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Greco RC-I (2003) 1E
Addendum II REV 2

First Evaluation Round

Second Addendum to the Compliance Report on Slovenia

For adoption by GRECO
at its 27th Plenary Meeting
(Strasbourg, 6-10 March 2006)

I. INTRODUCTION

1. GRECO adopted the First Round Evaluation Report on Slovenia at its 4th Plenary meeting (12-15 December 2000). The Report (Greco Eval I Rep (2000) 3E), which contains 12 recommendations addressed to Slovenia was made public on 15 March 2001.
2. The Compliance Report (Greco RC-I (2003) 1E) concluded that nine of the 12 recommendations (i-vii, x and xi) had been implemented satisfactorily, whereas three of the recommendations had been partly implemented (viii, ix and xii); GRECO requested additional information on their implementation. The additional information was submitted on 20 September 2004 and 12 April 2005. Slovenia also provided additional information regarding the implementation of recommendation viii during GRECO Plenary Meetings 23 (17-20 May 2005), 24 (27 June – 1 July 2005) and 25 (10-14 October 2005).
3. The Addendum to the Compliance Report (GRECO RC-I (2003) 1E Addendum) concluded, that, of the three remaining recommendations, recommendation ix had been implemented satisfactorily and recommendations viii and xii remained partly implemented. GRECO requested additional information on the implementation of recommendation viii. Slovenia submitted this information on 22 and 27 February 2006.
4. The objective of the present Second Addendum to the First Round Compliance Report is to appraise the implementation of recommendation viii in the light of the additional information referred to in paragraph 3 above (pursuant to Rule 31, paragraph 9.1 of GRECO's Rules of Procedure).

II. ANALYSIS

Recommendation viii

5. *GRECO recommended to ensure that information transmitted by the Parliamentary Commission under the Act on Incompatibility of Performing Public Function with Business Activity to the proper authorities, be followed by effective sanctions against those officials found to be in breach of the law. To this end, it also recommended that the said Commission be informed about the outcome of the procedure undertaken against such officials.*
6. GRECO recalls that it concluded in the RC-report that the draft Act on Prevention of Corruption, including *inter alia* the establishment of a Commission (for the Prevention of Corruption) as a monitoring mechanism under the Act, once implemented, would comply with the requirements of recommendation viii. However, having been made aware of the plans for abolishing the Commission for the Prevention of Corruption (tasked *inter alia* with supervising incompatibilities between public office and profit-making activities), GRECO could not without further information conclude that the recommendation had been fully complied with. More specifically, GRECO was concerned that the planned dismantling of the Commission might amount to a substantial weakening of the control of incompatibilities of functions referred to in that recommendation.
7. The Slovenian authorities have now reported that on 10 February 2006 the National Assembly adopted the Act on Incompatibility of Public Function with Profit-Making Activities (hereafter Incompatibility Act), which has not entered into force yet.¹ The Act contains obligations for

¹ The Act was published in the Official Gazette (No. 20) on 24 February 2006.

public officials on the submission of financial declarations, restrictions on receiving gifts, it defines incompatibilities of public functions with other (profit-making) activities and provides for sanctions for public officials who do not comply with the requirements stipulated. The Incompatibility Act will replace the Commission for the Prevention of Corruption with a Parliamentary Commission entrusted with reviewing financial declarations of public officials.

8. GRECO took note of the information provided by the Slovenian authorities. It would appear that with the adoption of the Incompatibility Act, the review of public officials' financial declarations will from the date of its entering into force be carried out by a Parliamentary Commission.
9. GRECO concludes that recommendation viii has been dealt with in a satisfactory manner

III CONCLUSION

10. In addition to the conclusions contained in the First Round Compliance Report and the Addendum to the First Round Compliance Report on Slovenia, and in view of the above, GRECO concludes that recommendation viii has been dealt with in a satisfactory manner.
11. As a final point, GRECO recalls that the creation of a special body for the overall co-ordination of anti-corruption policy in Slovenia was of particular importance with regard to the first recommendation of the First Round Evaluation Report on Slovenia (Greco Eval I Rep (2000) 3E). GRECO concluded that Slovenia had complied with this recommendation (Greco RC-I (2003) 1E). In this context GRECO also recalls its concern expressed in the (first) Addendum to the Compliance Report on Slovenia (Greco RC-I (2003) 1E Addendum) that the recent move of the Slovenian authorities to abolish the existing Commission for the Prevention of Corruption could have a negative impact on the overall co-ordination of anti-corruption policy in Slovenia. In the information provided on 27 February 2006, the Slovenian authorities have stressed that the legislator has now chosen a different approach regarding the control of incompatibilities of functions, openness and transparency of public sector operation and the prevention of corruption. GRECO has taken note of this information and would appreciate to be kept informed about the concrete steps taken to ensure co-ordination of anti-corruption policy in Slovenia in the future.
12. The adoption of the present Second Addendum to the Compliance Report terminates the First Evaluation Round compliance procedure in respect of Slovenia.