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Addendum II

Second Evaluation Round

Second Addendum to the Compliance Report on Slovenia

Adopted by GRECO
at its 42nd Plenary Meeting
(Strasbourg, 11-15 May 2009)

I. INTRODUCTION

1. GRECO adopted the Second Round Evaluation Report on Slovenia at its 16th Plenary Meeting (12 December 2003). This report (Greco Eval II Rep (2003) 1E), which contains 10 recommendations addressed to Slovenia, was made public on 19 March 2004.
2. The Compliance Report (Greco RC-II (2006) 1E) concluded that four of the 10 recommendations (i, iii, ix and x) had been implemented satisfactorily or dealt with in a satisfactory manner; whereas six of the recommendations (ii, iv, v, vi, vii and viii) had been partly implemented; GRECO requested additional information on their implementation. This information was provided on 11 March 2008.
3. The Addendum to the Second Round Compliance Report (GRECO RC-II (2006) 1E Addendum), drawn up on the basis of the above-mentioned information, concluded that, of the six remaining recommendations, recommendations vi and viii had been implemented satisfactorily, while recommendations ii, iv, v and vii remained partly implemented. GRECO requested additional information on the implementation of recommendations iv, v and vii. Slovenia submitted this information on 12 December 2008 and 31 March 2009, respectively.
4. The purpose of this Second Addendum to the Second Round Compliance Report is to appraise the implementation of recommendations iv, v and vii in the light of the additional information referred to in paragraph 3 above (pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure).

II. ANALYSIS

Recommendation iv.

5. *GRECO recommended to establish a regular assessment in order to: 1) ensure that the organisation of the public administration (as provided by legislation or executive decree) does not create opportunities for corruption; 2) evaluate the effects of the new recruitment and career system on the nomination and retention of highly qualified persons and 3) ensure that the provisions of the Law on access to information be implemented. The results of this assessment should be made public.*
6. GRECO recalls that, in the RC-report and its Addendum, it acknowledged the steps undertaken by the authorities to meet recommendation iv. However, it remained concerned as to the potential suppression of mechanisms, which had been specifically developed to prevent the risk of corruption within public administration. Moreover, further information was requested with respect to the effects of the new recruitment and career system on the nomination and retention of highly qualified persons in public administration.
7. The Slovenian authorities report that a draft Act on Integrity in the Public Sector has been prepared by the Government and is to undergo parliamentary consultation. The aforementioned draft includes a number of provisions addressing mechanisms and corresponding procedures to prevent and curb corruption in public administration, including through the development of integrity plans for all relevant public bodies (whether at central or local level) and the continuous assessment of anticorruption measures by the Commission for the Prevention of Corruption.

8. In addition, the authorities provide details on their recruitment, promotion, remuneration and training policies in public administration to, *inter alia*, ensure the retention of highly qualified personnel. In particular, a system of performance appraisals is in place to provide for career advancement opportunities, including through the introduction of a bonus system and accelerated promotion mechanisms in cases of over performance. Training is provided to better enhance the expertise and specialisation of public officials in their sectors of activity.
9. GRECO takes note of the various elements of the human resources policy, which have been developed in the last years, to foster career advancement through a merit-based system and deems the reported measures to be in line with the overall aim pursued by part 2) of recommendation iv, i.e. the retention of highly qualified personnel. GRECO further welcomes the promising measures and procedures included in the draft Act on Integrity in the Public Sector which, when effectively enforced, can only strengthen the fight against corruption within public administration, in line with part 1) of recommendation iv.
10. Pending adoption of the draft Act on Integrity in the Public Sector, GRECO concludes that recommendation iv has been partly implemented.

Recommendation v.

11. *GRECO recommended that a conflict of interest restriction that provides for consistently applied and enforceable standards be adopted for all those who carry out or have carried out functions on behalf of the public.*
12. GRECO recalls that, in the RC-report and its Addendum, it took note of the plans of the Government to replace the legislation in force dealing, *inter alia*, with conflicts of interest; however, in the absence of information on the coverage of the relevant provisions in the new proposed legislation on conflicts of interest, GRECO was not in a position to assess whether its concerns had been sufficiently addressed. Furthermore, GRECO was troubled by the intention of the authorities, at the time of adoption of the Addendum Report, to dismantle the Commission for the Prevention of Corruption, and the potential detrimental effects that such a move would have had in the implementation of recommendation v (the Commission being the key body monitoring, and providing advice on, incompatibilities standards).
13. The Slovenian authorities now indicate that the draft Act on Integrity in the Public Sector contains specific provisions on actual and potential conflicts of interest, which apply to all those who carry out or have carried out functions on behalf of the public. The Commission for the Prevention of Corruption is given responsibility to ensure that incompatibility standards are consistently applied and enforced. Finally, the Ministry for Public Administration is currently drafting a Code of Conduct for Public Officials, which also includes relevant provisions on incompatibilities standards and conflict of interest restrictions.
14. GRECO notes the role of the Commission for the Prevention of Corruption in the control of incompatibilities standards. The introduction of conflict of interest restrictions in the draft Act on Integrity in the Public Sector is a step in the right direction. GRECO also acknowledges the reported plans to develop a Code of Conduct for Public Officials, and trusts that its provisions will be enforceable (i.e. that violations of the Code will trigger appropriate sanctions).
15. Pending adoption of the draft Act on Integrity in the Public Sector, as well as the Code of Conduct for Public Officials, GRECO concludes that recommendation v has been partly implemented.

Recommendation vii.

16. *GRECO recommended that the draft anti-corruption strategy be adopted and that its provisions to promote education, training and counselling on codes of conduct and other standards of public service be implemented without delay; GRECO also recommended that the Commission for Prevention of Corruption be provided with some authority to review, in a public fashion if appropriate, the manner in which each employing entity is providing preventive services as well as enforcing the codes.*
17. GRECO recalls that in view of the uncertain situation, at the time of adoption of the RC-report and its Addendum, concerning both the continued existence of the Commission for the Prevention of Corruption and the transfer of its tasks (in the areas covered by the recommendation), it could not conclude that recommendation vii had been fully complied with and therefore, considered it partly implemented.
18. The Slovenian authorities confirm that the role of the Commission for the Prevention of Corruption is no longer in question. In this connection, the draft Act on Integrity in the Public Sector clearly confirms the role that the Commission for the Prevention of Corruption has to play in the fight against corruption.
19. GRECO welcomes the developments reported and concludes that recommendation vii has been dealt with in a satisfactory manner.

III. CONCLUSION

20. In addition to the conclusions contained in the Second Round Compliance Report and the Addendum to the Second Round Compliance Report on Slovenia, and in view of the above, GRECO concludes that recommendation vii has been dealt with in a satisfactory manner. Recommendations iv and v remain partly implemented. In this connection, GRECO is pleased to note that a number of measures have been taken or are being developed to promote integrity (including by better regulating incompatibilities and conflicts of interest) and to curb corruption in public administration. It is expected that additional requirements in this field will be introduced following the enactment of the draft Act on Integrity in the Public Sector, as well as of the draft Code of Conduct for Public Officials. The authorities may wish to keep GRECO informed of relevant developments.
21. The adoption of the present Second Addendum to the Compliance Report concludes the Second Evaluation Round compliance procedure concerning Slovenia.
22. Finally, GRECO invites the Slovenian authorities to authorise, as soon as possible, the publication of the Addendum, to translate it into the national language and to make the translation public.