

**STRUCTURE AND OPERATION REPORT  
OF LOCAL AND REGIONAL DEMOCRACY**

**SLOVENIA**

**November 2013**

## **Structure and Operation of Local and Regional Democracy**

### **1. Legal Status**

#### **1.1 Constitutional Provisions**

In Slovenia local self-government is enshrined in the Constitution of the Republic of Slovenia (Article 9, Section V "Self-government", Articles 138 - 144).

The Slovene people shall exercise local government powers and functions through self-governing municipalities and other local government organisations (Article 138). A municipality may comprise a single settlement or a number of settlements whose inhabitants are bound together by common needs and interests. A municipality may be established by statute following a vote in favour of its establishment at a referendum conducted to ascertain the will of the people in the area affected (Article 139).

The competencies of a municipality comprise local affairs which may be regulated by the municipality autonomously and which affect only the residents of the municipality. By law, the state may transfer to municipalities the performance of specific duties within the state competence if it also provides the financial resources to enable such. State authorities shall supervise the proper and competent performance of work relating to matters vested in local community authorities by the state (Article 140).

A town or city may attain the status of an urban municipality in accordance with such procedures and under such conditions as may be prescribed by statute. Specific duties and functions relating to urban development may be vested by the State in urban municipalities by statute (Article 141).

With regard to municipal financing, the Constitution provides that the municipality shall raise its own revenue. Those municipalities which, due to a poor level of economic development, are unable to meet all expenditures required of them in the performance of their duties shall be eligible to receive additional financial assistance from the State (Article 142).

The lawful performance by local government bodies of their duties and functions is supervised by state authorities (Article 144).

The Constitution also provides for the establishment of wider self-governing local government bodies: regions, which are established by law (Article 143).

## 1.2 Main legislative texts

The main legislative texts are as follows:

- Act on Local Self-Government (Official Gazette of the RS, No 94/07 – OCF2 and 76/08, 79/09, 51/10 in 40/12);
- Act on Local Elections (Official Gazette of the RS, No 94/07 – OCF3 and 45/08, 83/12);
- Act on the Establishment of Municipalities and on Determining their Territory (Official Gazette of the RS, No. 108/06 – OCF1 and 99/10 Constitutional Court decision, 9/11);
- Act on the Financing of Municipalities (Official Gazette of the RS, No. 123/06, 57/08, 36/11 and 40/12).

Local self-government in Slovenia operates on the basis of the general competence clause. This clause means that the local authority may act in any matter, subject to its action meeting a local interest, complying with the law and not impinging on the powers of another central or sub-national authority.

## 2. Structure of local authorities

### 2.1 Main Subdivisions

In Slovenia there is one tier of local government. Slovenia has 212 municipalities.

### 2.2 Statistical data

Slovenia has a surface area of 20 273 square km and has 2 058 821 inhabitants (as at 1 January 2013). There are 212 municipalities of which eleven are urban municipalities (Celje, Koper, Kranj, Ljubljana, Maribor, Murska Sobota, Nova Gorica, Novo Mesto, Ptuj, Slovenj Gradec and Velenje).

**Table: The largest and smallest municipalities in terms of area and population**

	Area	Population
Average	95	9.711
Largest	555	282.994
Smallest	7	375

**Table: Breakdown of municipalities according to the size of the population**

<b>Number of inhabitants</b>	<b>Number of municipalities</b>	<b>Percentage of total population</b>
Under 2 000	26	1,6
2 001-5 000	84	13,6
5 001-10 000	49	16,4
10 001-20 000	36	25,7
20 001-100 000	15	23,7
Over 100 001	2	19,2
<b>Total</b>	<b>212</b>	<b>100</b>

## 2.4 Boundary changes and amalgamation

### 2.4.1 Boundary change

In Slovenia, a boundary change may be proposed by a local authority, a minister, parliament, and by residents in a referendum. Any proposal for a boundary change must take place in consultation with the local residents, and with the municipal council if the proposal is made by a minister. The body having the final decision with regard to a boundary change is the Parliament. The government may give financial assistance for boundary changes (if it is a case of amalgamation).

A boundary change can only take place on the basis of a reasoned decision. Reasons may include the following: improved services, improved living conditions, improved operating environment for businesses, efficiency gains, government policy, and local circumstances.

### 2.4.2 Amalgamation

An amalgamation of two or more local authorities must be proposed by local authorities in consultation with the residents and by residents in a referendum. Once the amalgamation has taken place, some administrative independence is possible to the former local authority structures for the internal structure of the new municipality - locality.

## 2.5 General units of state administration and their relationship with local authorities

Slovenia has 58 general units of state administration, accountable to the line ministries. The state administration units operate separately from local authorities but also co-operate with them.

The state administration units carry out tasks in the following areas: environment, citizenship, social affairs, home affairs, agriculture, and spatial planning. They cannot adopt regulations, which have the force of law.

The State administration unit is not responsible for scrutinising the local authority. They don't have the right to veto decisions taken by the local authority. The local authority, in its turn, has the right of appeal against decisions taken by the state administration unit.

### 3. Organisation of local authorities

The legal basis for the organisation of local authorities is provided by the following legislation: Act on Local Self-Government, Civil Servants Act

#### 3.1 Deliberative body

The municipal council (Občinski svet) consists of between 7 and 45 members. It meets at least 4 times per year. The meetings last between 2 and 5 hours.

**Table: number of members per population size**

<i>Population</i>	<i>Number of members</i>
< 1 000	49
1 000-5 000	1179
5 000-10 000	805
10 000-50 000	1208
50 000-100 000	66
100 000-500 000	90
> 500 000	0

The members of the municipal council (Občinski svet) are elected by secret ballot and by direct suffrage. The length of the term of office is 4 years. Voting is not compulsory.

In order to stand for election, a candidate (nationals, EU nationals and non-nationals) must be over the age of 18, a permanent resident in the member State, resident within the local authority. The voting system used is proportional representation for councils from 12-45 members/first past the post from 7-11 members.

A council may be dissolved by national parliament. A council may be dissolved for the following reasons: lack of quorum for a specified period of time, unable to approve the budget, not respecting decisions of constitutional court or administrative courts.

#### 3.2 Executive body

The executive person is known as mayor (župan). He/she is elected by direct election, universal suffrage and by secret ballot. Its length of office runs concurrently with the deliberative body's term of office.

The mayor (župan) is accountable to municipal council (občinski svet). Its tasks are in the following fields: general administration, budget preparation, budget administration, legal representation of the council.

### **3.3 Internal structures**

The legal basis for internal structures is provided by the following legislation: Local Self-Government Act.

Narrower sections of the municipality may be established within the municipalities (local, village or quarter communities). The name and extent of the narrower sections of the municipality shall be determined in the municipal statute. In internal classification, the municipal council must consider cartographic, historical, economic, administrative, cultural and other regional characteristics.

The municipal council may abolish or change the extent of a narrower section of a municipality through amendments to the statute. The amendment of the statute through which a narrower section of a municipality is abolished or its extent is changed may enter into force only after the completion of the term of office of the council of the narrower section of the municipality.

Initiatives for the establishing of narrower sections of a municipality or for changing their extent may be taken by the assembly of local communities, or by a certain number of residents in a section of the municipality as determined by statute. The municipal council shall be obliged to discuss these initiatives.

Before the establishment of narrower sections of municipalities or before the implementation of changes in their extent, the municipal council must recognize the interest of the residents of individual areas of the municipality in which narrower sections of the municipality are to be set up at the assemblies of local communities or through a referendum. In recognizing the interest the name and extent of the narrower section of the municipality are involved.

## **4. Direct participation in decision making**

The legal basis for participation by citizens is provided by the following provisions: Article 44 to 48 of the Act on Local Self-Government.

### **4.1 Referendum**

#### **Local/regional referendums**

Article 44 of the Act on Local Self-Government makes provision for direct forms of citizens' participation, including a citizens' assembly, municipal referendums and popular initiatives.

The Act on Local Self-Government governs two types of local referendum: a referendum subsequent to adopted municipal regulations that are not yet in force, except on the budget or a regulation determining local taxes or fees, and a consultative referendum on any issue within the municipal competence. The initiative for a referendum on a municipal regulation may be taken by the members of the municipal council, by the mayor or by 5% of the municipality's voters. If a referendum is requested by the members of the municipal council or the mayor, calling it is optional, but if it is requested by the voters, it is obligatory. The municipal council may call a consultative referendum on individual issues of special interest within the municipal competence to ascertain public opinion. The municipal bodies are not bound by the results of a consultative referendum.

The Act on Local Self-Government provides some details concerning the conditions of setting up a municipality or altering its territory. According to the latter, the National Assembly determines the territory in which the referendum is held, and the decision to establish a new municipality or alter its territory is determined by statute on the basis of a single favourable majority in a municipal referendum.

### **Citizens' assembly**

According to the Act on Local Self-Government, a citizens' assembly may be convened for the entire municipality or for an individual part thereof by the mayor at his/her own initiative, at the Council's initiative or at the request of 5 % of the voters in the municipality, unless otherwise provided by the municipal statutes (Article 45).

### **Popular initiatives**

The Act on Local Self-Government provides for popular initiatives concerning the adoption or revocation of municipal acts and decisions. Such initiatives should be put forward by at least five per cent of the municipal voters and the municipal body to which the initiative is addressed is obliged to decide on the initiative in the period determined by the statute of the municipality and, in any event, within three months (Article 48).

Slovenia has ratified the Additional Protocol to the European Charter on Local Self-Government, on the right to participate in the affairs of a local authority (CETS No. 207).

## **4.2 Informing residents**

In Slovenia there is an obligation to inform residents of the authority's decisions. The residents are informed through publications, journals, the internet, television or public meetings. The communication mediums for informing residents are continually evaluated for their efficacy.

Council meetings are open to the public. Local residents may take the floor during council meetings, and they may also submit draft decisions. Residents have a right to petition, and they also have the right to initiate local law.

### 4.3 Rate of participation

At the last local elections, the average rate of participation was: 48,81 % The average rate of participation for the last local referendum was around 70 %.

Voter turnout in elections		
	Voter turnout (%)	Male / Female (%)
Presidential elections (2012)	First round: 48,41 % Second round: 42,41 %	
National Parliamentary elections (2011)	65,60 %	
Local Authority Elections (2010)	48,81 %	
Mayoral Elections (2010)	48,81 %	

## 5. Status of local elected representatives

### Status and term of election

Every Slovenian citizen who is 18 years old on the date of the election and every EU citizen who is 18 years old with permanent or temporary residence in the municipality enjoys full civil rights and is entitled to stand as a candidate in local elections and be elected member of the municipal council for a four-year term. They also have an active right to vote. Adult foreigners with permanent residence in the municipality's territory have only an active right to vote in elections for municipal councils and mayors.

The Act on Local Self-Government identifies the functions which are incompatible with the status of elected representative (member of the municipal council, mayor or deputy mayor). In particular, this status is not compatible with managerial posts in state administration involving legal control of local authority action. The Act on the Prevention of Corruption stipulates the functions in local community bodies which are incompatible with carrying out gainful activities or functions in public enterprises, institutions, agencies. It is also incompatible to work with funds set up by the municipality in cases when the body or individual official in question carries out supervision of the work in this area.

Incompatibility nevertheless depends on the precise exercise of functions, which is why a full-time or vocational member of the National Assembly may only perform non-vocational functions in the municipality.

Resignation of the member of municipal council, the mayor or the deputy mayor is possible.

Local elected representatives are elected for a term of four years. The mandate begins 3 weeks after the results are returned.

### **5.1 Conditions of eligibility for local elections**

The following may vote in local elections: adult citizens of the Republic of Slovenia, adult citizens of other countries in EU with permanent or temporary residence in the municipality and adult foreigners with permanent residence in the municipality.

The following may not vote: persons whose right to vote has been withdrawn by a decision of the court.

The following may stand as candidate: nationals, and EU nationals with permanent or temporary residence in the municipality.

The following may not stand as candidate: persons whose right to stand has been withdrawn by a decision of the court and foreigners.

A local elected representative – a member of the municipality council can also be a member of a national parliament. The mayor and the deputy mayor cannot be members of a national parliament. A local elected representative cannot hold ministerial office.

### **5.2 Financing election campaigns**

The financing of political parties is governed by Political Parties Act. A political party whose candidates have been elected to the municipal council has, if this is decided by the municipal council, a right to an allocation of funds from the municipal budget, related to the number of votes received.

Pursuant to the Political Parties Act, political parties may be financed from a variety of private and public sources. Private contributions to political parties can be made by individuals.

### **5.3 Functions or activities, offices or positions incompatible with the elected office**

Act on Local Self-Government (Articles 37.a and 37.b):

The mandate of a member of the municipal council, the mayor and the vice-mayor shall cease among others if he/she:

- does not cease to perform an activity, which is incompatible with duties of a member of the municipal council, the mayor and the vice-mayor within three months of the confirmation of the mandate,
- takes up duties or starts performing an activity incompatible with the duties of a member of the municipal council, the mayor and the vice-mayor;
- takes up duties or starts performing an activity or if within one month of the

confirmation of the mandate does not cease to perform any duty or any activity in the municipal or national administration, which, pursuant to the provisions of Article 37b of this Act, are incompatible with the duties of a member of the municipal council, the mayor and the vice mayor.

The mandate of the mayor shall cease according to the law on the day of the appointment:

- to a post within the national administration body, which performs control over the legality and the adequacy and professional competence of the work of municipal bodies and municipal administration;
- to a post of the chief administration unit officer or head of an internal organisational unit in an administrative unit in the territory of which the municipality is located;
- to a post of an official in the national administration relating to the implementation of powers in respect of the control over the legality and the adequacy and professional competence of the work of municipal bodies and municipal administration.

Where the mayor performs the function or work under the preceding paragraph, his/her mandate of a mayor shall cease according to the law if he/she does not resign from the post or does not terminate the employment relationship. The mayor shall no later than within seven days of the receipt of the report on the election results in the municipality inform in writing the municipal council and the municipal election commission of his/her decision as to whether he/she intends to perform the function of a mayor or continue to perform the function or work under the preceding paragraph.

The function of a mayor shall not be compatible with the function of a municipal council member and a vice-mayor, with membership of the supervisory committee or work in the municipal administration, as well as with other functions if so determined by law.

The function of a member of the municipal council and of a vice-mayor shall not be compatible with the function of a mayor, membership of the supervisory committee and work at the municipal administration, as well as with other functions if so determined by law.

Neither shall the duties of a member of the municipal council be compatible with the duties of the chief administration unit officer or the head of an internal organisational unit within the administrative unit, nor with the activities of the national administration pertaining to positions of employees who implement authorisations concerning the control over the legality or adequacy and professional competence of the work performed by municipal bodies

#### **5.4 Conditions relating to their employment**

An elected official's place of employment is not kept open for the duration of the term of office, except if the mayor or the deputy mayor decides to perform their duties on a non-professional basis.

**Employment contracts**

Elected officials do not have their employment contract suspended for the duration of their term of office.

**Remuneration and compensation**

The working conditions of the elected representatives are the same as those of other employees in the municipality. All municipalities are guaranteed at least minimum working conditions, i.e. premises and equipment.

Attendance at official meetings is part of the functions of the elected representatives. Given the responsibilities and duties of the representatives, their work cannot be performed in "fixed" occupations. Moreover, vocational elected representatives are entitled to regular annual leave.

As regards the remuneration of the elected representatives, vocational representatives' (the mayor) salaries are determined by the Act on Public Sector Salary System and the Ordinance of the National Assembly on the classification of functions into remuneration classes.

On the basis of the Act on Local Self-Government and pursuant to a special internal regulation adopted by the municipal council, non-vocational representatives are entitled to allowance and compensation for lost income, according to the work performed, and to the refund of expenses related to the post.

Remuneration of full-time or vocational elected representatives is subject to taxation, health insurance and pension-scheme deductions. Remuneration of non-vocational representatives is likewise subject to taxation but not to deductions.

**Mayor's salary**

As regards the remuneration of the elected representatives, vocational representatives' (the mayor) salaries are determined by the Act on Public Sector Salary System and the Ordinance of the National Assembly on the classification of functions into remuneration classes.

**Training**

Continuous training is provided for local elected representatives by means of conferences, seminars and study visits abroad, conducted by academic and governmental institutions.

**Expiry or dissolution of the term of office, or resignation**

An elected official's term of office may be terminated for the following reasons.

#### Article 37a of the Act on Local Self-Government:

The mandate of a member of the municipal council, the mayor and the deputy mayor shall cease if he/she:

- loses the right to vote;
- becomes permanently incapable of performing his/her duties;
- is sentenced in a final ruling to a prison sentence without remission for a term exceeding six months;
- does not cease to perform an activity, which is incompatible with duties of a member of the municipal council, the mayor and the vice-mayor within three months of the confirmation of the mandate (see Decision of the Constitutional Court of the RS, No U-I-39/95 – Uradni list RS, No. 68/98.);
- takes up duties or starts performing an activity incompatible with the duties of a member of the municipal council, the mayor and the vice-mayor;
- takes up duties or starts performing an activity or if within one month of the confirmation of the mandate does not cease to perform any duty or any activity in the municipal or national administration, which, pursuant to the provisions of Article 37b of this Act, are incompatible with the duties of a member of the municipal council, the mayor and the vice mayor;
- resigns.

#### Resignation

Elected officials may tender their resignation at any time. The resignation must be in writing. A member of the municipal council must inform the mayor that he/she is resigning. The mayor must inform the municipal council and the Municipal Election Commission about that resignation. In case the mayor resigns, he/she must inform the municipal council and the Municipal Election Commission about his resignation.

Following an elected official's resignation, there are no restrictions placed on the type of activity they may carry out afterwards.

#### Gender representation

Central government has implemented the following mandatory provisions to encourage women to stand for local election.

<b>Mandatory provisions from Central Government</b>
Changes to the electoral system to enhance women's political representation (2005 Local election Act)
Quotas
Parity requirement for candidates (in party lists or otherwise)
Provisions to ensure women candidates greater visibility during elections, such as obligatory placement of women in high rankings on party lists

The legislative quota for women candidates is set at 40% to ensure a percentage of candidates for the local elections are women.

In 2012, 21,9 % of local councillors were women.

In 2012, 4,8 % of local mayors were women.

## Participation

Central government has specific policies to encourage an increase in participation of women in public life at local level.

### Table: measures to increase women participation

<b>Central Government Measures</b>
Gender equality indicators and indexes
Promotion of women's activities and concerns in decision-making

Some local authorities have undertaken frontline initiatives to promote greater participation by women in local government.

## 6. Distribution of powers between local, regional and central authorities

The legal basis for the distribution of powers between local, regional and central authorities is provided by the following provisions: Article 140 of the Constitution and the Act on Local Self-Government.

### 6.1 Principles for governing the distribution of powers

The powers distributed between the different levels of local self-government function according to the following principles:

- The right and the ability of local authorities, within the limits of the law, to regulate and manage a substantial share of public affairs under their own responsibility and in the interests of the local population.

The relevant provision for this principle is the Constitution: Article 140, which defines the general competence of municipalities in all local public matters affecting the inhabitants in those municipalities and the possibility of the state to vest individual tasks from its field of competence in municipalities; Article 143 defines how to determine regional tasks; Article 141 defines urban municipalities, which, in addition to the duties performed by all municipalities, can on the basis of the law perform state duties and functions related to the development of a given town or city.

- The basic powers and responsibilities of local authorities are prescribed by the constitution or by statute.

The relevant legislation for this principle is the Act on Local Self-Government, the Act on the Financing of Municipalities. The acts regulating individual matters of public administration are based on the provision of Article 21 of the Act on Local Self-Government, which defines the duties and functions of municipalities. Those acts separate, in individual areas, public administration matters within the competence of state authorities from matters within the competence of municipalities or urban municipalities.

- Local authorities shall, within the limits of the law, have full discretion to exercise their initiative with regard to any matter which is not excluded from their competence nor assigned to any other authority.

The relevant legislation for this principle is Act on Local Self-Government. Nevertheless, the municipalities' competences defined by statute are only a part of their original tasks. On the basis of the general constitutional provision, a municipality also determines by statute other tasks it will perform for the benefit of its inhabitants. In addition to the duties performed by all municipalities, urban municipalities also perform tasks in the field of urban public transport, urban environment protection and housing, including the keeping of housing registers, regulation and supervision of rent contracts, management, authorisation for the performance of certain activities in apartments, monitoring the level of rents and inspection.

Public responsibilities shall generally be exercised, in preference, by those authorities which are closest to the citizen. Allocation of responsibility to another authority should weigh up the extent and nature of the task and requirements of efficiency and economy. This is in accordance with the European Charter of Local Self-Government (ECLSG), which on the basis of Article 8 of the Constitution became part of the Slovenian legislation with ratification in the National Assembly in March 1997 and is directly applicable.

The relevant legislation for this principle is the European Charter of Local Self-Government and Article 8 of the Constitution.

Powers given to local authorities shall normally be full and exclusive and may not be undermined or limited by another central or regional authority except as provided for by the law. In accordance with the European Charter of Local Self-Government (ECLSG), which on the basis of Article 8 of the Constitution became part of the Slovenian legislation with ratification in the National Assembly in March 1997 and is directly applicable.

The relevant legislation for this principle is the ECLSG and the Constitution (Article 8).

## 6.2 Division of competences

Function	Competent authority			Type of competence				Exercise of the competence				National standards (for mandatory powers)					Remarks *
	State	Intermediate ***	Municipality	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority		Managerial	Decision making	Regulatory	Minimal involvement	
<b>Police / Public Order</b>																	
General administration																	
Security, police	•		•		•	•		•		•		•	•	•			
Fire protection			•	•		•			•			•		•			
Civil protection	•		•		•	•		•					•	•			
Justice	•			•		•		•		•			•				
Civil status register	•			•		•		•		•							
Statistical office	•			•		•		•		•							
Electoral register	•			•		•		•		•							
<b>Social</b>																	
<b>Education**</b>																	
Pre-school education			•	•		•			•	•		•	•	•			
Primary education	•		•		•	•			•	•		•	•	•			
Secondary education	•			•		•		•		•		•	•	•			



Function	Competent authority			Type of competence				Exercise of the competence				National standards (for mandatory powers)					Remarks *
	State	Intermediate ****	Municipality	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority		Managerial	Decision making	Regulatory	Minimal involvement	
<b>&amp;sports</b>																	
Theatres & concerts	•		•	•			•		•	•			•	•			
Museums & libraries	•		•		•	•			•	•		•	•	•			
Parks & open spaces			•	•			•		•	•			•	•	•		
Sports & leisure	•		•		•		•		•	•					•		
Religious facilities																	
Other cultural facilities	•		•	•			•		•	•					•		
<b>Economic</b>																	
<b>Economic Services</b>																	
Gas			•	•			•		•	•					•		
District heating			•	•			•		•	•					•		
Water supply			•	•		•			•	•		•	•	•	•		
Agriculture, forests, fishing	•			•		•		•		•					•		
Electricity	•			•		•			•	•		•	•	•	•		
Economic promotion	•			•			•	•		•			•	•	•		





Function	Competent authority			Type of competence				Exercise of the competence				National standards (for mandatory powers)					Remarks *
	State	Intermediate ***	Municipality	Exclusive	Shared	Compulsory	Discretionary	Direct	Indirect	In own right	For another authority		Managerial	Decision making	Regulatory	Minimal involvement	
Employment	•			•		•			•	•			•	•	•		

(\*) for any remarks see last page in this country's table

(\*\*) the competence refers to both infrastructures and the management

(\*\*\*) please specify: region / canton / land / other

## **Specific powers**

Local authorities have the following powers: decision-making, the power to enact legislation and regulatory power.

### **6.3 Participation of local authorities in national economic spatial planning**

Local authorities participate in decisions on spatial planning for matters within their own competence.

Spatial planning is within the competence of municipalities, except in matters concerning the setting up of infrastructures of national significance.

The matters within central government's competences with regard to spatial planning are as follows: motorways and other state roads, railways, waste-burning facilities, electricity infrastructures. In such cases, the municipalities that are affected by the spatial planning are invited to spatial conferences to participate in discussions before the plan is drafted and prior to its adoption.

Local authorities are entitled to draw up plans, they may also create specialist bodies for drawing up plans.

Local authorities may not participate in decisions on national economic planning on matters within central government's competence. Under the Act on Local-Government, if an act or regulation on the position, competences or financing of local self-government only concerns a particular municipality, then state authorities and other bodies that draft acts and implementing regulations are obliged to ensure adequate participation of the municipality association or individual municipality in question as early as in the drafting phase of competences, before submitting them to the competent body for discussion and adoption.

In addition to the mandatory participation of associations in the drafting of laws, the National Assembly must also consult the local and regional authorities concerned, prior to the adoption of any acts affecting the interests of municipalities and/or the regions. The latter may require the Constitutional Court to consider the conformity of these acts with the Constitution and legislation in force.

### **6.4 Tasks delegated to local authorities as agents of state**

Local authorities are not delegated tasks by law as agents of state. Under Article 140 of the Constitution the state may, by law, delegate to a municipality the implementation of individual competences, but has to provide appropriate means for the performance of these duties. Reasons for why this Article has not yet been applied are to be found in the very different administrative capacities of the municipalities and administrative units as territorial offices of state administration, subordinated to a given ministry, with their own area of operation and tasks.

## **7. Co-operation and other types of linkage between local authorities**

According to the provisions of the Act on Local Self-Government, local authorities are called upon to co-operate among themselves on the basis of free will and solidarity. For this purpose, they may collect funds and designate common bodies, organisations and services for the performance of common duties. They may also form communities or joint bodies for the performance of tasks of common interest. The manner of integration and the status of these communities are determined by a founding act, which is adopted by the municipal councils of the member municipalities on the basis of and in accordance with the provisions of the Act on Local Self-Government.

Local authorities are entitled to co-operate with foreign local authorities and international associations of local and regional authorities, within the framework of their competences. Cross-border and interterritorial cooperation of local communities is legally based on the Convention of the Council of Europe, which has been ratified by Slovenia and since 2003 has been part of its internal legislation.

### **7.1 National co-operation**

Arrangements are in place for occasional consultations between central government and local authorities

Local authorities are entitled to co-operate with other municipalities, public law bodies and private law bodies.

The municipality may not perform duties for another municipality, which are by law or according to other regulations duties of the municipal administration. Municipalities may decide to establish one or more bodies of common municipal administration.

A common municipal administration body or common services of the municipalities for performing individual tasks of the municipal administration shall be established by municipal councils pursuant to general legal acts referred to in paragraph 2 of Article 49 of this Act.

The mayors may agree that tasks of a common municipal administration body or common services under the preceding paragraph be performed within one of the municipal administrations.

Co-operation at local level may be undertaken to pursue social and economic progress, to settle common issues, to defend local interests, to support local self-government by creating national and regional associations, to support both local and central government concerns.

The types of co-operation relationships are vertical and horizontal. They may be either single or multipurpose, and can be for a fixed or an indefinite term. Intermunicipal co-operation may be commercial in nature. Co-operation bodies may have legal personality. Co-operation bodies may incur limited and individual liability/ joint and several liability.

Narrower sections of the municipality may be established within municipalities (local, village or quarter communities). The name and extent of narrower sections of the municipality shall be determined in the municipal statute.

If the narrower section of the municipality is a legal entity, it shall be represented by its council. The municipal statute may stipulate that the narrower section of the municipality shall be represented by the president of its council. Any legal operations concluded by the narrower part of the municipality without the prior consent of the mayor shall be null and void, however. The municipality regulation required for implementation of the municipal budget may stipulate which legal operations concluded by the narrower part of the community, including the amount of these operations, shall be valid without the prior consent of the mayor.

If the narrower section of the municipality is a legal person, it shall be liable for its obligations with all its assets. The municipality shall be subsidiarily liable for the obligations of the narrower section of the municipality.

If the narrower section of the municipality is a legal entity in accordance with the municipal statute but ceases to exist or if it loses its legal status, its rights and obligations shall be transferred to the municipality or to the new narrower section of the municipality with the status of a legal entity which arises from the formation or dissolution of the former narrower sections of the municipality.

If the narrower section of the municipality is not a legal person, the municipal statute may stipulate within the framework of the duties of the narrower section of the municipality and within the framework of the budget for certain funds for the performance of these duties that the municipality shall be represented by the council of the narrower section of the municipality or by its president in implementing the decisions of the council of the narrower section of the municipality. Legal operations concluded by the narrower part of the municipality without the prior consent of the mayor shall be null and void. However, the municipality regulation required for the implementation of the municipal budget may stipulate which legal operations concluded by the narrower part of the community, and the amount of these operations, shall be valid without the prior consent of the mayor.

If the narrower section of the municipality is a legal person in accordance with the municipal statute, it shall finance its operations from the municipal budget with voluntary contributions from legal or natural persons, payments for services, self-imposed contributions and with income from the property of the narrower section of the municipality. (Note: this shall cease to apply if it lays down that the functioning of the narrower section of the municipality with legal capacity is to be funded through self-imposed contributions. The narrower section of the municipality should not run into debt. The revenue and expenditure of the narrower section of the municipality must be included in its financial plan which shall be an integral part of the municipal budget.

If the narrower section of the municipality is not a legal person, the methods for financing its operations shall be determined in the municipal statute. Funds for performing the duties of the narrower section of the municipality must be included in the municipal budget.

By law, co-operation bodies have a Board of Directors, General Assembly, Supervisory board. Elected representatives, the mayor and aldermen may sit on the board of directors. The voting rights of members are weighted according to a municipality's social shares.

A supervisory body is set up to scrutinise the following: the intermunicipal co-operation articles of association, the legal regulations on the status of staff members.

The following types of public bodies for co-operation may be formed: public limited company, non-profit organisations, co-operative bodies, social enterprises. The following types of private bodies may be formed: partnerships, limited companies.

## **7.2 Transfrontier co-operation**

Slovenia has ratified the following treaties: Madrid outline Convention, the additional Protocol, Protocol no. 2, Protocol no. 3. Local authorities are entitled to set up public bodies to co-operate across international borders. These are subject to the approval of the Ministry. Local authorities may conclude twinning arrangements. 114 of municipalities have twinning arrangements with local authorities from the following countries: Austria, Italy, Croatia, Hungary, Germany, Serbia, "the former Yugoslav Republic of Macedonia", France and others.

In Slovenia, 2 EGCTs have been set up under EC regulation 1082/2006, which enables local authorities to form groupings with public law bodies and private bodies of a limited nature. There are future plans to set up EGCTs. The EGCTs set up to date have been for the following purposes: public transport, economic development measures.

## **8. Finance**

The legal basis for finance at the local level is provided by the following legislation Act on Financing of Municipalities.

### **8.1 Local revenues**

[No information is available]

## 8.2 Own taxes

The following taxes are collected as own taxes: personal income tax, property tax, compensation for the use of building land, real estate tax, tax on water vehicles, taxes on real estate business transaction, inheritance and gift taxes, taxes on profits from lotteries and games of chance, special tax on the use of slot machines outside casinos.

Local authorities are entitled to levy their own taxes. Local authorities are not free to introduce new taxes. Central government sets upper limits on taxes levied by local authorities.

Sources of funding for municipalities include revenues from local contributions, fees, fines, concession fees, payments from utility services and others, as provided by the law on a particular duty or a regulation issued under the Act. This amount of revenue for the municipality from these sources is specified in the relevant law/regulation. A municipality's revenue also comprises income from its real and financial assets, State grants and transfers, and European Union funds.

Municipalities may apply their own fees and charges for certain services. These are not subject to upper limits set by central government.

## 8.3 Grants

A local authority's revenue comprises 12% grants awarded by central government. These grants are awarded for investment expenditure. Specific grants may be awarded for specific purposes; they are subject to a contribution by the local authority itself. Grants are not subject to restrictions.

## 8.4 Financial equalisation

Equalisation is provided for in Article 142 of the Constitution and in Article 15 of the Act on the Financing of Municipalities. According to this, municipalities that are unable to cover expenditures required for carrying out their tasks with their own resources due to a poor economic level are entitled to receive additional financial assistance from state. The Slovenian equalisation system is based on the concept of "appropriate expenditure".

Financial equalisation is the balance between the volume of resources for appropriate expenditure and the volume of municipalities own resources. Those municipalities whose own resources exceed the calculated appropriate expenditure are not entitled to fiscal equalisation and may freely dispose of such surplus resources.

## 8.5 Borrowing

The municipality may borrow in accordance with the law governing public finances.

In implementing the municipal budget for the current fiscal year, the municipality may draw by lot housing loans for investments in the municipal budget. The municipality which is included in the Single Treasury Account can only borrow from the controller of the single treasury account of the state or the state budget. With regard to the co-investment funds from the EU budget, the municipality may borrow up to the amount of appropriations and the maximum period for receiving these funds. Any temporary debt in the municipal budget must not exceed the amount necessary for repaying the debt of the municipal budget, which falls due in the current fiscal year.

If, during the implementation of the budget, the revenue is lower than expected and the fiscal balance could not be achieved, the municipality may borrow, but only up to a limit of 5 % of the total expenditure of the last adopted budget. The municipality must, if the loans are not in the same financial year, obtain the consent of the Minister responsible for finance. The procedure and deadlines for the approval are decided by Minister responsible for finance.

Foreign loans to municipalities are not allowed.

## 8.6 Financial scrutiny

Local authorities dispose freely of their revenues and the proper use of municipal funds is assessed only by the supervisory committee of the local authority and the Court of Audit at national level.

The state therefore does not exercise overall economic control of the local authorities operation, by nevertheless supervises the expediency in the use by municipalities of the funds allocated by the state by means of the Office of Budgetary Inspection of the Ministry of Finance. In addition, municipal expenditure and revenue are included in the overall financial year balance – sheet.

## 9. Supervision of local authorities

The legal basis for supervision of local authorities is provided by the following legislation: Local Self-Government Act, Public Administration Act.

### 9.1 Supervisory body and forms of control

The Government and line ministries are responsible for general administrative supervision of decisions of local authorities. Supervision is carried out both internally and externally. A distinction is made, in the supervision process, between own and delegated competences, and this entails two different supervision procedures. Supervision is carried out by the same body.

When the circumstances give rise, the following may initiate action: supervisory authority, private individuals, state department, municipal bodies.

**Table on supervision**

Case	a priori supervision	a posteriori supervision	delegated competence	own competence	mandatory	discretionary
local authority fulfils its tasks						
local authority fulfils its tasks in a particular field						
legality of all decisions		X	X	X		
legality of specific decisions						
expediency of all decisions						
expediency of specific decisions						
compliance with the public interest of all decisions						
compliance with the public interest of specific decisions						
omission of a local authority duty						
compliance with human rights obligations						

When the supervisory authority considers a decision illegal, the following measures are available: right to investigate any municipal matter and access all necessary information, right to seek assistance from experts and specialists, right to issue a formal notification as appropriate, suggest appropriate solutions, request that the local authority amend the decision to comply with the law, refer the decision to a court of law, refer the decision to central government, suspension of all local authority organs.

The time limit for review of the decision by the supervisory authority is not determined.

Decisions on budget, local authority accounts, taxation, loans, delegation of management to outside bodies (public and private law), acquisition of holdings in public/private law company are not subject to the approval of a higher authority.

Remedies available to local authorities for the improper exercise of administrative controls or restrictions on their autonomy by the supervisory authority are as follows: right to submit its point of view, request an assessment of the constitutionality and legality of the decision, right of appeal before a court of law (administrative court, constitutional court). If a local authority appeals against the supervisory body's decision, there is a right to a stay of execution of the challenged decision.

## **9.2 Other forms of control**

Local authorities must report to the (Ministry of finance) on the following matters: budget (annual report), investment expenditure (when co-financed by state grants) and auditor's report (Court of Audit).

Restrictions may be imposed on local authority decision-making. These restrictions are budgetary (local loans are limited by the Local finance Act and subject to approval of Ministry of finance).

## **10. Remedies for individuals against decisions of local authorities**

Constitutional provisions and legislation for remedies for individuals challenging local authority decisions are the same as those challenging state authority decisions – the rules of law (Article 2- Slovenia is a state governed by the rule of law and a social state. Article 22 – Equal Protection of Rights, Article 23 – Right to Judicial Protection, Article 23 – Right to Legal Remedies, Article 153- Conformity of Legal Acts, Article 157- Judicial Review of Administrative Acts)

Complaints against local authority decision-making can be heard by: mayor, the local authority, Ministry, Government, Administrative court, Supreme court, Constitutional court, Ombudsman. The time limit for complaining depends on the type of decision and authority which is responsible for resolving the complaint. An appeal to the mayor may be done within 15 days of receipt of the decision. There is no time limit for assessing the constitutionality or legality of a regulation submitted to the Constitutional Court. Action brought against the decision of the municipal council and the mayor shall be submitted to the Administrative Court within 30 days of service of the administrative act(including the decree of the municipal council) to ensure that the process has been completed. For each of the procedures it is obligatory to show a legal interest.

Complaints against the mayor made by a private person may be heard by: mayor, the local authority, Ministry, Government of the RS, Administrative court of the RS, Supreme court of the RS Constitutional court of the RS, Ombudsman of the RS, regular courts. The time limit for complaining depends on the type of decision and authority which is responsible for resolving the complaint. An appeal to the mayor may be done within 15 days of receipt of the decision. There is no time limit for assessing the constitutionality or legality of a regulation submitted to the Constitutional Court. Action brought against the decision of the municipal council and the mayor shall be submitted to the Administrative Court within 30 days of service of the administrative act (including the decree of the municipal council) to ensure that the process has been completed. For each of the procedures it is obligatory to show a legal interest.

Claims are limited to the procedural accuracy, the legality and the expediency of a local authority decision, except when assessing the constitutionality and legality of the municipal council's decision, the nature of which is a regulation. In this case, the legality of the procedure is assessed only according to the type of decision.

If a private person's complaint is deemed founded, the remedies available are : right to an opinion by the body in question, retrospective annulment of the decision in part, retrospective annulment of the decision in full, prospective annulment of a decision in part, prospective annulment of a decision in full, referral of the decision to a court of law, referral of the decision to ministry or central government, imposition of fines, the award of damages to affected parties. If on the basis of the appeal the ministry finds that the local authority has adopted an unlawful act of general or individual application, the ministry must warn the mayor and the municipal council and propose appropriate solutions within a specified period. If the authority fails to do so, the government must initiate proceedings before the competent court. The Government is represented by the State Attorney Office.

Legal action by a private person(s) against a local authority may be found groundless on the basis of public policy.

## **11. Local administrative personnel**

The legal status of local administrative personnel is provided by the Law on Civil Servants. Employment regulations are drawn up by the municipality, the state authority.

Entry to local government is by competitive examination for permanent, temporary or fixed-term contracts. Local authorities are free to set up their own staffing structures. The conditions of service are the same as those for the civil service and staff are divided by categories according to their level of education. Local authority staff have the right to join trade unions. Staff are trained on a regular basis in areas such as leadership, finance, performance management, human rights at local level.

4 600 (2012) people are currently employed by local government, which constitutes approximate 2,9 % of all public sector employees.

<b>Public Sector Employment</b>		
	<b>No. of people employed</b>	<b>% of public sector employment</b>
Local	4 600	2,90
Regional	/	/
Central	155 100	97,10
Total	159 700	100

### **Gender equality in top and middle management**

Central government has not enacted any legislative provisions to facilitate the employment of women in middle (co-ordination) and top (planning, directing, controlling and organising) management posts.

Local authorities do not implement specific policies / measures to facilitate the employment of women in middle and top management posts in the local authority.

**Table: Provisions to facilitate the employment of women in middle and top management posts in the local authority**

<b>Central government legislative provisions</b>	<b>Local authority measures</b>
Requirement to eliminate all discrimination	Gender mainstreaming awareness raising
Management quotas	Recruitment quotas
Recruitment quotas	Management quotas
Mentoring programmes for local authority female employees	Mentoring programmes for local authority female employees
Equal pay duties	Equal pay audits

### **Compliance with equal opportunity legislation**

Local authorities are not bound by equal opportunity legislation.

## **12. Reforms envisaged or in progress**

The envisaged reforms will follow after preparation and adoption of Strategy on local self-government in near future. Strategy will include functional and financial as well as organizational and territorial components. It will suggest future developments in legal system of local self-government in Slovenia.