) for the purpose of establishing the causes of international corruption, drawing up measures, reporting to international organisations, detecting cases of international corruption in accordance with the powers under this Act, and cooperating with other competent State bodies;
- a record of cases involving the protection of persons who report the acts of corruption referred to in paragraphs 4, 5 and 6 of Article 23 of this Act (the personal name of the reporting person or his pseudonym, a decision on whether the report has been made in good faith and whether the protection of the reporting person or his family members has been secured under the law on witness protection) for the purpose of implementing the protection of persons who report acts of corruption, monitoring the effectiveness of the protection provided and offering assistance to reporting persons;
- a record of cases involving the protection of official persons who are requested to engage in the illegal or unethical conduct referred to in Article 24 of this Act (the personal name of the reporting person, personal name of the person who requests illegal or unethical conduct, name of the body and the list of instructions issued by the Commission on further action to be taken) for the purpose of implementing the protection of official persons, monitoring the effectiveness of protection and offering assistance to official persons;
- a record of the existence of a causal link referred to in paragraph 3 of Article 25 of this Act and a record of requests for transfer referred to in paragraph 4 of Article 25 of this Act (the personal name of the reporting person, personal name of the person who requests illegal or unethical conduct, name of the

body, content of the assessment or the request for transfer) for the purpose of establishing the existence of retaliatory measures, taking action against retaliatory measures, and monitoring the effectiveness of the measures taken by the Commission;

- a record of the gift lists referred to in paragraph 1 of Article 31 of this Act (the name of the body that accepted a gift, personal name of the person who was given the gift and his office, and the type of gift) and a record referred to in paragraph 3 of Article 34 of this Act (the name of the body that accepted a gift, personal name of the person was given the gift, his office or position, and the type and value of the gift) for the purpose of establishing and deciding on violations of the prohibition of and restrictions with regard to the acceptance of gifts, and the Commission exercising supervision over the management and publication of gift lists;
- a record of business entities referred to in Article 35 of this Act (name of the business entity, registration number, and head office) for the purpose of exercising supervision over restrictions on business activities, providing information, publishing data on business entities that are subject to restrictions on business activities;
- a record of the official persons with regard to whom the Commission has established the existence of a conflict of interest under paragraph 2 of Article 38 and paragraph 2 of Article 39 of this Act (the personal name of the official person, his office or position, address of permanent residence, content of the Commission's decision) for the purpose of establishing and deciding on the conflict of interest, and cooperating with competent State bodies;
- a record of persons with obligations referred to in paragraph 1 of Article 41 containing the data specified in paragraph 1 of Article 41 and paragraph 1 of Article 42, with data on assets kept separately, for the purpose of determining the persons with obligations and their identity, verifying data and decision-making under this Act, and for the purpose of publishing information and exercising the powers of the Commission and other State bodies in the prevention of corruption;
- a record of cases involving a disproportionate increase in assets referred to in Article 45 of this Act (the personal name, office or position of persons with obligations referred to in paragraph 1 of Article 41 of this Act, list of notifications under paragraph 2 of Article 45 of this Act, list of notifications under paragraph 4 of Article 45 of this Act, list of decisions taken under paragraph 5 of Article 45 of this Act, and the list of measures taken under paragraph 6 of Article 45 of this Act) for the purpose of establishing the assets of persons with obligations, deciding on violations, and cooperating with competent State bodies;

- a record of persons referred to in the second indent of paragraph 3 of Article 47 of this Act (the personal name, post, and body) for the purpose of the effective implementation of the integrity plan and the training of persons responsible for the integrity plan;
- a record of officials with regard to whom the Commission proposed that they be called to account owing to the failure to implement the measures contained in the resolution (paragraph 3 of Article 53), containing the information specified in the first indent of this paragraph, for the purpose of implementing the resolution and proposing measures in the event that the measures contained in the resolution are not implemented;
- a record/register of lobbyists containing information specified in paragraph 3 of Article 58 of this Act for the purpose of ensuring legality, and establishing, deciding on, and supervising lobbying activities;
- a record of the sole traders, companies or interest groups for which lobbyists carry out lobbying activities (the name and tax ID number) referred to in Article 58 of this Act for the purpose of ensuring legality, and establishing, deciding on, and supervising lobbying activities;
- a record of the sanctions imposed on lobbyists under Articles 73 and 74 of this Act (the personal name of the lobbyist, tax ID number, type of violation, and type of sanction) for the purpose of ensuring the legality and transparency of lobbying and the security of legal transactions, monitoring causes and violations, and the drawing up of measures.

X. PENAL PROVISIONS

Article 77

(Offences by natural persons)

(1) A fine of between EUR 400 and EUR 1 200 shall be imposed on an individual who acts as follows:

- in contravention of the provision of paragraph 7 of Article 16 of this Act, fails to attend a session of the Commission without a valid reason or fails to respond to the questions posed by the Commission that lie within its competence, with the exception of the cases referred to in paragraph 9 of Article 16 of this Act;
- in contravention of paragraph 2 of Article 16a of this Act, discloses or publishes data or information which he has obtained or become familiar with during the course of or in connection with the performance of his work for the Commission, or communicates this data or information to unauthorised third parties, without the prior written consent of the Commission;

- in contravention of the provision of paragraph 4 of Article 23 of this Act, attempts to establish the identity of the reporting person who has made the report in good faith or has reasonably believed that his information is true;
- in contravention of the provision of paragraph 2 of Article 26, fails to inform the Commission that he is carrying out a professional or other activity;
- in contravention of the provision of paragraph 3 of Article 26 of this Act, fails to comply with the Commission's decision on the prohibition of the performance of an additional activity or with the conditions or restrictions imposed on him by the Commission's decision;
- in contravention of the provisions of Article 30 of this Act, accepts a gift or any other benefit in connection with the discharge of the duties of his office;
- in contravention of the provisions of Article 31 of this Act, fails to enter details of the accepted gift and its value on a gift list kept by the body or organisation in which he holds office, or fails to give the gift to the aforementioned body or organisation to manage;
- in contravention of the provision of paragraph 5 of Article 35 of this Act, fails to provide to the body in which he holds office information details on the entities with which he or his family members have a relationship, as specified in paragraph 1 of Article 35 of this Act;
- within two years of the termination of the office in relation to the body in which he held office, acts as a representative of a legal person that has established or is about to establish business contacts with the aforementioned body, in contravention of the provision of paragraph 1 of Article 36 of this Act;
- in contravention of the provision of paragraph 1 of Article 38 of this Act, fails to immediately inform his superior or the Commission of a conflict of interest or the possibility that a conflict of interest may arise;
- in contravention of the provisions of paragraphs 2 and 3 of Article 41 of this Act, fails to communicate information on his assets to the Commission;
- fails to provide the necessary data, or provides false data, in the declaration of assets referred to in Articles 42 and 43 of this Act or its supplements;
- performs lobbying activities despite not being entered in the register of lobbyists in accordance with paragraph 1 of Article 58 of this Act and being exempt from the obligation to register under paragraph 4 of Article 58 of this Act;
- in his capacity as a lobbied person, fails to make a lobbying record under paragraph 2 of Article 68 of this Act;
- in contravention of the provision of Article 69 of this Act, in his capacity as a lobbied person, fails to refuse contact with a lobbyist who is not entered in

the register of lobbyists or contact where a conflict of interest would arise;
and

- in his capacity as a lobbied person, fails to report to the Commission, within the time limit specified in Article 71 of this Act, a lobbyist who acts in contravention of Article 70 of this Act or is not entered into the register of lobbyists in accordance with Article 58 of this Act.

(2) A fine of between EUR 1 000 and EUR 2 000 shall be imposed on an individual who does the following:

- in contravention of the provision of paragraph 4 of Article 23 of this Act, discloses the identity of the reporting person, who has made the report in good faith or has reasonably believed that his information is true, or makes a malicious report;
- in contravention of the provision of paragraph 5 of Article 26 of this Act, fails to cease to perform a professional or other activity after the decision made on revocation of the authorisation has become final;
- in contravention of the provision of Article 28 of this Act, fails to cease to hold an incompatible office, perform an incompatible activity, or revoke his membership; and
- carries out lobbying activities in contravention of Article 70 of this Act.

(3) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a public sector body or organisation which, in contravention of the provisions of paragraphs 2 and 5 of Article 14 of this Act, fails to include the content specified in paragraph 1 of Article 14 of this Act in a contract concluded by the public sector body or organisation, or which, after being notified by the Commission or other bodies of the alleged existence of the facts referred to in paragraph 1 of Article 14, in contravention of paragraph 3 of Article 14 of this Act, fails to initiate a procedure for establishing the nullity of the contract or to take other appropriate measures in accordance with the regulations of the Republic of Slovenia, or which, in contravention of the provision of paragraph 4 of Article 14 of this Act, fails to submit the required contracts and documents, or which, in contravention of the provision of paragraph 6 of Article 14 of this Act, fails to obtain a statement or information on the participation of natural and legal persons in the bidder's ownership, including the participation of silent partners, and on business entities that are considered to be companies affiliated with the bidder under the provisions of the law on companies, or which, in contravention of the provision of paragraph 6 of Article 14 of this Act, fails to submit the aforementioned statement to the Commission at its request.

(4) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, holder of public authority, and legal person governed by public or private law which, in contravention of the provision of paragraph 1 of Article 16, fails to submit to the Commission free of charge any data,

including personal data, and documents required by the Commission to perform its statutory tasks.

(5) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a public sector entity which, in contravention of the provision of paragraph 3 of Article 16 of this Act, fails to enable the Commission to access data and documents that the entity has at its disposal or fails to submit an extract or copy of these data and documents to the Commission.

(6) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, holder of public authority, and legal person governed by public or private law which, in contravention of the provision of paragraph 4 of Article 23, initiates a procedure for the establishment or disclosure of the identity of the reporting person due to the report having been filed by this person.

(7) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, holder of public authority, or other legal person governed by public or private law which, in contravention of the provision of paragraph 1 of Article 25 of this Act, acts in a manner that has adverse consequences for the reporting person, or takes retaliatory measures against the reporting person.

(8) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, holder of public authority, or other legal person governed by public or private law which, in contravention of the demand of the Commission referred to in paragraph 3 of Article 25 of this Act, fails to immediately cease imposing retaliatory measures.

(9) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, holder of public authority, or other legal person governed by public or private law which, in contravention of paragraphs 4 and 6 of Article 25 of this Act, fails to transfer a public servant without justification.

(10) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, or holder of public authority which accepts a gift in contravention of the provision of paragraph 1 or paragraph 2 of Article 34 of this Act.

(11) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, or holder of public authority which fails to submit the list of accepted gifts to the Commission in contravention of paragraph 1 of Article 32 and paragraph 3 of Article 34 of this Act.

(12) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a body or organisation of the public sector or a smaller part of a municipality which acts in contravention of paragraphs 1, 2 or 4 of Article 35 of this

Act, and on a responsible person of a body who fails to submit a list of the entities referred to in paragraph 5 of Article 35 of this Act to the Commission.

(13) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a body in which the official has held office which does business with the official's business entity in contravention of paragraph 2 of Article 36 of this Act.

(14) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a body in which the official has held office which, in contravention of paragraph 3 of Article 36 of this Act, fails to inform the Commission of conduct by an official that is contrary to paragraph 1 of Article 36 of this Act.

(15) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a body or contracting authority which, in contravention of paragraph 5 of Article 41 of this Act, fails to submit a list of persons with obligations to the Commission.

(16) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a State body, local community body, and holder of public authority as an authority responsible for the implementation of measures contained in the action plan for the implementation of the resolution which, in contravention of paragraph 1 of Article 53 of this Act, fails to report to the Commission on activities undertaken to implement these measures.

Article 78

(Offences by legal persons)

(7) A fine of between EUR 400 and EUR 100 000 shall be imposed on a holder of public authority or other legal person governed by public or private law which commits a minor offence referred to in paragraphs 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, and 16 of Article 77 of this Act, with the exception of the Republic of Slovenia and local communities.

Article 79

(Offences by an interest group)

(1) A fine of between EUR 400 and EUR 100 000 shall be imposed on an interest group for which an individual who, in contravention of Article 58 of this Act, is not registered as a lobbyist but carries out lobbying activities with the full knowledge of the interest group.

(2) A fine of between EUR 400 and EUR 100 000 shall be imposed on an interest group which orders a lobbyist to lobby in contravention of Article 70 of this Act.

Article 80

(Exercising supervision)

(1) The Commission shall be responsible for the implementation and supervision of the implementation of the provisions of this Act.

(2) The fines laid down in this Act may also be imposed under an expedited procedure in an amount higher than the minimum amount of the fine prescribed, but shall not exceed the maximum fines prescribed for minor offences under this Act.

XI. TRANSITIONAL AND FINAL PROVISIONS

Article 81

(Powers of the Commission for the Prevention of Corruption for the remainder of the term of office of members)

(1) Under the Prevention of Corruption Act (Uradni list RS [Official Gazette of the Republic of Slovenia], nos. 2/04, 20/06 – ZNOJF-1 and 33/07 – Constitutional Court Decision; hereinafter: the Prevention of Corruption Act), the chair, deputy chair and members of the Commission for the Prevention of Corruption shall continue their work in accordance with the tasks and powers of the members of the Commission under this Act until the chair of the Commission and two deputy chairs are appointed and take up duties under this Act.

(2) The chair, deputy chair and members of the Commission for the Prevention of Corruption shall take decisions by way of a majority vote of all its members in accordance with the Prevention of Corruption Act.

Article 82

(Prohibition of reappointment)

The chair, deputy chair and members of the Commission appointed under the Prevention of Corruption Act may not be reappointed to office in the Commission after the expiry of their term of office referred to in paragraph 1 of the preceding Article.

Article 83

(Termination of membership, activity or office, and restrictions on business activities)

(1) Officials who, on the date of the entry into force of this Act, hold an office or perform an activity that is incompatible with their office under Article 26 or 27 of this Act shall act in accordance with paragraph 1 of Article 28 of this Act within two months of the entry into force of this Act.

(2) Officials who are members of bodies in contravention of Article 27 of this Act on the date of the entry into force of this Act shall act in accordance with paragraph 2 of Article 28 of this Act within two months of the entry into force of this Act.

(3) Paragraph 3 of Article 27 shall not apply to non-professional mayors and deputy mayors until the expiry of their term of office in entities referred to in paragraph 1 of Article 27 of this Act.

(4) Contracts concluded by contracting authorities prior to the entry into force of this Act shall remain valid until the expiry of the contractual deadline notwithstanding the provisions of paragraph 1 of Article 35. If a public procurement procedure is conducted on the date of the entry into force of the Act and involves a bidder with which the contracting authority may not do business under paragraphs 1 and 2 of Article 35, the bidder shall withdraw its tender within five days of the entry into force of this Act.

Article 84

(Completion of procedures)

(1) The procedures initiated under the Prevention of Corruption Act shall be completed under its provisions.

(2) A procedure for the appointment of the chair, deputy chair and new members of the Commission that has already been initiated under the Prevention of Corruption Act shall cease as of the date of the entry into force of this Act.

(3) In the case referred to in the preceding paragraph, the President of the Republic shall initiate a procedure for the appointment of the Commission's officials within seven days of the entry into force of this Act by calling on the proposers of members of the selection committee to appoint their members and by issuing a public call in accordance with Article 9 of this Act. At the same time, the President of the Republic shall call on the proposers of possible candidates who have submitted their proposals in accordance with the call under the Prevention of Corruption Act referred to in the preceding paragraph to state whether, taking into account the conditions laid down in this Act, their proposal is considered a candidacy under Article 9 of this Act. The procedure shall continue in accordance with the provisions of this Act that regulate the procedure for the appointment of the Commission's officials.

Article 85

(Establishment of records)

The Commission shall establish or coordinate data records under this Act by no later than six months after the entry into force of this Act.

Article 86

(Time limits for actions)

- (1) The persons with obligations referred to in Article 41 of this Act who have not yet declared their assets shall for the first time declare their assets within 75 days of the entry into force of this Act.
- (2) The persons responsible referred to in paragraph 2 of Article 56 of this Act shall send their report referred to in Article 63 of this Act to the Commission after one year has elapsed since the entry into force of this Act.
- (3) An employer that employs the persons with obligations referred to in Article 41 of this Act shall for the first time submit the lists of these persons to the Commission within 30 days of the entry into force of this Act.
- (4) The integrity plans referred to in paragraph 1 of Article 47 of this Act shall be adopted by no later than two years after the entry into force of this Act.
- (5) A fine of between EUR 400 and EUR 4 000 shall be imposed on a responsible person of a body or organisation referred to in paragraphs 1 and 2 of Article 47 which, in contravention of Article 47 of this Act, fails to draw up and adopt the integrity plan within the time limit specified in the preceding paragraph.

Article 87

(Guidelines for integrity plans)

The Commission shall produce guidelines for drawing up integrity plans, checking their functioning and assessing integrity, and publish them on its website within three months of the entry into force of this Act.

Article 88

(Implementing regulations)

- (1) The implementing regulations adopted pursuant to the Prevention of Corruption Act shall apply if they are not in contravention of the provisions of this Act as follows:
 - the Rules of Procedure of the Commission for the Prevention of Corruption (Uradni list RS, no. 105/04) until the adoption of the Rules of Procedure of the Commission referred to in Article 11 of this Act;
 - Rules on the disposal of gifts received by officials (Uradni list RS, no. 17/05) until the manner in which gifts are handled is defined by the Commission as referred to in paragraph 6 of Article 31 of this Act.
- (2) The Commission shall adopt the Rules of Procedure referred to in Article 11 of this Act within 60 days of the entry into force of this Act.

(3) The Commission shall adopt the rules on the manner in which gifts are handled, referred to in paragraph 6 of Article 31 of this Act, within 30 days of the entry into force of this Act.

Article 89

(Termination of validity of regulations)

(1) As of the date of the entry into force of this Act, the Incompatibility of Holding Public Office with Profitable Activity Act (Uradni list RS, no. 20/06 and 33/07 – Constitutional Court Decision) shall cease to be in force.

(2) As of the date of the entry into force of this Act, the fourth indent of paragraph 2 of Article 52 of the Minor Offences Act (Uradni list RS, no. 3/07 – official consolidated text, 17/08, 21/08 – corrigendum, 76/08 – ZIKS-1C, 108/09 and 109/09 – Constitutional Court Decision) shall cease to be in force in the part relating to minor offences relating to the incompatibility of holding public office with profitable activity.

Article 90

(Entry into force)

(1) This Act shall enter into force on the day following its publication in Uradni list Republike Slovenije.

(2) The provisions of Chapter VIII of this Act shall apply from six months after its publication in Uradni list Republike Slovenije.
