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**CONSULTATIVE COUNCIL OF EUROPEAN PROSECUTORS
(CCPE)**

**Questionnaire with a view of the preparation of Opinion No. 7 on the
management of the means of the prosecution services**

Replies from Slovenia

SECTION I: Status of the prosecution services in the state administration

1. Please specify the status of the prosecutor and the prosecution service in your state. Is it an autonomous institution? If yes, how is this autonomy guaranteed?

According to the Article 3 of the State Prosecutor's Office Act (Official Gazette of the Republic of Slovenia, No. 58/2011) are state prosecutors in Slovenia self-dependent *.

A state prosecutor shall be self-dependent and bound to the Constitution and statute in performing his state prosecutorial service. Pursuant to the Constitution, a state prosecutor shall also be bound by the general principles of international law and ratified and published international treaties. Decisions made by the state prosecutor shall not be interfered with, except by way of general instructions that are relevant for uniform application of the laws and the assigning of a case in the manner stipulated by the State Prosecutor's Office Act.

A state prosecutor who believes that his self-dependence has been violated may request the State Prosecutorial Council to deal with the violation. If the State Prosecutorial Council concludes that the request is justified, it may remedy the violation or request that it be remedied and make its conclusion public as appropriate.

According to the Article 10 of the State Prosecutor's Office Act the state prosecutor's offices shall be self-dependent state bodies within the system of justice. The State Prosecutor's Office Act shall determine the method for ensuring a standard policy for criminal prosecution and the implementation of other duties of state prosecutor's offices.

Personnel, organisational and supervisory responsibilities in matters of state prosecutorial and justice administration referring to state prosecutor's offices and state prosecutors shall be implemented by the Government of the Republic of Slovenia pursuant to the provisions of the State Prosecutor's Office Act, either directly or through the ministry responsible for justice. The responsibilities of the National Assembly of the Republic of Slovenia towards the State Prosecutor's Office shall be as stipulated by the statute.

According to the new Amendment to the Government of the Republic of Slovenia Act from February 2012 the Ministry of the Interior exercises responsibilities pursuant to the State Prosecutor's Office Act, which refers to the organization and status of the State Prosecutor's Office and supervision over state prosecutorial administration. Before the amendment to the Government of the Republic of Slovenia Act these responsibilities were exercised by the Ministry of Justice. According to this transfer of responsibilities from Ministry of Justice to the Ministry of the Interior the State Prosecutor's Office Act has not been amended yet. For the time being, because the State Prosecutor's Office Act has not been changed yet, State Prosecutor's Office is still understood as a self-dependent state body within the system of justice. Answers in this questionnaire are given on the basis of the current situation and on the provisions of the current State Prosecutor's Office Act. What changes will be made pursuant to the State Prosecutor's Office Act is not known at the moment.

* The term "self-dependent" is used in unofficial translation of the State Prosecutor's Office Act. In Slovene "self-dependent" is: "samostojen". A verbatim translation would be: "standing on its own". Self-dependent means less than independent and more than autonomy. A similar German term is "Selbständigkeit".

2. Does the ministry of justice or another authority govern the activity of the prosecution service? If so, how?

Matters pertaining to justice administration in the field of State Prosecutor's Office shall be carried out by the Ministry of Interior, as now is planned by the new Government. Personnel, organisational and supervisory responsibilities in matters of state prosecutorial and justice administration referring to state prosecutor's offices and state prosecutors shall be implemented by the Government of the Republic of Slovenia pursuant to the provisions of this Act, either directly or through the Ministry of Interior.

The responsibilities of the National Assembly of the Republic of Slovenia towards the State Prosecutor's Office shall be as stipulated by the statute. The National Assembly may request to inspect the documents on justice supervision if they refer to the parliamentary investigation associated with the implemented justice supervision. According to the Article 20 of the Deputies Act a member of the National Assembly has a right to issue parliamentary questions to the Government or to a ministry. On this basis the State Prosecutor's Office is obliged to answer the Ministry.

The State Prosecutor General shall compile the annual report on the work of state prosecutor offices for the previous year and shall send it to the Minister, the National Assembly and the State Prosecutors' Council. The joint annual report shall contain joint data as mentioned above and an analysis of reasons for eventual differences demonstrated by the comparison of deviations of particular state prosecutor's offices from the national average, and evaluation of attained planned objectives of the prosecution policy. Based on the data and analysis from the preceding paragraph, the joint annual report shall contain:

- **Measures for improving the efficiency, performance and economy of work and implementation of the prosecution policy for particular and for all state prosecutor's offices together;**
- **Measures for improving the efficiency for state prosecutor's offices whose results deviate considerably from the planned ones;**
- **Assessment of suitability of the number of state prosecutor posts and state prosecutor personnel and other conditions including the appropriate proposals for their improvement.**

The joint annual report may, based on the conclusions from monitoring the state prosecutor practice, advise about the reasons and circumstances for the occurrence, increase, change or development of crime in a determined area, and about the possible legislative and other appropriate measures for their elimination or reduction. The State Prosecutor Council and the Minister may also submit their opinion on the joint annual report during its consideration in the National Assembly or its working bodies.

3. Which authority is responsible for the creation of prosecutor positions?

For the positions of the prosecution organisation and state prosecutors within the system of power is responsible the National Assembly, the Government of the Republic of Slovenia. The position of State Prosecutor's Office is reflected in the Constitution and in the adopted State Prosecutor's Office Act, especially on those parts with the provisions of the role of the Ministry responsible for prosecution service administration, nomination of the state prosecutors and independency of the prosecutors' work.

According to the Article 10 of the State Prosecutor's Office Act a vacant state prosecutor position shall be advertised by the Ministry on the proposal of the head of a state prosecutor's office following a preliminary approval of the State Prosecutor General. The provisions of the act regulating the election and/or appointment procedure to the office of a judge shall apply *mutatis mutandis* to the procedure involving incomplete applications or applications not submitted in good time.

State prosecutors shall be appointed by the Government of the Republic of Slovenia on the Minister's proposal. The Government of the Republic of Slovenia shall serve the decision on the appointment on all candidates who applied to the vacant state prosecutor position provided their applications were not rejected and/or refused during the call for applications procedure. The State Prosecutorial Council shall be responsible for the appointment and dismissal of the heads of district state prosecutor's offices, performance assessment and promotion, transfers, secondments and participation in the appointment procedure of state prosecutors.

According to the Article 213 of the State Prosecutor's Office Act the Minister of Justice in agreement with the Government, following a preliminary opinion of the State Prosecutor General, harmonised the Decree on the Number of Posts for State Prosecutors and Assistants to State Prosecutors with the provisions of the new State Prosecutor's Office Act, referring to the number of posts for state prosecutors and their titles at particular state prosecutor's offices for the performance of the state prosecutorial service, and the number of posts for state prosecutors subject to the requirement of a superior level of mastery of the languages of national communities.

According to the new Amendment to the Government of the Republic of Slovenia Act from February 2012 the Ministry of the Interior exercises responsibilities pursuant to the State Prosecutor's Office Act, which refers to the organization and status of the State Prosecutor's Office and supervision over state prosecutorial administration. Before the amendment to the Government of the Republic of Slovenia Act these responsibilities were exercised by the Ministry of Justice. According to this transfer of responsibilities from Ministry of Justice to the Ministry of the Interior the State Prosecutor's Office Act has not been amended yet.

4. Please indicate if there is any connection between the prosecution service and the Ministry of Justice or another public authority in terms of financial and human resources, IT facilities etc. If so, please describe how this connection works.

Personnel, organisational and supervisory responsibilities in matters of state prosecutorial and justice administration referring to state prosecutor's offices and state prosecutors shall be implemented by the Government of the Republic of Slovenia pursuant to the provisions of the State Prosecutor's Office Act, either directly or through the Ministry of Interior. The responsibilities of the National Assembly of the Republic of Slovenia towards the State Prosecutor's Office shall be as stipulated by the statute.

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The budget for the State Prosecutor's Office is created by the Ministry of Finance in the coordination with the State Prosecutor's Office. The Government approves the budget expenses; responsibility for the use of financial resources is in the hand of the State Prosecutor's Office.

The Judicial Training Centre at the Ministry of Justice is responsible for initial and continuous training of state prosecutors as well as for training and for other state prosecutorial personnel. The training is performed mainly in the form of lectures, seminars and workshops. The Judicial Training Centre is also responsible for training of judges and state attorneys and also implements bar examinations, examinations for court interpreters, court experts, appraisers and others whose work is closely related to judicial system.

On the basis of Article 17 of the State Prosecutor's Office Act Minister of Justice adopted the State Prosecutorial Rules. The State Prosecutorial Rules shall regulate the functioning of state prosecutor's offices and determine the internal organisation of state prosecutor's offices, the assignment and removal of cases to and from state prosecutors, office administration rules, the contents of registers, directories and records and their upkeep, work forms, form and contents of seals, stamps and logo of the state prosecutor's office, form and content of official identification cards, detailed rules on the dissemination of public information, contacts with members of national communities, conducting business in the state prosecutor administration, rules on the performance of expert supervision, ensuring the security of persons, documents and property, the provision of information to the Ministry, general house rules and standards for state prosecutor's office premises and equipment, rules on the viewing and copying of files, rules on the implementation and supervision of material and financial operations, rules on the regular performance of matters and reporting, the organisation of working hours and client visits, rules on keeping statistics and other rules referring to the functioning of state prosecutor's offices.

Certain state prosecutor administration tasks may be performed self-dependently by directors appointed for one or more district state prosecutor's offices. The director shall perform self-dependently the tasks of the state prosecutor administration referring to the following:

- Personnel management of state prosecutor personnel and the implementation of regulations on the safety and health at work;
- Deciding on the rights, obligations and responsibilities of the state prosecutor personnel;
- Financial, accounting and inventory management and management of public procurement procedures.

Based on authorisations of the head of a district state prosecutor's office, the director may perform self-dependently the tasks of state prosecutor administration referring to the following:

- Entering, recording and statistical monitoring of matters;
- Office and technical operation;
- Activities associated with tangible assets in direct use by a state prosecutor's office;
- Concern and measures for the security of persons, documents and assets at a state prosecutor's office; and
- Other state prosecutor administration tasks except those referring to the performance of the state prosecutorial service.

The director of a particular or several district state prosecutor's offices shall be appointed and dismissed by the Minister based on a proposal of the head of the state prosecutor's office where he shall be appointed, and following a preliminary opinion of the head of other district state prosecutor's offices for which he shall perform the

tasks of the state prosecutor administration. This position shall be granted by a decree on appointment for a period of five years with a possibility of reappointment. The Supreme State Prosecutor's Office shall have a director general who shall be appointed and dismissed by the Minister on a proposal of the State Prosecutor General. This position shall be granted by a decree on appointment for a period of five years with a possibility of reappointment. The Director General shall perform the tasks of the director of the state prosecutor's office.

The justice administration matters include the provision of general conditions for successful performance of the state prosecutor office, in particular:

- Drafting acts and other regulations in the field of organisation and operation of state prosecutor's offices, status, rights and obligations of state prosecutors and state prosecutor personnel;
- Concern for education and expert training;
- Provision of personnel, material and technical conditions;
- Dealing with supervisory appeals;
- Collection of statistical and other data on the operation of state prosecutor's offices; and
- Performance of other administrative tasks when stipulated so by the law.

Unless otherwise stipulated by the act, the matters of justice administration shall include the provision of premises, including the provision of funds for the rental of rented premises of state prosecutor's offices. The Ministry may, for the purpose of implementing the competences under this Act, request that state prosecutor's offices submit clarifications, data and reports, it may inspect the files in the premises of state prosecutor's offices and request the extracts from registers and other documentation from state prosecutor's offices which refer to the implementation of a particular matter or type of matters of the state prosecutor administration. If the head of a state prosecutor's office refuses to comply with the request referred to in the preceding paragraph because he believes that it implies an illicit interference with the self-dependence of a state prosecutor, the procedure pursuant to the provisions on the refusal of justice supervision shall be followed.

According to the Article 160 of the State Prosecutor's Office Act the Ministry shall perform supervision over the performance of state prosecutorial administration matters (hereinafter: justice supervision) directly or indirectly. The Ministry shall perform justice supervision over a district state prosecutor's office through the head of a district state prosecutor's office or through the State Prosecutor General, and over the Supreme State Prosecutor's Office through the State Prosecutor General (indirect justice supervision). The Ministry may also perform justice supervision directly (direct justice supervision). When implementing direct justice supervision, two members of the State Prosecutorial Council may be present on a request of the head of a district state prosecutor's office, i.e. one member of the elected state prosecutors and one member who is not a state prosecutor.

The Ministry shall perform indirect justice supervision through the Ministry's personnel appointed by the Minister's decision on the implementation of supervision (supervisory group). The supervisory group shall implement supervision self-dependently within the framework and on the basis of the Constitution, the statute and other regulations. The supervisory group shall compile a report on the implemented supervision and shall submit it to the Minister.

According to the Article 161 of the State Prosecutor's Office Act the head of a state prosecutor's office may refuse to implement justice supervision if he believes that it implies an illicit interference with the self-dependence of a state prosecutor in deciding on a particular matter. He shall immediately notify thereof the Minister,

Government and the State Prosecutor Council, and if the justice supervision is implemented over a district state prosecutor's office, he shall notify also the State Prosecutor General. Following the opinion obtained from the State Prosecutor Council, the Government shall decide within eight days of receipt of the notification referred to in the preceding paragraph as to whether the justice supervision shall be implemented. If the justice supervision is implemented over a district state prosecutor's office, the State Prosecutor Council shall obtain a preliminary reasoned opinion of the State Prosecutor General. The head of a state prosecutor's office and the Ministry shall be bound to the opinion of the State Prosecutor Council.

When implementing the justice supervision, the persons authorised to implement supervision shall inspect the files, records and other documentation of the state prosecutor's office in the presence of the head of the state prosecutor's office or state prosecutor who has been authorised by the head. The persons authorised to implement supervision shall protect the confidentiality of all obtained data. They may disclose it only to the Ministry or other national authorities whose competences for their application are determined by statutory law.

The court may request to inspect the documents on justice supervision if they refer to the subject of court proceedings associated with the implemented justice supervision. The National Assembly may request to inspect the documents on justice supervision if they refer to the parliamentary investigation associated with the implemented justice supervision.

According to the Article 151 of the State Prosecutor's Office Act the state prosecutorial administration shall include decision-making and other duties which provide the conditions for regular, correct, conscientious and efficient functioning of the state prosecutor's office on the basis of the State Prosecutor's Office Act, the State Prosecutorial Rules and other implementing acts.

The state prosecutorial administration shall include in particular the following matters:

- Internal organisation and organisation of operation of state prosecutor's offices;
- Preparation of annual programmes and annual reports;
- Organisation of participation in main hearings, preliminary hearings and other actions;
- Provision of supervision and supervision over the legitimacy, professional regularity and timeliness of state prosecutor's office operation in the matters of state prosecutor administration;
- Issuing and implementation of general instructions;
- Dealing with supervisory appeals;
- Personnel management and implementation of regulations on safety and health at work;
- Deciding on the rights, obligations and responsibilities of state prosecutors and state prosecutor personnel;
- Reporting on the activities of the state prosecutor's office;
- Formulating the initiatives and opinions on acts and implementing regulations;
- Training and monitoring of the court case-law and prosecutor case-law;
- Entering, recording and statistical monitoring of matters;
- Office and technical operation;
- Financial, accounting and inventory management and management of public procurement;
- Activities associated with tangible assets in direct use by a state prosecutor's office;
- Concern and measures for the security of persons, documents and assets at a state prosecutor's office; and

- Other matters as determined in the regulations referred to in the preceding paragraph.

The implementation of state prosecutorial administration matters at state prosecutor's offices shall be supervised by the State Prosecutor General, and at district state prosecutor's offices also by the head of the district state prosecutor's office. When implementing the state prosecutorial supervision, the heads of state prosecutor's offices may demand written explanations and reports on the implementation of particular tasks and may inspect the files. The State Prosecutor General may authorise a supreme or higher state prosecutor for the supervision described in the first paragraph. The supervision over the implementation of state prosecutorial administration matters at state prosecutor's offices may also be carried out by the Minister through the heads of state prosecutor's offices or directly pursuant to the provisions of the State Prosecutor's Office Act on justice supervision.

5. Is the prosecution service independent from other institutions when implementing and managing its own budget?

After the budget is adopted in the National Assembly, the State Prosecutor's Office is autonomous in managing its own budget. The State Prosecutor's Office has to take into account the following legal provisions: the Public Finance Act, the Republic of Slovenia Budget for 2010 and 2011 Implementation Act and the Prosecutor General's Instructions Regarding the Financial Management.

The basis for financial needs of the State Prosecutor's Office is determined in the following regulation.

According to the Article 146 of the State Prosecutor's Office Act the head of a state prosecutor's office shall prepare a draft annual work programme which shall contain the implementing plan of the state prosecutor's office, including the plan for prosecution policy implementation, for the following year and shall send it to the State Prosecutorial Council and to the Minister, and the head of a district state prosecutor's office also to the State Prosecutor General, all of whom may submit their recommendations within 15 days from receipt of the draft. The head of a state prosecutor's office shall adopt the annual work programme not later than within 30 days before the beginning of budget implementation and shall inform the authorities on having duly considered their recommendations. The State Prosecutor General, the State Prosecutor Council and the Minister shall discuss the performance of state prosecutor's offices twice a year at joint meetings held with the heads of state prosecutor's offices and shall adopt and/or coordinate the measures required for implementation of annual work programmes.

The annual work programme shall be an integral part of the explanation of a state prosecutor's office financial plan. The annual work programme shall foresee the expected case-load, the volume of resolved matters, timescale for typical procedural acts, timescale for resolving the matters and the indicators of efficiency, performance and economy. The efficiency shall be demonstrated by the number of planned resolved matters divided with the number of state prosecutors and the number of state prosecutor personnel; the efficiency shall be demonstrated by the period planned for resolution of prosecutorial matters being expressed in months from the time of case assignment to the time of its resolution, and the economy by dividing the amount of budget resources earmarked for the work of the state prosecutor's office by the number of planned resolved matters. The form and instruction for preparing an annual work programme shall be prescribed by the Minister by means of an implementing regulation.

SECTION II: Financial rules and regulations of the prosecution service

6. Does the law governing the prosecution service include provisions on financial management and on the executive's obligation to provide it with the necessary infrastructure?

Yes, the law governing the prosecution service includes provisions on financial management. The State Prosecutorial Rules were adopted on the legal basis of the State Prosecutor's Office Act. The State Prosecutorial Rules shall determine rules on the implementation and supervision of material and financial operations of state prosecutor's offices. According to the Article 191 of the State Prosecutorial Rules State Prosecutor's Offices (District, Specialized and Supreme) are bounded by laws on public finance, public procurement and budget implementation. The State Prosecutor's Office is bounded on this basis by the Public Finance Act, the Republic of Slovenia Budget for 2010 and 2011 Implementation Act and by the Prosecutor General's Instructions Regarding the Financial Management.

State Prosecutor's Offices' Accounting Departments are responsible for the financial management. Common Finance and Accounting Service at the Supreme State Prosecutor's Office is a central financial service and is responsible for coordination between State Prosecutor's Offices and Ministry of Finance.

According to the State Prosecutor's Office Act, matters pertaining to justice administration in the field of State Prosecutor's Office shall be carried out by the Ministry. The justice administration matters include the provision of general conditions for successful performance of the state prosecutor office, including provision of personnel, material and technical conditions. Unless otherwise stipulated by the act, the matters of justice administration shall include the provision of premises, including the provision of funds for the rental of rented premises of state prosecutor's offices.

7. Please describe how and when the budget of the prosecution service is managed (preparation, distribution of funds between the budget lines).

Every year in summer months is a draft budget of the Republic of Slovenia for the next year prepared by the Government. After that the Supreme State Prosecutor's Office of the Republic of Slovenia prepares the draft of distribution of these funds between prosecution offices. Distribution of funds between the budget lines is distributed into a part for salaries, a part for material expenditures and a part for alternative dispute resolution procedures. The budget shall be adopted after that in the National Assembly.

8. Is there a specific department within the prosecution service responsible for the management of resources?

The Common Finance and Accounting Service at the Supreme State Prosecutor's Office is responsible for the management of resources and for distribution of funds to the district and other state prosecutor's offices. The heads of the state prosecutor's offices are responsible for further implementation of appropriations. In a case of insufficient resources in a certain prosecution office The Common Finance and Accounting Service at the Supreme State Prosecutor's Office is responsible for redistribution of the funds to this office.

The State Prosecutorial Council provides opinion to the proposal of a joint financial plan for state prosecutor's offices.

9. Is there a national and/or centralised IT system for managing, monitoring and evaluating the budget of the prosecution services? *Does this system include a mechanism for increasing the efficiency of the resource management?*

A special national and centralised IT system MF-RAC (official title of the application) is used for managing, monitoring and evaluating the budget of the all ministries, state bodies and also prosecution services. The planning and implementation of appropriations of the budget, accounting salaries and state budget balances are made within this IT system.

On the basis of this IT system the financial services can check the implementation of appropriations at every moment. On this basis the authorities can take a decision on further distribution of funds.

SECTION III: Resources of the prosecution service

10. Please specify the amount of budget of the prosecution service for 2008, 2009, 2010 and 2011 (€ equivalent), indicating the distribution between staff expenditure and other types of expenditure.

REALISATION OF BUDGET RESOURCES FOR ALL STATE PROSECUTOR'S OFFICES IN SLOVENIA **2008 - 2011 IN EUR (€)**

YEAR	TOTAL BUDGET	A PART OF BUDGET FOR SALARIES	BUDGET FOR SALARIES IN %	A PART OF BUDGET FOR OTHER EXPENDITURES	BUDGET FOR OTHER EXPENDITURES IN %
2008	18,376,167.06	15,810,689.67	86.04	2,565,477.39	13.96
2009	18,223,328.84	15,899,935.60	87.25	2,323,393.24	12.75
2010	19,024,138.88	16,773,759.93	88.17	2,250,378.95	11.83
2011	18,739,116.51	16,473,109.82	87.91	2,266,006.69	12.09
TOTAL	74,362,751.29	64,957,495.02	87.35	9,405,256.27	12.65

Other expenditures are material expenditures, expenditures for alternative dispute resolution procedures and expenditures for minor investments (e. g. mobile phones, chairs etc.)

11. In your jurisdiction, what resources would you improve access to, and how would you do that (e.g. through partnership agreements, joint investigations, redistribution of resources etc.)?

The State Prosecutor's Office does not have access to resources for IT equipment and is dependent on the ministry responsible for prosecution services.

We would like to improve the access to the resources for the international cooperation in criminal matters and programs (For example: Joint investigations in the framework of Eurojust).

12. Are the current or future budgets of the prosecution service affected by the 2009-2011 economic crisis?

Yes, the current and future budgets of the prosecution service are affected by the economic crisis. In the revised national budget for 2012 is planned the 3% reduction of funds for prosecution services in comparison to the budget for 2011. The reductions are made especially in the field of material expenses.

13. What instruments are used to allocate resources needed for the good functioning of the prosecution service?

The Republic of Slovenia Budget Implementation Act provides options to allocate resources from one to another field inside the prosecution services and also to another prosecution office. It is not possible to allocate resources between prosecution service and a ministry without Government's decision. The allocations of resources from the ministries to the prosecution services were not used in past years.

14. Is there any connection between the budgets allocated to the prosecution service and to the judiciary or to law enforcement bodies?

There are no certain connections between the budgets allocated to the prosecution service and to the judiciary or to law enforcement bodies.

15. Do human resources of the prosecution service depend on other institutions of the judiciary (e.g. Judicial Council, National Schools of Clerks)?

The State Prosecutorial Council shall be a self-dependent state body which performs the duties of state prosecution self-governance and administrative tasks as determined by this Act, and shall participate in ensuring the uniformity of prosecution and safeguarding the self-dependence of state prosecutors. The State Prosecutorial Council shall be responsible for the appointment and dismissal of the heads of district state prosecutor's offices, performance assessment and promotion, transfers, secondments and participation in the appointment procedure of state prosecutors, the provision of opinions on prosecution policy, performance assessment and the performance results of the state prosecutor's offices, the protection of self-dependence in the performance of state prosecutorial service and the implementation of other matters in accordance with this Act.

16. In your jurisdiction, is there any mechanism of rapid reaction which could allow a quick redistribution of means (financial or human resources, logistics) between prosecution services, according to the needs of the system?

By providing his written consent, a state prosecutor may be permanently transferred to another state prosecutor's office (transfer) or temporarily seconded to another state prosecutor office or authority (secondment). Transfers or secondments shall not affect the rank and salary enjoyed by the state prosecutor in his appointed position. A state prosecutor may only be transferred or seconded without his consent in the circumstances and the conditions stipulated by State Prosecutor's Office Act. A state prosecutor may be transferred to another state prosecutor's office following his preliminary written consent on the proposal of the State Prosecutor General and in agreement with the heads of both state prosecutor's offices.

A state prosecutor may be transferred to another state prosecutor's office without consent only in the following special cases:

- 1. if the state prosecutor's office at which he performs his duties is abolished;**
- 2. if the volume of work in the state prosecutor's office at which the state prosecutor performs his office is significantly reduced for a longer period of time or if the**

- number of state prosecutor positions at a state prosecutor's office is reduced owing to reduced workload;
3. if the organisation of state prosecutor's offices is altered;
 4. in other cases as provided for by the law.

According to the Article 61 of the by State Prosecutor's Office Act a state prosecutor may be seconded, even without his consent, to perform the state prosecutorial office at another state prosecutor's office for full working time or part time if so dictated by the circumstances which could otherwise jeopardize or prevent the timely implementation of tasks and/or responsibilities of the state prosecutor's office, in particular for the reason of an extremely increased workload or elimination of major backlog. The State Prosecutor General shall decide on the secondment and termination of secondment on the proposal of the head of the state prosecutor's office to which the state prosecutor shall be seconded. When deciding on secondments without consent, a comparable situation of state prosecutors shall be provided taking into consideration the number and length of all preceding secondments.

According to Civil Servants Act a civil servant in state prosecutor's office may be seconded, to perform the work at another state prosecutor's office. According to the Article 149 of the by Civil Servants Act civil servants shall, due to work requirements, be transferred to the available work posts or to a professional-technical work posts within the same or in another body:

1. for the reasons of service;
2. if the civil servant was found incompetent for his work post;
3. if the principal believes that a more effective and expedient performance of the body can be ensured therewith;
4. if there is a permanent change in the workload or the working procedure are being rationalised, and the civil servant no longer bears the full work burden;
5. in other cases provided by law.

The Republic of Slovenia Budget Implementation Act provides options to allocate resources from one to another field inside the prosecution services and also to another prosecution office. The Common Finance and Accounting Service at the Supreme State Prosecutor's Office is responsible for the management of resources and for distribution of funds to the district and other state prosecutor's offices.

17. Does the General Prosecutor (or equivalent institution) have a specific budget for taking interim/temporary measures in situations when, within a certain prosecution service, human resources are insufficient?

The Prosecutor General of the Republic of Slovenia has no specific budget for taking interim/temporary measures in situations when human resources are insufficient.

SECTION IV: Budget for investigations

18. What steps are required in order to obtain direct access to the resources needed for investigations? Please assess the period of time that elapses between submitting a request for resources and the moment when they are actually obtained.

All resources are distributed in the national budget on annual basis. The State Prosecutor's Office does not have specific resources for investigations. The Police are responsible to carry out investigations in a pre-trial stage and resources for investigations are provided in the budget for police.

Courts are responsible to carry out judicial investigations after the prosecutor's demand for investigation and before the indictment. Resources for judicial investigations are provided in the budget for Courts.

Pursuant to the above mentioned the State Prosecutor's Office does not have resources for investigations, but have only resources for expenditures in pre-trial procedure with safekeeping or securing confiscated objects which must be confiscated under the Criminal Code, or which may prove to be evidence in criminal proceedings. The resources for that are provided by annual budget.

For the activity of the Expert Information Centre at Supreme State Prosecutor's Office special financial resources are guaranteed. The Expert Information Centre provides an expert assistance in the area of fiscal, financial, accounting and other disciplines to the state prosecutor or the interpretation of documentation in certain cases when such assistance is needed by a state prosecutor in pre-trial stage of the procedure.

19. Have you ever faced the risk that special investigative techniques (e.g. communication interceptions, legal-genetic expertise, computer search) could not be applied in due time because of insufficient resources? Have insufficient resources in general affected the performance of criminal investigation in normal cases?

The State Prosecutor's Office has not faced the risk that special investigative techniques could not be applied in due time because of insufficient resources. The police have provided resources for special investigative techniques in the budget.

20. Is the resource management performed by the prosecution services during their investigations controlled? Please specify.

The resource management during the investigations is performed by the Police.

21. What is the resource management procedure when various agencies are involved in the investigation procedure (e.g. the police)?

The resource management during the investigations is performed by the Police. The Police are responsible to carry out investigations in a pre-trial stage and resources for investigations are provided in the budget for the Police. Other agencies (Custom, Court of Audits etc.) have to cover their own expenses.

22. Is it possible for prosecutors to specialise in certain type of crimes? If so, what kind of effect it has had on the results of the prosecution service?

According to the Article 144 of the State Prosecutor's Office Act the cases shall be assigned to state prosecutors following the order of receipt, taking into consideration the organisation of work, specialisation and an even workload. The rules for the assignment of cases and implementation of procedural rules may be determined in more detail by the annual work schedule in accordance with the State Prosecutorial Rules.

The most serious criminal acts whose prosecution calls for a special organisation and qualifications of state prosecutors and the highest level of performance shall be dealt with by the Specialised State Prosecutor's Office of the Republic of Slovenia

The Department for the Investigation and Prosecution of Officials with Special Authorisations shall operate as a self-dependent internal organisational unit with a special status at the Specialised State Prosecutor's Office.

23. Are there areas of investigation that have priority access to financial or material resources? If so, how and by whom is this priority established?

The Police are responsible to carry out investigations in a pre-trial stage and resources for investigations are provided in the budget for the Police.

SECTION V: Description of the system of management by results

24. Do you have a system of management by results? (Please specify.) If yes, is there any problem with this system?

The State Prosecutorial Council is responsible for evaluation on the state prosecutorial service about meeting the criteria for promotion of certain state prosecutor. According to the Article 103 of the State Prosecutor's Office Act the State Prosecutorial Council shall adopt the quality performance criteria for the assessment of state prosecutor's performance and criteria for prosecution performance by state prosecutor's offices on the proposal of the State Prosecutor General.

Framework criteria for the assessment of state prosecutors' expertise shall be defined by quality performance criteria for state prosecutors, including the expected time for the resolution of a particular type of matters and for typical procedural acts. The share of matters in a determined period of time shall be defined by the criteria for the prosecution performance of state prosecutor's offices in which the solution is expected to be reached through deferred prosecution, mediation, punitive order, fast-track procedures, filing of indictment act, judgment of conviction, type and amount of issued sanction, depending on the nature of criminal act, type of procedure and prosecution policy. The grounds for monitoring, establishing and analysing the efficiency, performance and economy of prosecution shall be defined as well.

We also have a system of management by results pursuant to the budget preparation and annual financial statement of the state budget for the prosecutions service.

According to the new State Prosecutor's Office Act from November 2011 the State Prosecutor General shall adopt the prosecution policy. The State Prosecutor General shall formulate prosecution policy based on the strategic work programme of the state prosecutor's office. The prosecution policy has not been adopted yet.

25. What kinds of objectives are set for the prosecution service, if such a system of objectives exists? Does your system use benchmarks of achieved results?

The resources in the prosecution service have been monitoring with the comparison of workload of each state prosecutor. The average annual scope of prosecutor's work has been prescribed. If the average annual scope of prosecutor's work has exceeded in a certain state prosecutor's office, the personnel allocation followed. The Supreme State Prosecutor's Office has been monitoring the pace of the work of state prosecutors due to the prescribed time for resolving cases. The economy of procedures has not been estimated in any specific way. The work of the state prosecutor is specific and can be started from the early stage of detection of criminal offences and with cooperation with the police and providing guidance to police

investigation, to the decision-making about criminal report, representing the indictment in front of the court and dealing with appeals and other legal remedies. This entire prosecutor's work demands a big prosecutor's engagement that can not be always quantifiable and measurable. According to that, the management by results can not be done in such ways as it is in other institutions. The objective of prosecutor's work can not be only conviction, but proper, lawful and on time made state prosecutor's decision.

According to the budget preparation and annual financial statement of the state budget the objectives for the prosecutions service were set:

- Effective exercise of prosecution of perpetrators of criminal offences;
- Effective actions in appeal procedure and in procedures with extraordinary legal remedies;
- Effective exercise of supervision and training tasks.

Within the object Effective exercise of prosecution of perpetrators of criminal offences the two main goals are set: quicker resolving of cases and effective prosecution of perpetrators of economic, financial and serious criminal offences.

26. Which authority/authorities is/are competent to set these objectives?

According to the Article 103 of the State Prosecutor's Office Act the State Prosecutorial Council shall adopt the quality performance criteria for the assessment of state prosecutor's performance and criteria for prosecution performance by state prosecutor's offices on the proposal of the State Prosecutor General.

The State Prosecutor General shall adopt the prosecution policy following a preliminary reasoned opinion of the State Prosecutor Council on the proposed prosecution policy. The State Prosecutor General shall formulate draft prosecution policy based on the strategic work programme of the state prosecutor's office that he shall enclose to his application, and shall submit the draft to the State Prosecutor Council to procure their opinion not later than within four months after the appointment.

27. What role does the prosecution service play in setting these objectives?

See above about the quality performance criteria.

28. Are the objectives coordinated between all authorities of the criminal procedure? If such coordination exists, how does it influence the activities of the prosecution service?

See above about the quality performance criteria.

29. Are there regulations in your system as regards the optimal workload within prosecution offices? if yes, is the allocation of resources correlated with the workload? Please provide examples.

The criteria regarding the minimum workload of the state prosecutors have been adopted by the State Prosecutorial Council. Current annual obligations for a state prosecutor are: 190 criminal cases of the first instance and at least two full trial days per week or attending the trial four times per week.

30. Is the setting of objectives based on a negotiation system?

No, it is adopted inside the State Prosecutor's Office.

31. Who are parties of the negotiations?

SECTION VI: Follow-up of results and reporting

32. Please indicate if there are any national strategies implemented in your state regarding the resources allocated to the judicial system, including the prosecution service. If so, in what areas were these strategies developed? Please comment on the results of these strategies.

We should follow the National strategy for fight against criminality and National strategy fighting against the economic crime.

The State Prosecutor General shall adopt the prosecution policy (answer on question 26).

We also have a system of management by results pursuant to the budget preparation and annual financial statement of the state budget for the prosecutions service.

33. Is the attainment of objectives followed up yearly? How?

On the basis of the quality performance criteria for the assessment of state prosecutor's performance and criteria for prosecution performance by state prosecutor's offices is monitoring, establishing and analysing the efficiency, performance and economy of prosecution made by the State Prosecutorial Council. On this basis the State Prosecutorial Council shall prepare assessments of state prosecutorial service performance and decide on the promotion of state prosecutors in compliance with the State Prosecutor's Office Act, adopt quality criteria for assessment performance of state prosecutors and criteria for prosecution performance of state prosecutor's offices, provide opinion on the number of state prosecutor positions in state prosecutor's offices and provide opinion on the joint annual report on the work of state prosecutor' offices.

According to the budget preparation and annual financial statement of the state budget the objectives for the prosecutions service (effective exercise of prosecution of perpetrators of criminal offences, effective actions in appeal procedure and in procedures with extraordinary legal remedies, effective exercise of supervision and training tasks) are followed by performance indicators.

Performance indicators are:

- Rate of positive solved cases to the all cases of State Prosecutor's Office;**
- Average time of resolving of cases at the State Prosecutor's Office;**
- Increasing the number of cases, solved in alternative procedures;**
- Number of cases of prosecution of perpetrators of economic, financial and serious criminal offences;**
- Number of introduced accusation acts;**
- Number of cases, supervised in expert supervision procedures;**
- Number of training activities;**
- Number of received cases, number of resolved cases and average expense on a case.**

34. Have any reforms been implemented during the last 5 years aimed at increasing the budget of justice?

No, there have been no significant reforms implemented during the last years aimed at increasing the budget of justice.

35. Is the prosecution service included in the government strategies for enhancing the efficiency of public institutions (e.g. e-governance, external financial audit)?

The State Prosecutor's Office is a partner in a project E-Justice to enhancing the efficiency of prosecution service.

36. How would you assess internal audit recommendations within the prosecution service?

The Supreme State Prosecutor's Office has an Internal Audit and Financial Supervision Service. The Service supervises the use of financial resources and gives the recommendations for the proper use of the resources.

37. Is the social impact of the prosecutors' activities evaluated? If yes, by whom?

No, the social impact is not evaluated.