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## **Third Evaluation Round**

### **Addendum to the Second Compliance Report on Slovenia**

#### **“Incriminations (ETS 173 and 191, GPC 2)”**

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#### **“Transparency of Party Funding”**

Adopted by GRECO  
at its 63<sup>rd</sup> Plenary Meeting  
(Strasbourg, 24-28 March 2014)

## I. INTRODUCTION

1. The Third Compliance Report assesses the further measures taken by the authorities of Slovenia since the adoption of the previous Compliance Reports in respect of the recommendations issued by GRECO in its Third Round Evaluation Report on Slovenia. It is recalled that the Third Evaluation Round covers two distinct themes, namely
  - **Theme I – Incriminations:** Articles 1a and 1b, 2-12, 15-17, 19 paragraph 1 of the Criminal Law Convention on Corruption (ETS 173), Articles 1-6 of its Additional Protocol (ETS 191) and Guiding Principle 2 (criminalisation of corruption).
  - **Theme II – Transparency of party funding:** Articles 8, 11, 12, 13b, 14 and 16 of Recommendation Rec(2003)4 on Common Rules against Corruption in the Funding of Political Parties and Electoral Campaigns, and - more generally - Guiding Principle 15 (financing of political parties and election campaigns).
2. The Evaluation Report was adopted at GRECO's 35<sup>th</sup> Plenary Meeting (7 December 2007) and made public on 13 June 2008, following authorisation by Slovenia (Greco Eval III Rep (2007) 1E, [Theme I](#) and [Theme II](#)). The subsequent Compliance Report was adopted at GRECO's 46<sup>th</sup> Plenary meeting (26 March 2010) and made public on 15 September 2010, following authorisation by Slovenia ([Greco RC-III \(2009\) 1E](#)).
3. As required by GRECO's Rules of Procedure, the Slovenian authorities submitted situation reports with information regarding actions taken to implement the recommendations within the framework of the compliance procedure. GRECO selected Germany and Finland to appoint Rapporteurs for the compliance procedure.
4. In the first Compliance Report, adopted by GRECO at its 46<sup>th</sup> Plenary Meeting (Strasbourg, 22-26 March 2010) it was concluded that Slovenia had implemented satisfactorily or dealt with in a satisfactory manner four of the nineteen recommendations contained in the Third Round Evaluation Report. In view of the fact that Slovenia had made tangible efforts to comply with the recommendations issued in respect of Theme I – Incriminations – and that some preliminary steps had also been taken to meet the concerns raised in respect of Theme II – Transparency of Party Funding, GRECO categorised the overall response to the recommendations as not “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure and invited the Head of the Slovenian delegation to submit additional information regarding the implementation of pending recommendations.
5. In the Second Compliance Report, adopted by GRECO at its 55<sup>th</sup> Plenary Meeting (Strasbourg, 14-16 May 2012), GRECO concluded that Slovenia had not made any tangible progress in Theme II – Transparency of Party Funding, as compared to the situation assessed in the first Compliance Report more than two years earlier. Given the fact that none of the thirteen recommendations addressed to the country in the aforementioned area had been implemented satisfactorily or dealt with in a satisfactory manner, GRECO considered the overall response as “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of its Rules of Procedure. GRECO therefore decided to apply Rule 32 concerning members found not to be in compliance with the recommendations contained in the mutual evaluation report, and asked the Head of the Slovenian delegation to provide a report on the progress made in implementing recommendations iii and iv (Theme I – Incriminations) and recommendations i to xiii (Theme II – Transparency of Party Funding) by 30 November 2012.

6. In the Interim Compliance Report, adopted by GRECO at its 59<sup>th</sup> Plenary Meeting (Strasbourg, 18-22 March 2013), GRECO concluded that no tangible results had been achieved in respect of the implementation of the pending recommendations since the adoption of the Second Compliance Report and that the level of compliance with the recommendations remained “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure and requested Slovenia to provide a report regarding the action taken to implement the pending recommendations (i.e. recommendations iii and iv regarding Theme I and recommendations i-xiii regarding Theme II) by 31 December 2013.
7. On 8 April 2013, in accordance with Rule 32 (revised), paragraph 2, subparagraph (ii.c), the Secretary General of the Council of Europe sent a letter to the Minister of Foreign Affairs of Slovenia, drawing his attention to non-compliance with the relevant recommendations and the need to take determined action with a view to achieving tangible progress as soon as possible.
8. The current Addendum to the Second Compliance Report, drawn up by Mr Markus BUSCH, Head of the Division of Economic, Computer, Corruption-related and Environmental Crime, Federal Ministry of Justice (Germany) and Mr Mika AALTO, Ministerial Adviser, Ministry of Justice, Department of Criminal Policy (Finland) assisted by the GRECO Secretariat, assesses the further implementation of the pending recommendations since the adoption of previous compliance reports.

## II. ANALYSIS

### Theme I: Incriminations

9. It is recalled that GRECO addressed six recommendations in its Evaluation Report to Slovenia in respect of Theme I and that in the first Compliance Report recommendations i, ii, v and vi were considered as satisfactorily implemented or dealt with in a satisfactory manner. The responses to recommendations iii and iv are dealt with below.

#### **Recommendations iii and iv.**

10. *GRECO recommended to abolish the requirement of double criminality with respect to the offences of bribery and trading in influence (recommendation iii).*
11. *GRECO recommended to extend the scope of Article 122 (articles 10-14 after the amendments to the Criminal Code which entered into force in May 2012) of the Criminal Code in order to allow for the exercise of jurisdiction over bribery and trading in influence offences committed outside Slovenia by/or involving Slovenian public officials and members of domestic public assemblies who are not Slovenian citizens (recommendation iv).*
12. It is recalled that in the Second Compliance Report it was noted that, following legal amendments to the Criminal Code, it had become possible for Slovenia to establish jurisdiction in respect of offences committed abroad – independent of the nationality of the offender, or of whether the offence targets Slovenia or one of its citizens, when the offence is criminalised by an international treaty such as the Criminal Law Convention on Corruption (ETS 173). It was also noted that the previous dual criminality requirement had been abolished (recommendation iii). The legal amendments also extended Slovenia’s competence to prosecute corruption offences committed abroad in respect of Slovenian public officials and members of domestic public assemblies who are not Slovenian citizens (recommendation iv). GRECO also noted that despite the broadened

jurisdiction concerning offences committed outside Slovenia, prosecution of such offences was still subject to permission by the Minister of Justice, and stressed the risks of political decisions being involved in such cases. GRECO concluded that recommendations iii and iv were only partly implemented.

13. The authorities of Slovenia submit that no further legislative amendments have been initiated in respect of these recommendations. They maintain their position that the permission required by the Minister of Justice is merely a formal requirement, an administrative decision adopted in accordance with the general principles of criminal law and practice and in accordance with applicable international instruments. The authorities add that there has been no such request for permission since the amendment of the law.
14. GRECO is, on the one hand, pleased that Slovenia has abolished the requirement of double criminality (recommendation iii) and that the jurisdiction has been broadened in accordance with recommendation iv. On the other hand, it regrets that the possibility to prosecute in this broader context is still subject to permission by the Minister of Justice, an obstacle that is not foreseen in the Criminal Law Convention on Corruption, which could amount to risks of political interference. The new information provided by Slovenia does not change GRECO's earlier position.
15. GRECO concludes that Recommendations iii and iv remain partly implemented.

## **Theme II: Transparency of Party Funding**

16. It is recalled, that GRECO in its Evaluation Report addressed 13 recommendations to Slovenia in respect of Theme II, and that none of these recommendations were implemented satisfactorily or dealt with in a satisfactory manner in the previous compliance reports. Nevertheless, several of the Recommendations were considered as partly implemented since legislative measures were underway. However, the legislative process was repealed in order to start a new legislative process, as reflected in the Interim Compliance Report.
17. The authorities of Slovenia now report that new legislation is in place; the National Assembly of the Republic of Slovenia passed the "Amending the Political Parties Act" (ZPoIS-E)<sup>1</sup> and the "Amending the Elections and Referenda Campaign Act" (ZVRK-B)<sup>2</sup>. The ZPoIS-E was published in the Official Gazette (No. 99/13) and entered into force on 18 December 2013. The ZVRK-B was published in the Official Gazette (No. 89/13) and entered into force on 14 December 2013.
18. Compliance with recommendations i-xiii is dealt with below.

### **Recommendation i.**

19. *GRECO recommended to require parties and election campaign organisers to disclose their income and expenditure in greater detail, including the nature and value of individual (cash and in-kind) donations and loans.*
20. The Slovenian authorities report that, according to the amended Political Parties Act, parties will have to provide detailed information on their income, expenditure and loans in their annual reports. Article 24, paragraph 1 stipulates that the annual report will have to include all forms of income (membership fees, contributions, income from property, gifts, non-monetary contributions,

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<sup>1</sup> <http://www.uradni-list.si/1/objava.jsp?urlid=201399&stevilka=3550>

<sup>2</sup> <http://www.uradni-list.si/1/objava.jsp?urlid=201398&stevilka=3490>

public funding, any extraordinary income and the transferred surplus of income as well as illegal donations). Likewise, the accounts are to contain all types of expenditure broken down in accordance with accounting regulations. All loans to a party, including data on the amount, interest rate and repayment period - as well as the identity of the loan provider - must be contained in the accounts. The accounts are also to include a party's assets, changes in these assets and information about legal persons where the party has interests (see also Recommendation ii).

21. The authorities submit that the Political Parties Act (Article 22) requires disclosure of data on all individual contributions from natural persons, if the total annual amount exceeds that of an average monthly gross salary (approx. € 1.600), including data on the personal name and address of the natural person and the amount of the contribution. The same Article also introduces an obligation for natural persons to make contributions above €50 only via banks, savings banks or other legal entities which, in accordance with the law, provide payment services. Payments below €50 may be made in cash. When making payments in cash a natural person shall provide data on the amount of payment, his/her name, personal identification number and address.
22. The authorities furthermore submit that in accordance with the Elections and Referenda Campaign Act (Article 18), the organiser of an election or referendum campaign will have to include detailed information in the report on the financing of an election campaign, in a similar way as stated above in respect of political parties in terms of income, expenditure, loans etc.
23. GRECO takes note of the positive developments reported. As a result of the new laws adopted at the end of 2013, GRECO is pleased that Slovenia has addressed the concerns raised in the current Recommendation and that the new provisions referred to represent a clearly improved situation as regards obligations to disclose income, expenditure and the financial situation in the accounts of political parties as well as in relation to election campaigns and other forms of campaigns.
24. GRECO concludes that recommendation i has been implemented satisfactorily.

#### **Recommendation ii.**

25. *GRECO recommended to (i) require parties to provide separate details on the finances of organisations within the party structure as part of their annual and campaign reports, and; (ii) adequately regulate the involvement of entities outside the party structure, related directly or indirectly to the party, in election campaigns.*
26. The Slovenian authorities report in respect of part (i) of the recommendation that separate financial details of organisations (separate units) within the party structure have been included in the new accounting legislation: “*If an organisation*” ... “*of this act is organised within a political party a yearly report of the latter for the previous business year shall encompass separate data of the organisation's income and expenditure*” (Article 24 of the amended Political Parties Act). As far as part (ii) of the recommendation is concerned, the authorities submit that entities outside the party structure, such as legal persons owned at least by half of the party or in which the party has a prevailing influence on the decision-making or the management, are to be included in the annual accounts of the party. Moreover, the financial report of such legal persons must also be attached to the annual report of the party. When the organiser of an election campaign is the political party itself, the report on financing the election campaign must include, separately,

expenditure incurred by the internal organisational units of political parties for the purpose of the election campaign (Article 18, paragraph 3, Elections and Referenda Campaign Act).

27. GRECO takes note of the legislative measures reported, which address both concerns raised in the current recommendation. First, the new law requires that the income and expenditure of internal structures /organisations within political parties are to be highlighted separately in the party accounts. The second part of the recommendation has also been dealt with through a general requirement to include the accounts of outside entities in which the party has an influential role and by the requirement for separate accounting in respect of election campaigns. GRECO welcomes the new legislation but also takes the view that the implementation in practice of these measures requires thorough follow-up.

28. GRECO concludes that recommendation ii has been implemented satisfactorily.

### **Recommendation iii.**

29. *GRECO recommended to facilitate public access to the unabridged annual reports of political parties.*

30. It is recalled that the reason for this Recommendation was that only rudimentary information on political parties' finances was made publicly available in the form of abridged versions of the annual party accounts.

31. The authorities of Slovenia report that the new legislation establishes that the annual reports of political parties are to be published by the Agency for Public Legal Records and Related Services (AJPES) on its website. The previous obligation, only to publish an abridged annual report, has been abolished (Article 24, paragraph 4, Political Parties Act). Similarly, in respect of the accounts relating to election campaigns, AJPES shall publish such reports on its website. According to the new amendments, the organisers of election campaigns will no longer submit reports to the National Assembly and the Court of Audit, but only to AJPES via the AJPES web portal (Article 18 Elections and Referendum Campaign Act). AJPES is supposed to publish the reports automatically, but there is no deadline for doing so in the law.

32. GRECO takes note of the information provided and is pleased that the full accounts of political parties are to be made public and that this also applies in respect of the separate accounts relating to election campaigns. These measures meet the concern raised by GRECO to bring more transparency into the system.

33. GRECO concludes that recommendation iii has been implemented satisfactorily.

### **Recommendation iv.**

34. *GRECO recommended to assess whether there is a need to adjust the current spending limits for election campaigns, in order to promote transparency of the actual costs of campaigns.*

35. The authorities of Slovenia explain that the limits of expenditure in election campaigns were considered to be unrealistically low, in particular for local elections. In order not to force the organisers of election campaigns to present lower income and expenditure than that actually incurred, the Elections and Referenda Campaign Act (Article 23, paragraph 7) has been amended to allow for higher ceilings so that the candidates will be able to legally implement their

campaigns. The amended Act now stipulates that the expenditure of individual election campaigns may reach the value of the minimum salary in the Republic of Slovenia (€789.15) registered 30 days before voting took place if the permitted expenditure of the election or referendum campaign as per provisions of the first six paragraphs of the Article 23 is lower than the minimum salary.

36. GRECO takes note of the information that the authorities have re-considered and changed the ceilings for campaign expenditure as requested in the Recommendation. GRECO does not have a position in respect of these new limits.
37. GRECO concludes that recommendation iv has been implemented satisfactorily.

#### **Recommendation v.**

38. *GRECO recommended to seek ways to increase transparency as regards substantial corporate donations to political parties, and acts and decisions which could be beneficial to these donors.*
39. The Slovenian authorities report that a general prohibition on the financing of political parties by legal persons has been introduced in the Political Parties Act. According to Article 21, political parties may only receive private contributions from natural persons (donations or membership fees). The reason for this is to prevent corruption, such as unjustified paybacks etc. The authorities explain that due to the aforementioned prohibition, it has been proposed to increase the public funding of political parties in the future.
40. GRECO takes note of the information provided. Slovenia has completely changed its legislation in this respect by prohibiting donations to political parties from all forms of legal persons. Consequently, the reason for the recommendation is no longer an issue.
41. GRECO concludes that recommendation v has been dealt with in a satisfactory manner.

#### **Recommendation vi.**

42. *GRECO recommended (i) to undertake a comprehensive audit of the finances of political parties represented in Parliament, both as regards public and private funding, in accordance with international audit standards; (ii) to provide more resources to the Court of Audit to carry out these audits, as well as those of election campaign organisers; and (iii) to give the Court of Audit a mandate and resources to investigate routine party finances and to enhance its capacity to investigate campaign finances.*
43. The authorities of Slovenia report that the Political Parties Act (Articles 24.a and 24.b) now requires an audit of the operations of political parties which were entitled to receive public funding more than €10 000 from the national budget or local community budgets the preceding year. The Court of Audit is responsible for auditing the operations of such political parties and must implement the audit of the accuracy of the operations of at least one-third of the parties concerned annually and, within a period of four years, it must audit all parties concerned. The Court of Audit may also audit the accuracy of the operations of a party if proposed by the Commission for the Prevention of Corruption or any other supervisory authority which establishes irregularities. The Political Parties Act authorises the Court of Audit to request the submission of any justificatory document and books of the party as well as documents of other state authorities, local community authorities, banks etc and may request explanations, data or documents

required for the implementation of the audit from third persons. Furthermore, the Court of Audit is accordingly also obliged to audit organisers of election campaigns that have the right to partial reimbursement of the expenditure of the election campaigns; it has in this respect been provided with similar powers as it has with regard to parties (Article 29, paragraph 14, Elections and Referenda Campaign Act). The authorities furthermore submit that additional funding to the Court of Audit for its new tasks have been calculated by the Court but not yet provided to the current budget for procedural timing reasons.

44. GRECO takes note of the information provided; it is pleased that the new legislation provides for thorough audits of political parties and election campaigning and also that the audit is no longer limited to public funding but comprises all forms of funds and expenditure. Moreover, the State Audit has been provided with particular powers through the new legislation, aiming at making this work effective. Finally, additional funding to the Court of Audit necessary for it to carry out its new functions have been calculated, but not yet provided to the current budget. GRECO accepts this clarification of the authorities on the understanding that the next budget of the Court of Audit will be provided with the necessary resources.

45. GRECO concludes that recommendation vi has been dealt with in a satisfactory manner.

#### **Recommendations vii, xi and xiii.**

46. *GRECO recommended:*

*- to clarify the jurisdiction and scope of competences of all authorities entrusted with supervisory tasks as regards party and campaign finances (recommendation vii);*

*- to consider providing an institutionally independent entity with the responsibility for imposing sanctions for political finance offences (recommendation xi); and*

*- to examine the advisability of entrusting a single, independent body (whether existing or yet to be created) with the mandate and resources to effectively supervise, investigate and enforce political finance regulations (recommendation xiii).*

47. The authorities of Slovenia report that, with the adoption of the amended Political Parties Act (Article 27), the supervisory functions in respect of political parties have been established as follows: the supervision of the violations relating to the status of political parties under this Act which are considered as minor offences, is conducted by the Inspectorate responsible for Internal Affairs. The supervision of the implementation of provisions relating to the financing of political parties lies with the Court of Audit, and the Agency for Public Legal Records and Related Services (AJPES) supervises the submission by the parties of their annual reports and is responsible for their publication. Moreover, the same Act (Article 23) establishes that the Ljubljana Local Court is responsible for ruling on offences which constitute a violation of provisions on financing of parties.

48. The authorities add that in respect of the supervision of election campaigns, the Elections and Referenda Campaign Act (Article 40) establishes that the Inspectorate responsible for Internal Affairs is the main supervisory body in respect of the implementation of the provisions of this Act; however, the Inspectorate responsible for Culture and Media supervises the implementation of the provisions on election campaigns in the media; the Local Community Inspection or Local Community Traffic Warden Service supervises the implementation of provisions on bill-posting,

and the Court of Audit supervises the implementation of the provisions relating to financing. The Court rules on offences in the field of election or referendum campaigns, the supervision of which is within the competence of the Court of Audit. A motion for introducing a misdemeanour proceeding is to be filed with the Court of Audit, while the Ljubljana Local Court is competent to decide on the offences.

49. GRECO takes note of the information provided which spans over these three Recommendations. First, it may be concluded that the new legislation provides for a new distribution of powers in respect of the monitoring of the implementation of the Political Parties Act and the Elections and Referenda Campaign Act which has been clarified by the authorities. Second, the legislative measures taken by Slovenia have established that the Court of Audit – which is an independent body – is responsible for supervision in relation to the political financing, whether concerning political parties' ordinary accounts or the election campaign financing. This represents an important development from the previous situation where the Ministry of Finance had that function. Furthermore, it would appear that the State Audit has been given adequate investigative tools etc. to carry out these tasks. Third, the new law gives the Inspectorate of the Interior and the AJPES the power to impose fines for minor offences in their respective areas, whereas the Court of Audit will have to file alleged violations on political financing rules to the Ljubljana Local Court, which has the powers to sanction in cases of such violations. It follows that these three recommendations have been complied with satisfactorily.
50. GRECO concludes that recommendations vii, xi and xiii have been dealt with in a satisfactory manner.

#### **Recommendation viii.**

51. *GRECO recommended to (i) increase the maximum level of sanctions included in the Political Parties Act and the Elections and Referenda Campaigns Act to ensure that these can be effective, proportionate and dissuasive in practice and (ii) ensure that donations received in violation of the Elections and Referenda Campaigns Act and/or Political Parties Act are not kept by the party.*
52. The Slovenian authorities submit that all sanctions foreseen in the Political Parties Act, as well as in the Election and Referenda Act, have been strengthened; for example, the severest offences can now be fined up to € 30 000.00 and a number of new sanctions have been established for other offences; for example, the new Article 28, paragraph 1, point 6 now prescribes a violation committed by a party when it receives contributions contrary to the law. The Law also stipulates that the minor offence authority may impose fines higher than the lowest determined. Fines for responsible persons have been raised to € 4000. Furthermore, new offences for entities that make illegal donations to parties have also been defined and a party which acquires contributions in contravention of the law cannot keep them, but must forward these contributions to charitable causes as determined by the Act Governing Humanitarian Organisations.
53. GRECO takes note of the information provided. The authorities have submitted a long list of examples of sanctions that did not exist in the past as well as sanctions that have been considerably sharpened since the adoption of the Evaluation Report; the maximum sanctions have been increased, in some cases tripled. GRECO also notes that it is no longer legally possible for a party to keep illegal donations.
54. GRECO concludes that recommendation viii has been implemented satisfactorily.

### **Recommendation ix.**

55. *GRECO recommended to provide sanctions for all infringements of the Elections and Referenda Campaigns Act, in particular for accepting funds from non-permitted sources and of non-permitted amounts, for intentionally submitting a false, incorrect or incomplete report and for undertaking campaign activities outside the campaign period which extend into the prescribed election campaign period.*
56. The authorities of Slovenia explain that, following the amendments of the Elections and Referenda Act, this Act regulates the financing rules itself without any need to refer to the Political Parties Act since the organisers of election campaigns are not necessarily the political parties only, but could well be others including individuals, particularly in local and presidential elections. The new Article 38.b of the Elections and Referenda Act determines sanctions in respect of offences concerning various forms of unlawful financing of campaigns. The same Act (Article 38) also stipulates that an organiser of an election campaign who deliberately submits a false report on financing of election campaigns shall be fined € 10 000-20 000.
57. GRECO recalls that at the time of the adoption of the Evaluation Report, it was only possible to sanction political parties under the Political Parties Act, and other election campaign organisers were not covered by those sanctions. It welcomes the amendment to the Elections and Referenda Act which provides sanctions for the infringements contained in the law. The amendments are in accordance with the requirements of the recommendation.
58. GRECO concludes that recommendation ix has been implemented satisfactorily.

### **Recommendations x and xii.**

59. *GRECO recommended:*
- *to raise awareness on the possibility to impose sanctions for violations of the campaign finance provisions even after an election campaign organiser ceases to exist in this capacity (recommendation x); and*
  - *to raise public awareness on the importance of political funding and the damage caused by questionable political finance practices (recommendation xii).*
60. The authorities of Slovenia report that awareness raising on political financing has been carried out to a large extent by the Commission for the Prevention of Corruption, which regularly report publicly on-line about GRECO's work, including its findings in respect of political financing in general as well as in the Slovenian context. Furthermore, this Commission has raised the issue of the importance of transparency of party funding in its annual reports. More particularly, in order to pave the way for the new political financing legislation, advocacy and awareness activities have been carried out by the Commission, for example, through articles in its monthly newsletter "KPK Vestnik". The Commission has also participated in other forms of activities, such as debates and workshops organised in the National Council (Parliament) or co-organised by Transparency International (TI Slovenia). At one such workshop, the Commission participated together with representatives of the University of Ljubljana, the Information Commissioner, NGOs etc. to prepare guidelines on transparency of party funding which then TI Slovenia used for preparation of a policy paper on the issue that was sent to different state bodies and the media. Also, in the process of the legislative changes, the Commission held press conferences in 2013 together with

the Ministry of Interior (responsible for drafting the political financing laws) to raise debate on transparency of party funding. The Commission was also invited by the Ministry of Interior to actively participate in drafting both laws and did so by providing comments to the drafts before their submission to the inter-ministerial debate. Finally, the authorities stress that the new legislation, in itself, provides for awareness as it, *inter alia*, provides for broad transparency; the political financing reports are to be made public on line by the Agency for Public Legal Records and Related Services (AJPES), the audit reports are to be published on-line by the State Audit and that these will be discussed within Parliament and the local community.

61. GRECO takes note of the information provided. It recalls that the current recommendations were adopted at a time when Slovenia had a rather defective legal framework and practice in respect of political financing. The process to change this situation has been long and cumbersome and it appears that a number of various forms of activities in order to convince the public, authorities and lawmakers have taken place, often involving the Commission for the Prevention of Corruption, but also Government bodies and non-governmental organisations. The success of this awareness and advocacy work has been confirmed by the adoption of the new legislation in the area of political financing in Slovenia. Even if more awareness raising would appear useful following the adoption of this new legislation, GRECO is satisfied with the measures reported in respect of these recommendations.
62. GRECO concludes that recommendations x and xii have been implemented satisfactorily.

### III. CONCLUSIONS

63. **In view of the conclusions of the previous Third Round Compliance Reports on Slovenia and in the light of the above, GRECO concludes that Slovenia has implemented satisfactorily or dealt with in a satisfactory manner seventeen of the nineteen recommendations contained in the Third Round Evaluation Report.** The two remaining recommendations have been partly implemented.
64. More specifically, with respect to Theme I – Incriminations, recommendations i, ii, v and vi have been implemented satisfactorily or dealt with in a satisfactory manner, and recommendations iii and iv have been partly implemented. With respect to Theme II – Transparency of Party Funding, recommendations i-ix have been implemented satisfactorily or dealt with in a satisfactory manner.
65. Concerning incriminations, since the adoption of the Evaluation Report, a reform of the Criminal Code and the Code of Criminal Procedure took place in 2008/2009 which, *inter alia*, broadened the scope of the offences of public sector bribery and trading in influence in line with the Criminal Law Convention. Subsequently, Slovenia abolished the jurisdictional requirement of “double criminality” in respect of corruption offences when committed abroad, which is of significant importance in order to prosecute corruption in the foreign context. Slovenia has thus implemented a large majority of the recommendations issued by GRECO but one remaining concern is that corruption cases committed abroad may only be prosecuted following permission by the Minister of Justice. It is regrettable that such an obstacle, which is not foreseen in the Criminal Law Convention on Corruption, is still maintained in the legislation as it could amount to risks of political interference in the judicial process. GRECO therefore urges the authorities to resolve this matter.
66. In so far as transparency of political funding is concerned, Slovenia has now substantiated commendable progress with the amendments of the Political Parties Act as well as the Elections

and Referenda Act at the end of 2013. The new legislation is, to a large degree, in conformity with the recommendations issued by GRECO more than six years ago and it provides for more transparency of political financing, provided the law is applied as intended. GRECO notes that the process leading to the new legislation has been rather slow and cumbersome; however, the results are very promising. GRECO strongly urges the Slovenian authorities to engage further resources in order to ensure that the new legislation is implemented in practice as foreseen. To this end, various forms of awareness raising measures could well follow, in particular, in close co-operation with the political parties and others concerned.

67. In view of the above, GRECO is pleased to conclude that the current level of compliance with the recommendations is no longer “globally unsatisfactory” in the meaning of Rule 31, paragraph 8.3 of the Rules of Procedure and decides not to continue applying Rule 32 concerning Slovenia. The adoption of this Addendum to the Second Compliance Report terminates the Third Round Compliance procedure in respect of Slovenia.
68. GRECO invites the authorities of Slovenia to authorise, as soon as possible, the publication of the present report, to translate it into the national language and to make this translation public.