



Implementing the OECD Anti-Bribery Convention



Phase 4 Two-Year Follow-Up Report: Slovenia

This report, submitted by Slovenia, provides information on the progress made by Slovenia in implementing the recommendations of its Phase 4 report. The OECD Working Group on Bribery's summary and conclusions to the report were adopted on 9 March 2023.

The Phase 4 report evaluated and made recommendations on Slovenia's implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 2009 Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions. The Phase 4 report was adopted by the OECD Working Group on Bribery on 18 March 2021.

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Slovenia

Phase 4: Two-Year Written Follow-up Report - Summary and Conclusions

Summary of findings¹

1. In March 2023, Slovenia presented its two-year written follow-up report to the OECD Working Group on Bribery (Working Group), outlining the steps taken to implement the recommendations received during the [Phase 4 evaluation](#) adopted in March 2021. In light of the information provided, the Working Group concludes that Slovenia partially implemented 12 recommendations and did not implement 18 recommendations. The Working Group welcomes Slovenia's renewed efforts to provide training to relevant stakeholders, in particular a number of trainings planned for 2023 that could address several Phase 4 recommendations. The Working Group also welcomes important steps taken to strengthen the freedom of the press, as well as relevant developments to safeguard the independence of investigations and prosecutions to ensure they are not subject to improper influence by factors prohibited by Article 5 of the Anti-Bribery Convention. However, further action needs to be taken by Slovenia to fully implement these recommendations.

2. The Working Group is concerned about the great number of recommendations that remain to be implemented, particularly considering that 11 out of the 18 recommendations that are not implemented stem from recommendations that date back from Phase 3. One such example is the implementation of the foreign bribery offence and corporate liability-related recommendations where no steps have been taken to address the Working Group's concerns regarding the definition of foreign public officials and the defence of effective regret, nor to ensure that the corporate liability regime fully meets the requirements of the Convention. No steps have been taken to review the system of maximum 3-month and 6-month time limits for the authorised use of special investigative measures in foreign bribery investigations. Slovenia has also yet to issue guidance on plea agreements and the degree of mitigation of sanctions, to ensure that these

¹ The evaluation team for this Phase 4 two-year written follow-up evaluation of Slovenia was composed of lead examiners from **Latvia** (Ms. Daina Ispodkina, Counsellor for the Permanent Delegation of Latvia to the OECD and UNESCO and Mr. Kaspars Andruškins, Prosecutor, Prosecution Office for Investigation of Public Office Holders Misconduct Offences) and **Luxembourg** (Ms. Caroline Moulin, Head of the Department of Financial and Economic Criminality at the Police Grand-Ducale – Service de Police Judiciaire, Mr. Georges Keipes, Attaché, Ministry of Justice, Directorate for Criminal and Penitentiary Law and Mr. Patrick Thill, Jurist, Ministry of Justice, Directorate for Criminal and Penitentiary Law), as well as members of the **OECD Anti-Corruption Division** (Ms. Alejandra Tadeu, Evaluation Coordinator and Legal Analyst, Mr. Jaroslaw Mrowiec and Mr. Balázs Garamvölgyi, Legal Analysts). See [Phase 4 Procedures](#), paras 54 et seq. on the role of Lead Examiners and the Secretariat in the context of two-year written follow-up reports.

procedures do not impede the effective enforcement of foreign bribery. Guidance for companies on effective anti-bribery compliance programmes is also still lacking.

3. In Slovenia's Phase 4 report, the Working Group raised concerns over the lack of enforcement of the foreign bribery offence. Slovenia has not prosecuted any foreign bribery cases since it became Party to the Convention in 1999. Two years after the adoption of the Phase 4 report, the Working Group remains seriously concerned about the continued absence of enforcement efforts, with Slovenia reporting no new investigations into foreign bribery allegations. Adding to those concerns is Slovenia's report that the only two currently ongoing foreign bribery investigations are likely to conclude soon without charges. Regarding detection of foreign bribery, Slovenia has yet to provide specific guidance on foreign bribery-related money laundering to reporting entities and to further encourage reporting from the accounting and auditing professions.

4. The Working Group's summary and conclusions with respect to specific Phase 4 recommendations are presented below. They should be read in conjunction with the report prepared by Slovenia.

Regarding detection of foreign bribery:

- ◆ *Recommendation 1 – Partially implemented:* Slovenia reports that the Diplomatic Academy of the Ministry of Foreign Affairs and Embassies (MFA) opens a course at least once a year that covers integrity and detecting and reporting foreign bribery. However, it appears that the focus of the programme is on public procurement procedures. The training programme was not provided, and attendance does not appear to be mandatory. A special training on detecting and reporting foreign bribery is mandatory for candidates to heads of Embassies before their deployment.
- ◆ *Recommendation 2 – Not implemented:* The Phase 4 report noted that Slovenia's financial intelligence unit (FIU) had never received a suspicious transaction report (STR) for suspicions of foreign bribery-based money laundering, and hence recommended it provide specific guidance through case studies and typologies to its obliged reporting entities. Slovenia has taken no action to create such guidance.
- ◆ *Recommendation 3 – Not implemented:* According to Slovenia, training in the last two years has been very limited, especially for larger target groups such as tax officials, due to the COVID-19 pandemic. Slovenia reports that the Ministry of Finance is planning to organise a special training dedicated to the topic of detection of foreign bribery in 2023, for tax officials and other relevant stakeholders. No information was provided on the timeframe for such training.
- ◆ *Recommendation 4 – Partially implemented:* In Phase 4, the Working Group expressed concerns about the ineffective implementation of the whistleblower legislation in Slovenia, given the low level of reporting of corruption by whistleblowers and reports of retaliation. Slovenia informs that the Whistleblower Protection Act (ZZPri) transposing the European Union's Whistleblower Directive² entered into force on 22 February 2023. Slovenia informs that the transposing law goes beyond the scope of the EU Directive and covers the foreign bribery offence. Furthermore, the law provides for additional human resources and an increase in the budget of the Commission for the Prevention of Corruption (CPC). In addition, it expands the tasks and competencies of 23 other supervisory institutions with regard to the public and private sectors. Due to the recent adoption of the law, the evaluation team did not have the opportunity to carry out an assessment of the new framework, which the Working Group will undertake in future evaluations. It therefore remains to be assessed whether

² Directive (EU) 2019/1937 of the European Parliament and of the Council of 23 October 2019 on the protection of persons who report breaches of Union law ("Whistleblower Directive").

these new reforms will ensure that public and private sector employees who report suspected acts of foreign bribery continue to be protected from disciplinary or discriminatory action.

- ◆ *Recommendation 5 – Partially implemented:* In November 2022, Slovenia approved an amendment to the law governing the public broadcaster that addresses the prevention of political interference in its governing bodies. The Council of RTV Slovenija will now be appointed by RTV employees and independent institutions and its General Director will be replaced by a four-member board. Although this appears to be a step in the right direction, Slovenia has fallen 22 positions in the World Press Freedom Index in the two years since the adoption of the Phase 4 report. It remains to be seen whether the laws relating to freedom of the press are effective in practice to ensure that media in Slovenia operate in an environment conducive to the independent reporting of foreign bribery allegations.
- ◆ *Recommendation 6 – Not implemented:* Slovenian authorities report that the Agency for Public Oversight of Auditing, in cooperation with the Slovenian Institute of Auditors, has organised seminars on fraud and money laundering for auditors. Slovenia did not report any action or progress regarding (i) further encouraging the reporting of foreign bribery by the auditing profession; (ii) ensuring that auditors who report suspicions of foreign bribery are protected from legal or other retaliatory action, (iii) raising awareness within the profession of the available legal protections, and (iv) prioritising specific awareness-raising on the foreign bribery offence among auditors, including methods for detecting foreign bribery.

Regarding enforcement of the foreign bribery and related offences:

- ◆ *Recommendation 7 (a) – Not implemented:* Slovenia's definition of foreign public officials remains unchanged, and no concrete reforms are currently planned. Slovenia has argued that its legal environment is in line with the Convention due to the interpretation keys given in the Commentary to the General Part of the Criminal Code. However, in the absence of case law, this remains to be assessed in practice. Regarding the specific issue of the coverage of officials of foreign public enterprises, Slovenia asserts that if a foreign State defines state-owned enterprises (SOEs) as entities governed by public law, its officials will be covered under art. 99 CC. This goes directly against Article 1 of the Convention, which requires the definition of foreign public officials to be autonomous, not relying on foreign law for its application. It also contravenes the definition of “public enterprise” under the Commentary to the Convention, which does not require a company to be governed by public law, as long as the government may exercise, directly or indirectly, a dominant influence.
- ◆ *Recommendation 7 (b) – Not implemented:* No action has been reported by Slovenia. As the recommendation requires that Slovenia amend relevant legislation to ensure that the defence of effective regret is not applicable to natural persons or legal persons in foreign bribery cases, no progress can be conveyed regarding the implementation of this recommendation. Furthermore, given the lack of concluded foreign bribery cases, it is also not possible to assess the application of the relevant provisions in practice.
- ◆ *Recommendation 8 (a) – Not implemented:* Slovenia reported that no new foreign bribery allegations were detected since Phase 4. A comprehensive training on foreign bribery for prosecutors and legal advisers is planned for 2023, but no timeframe was provided for it.
- ◆ *Recommendation 8 (b) – Partially implemented:* The budget of the CPC has steadily increased since 2019, a trend that Slovenia reports will continue in 2023 and 2024. The CPC is currently staffed with 47 employees, a slight increase from the 41 it employed in 2015. In both Phase 3 and Phase 4, the CPC itself strongly emphasised that it is understaffed for its responsibilities. With the recent enter into force of the new law on whistleblower protection, the CPC was granted new powers and an additional 5 staff positions. Whether these additional resources will be sufficient to meet the demands of its new

tasks remains to be seen, as the impact of the new responsibilities on the volume of work of the CPC is yet to be determined.

- ◆ *Recommendation 8 (c) – Not implemented:* In Phase 4 Slovenia reported an amendment to the Criminal Procedure Act (CPA) that would extend the 15-day indicative deadline for prosecutors to file an indictment upon receiving a case from an investigative judge to a mandatory 30-day deadline, which, if exceeded, could subject prosecutors to a disciplinary procedure. According to Slovenia, the time limit to file the indictment is not preclusive. The concerns expressed by prosecutors at the time of Phase 4 regarding the possibility of a disciplinary procedure in case of exceeding the time limit cannot be disregarded without case law interpreting the relevant provision under article 184 CPA. No action was taken to implement this recommendation and the lack of foreign bribery prosecutions does not allow for an assessment in practice of whether the current time limit is sufficient to bring an indictment in a foreign bribery case.
- ◆ *Recommendation 8 (d) – Not implemented:* Slovenia does not report any new information on the establishment of clear and specific procedures to ensure appropriate coordination, sharing of information and resolution of conflicts of competence in foreign bribery investigations between the several investigative units of the Police.
- ◆ *Recommendation 8 (e) – Partially implemented:* Slovenia adopted the Act on the Rule of Law and the Reduction of Inequality and Political Interference, which aims at reducing potential political influence from the Minister of Internal Affairs. In its one-year written follow-up (June 2022), Slovenia reported an amendment to the Police Organisation and Work Act that deleted the special provisions on the appointment and dismissal of the Director of the NBI and equated its appointment to that of other civil service employees. New information by Slovenia relays that this amendment has been set aside and the procedure has returned to the one described under the Phase 4 report by which the Director of the NBI is appointed by the Director General of the Police following a public tender overseen by an independent commission. It is currently unclear whether this return to the previous procedure also entails that the provisions under the Public Officials Act that regulate managerial positions also apply to the director of the NBI, allowing for their dismissal without just cause in the first year of their mandate. The Ministry of Interior is currently preparing further amendments to the Police Organisation and Work Act, which will address, in particular, the process of appointing and dismissing the Director General of the Police and the Director of the NBI, as well as the position of the NBI with the aim of greater protection from political influence. These successive amendments, some of which are still pending, prevent a definitive assessment of the efficiency of the safeguards in place regarding the appointment and dismissal of the NBI Director.
- ◆ *Recommendation 8 (f) – Partially implemented:* In its one-year written follow-up (June 2022), Slovenia reported on the Constitutional Court's decision on the petition and constitutional complaint in the 2019 parliamentary inquiry. The Court ruled that a parliamentary investigation is inconsistent with the constitutionally guaranteed independence of state prosecutors when it is established to ascertain the correctness of concrete decisions or actions of state prosecutors or to assess the liability of state prosecutors for such decisions or actions. However, further action should be considered by Slovenia. The Constitutional Court expressly mentions in its decision that Slovenian legislation currently does not have an effective procedure to prevent parliamentary investigations that unconstitutionally interfere with the independence of state prosecutors. Slovenia has reported no progress in the implementation of such a procedure. Slovenia's report also does not address other Article 5 concerns addressed in the Phase 4 report, such as the system of "quality checks", whereby case prosecutors must submit a draft of their prosecutorial decisions in specific cases that are deemed of special importance for inspection. Slovenia reported the appointment of 13 prosecutors that had been waiting for over a year for final appointment from the previous government.

- ◆ *Recommendation 8 (g) – Partially implemented:* Slovenia reports having organised, under the Ministry of Justice’s Judicial Training Centre, a series of workshops in 2022 on the topic of “Confiscation of Assets of Illicit Origin Act in Practice”. The workshops were attended by a total of 66 participants, both judges and state prosecutors. These workshops are planned to continue in 2023. The workshops’ programme was provided by Slovenia and falls within the spectrum of the recommendation in the area of confiscation of assets derived from economic crimes. Slovenia does not provide any information on trainings for judges specifically on the foreign bribery offence.
- ◆ *Recommendation 8 (h) – Not implemented:* Slovenia reiterated its position that the current internal guidelines on plea bargaining are appropriate. As no new developments have been reported, the concerns expressed in the Phase 4 report remain, specifically regarding the lack of clarity, including the discretionary aspect given to judges and prosecutors, over the procedure governing plea-bargaining mechanisms and, in particular, the manner in which sanctions are negotiated and calculated.
- ◆ *Recommendation 8 (i) – Not implemented:* Slovenia reported no action to review its system of maximum 3-month or 6-month time limits for the authorised use of special investigative measures in foreign bribery investigations.
- ◆ *Recommendation 9 (a) – Partially implemented:* In 2022, the MOJ’s Judicial Training Centre organized a series of workshops on the topic of “Confiscation of Assets of Illicit Origin Act in Practice”. Based on the curriculum provided, the covered topics focus on asset recovery and confiscation, but do not address sanctions and how they are applied in practice in an effective, proportionate, and dissuasive manner. Slovenia reports that in 2023 these workshops will continue and will include training on sanctions.
- ◆ *Recommendation 9 (b) – Not implemented:* Slovenia reported that the Prosecutor General convenes the College of Appeals division of prosecution offices twice a year to unify criminal policy and sanctions proposed by state prosecutors during trial. As no foreign bribery cases have been concluded with sanctions to date, Slovenia provided statistics for domestic bribery offences. The statistics show that the majority of convictions result in suspended prison sentences and the average length of imprisonment remains in the lower half of the one to six years sentencing framework of art. 262(1) CC. Without further information on the amount of the bribes and the proceeds obtained, it is not possible to assess whether these sanctions are effective, proportionate and dissuasive.
- ◆ *Recommendation 9 (c) – Partially implemented:* in the absence of foreign bribery cases concluded with sanctions, Slovenia provided data on sanctions for domestic bribery for natural persons (as no sanctions have been imposed on legal persons for this offence to date) and money laundering. Data on confiscation was also provided. However, relevant data is missing from the provided statistics. As the amounts are presented as an average, it does not allow for an assessment of whether sanctions were imposed cumulatively to the same defendants. No data is provided regarding the base offence for the money laundering cases. Data on confiscation does not include information on the amount of the bribe or the undue benefit obtained. The missing data prevents the information provided on the statistics from painting a full picture on whether the sanctions and confiscation applied meet the Convention’s requirements of being effective, proportionate and dissuasive.
- ◆ *Recommendation 10 – Not implemented:* Slovenia reiterated that its current system allows for the tracking of incoming and outgoing MLA requests and has taken no steps to adopt a centralised system that encompasses both the requests received by the MOJ and those received directly by courts and prosecutors’ offices.
- ◆ *Recommendation 11 – Partially implemented:* Slovenia provided statistics on sanctions imposed for false accounting offences. Both the notable number of sanctions imposed and the greater level of detail of these statistics compared to previous assessments are welcomed developments. However,

the data supplied does not provide information on the underlying offences, preventing an assessment on whether the sanctions imposed in practice for false accounting offences are effective, proportionate and dissuasive. Slovenia reported that none of the false accounting cases reflected in the statistics pertain to cases related to domestic or foreign bribery.

Regarding liability of, and engagement with, legal persons:

- ◆ *Recommendation 12 (a) – Not implemented:* Slovenia reiterated its position that art. 4 LLPCO is compliant with the OECD Anti-Bribery Recommendation and thus, no action was taken to implement this recommendation. Slovenia also stated that the Prosecutor’s Office does not see a need to draft guidelines for prosecutors on the issue of the “insignificant level of participation” since there are few of these cases. The lack of domestic and foreign bribery cases concluded with sanctions against legal persons also prevents a practical assessment of the corporate liability regime.
- ◆ *Recommendation 12 (b) – Not implemented:* Slovenia has organised a number of trainings in 2021 and 2022, however, these do not appear to focus on the foreign bribery offence. Slovenia reports that training on liability of legal persons will be organised in 2023.
- ◆ *Recommendation 13 – Not implemented:* Slovenia reports a 2022 amendment to the Slovenian Sovereign Holding Act (SSH) that introduces measures aimed at more transparent management of SOEs. However, no specific action has been taken to issue guidance for companies on effective anti-bribery compliance programmes and disseminate more targeted information for SMEs on implementing anti-bribery compliance measures to effectively prevent and detect foreign bribery.

Regarding other measures affecting implementation of the Convention:

- ◆ *Recommendation 14 – Partially implemented:* The budget for Slovenia’s FIU saw a relevant increase in 2022. It is also positive to note that there has been a staff increase from the 23 employees in 2019 to 27 in 2022. Slovenia indicates that there are three open positions to be filled in 2023, but no timeline is provided for this. However, without comparative data on the number of STRs processed yearly, it is difficult to make an assessment on whether the resources are keeping up with the volume of work. Slovenia did not provide any information on implementation of new measures to safeguard the FIU’s independence from undue political influence.
- ◆ *Recommendation 15 – Not implemented:* Slovenia reports that due to the COVID-19 pandemic, training in all areas in the last two years has been very limited. The Ministry of Finance and the Tax Administration are planning to organise a special training for tax officials and other relevant stakeholders dedicated to foreign bribery detection and reporting in 2023. No timeframe was relayed for the delivery of this training.
- ◆ *Recommendation 16 (a) – Partially implemented:* It is positive to note that SIDB’s (Slovenia’s export credit agency) recurrently revises its internal acts, and that staff has been fully trained on its internal regulations. Similarly positive is that there appears to be clear rules in place for the reporting of suspicions of foreign bribery to the compliance department, which is responsible for taking action, including by reporting these suspicions to law enforcement. It is unclear however, the level of discretion the compliance department has in making this decision. As was noted in the Phase 4 report, a number of suspicions of foreign bribery were detected by SIDB and dealt with internally, without notifying law enforcement authorities. Slovenia should ensure that suspicions of foreign bribery are routinely reported to law enforcement authorities.
- ◆ *Recommendation 16 (b) – Not implemented:* Slovenia reports that the National Review Commission does not have the power to encourage public authorities to follow the debarment lists of multilateral financial institutions in relation to public procurement contracting or to take those lists into account

when deciding on the awarding of public contracts because Slovenian legislation on public procurement contracting is based on the transposition of EU Directives that do not include such grounds for exclusion. However, this recommendation does not address the use of international debarment lists as a ground for exclusion from public contracting. No steps were taken to ensure that Slovenia encourage routine checks of these debarment lists as part of applicants' due diligence process.

- ◆ *Recommendation 17 – Not implemented:* Slovenia did not report on measures taken to implement this recommendation.

Dissemination of the Phase 4 report³

- ◆ Slovenia indicates that the Phase 4 report was sent to relevant stakeholders that participated in the Phase 4 evaluation. No additional measures were taken to disseminate the report.

Conclusions of the Working Group on Bribery

5. Based on these findings, the Working Group concludes that recommendations 1, 4, 5, 8(b), 8(e), 8(f), 8(g), 9(a), 9(c), 11, 14, and 16(a) have been partially implemented; and recommendations 2, 3, 6, 7(a), 7(b), 8(a), 8(c), 8(d), 8(h), 8(i), 9(b), 10, 12(a), 12(b), 13, 15, 16(b) and 17 have not been implemented. The Working Group raises serious concerns over the lack of foreign bribery enforcement in Slovenia and the overall lack of implementation of the recommendations from the Phase 4 report.

Slovenia is invited to provide an additional written report to the Working Group in one year (March 2024) in order to update the Working Group on the status of foreign bribery enforcement, as well as the level of implementation of recommendations 4, 7(a), 7(b), 8(e), 8(f) and 12(a). Finally, the Working Group will continue to monitor follow-up issues 18.a – 18.j and 18.l – 18.o. as case law and practice develop. Considering information provided by Slovenia on the Constitutional Court's decision on the application of the rule of destruction of evidence, the Working Group will cease to monitor follow-up issue 18.k.

³ The [Phase 4 procedures](#), para. 50, provide that “the evaluated country should make best efforts to publicise and disseminate the report and translated documents, for example, by making a public announcement, organising a press event, and translating the full report into the national language. In particular, the evaluated country should share the report and translated documents with relevant stakeholders, particularly those involved in the evaluation”.

Annex. Phase 4 Evaluation of Slovenia: Two-Year Written Follow-up Report by Slovenia

Instructions

This document seeks to obtain information on the progress each participating country has made in implementing the recommendations of its Phase 4 evaluation report. Countries are asked to answer all recommendations as completely as possible. Further details concerning the written follow-up process is in the [Phase 4 Evaluation Procedure](#) (paragraphs 51-59 and Annex 8) as updated in December 2019.

*Please submit completed answers to the Secretariat on or before **12 December 2022**.*

Name of country:	SLOVENIA
Date of approval of Phase 4 evaluation report:	11 March 2021
Date of information:	12 December 2022 and complemented 21 December 2022

PART I: RECOMMENDATIONS FOR ACTION

Regarding Part I, responses to the first question should reflect the current situation in your country, not any future or desired situation or a situation based on conditions that have not yet been met. For each recommendation, separate space has been allocated for describing future situations or policy intentions.

Recommendations regarding detection of foreign bribery

Text of recommendation 1:

1. Regarding **detection of foreign bribery**, the Working Group recommends that Slovenia increase its efforts to train officials from the Ministry of Foreign Affairs and Embassies on detecting and reporting foreign bribery [2016 Recommendation, 6.iv.; Phase 3 Recommendation 10(a)];

Action taken as of the date of the follow-up report to implement this recommendation:

In 2019, Ministry of Foreign Affairs established a Diplomatic Academy (DA), responsible for developing trainings and knowledge sharing in all areas that are important for diplomats in the internal and external service. Participation to courses is open to all employees of the Ministry of

Foreign Affairs. Among topics that are regularly (at least once a year) covered in the programme of the DA are also topics on integrity as well as on detecting and reporting foreign bribery. Special emphasis is given to detecting and reporting bribery in public procurement procedures.

In addition, special training on detecting and reporting foreign bribery is obligatory for all candidates for heads of Embassies. They have to take this training before they are deployed in a foreign country.

Topic on bribery of foreign officials was covered also during the first consultations of all locally employed employees in Slovenian Embassies that was held in Ljubljana in the beginning of December.

Within the Ministry, an office for diplomatic supervision is established. Supervisions are carried out on regular basis and they cover also all aspects of integrity and fight against corruption.

If no action has been taken to implement recommendation 1, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

This year (2022), the first consultations for locally employed employees were carried out and similar consultations are foreseen for economic councillors at Slovenian Embassies and honorary consuls. All consultations should be carried out on regular basis and are going to also cover the topic on integrity and fight against corruption, and more specifically, detection and reporting of bribes of foreign officials.

Text of recommendation 2:

2. Regarding **detection of foreign bribery**, the Working Group recommends that Slovenia increase the potential for detecting foreign bribery through its **anti-money laundering system** by providing specific guidance with case studies and typologies on foreign bribery-based money laundering to reporting entities [Convention, Article 7; Phase 3 Recommendation 6];

Action taken as of the date of the follow-up report to implement this recommendation:

Due to the lack of cases involving foreign bribery-based money laundering before the OMLP, it was challenging and not fully in accordance with the risk-based approach to provide specific guidance as there were no detected typologies or useful cases to study. Nonetheless, the OMLP regularly conducts AML trainings for obliged (reporting) entities, focusing on accountants and tax advisors, since other obliged entities have assigned primary supervisors. However, the OMLP provides trainings for other DNFBP's as well, in line with the risk-based approach.

If no action has been taken to implement recommendation 2, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 3:

3. Regarding **detection of foreign bribery**, the Working Group recommends that Slovenia provide targeted training to tax officials to assist them to detect foreign bribery when handling tax returns or conducting tax audits. [2009 Recommendation VIII(i); 2009 Recommendation on Tax Measures];

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 3, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Due to the COVID-19 situation, training in all areas in the last two years has been very limited, especially for larger target groups, like tax officials. However, the Ministry of Finance is planning to organize a special training, dedicated to this topic in 2023, together with other relevant stakeholders.

Text of recommendation 4:

4. Regarding detection of foreign bribery through **whistleblower protection and reporting**, the Working Group recommends that Slovenia, in the context of forthcoming reforms to its whistleblower protection legislation, ensure that public and private sector employees who report suspected acts of foreign bribery continue to be protected from disciplinary or discriminatory action; and that the authority competent to receive reports has sufficient human and financial resources [2009 Recommendation IX(iii)].

Action taken as of the date of the follow-up report to implement this recommendation:

The new Whistleblower Protection Act was drafted by the Ministry of Justice. The draft act was prepared in cooperation with many stakeholders, including the Commission for the Prevention of Corruption, nongovernmental organisation active in anticorruption and whistleblower protection area, judiciary and state bodies with supervisory powers that will handle external reports on breaches.

As required by the EU Directive 2019/1937, protection is extended to both private and public sector whistleblowers. The new draft act protects whistleblowers reporting on breaches of any legislation in the Republic of Slovenia (including, but not limited to the EU law).

The draft Whistleblower Protection Act was confirmed by the Government of the Republic of Slovenia and sent to the National Assembly for consideration. It is foreseen that the National Assembly will deliberate on it in early 2023.

In the meantime, the Ministry of Justice, Ministry of Public Administration and the Commission for the Prevention of Corruption, together with other stakeholders, are working on implementation aspects of the new act in practice.

If no action has been taken to implement recommendation 4, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 5:

5. Regarding **detection of foreign bribery**, the Working Group recommends that Slovenia ensure that laws relating to freedom of the press are fully applied in practice in respect of foreign bribery reporting. [Article 5 of the Convention and Commentary 27; 2009 Recommendation, Annex I.D.]

Action taken as of the date of the follow-up report to implement this recommendation:

The new amendment to the Radiotelevizija Slovenija Act (“RTV Slovenija” is Slovenia’s public radio and TV broadcaster) directly addresses the prevention of political interference. The amendment introduced changes to the RTV Programme Council. The Council consists of 17 members, of which 6 are appointed by RTV employees, and 11 by institutions such as the Ombudsman. Before, the Council consisted of 29 members, of which 21 were appointed by the National Assembly.

The amendment also introduced a 4-member board to replace the General Director of RTV to prevent influence of one individual over the organisation of the public broadcaster.

In November 2022, the said amendment was the subject of a referendum, in which the proponents of the amendment were successful.

If no action has been taken to implement recommendation 5, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 6:

6. Regarding **detection of foreign bribery by accountants and auditors**, the Working Group recommends that Slovenia: (i) takes further steps to encourage the reporting of foreign bribery by the auditing profession, (ii) ensures that auditors who report suspicions of foreign bribery are protected from legal or other retaliatory action, (iii) raises awareness within the profession of the available legal protections, and (iv) prioritise specific awareness-raising on the foreign bribery offence among auditors, including methods for detecting foreign bribery [2009 Recommendation III.iv. and X.B.v. and Annex II; Phase 3 Recommendations 7(c) and (d)].

Action taken as of the date of the follow-up report to implement this recommendation:

In the Republic of Slovenia the Agency for public oversight of auditing (APOA) is responsible for organizing continuous education for certified auditors. In this regard APOA, in cooperation with the Slovenian Institute of Auditors, organized seminars about fraud and money laundering for auditors (five seminars in 2021 and three seminars in 2022).

Each APOA inspection of audit firms also focuses on appropriate audit firm’s identification of PEPs. Auditors, who report foreign bribery, are protected from legal or other retaliatory action according to Integrity and Prevention of Corruption Act, and the new Whistleblower Protection Act is in parliamentary procedure (please see answer under Recommendation 4).

If no action has been taken to implement recommendation 6, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations regarding enforcement of the foreign bribery and related offences

Text of recommendation 7 (a):

7. Regarding the **offence of bribing a foreign public official**, the Working Group recommends that Slovenia:

a. As a priority, take all measures to ensure that the definition of foreign public officials covers, in a manner consistent with the Convention, (i) officials exercising a public function for a foreign country, regardless of whether that person has management powers and responsibilities, (ii) officials of organised foreign areas or entities that do not qualify or are not recognised as States; and (iii) officials of foreign public enterprises [Convention Article 1; Commentary 14 and 18; 2009 Recommendation III.ii and V; Phase 3 Recommendation 1 a. and b]

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 7(a), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

AD i):

The definition of a foreign public official according to the Article 99 (sub-paragraphs 6, 7 and 8 of paragraph 1) of the Criminal Code covers bribery of any person carrying out an official duty, regardless of whether that person has management powers and responsibilities.

Namely, Article 99, sub-paragraph 3 of paragraph 1 refers to two alternatives, a person carrying out official duties or a person exercising a public function with management powers and responsibilities within a state authority or an authority of a self-governing local community or any other entity governed by public law. It follows from the case law that the courts have already considered police officers and various inspectors (without managerial powers) to be official persons since they perform official duties. Some relevant Supreme Court of the Republic of Slovenia judgements: I Ips 14217/2013-174 from September 1st 2016, IV Ips 23/2019 from October 15th 2019, I Ips 452/2007 from January 17th 2008, I Ips 268/2007 from August 30th 2007, I Ips 55384/2011 from May 31st 2018 etc. Therefore, in this part of Article 99, sub-paragraph 3 of paragraph 1 the important circumstance for the definition of an official person is the performance of official duties (and not management powers and responsibilities).

This distinction between the two categories of official persons from Article 99, sub-paragraph 3 of paragraph 1 is also clear from the Commentary to the General Part of the Criminal Code (GV Založba, Ljubljana 2021), which reads that the persons exercising a public function with management powers and responsibilities should be treated differently. Their status of an official person derives from the relevant sectoral legislation and therefore it is not required to determine whether they are performing official duties.

It is clear from the above that no amendments to the Criminal Code are needed in this area.

AD ii):

As regards officials of organised foreign areas or entities that do not qualify or are not recognised as States, we have examined the question again in the framework of preparation of proposal of amendments to the Criminal Code, which the Government of the Republic of Slovenia has already submitted to the National Assembly of the Republic of Slovenia for the shortened legislative procedure (hereinafter: Proposal od KZ-1J).

The Criminal Code covers the criminal offence of foreign bribery of officials of autonomous territories, which are a part of territories of recognised states. If they are established at “*terra nullius*” and not recognised as states, that cannot fall under the concept of “foreign official”. In some of those cases – the Judgment of the European Court of Human Rights in *Loizidou v. Turkey*, No. 5318/89, 18 December 1996 could be applied *mutatis mutandis* (for example paras. 56 and 57 of that Judgment). Therefore, the issue could not be resolved in this year's amendments proposal.

AD iii):

Article 99, Paragraph 1, point 6) of the Criminal Code determines an official person in a foreign country as a person carrying out (besides legislative, executive or judicial function) also any other official duty at any level, providing that he or she meets the substantive criteria under points 1, 2, or 3 of this paragraph. Paragraph 3 defines also an official person as a person carrying out official duties within any other entity governed by public law.

Therefore, if foreign state defines SOEs as entities governed by public law, officials of foreign public enterprises are covered via these provisions.

For other cases bribery of foreign SOEs are criminalised in Article 242 (Unauthorised Giving of Gifts) of the Criminal Code. In addition: Article 99 (paragraphs 10 and 11) provides for the broad definition of the economic activity to cover also the criminal activities in the framework of foreign public enterprises:

(10) For the purpose of this Code, "economic activity" means:

- 1) any activity that is performed on the market for payment;*
- 2) any activity performed as part of profession for an agreed or prescribed payment or any organised activity performed for an agreed or prescribed payment.*

(11) Pursuant to this Code, economic activity or commercial operation shall include:

- 1) implementation, governance, decision-making, representation, management and supervision within the framework of the activity referred to in paragraph 10 of this Article;*
- 2) management of immovable and movable property, funds, income, claims, capital assets, other forms of financial assets, and other assets of legal entities governed by public or private law, the use of these assets and control over them.*

Text of recommendation 7 (b):

7. Regarding the **offence of bribing a foreign public official**, the Working Group recommends that Slovenia:

b. Amend relevant legislation to ensure that the defence of effective regret does not apply to natural persons or legal persons in foreign bribery cases. [Convention Articles 1 and 3; 2009 Recommendation III.ii and V; 2009 Recommendation Annex I.A; Phase 3 Recommendation 1. c]

Action taken as of the date of the follow-up report to implement this recommendation:**If no action has been taken to implement recommendation 7(b), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:**

Article 242, Paragraph 3 and Article 262, Paragraph 3 of Criminal Code, which determines circumstances of effective regret, both exclude remission of penalty if it would be contrary to the rules of international law. Convention Articles 1 and 3 are considered part of international law. As it was already conveyed to the OECD WGB, the whole purpose of the amendment to the Criminal Code (KZ-1B; Official Gazette of the Republic of Slovenia, No. 91/11) was to satisfy the requirements of the Convention, as is explicitly reflected in the travaux préparatoires of KZ-1B as the intention of the legislator.

The same follows also from the Commentary to the Special Part of the Criminal Code (GV Založba, Ljubljana 2019), which explicitly states that remission of penalty from Article 262, Paragraph 3 of the Criminal Code is not possible in cases from the Convention.

We estimate that further amendments to the Criminal Code are not needed in this area, and refer to all our answers and comments from previous reporting cycles.

Text of recommendation 8 (a):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

a. Prioritise improving detection and step up its enforcement of the foreign bribery offence [Phase 3 Recommendation 4.a]

Action taken as of the date of the follow-up report to implement this recommendation:**If no action has been taken to implement recommendation 8(a), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:**

No new foreign bribery cases were detected since the P4 Slovenia Report. A comprehensive training on foreign bribery for prosecutors and legal advisers is planned for 2023.

Text of recommendation 8 (b):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

b. Ensure that the CPC is given adequate human and financial resources to be able to fulfil this role and to deal with the additional tasks it will have following enactment of the IPCA amendments [2009 Recommendation III.i, Annex I.A and D; Phase 3 Recommendation 9.a.].

Action taken as of the date of the follow-up report to implement this recommendation:

The Government of the Republic of Slovenia prepared the budget for 2021 and 2022. In the Implementation of the Republic of Slovenia Budget for 2021 and 2022 Act, the CPC was granted 5 new staff in 2021 and another 5 staff in 2022.

The funds of the CPC are regularly increased. The budget of the CPC in 2022 was 2.405.629 EUR; 2.162.769 EUR in 2021; 1.887.070 EUR in 2020; 1.773.602 EUR in 2019.

Projected budgets for 2023 and 2024 are 2.549.605 EUR and 2.606.293 EUR. The CPC currently has 47 employees.

The CPC is an independent state authority that is responsible for its own staffing procedures and may decide at its own discretion on how to spend the funds (subject to public finance legislation).

If no action has been taken to implement recommendation 8(b), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8 (c):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

c. Ensure that the amendments to the Criminal Procedure Act introducing time limits for prosecutors to bring indictments do not hinder the effective prosecution of the foreign bribery offence [Convention, Article 5].

Action taken as of the date of the follow-up report to implement this recommendation:

The time limit to file the indictment (second paragraph of the Article 184 of CPA) is not preclusive, i.e. its breach has no procedural consequences for the state prosecutors. There is no case law in this respect, according to the generally available information that is known to the Ministry of Justice, which would interpret this provision of CPA in a different manner. The amendments to CPA nevertheless doubled this time limit (i.e. the time limit was part of CPA already before); the prolongation was introduced with amendments to CPA, Official Gazette, No. 200/2020.

If no action has been taken to implement recommendation 8(c), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8 (d):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

d. Establish clear and specific procedures to ensure appropriate coordination, sharing of information and resolution of conflicts of competence in foreign bribery investigations between the several investigative units of the Police. [Convention, Article 5]

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 8(d), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Criminal Police Directorate of the Slovene Police ensures coordination, sharing of information and resolution of conflicts that could occur among the investigative units of the police. The specialized unit of the Criminal Police Directorate, National Bureau of Investigations (NBI) is the only unit of the police on the General Police Directorate level. All other units are regional units of the Police Directorate. General Police Directorate did not notice any competence conflicts among these units and NBI.

Text of recommendation 8 (e):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

e. Take urgent steps to ensure that sufficient safeguards are in place (i) to secure the independence of police investigations and (ii) regarding the appointment and dismissal of the NBI Director [Convention, Article 5]

Action taken as of the date of the follow-up report to implement this recommendation:

(i) The newly-adopted Act on the Rule of Law and the Reduction of Inequality and Political Interference (ZZNSPP) affects the Law on Organization and Work in the Police in such a way that it re-determines the moment in time when the minister's authority to direct ends and the state prosecutor's authority to direct pre-trial and criminal proceedings begins, thereby protecting the efficient and professional prosecution of criminal offenses, and at the same time reducing potential political influence of the Minister of Internal Affairs. Further, the position of the NBI, the process of taking over the investigation by the NBI and the process of appointing and dismissing the director of the NBI returns to the state before the recent amendment of the ZODPol-G (the amendment of the

law which governs organizational matters within the Police that was criticized by the Working Group), thus pursuing the goal of efficiency and professionalism of the operation of special police bodies (such as the NBI) in the investigation of criminal offences that forms the basis of their autonomy. Additionally, the procedure for appointing police officers to leading positions in the police is (re)regulated in accordance with the civil service system.

As a result of the implementation of the ZZNŠPP in the part where it substantially interfered with the Law on Organization and Work in the Police, the Minister of Internal Affairs also adopted the Rulebook on Amendments and Supplements to the Rulebook on Direction and Control of the Police (Official Gazette of the Republic of Slovenia, No. 128/22).

(ii). The Ministry of Interior is preparing a draft of the Act on Amendments and Supplements to the Law on Organization and Work in the Police (ZODPol), which will address, in particular, the process of appointing and dismissing the Director General of the Police and the Director of the NBI, as well as the position of the NBI with the aim of greater protection from political influence.

Additionally, to address specific concerns in the P4 Report regarding the former director of the NBI, we are informing the Working Group that Mr Darko Muženič was reinstated as the NBI director in July 2022.

If no action has been taken to implement recommendation 8(e), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8 (f):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

f. Strengthen safeguards and take any other steps, as a matter of urgency, to ensure that prosecutors are not subject to improper influence by concerns of a political nature or factors prohibited by Article 5 of the Convention in deciding whether to pursue an investigation or prosecution. [Convention Article 5; Phase 3 Recommendation 4(c)]

Action taken as of the date of the follow-up report to implement this recommendation:

An important decision of the Constitutional Court on the independence of prosecutors was issued in July 2021 on the subject of parliamentary inquiry. Its content is described in detail under the [follow-up 18\(i\)](#).

It must be noted that even before the decision mentioned above, the Constitutional Court held that there can be no political interference in prosecution of concrete criminal cases:

See e.g. decision Nos. U-I-60/06, U-I-214/06, U-I-228/06, Official Gazette RS, No. 1/2007 and OdiUS XV, 84, 07.12.2006:

This does not entail that in the Slovene constitutional order a state prosecutors' office is regarded as an authority that can be made subordinate to the executive branch of power. State prosecutors decide only based on the Constitution and laws (the second paragraph of Article 1 of the State Prosecutors

Act). Therefore, it must be ensured that state prosecutors perform their prosecutorial function independently and it must be prevented that they decide in accordance with the wishes of the other branches of power, especially the executive.

See also the decision of the Constitutional Court no. U-I-42/12, Official Gazette RS, No. 17/2013 and OdlUS XX, 1, 07.02.2013:

State prosecutors must be ensured independence when performing their function in concrete cases, because the State Prosecutor's Office is not a part of the executive branch of power to the extent that the Government or any ministry could direct political or professional instructions thereto in a concrete case. Therefore, the State Prosecutor's Office, which otherwise is a part of the executive branch of power, entails, as regards the functioning of this power as a whole, a limitation thereof and performs supervision over it, and thereby also importantly co-determines the balance between this power, the legislative power, and especially the judicial power. Consequently, state prosecutor offices must be organised as independent authorities of the state.

On the subject of other Article 5 concerns regarding prosecutors, specified in the P4 Report:

In 2022, after the general elections, the government appointed 13 prosecutors that were already chosen in a procedure in front of the Prosecutorial Council and were waiting for over a year for final appointment by the government. Additionally, two Delegated Prosecutors were appointed to the European Public Prosecutor Office in November of 2021, and there are no plans of amending the existing appointment procedure.

If no action has been taken to implement recommendation 8(f), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8 (g):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

g. Take concrete actions to increase specialised training of judges in the area of international economic crime, including foreign bribery and asset confiscation.

Action taken as of the date of the follow-up report to implement this recommendation:

One of the responsibilities of Ministry of Justice Judicial Training Centre (JTC) is continuous training of judges and state prosecutors. In 2022, they organized a series of workshops on the topic of the Confiscation of Assets of Illicit Origin Act in Practice. JTC will continue with these workshops in 2023.

If no action has been taken to implement recommendation 8(g), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 8 (h):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

h. Provide appropriate guidance on, inter alia, factors to be taken into account when considering whether to enter into a plea bargain or guilty plea and the degree of mitigation of sanctions, to ensure that these procedures do not impede the effective enforcement of foreign bribery;

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 8(h), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

The Prosecutor's Office is of the opinion that the current internal guidelines on plea bargaining are appropriate.

Text of recommendation 8 (i):

8. Regarding the **investigation and prosecution** of foreign bribery, the Working Group recommends that Slovenia:

i. As a priority, review its system of maximum 3-month or 6-month time limits for the authorised use of special investigative measures in foreign bribery investigations [Convention Article 5; 2009 Recommendation XIII and Annex I D; Phase 3 Recommendation 4(b)].

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 8(i), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

The time limits for the use of special investigative measures are determined following the nature and gravity of criminal offences and considering the past decisions of the Constitutional Court (as such measures are most invasive from the side of the protected rights of the individual). Time limits for such measures also have to be determined in a manner, which provides for the equal treatment of similar criminal offences (already on the level of the law and consequently also practice).

Text of recommendation 9 (a):

9. Regarding **sanctions**, the Working Group recommends that:

a. priority measures are taken to provide specialised training to prosecutors and judges on applying effective, proportionate and dissuasive sanctions, including confiscation measures, on natural and legal persons convicted of the foreign bribery offence [Convention Article 3; 2009 Recommendation III(ii) and V; Phase 3 Recommendation 3(c)];

Action taken as of the date of the follow-up report to implement this recommendation:

In 2022, the Ministry of Justice Judicial Training Centre (JTC) organized a series of workshops on the topic of the Confiscation of Assets of Illicit Origin Act in Practice. JTC will continue with these workshops in 2023. Every year, JTC also organizes two trainings for state prosecutors (judges and police officers are also invited to take part in workshops) – one on the specific topics of financial crime and the “Educational prosecutorial days”, where this is year all the topics from the recommendation were addressed (see the attached programme).

Regarding training on confiscation measures: in the frame of Prosecutorial Educational Days (an event organised twice a year and attended by approximately 200 prosecutors and legal advisers) and the Prosecutorial Forum for Economic Crime (organised once a year), there were specific lectures dedicated to this topic, namely:

- new legal frames regarding seizure of assets,
- provisional measures to secure the forfeiture of the proceeds of crime,
- ARO/CARIN – obtaining information from abroad,
- presentation of Slovenian FIU,
- confiscation of assets of illegal origin in the Netherlands (training based on real cases – lecture given by a Dutch prosecutor),
- the amount of the proceeds of the crime.

If no action has been taken to implement recommendation 9(a), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Additional training on sanctions is planned for 2023.

Text of recommendation 9 (b):

9. Regarding **sanctions**, the Working Group recommends that:

b. Slovenia ensure that sanctions imposed in practice for foreign bribery are effective, proportionate and dissuasive; [Convention Article 3; 2009 Recommendation III.ii and V, Phase 3 Recommendation 3(b)];

Action taken as of the date of the follow-up report to implement this recommendation:

Twice a year, the Prosecutor General convenes the College of Appeals division of prosecution offices. The purpose of the college is to unify criminal policy and sanctions. This relates to sanctions for all criminal acts.

For statistics regarding the type of sanctions, please see the enclosed table with statistics for corruption offences.

If no action has been taken to implement recommendation 9(b), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 9 (c):

9. Regarding **sanctions**, the Working Group recommends that:

c. Slovenia maintain detailed statistics on sanctions imposed in domestic and foreign bribery cases, including in relation to confiscation of the instrument and proceeds of the bribe. [Convention Art. 3(1)];

Action taken as of the date of the follow-up report to implement this recommendation:

As there have been no foreign bribery cases in the trial phase, we are providing you the data on sanctions for domestic corruption (only for natural persons as there were no convictions for legal persons) and money laundering offences (please see the enclosed table with statistics for corruption and money laundering offences).

If no action has been taken to implement recommendation 9(c), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 10:

10. Regarding **international cooperation**, the Working Group recommends that Slovenia adopt a centralised system that allows tracking of all incoming and outgoing MLA requests involving foreign bribery and related offences received or forwarded by all relevant Slovenian agencies and law enforcement authorities [Convention Article 9; Phase 3 Recommendation 5].

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 10, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

The Ministry of Justice runs a system of records, which enables processing of statistical data regarding extradition and mutual legal assistance (incoming and outgoing) requests on the basis of criteria such as number of requests made, received, processed, granted, or refused, types of requests, relevant country, relevant criminal offence and timeliness of response.

In the context of the MLA within the EU such cooperation is performed directly with prosecutors or courts, who register such cases of direct cooperation with judicial authorities of other member states of the European Union by themselves.

We believe that the above-described system enables tracking of all incoming and outgoing MLA requests involving foreign bribery and related offences received or forwarded by all relevant Slovenian authorities.

Text of recommendation 11:

11. Regarding **false accounting**, the Working Group recommends that Slovenia continue to ensure that false accounting cases are vigorously investigated and effectively prosecuted, where appropriate, and that sanctions imposed in practice for false accounting offences are effective, proportionate and dissuasive [Convention Article 8; Phase 3 Recommendation 7(a)].

Action taken as of the date of the follow-up report to implement this recommendation:

Please see enclosed table with statistics on sanctions for false accounting.

If no action has been taken to implement recommendation 11, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations regarding liability of, and engagement with, legal persons

Text of recommendation 12 (a):

12. Regarding **liability of legal persons**, the Working Group recommends that Slovenia:

a. Review its approach to corporate liability, in particular to ensure (i) that the elements required to prove a link between the natural person that perpetrated the crime and the liability of the legal person under the Act are not obstacles to effective enforcement of the Act; (ii) a legal person cannot be exempted from prosecution because of its “insignificant” level of participation in the commission of the criminal offence; and (iii) the regime of liability of legal persons adopts one of the approaches described in Annex 1 B) b. of the 2009 Recommendation concerning the level of managerial authority and the type of act that may cause that liability to be incurred; [Convention Article 2; 2009 Recommendation III.ii, V., Annex I.B; Phase 3 Recommendation 2.a.]

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 12(a), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

We reiterate the position stated in previous reports that there are no obstacles for enforcement of the LLPCO regarding the link between natural and legal person. In our view, Article 4 of the LLPCO is

fully compliant with the OECD Recommendation. As there are only a few cases where insignificant level of participation is involved, it is the view of Prosecutor's Office that special guidelines for prosecutors regarding this issue are not needed.

Text of recommendation 12 (b):

12. Regarding **liability of legal persons**, the Working Group recommends that Slovenia:

b. Promptly provide specialised training to law enforcement authorities in relation to the liability of legal persons for foreign bribery. [Phase 3 Recommendation 2(b)]

Action taken as of the date of the follow-up report to implement this recommendation:

Specialised trainings in relation to the liability of legal persons for foreign bribery offences have not been organised yet. They will be organised in 2023. However, there have been trainings regarding legal persons, economic crime corruption and money laundering organised in 2021 and 2022 in the frame of Prosecutorial Educational Days (organised twice a year) that were attended by approximately 200 prosecutors and legal advisers) and the Prosecutorial Forum for Economic Crime (organised once a year), namely:

- challenges in investigating and prosecuting corruption in health sector,
- money laundering and asset recovery sharing (lecture given by a prosecutor from the USA)
- the autonomy of the money laundering offence,
- German experience in the prosecution of economic crime (lecture given by a German prosecutor),
- challenges in investigating economic crime,
- legislative changes regarding economic crime.

Additionally, the Slovenian Police organized a two-day specialist training (7-8 October 2021) on the topic "Detection and investigation of corruption crimes - Corruption risks in public procurement and bribing foreign civil servants". The topic of the training was related to the detection and investigation of corruption crimes, corruption risks in public procurement and bribery of foreign civil servants. The purpose of the training was to upgrade the knowledge of criminal investigators investigating such crimes (corruption, corruption risks in public procurement, bribing foreign civil servants). Both internal and external contractors from the Specialized State Prosecutor's Office (SDT), the Supreme State Prosecutor's Office (VDT), and the Commission for the Prevention of Corruption (KPK) participated in the training (Decision No. 604-573/2021/2 (263-04) dated 23 September 2021).

In March 2021, Slovenian Criminal Police responded to the invitation of the International Law Enforcement Academy (ILEA) Budapest for several trainings in the field of "Anticorruption Series Public Corruption Course". At the course, they were introduced to how the FBI conducts investigations into the corruption of public officials in the USA. The investigations related to cases of corruption, which include involvement in the acceptance or bribery of federal officials, judges, members of the legislative branch of government (US Congress) and individual state bodies. They were introduced to special techniques used to investigate and detect corruption of state officials and civil servants. The training included discussions and exercises in which the participants actively participated (Decision No. 604-357/2021/2 (263-04), dated 12 May 2021).

If no action has been taken to implement recommendation 12 (b), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Specialised trainings in relation to the liability of legal persons for foreign bribery will be organised in 2023.

Text of recommendation 13:

13. Regarding **engagement with the private sector**, the Working Group recommends that Slovenia issue guidance for companies on effective anti-bribery compliance programmes, and disseminate more targeted information for SMEs on implementing anti-bribery compliance measures to effectively prevent and detect foreign bribery [Phase 3 Recommendation 7(e), 9(c) and 9(d)]

Action taken as of the date of the follow-up report to implement this recommendation:

The 2022 amendment of the Slovene Sovereign Holding Act introduced measures for a more transparent management of SOEs under the Slovene Sovereign Holding (SSH), in accordance with EU directives and international standards of corporate management.

The law now clearly states that persons who violate integrity, as defined by the Integrity and Prevention of Corruption Act (IPCA), can no longer hold positions on the supervisory boards or management boards of SSH companies and companies under their management. Additionally, the CPC responsible for the investigation of violations of conflict of interests of managers and members of management, management and control bodies in these companies.

The CPC, in cooperation with other relevant stakeholders, also published the Code for Managing Companies Owned by Local Communities. It is a collection of guidelines and good practices, focused on transparency, strengthening of integrity and prevention of conflict of interest.

If no action has been taken to implement recommendation 13, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Recommendations regarding other measures affecting implementation of the Convention

Text of recommendation 14:

14. Regarding **money laundering**, the Working Group recommends that Slovenia urgently provide the OMLP with sufficient human and financial resources to undertake its functions, and put in place necessary measures to safeguard its independence from undue political influence [Convention, Articles 5 and 7].

Action taken as of the date of the follow-up report to implement this recommendation:

The OMLP is a body within the Ministry of Finance. It performs tasks related to the prevention and detection of money laundering, predicate offences, and terrorist financing, provides inspection of the

implementation of provisions of the Prevention of Money Laundering and Terrorist Financing Act and other regulations governing detection and prevention of money laundering and terrorist financing, and performs other tasks laid down by said Act.

It performs its tasks in complete autonomy, sovereignly and operationally independently, which also involves decisions about accepting and analyzing data, information and documentation and reporting the results of analyses to competent authorities.

The OMLP has been constantly increasing its budget. The budget of the OMLP amounted to 1.159.024 EUR in 2020, 1.238.930 EUR in 2021 and 1.451.472 in 2022. In 2020 and 2021 the OMLP had 28 employees. In 2022 the number decreased to 27, but three new positions remain open to be filled at the beginning of 2023. Current organizational structure of the OMLP comprises five organizational units, namely: Division of Legal Affairs and Prevention, Suspicious Transaction Sector, Division of International Affairs, General Affairs Division and IT Support and Inspection.

If no action has been taken to implement recommendation 14, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 15:

15. Regarding **tax measures to combat foreign bribery**, the Working Group recommends that Slovenia ensure that the Financial Administration provide ongoing training to tax examiners on the detection and reporting of foreign bribery.

Action taken as of the date of the follow-up report to implement this recommendation:

Due to COVID-19 situation, training in all areas in the last two years has been very limited, especially for larger target groups, like tax officials. The Ministry of Finance and the Tax Administration are planning to organize a special training, dedicated to this topic, in 2023, together with other relevant stakeholders.

However, there were some trainings for targeted officials, that also included the topic of foreign bribery:

1. Due to EU presidency of the Republic of Slovenia to EU working groups, a specialized training was organized in the beginning of 2021 for employees, participating in presidency. Part of this training was the topic of "Integrity in public sector".
2. In the beginning of February 2022, the Slovenian EPPO representative and both delegated prosecutors presented the tasks of European Public Prosecutor's Office, including their tasks in prosecuting corruption.
3. In April 2022, one Tax Administration employee participated in the consultation in the field of detection, investigation, and evidence gathering of criminal offences, relating to corruption in healthcare, organized by University of Maribor, Faculty of Security Sciences.

If no action has been taken to implement recommendation 15, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 16 (a):

16. Regarding **public advantages**, the Working Group recommends that:

a. SIDB introduce a clear, written policy on reporting foreign bribery allegations to Slovenian law enforcement authorities, and train staff on this issue (2009 Recommendation III.i, IX.i, XII.ii; 2019 Export Credit Recommendation).

Action taken as of the date of the follow-up report to implement this recommendation:

Application forms for insurance cover already require applicants to make representations on whether agents are used in an export deal. In a case that agents are involved, the applicant must disclose agency fee as well as purpose for use of an agent. Applicants must declare that there was no corruption involved in relation to an export deal, as well as make some other representations in line with the OECD Common Approaches and IFC Standards (e.g. prohibition of corruption, absence of child labour etc.). Stakeholders of an export deal undergo a thorough due diligence process in line with internal rules and procedures. In a case that one of the stakeholders was accused of corruption the export deal becomes ineligible for insurance cover. In case of adverse (media) information or in case of a doubt about a stakeholder to the export deal, member of our ECA staff files a request with SID banka's internal compliance department for a decision on whether an insurance cover for such an export deal can be issued or not and under which conditions. In a case that at a later stage corruption would be proven in respect of an export deal that was already insured, such official export cover would become void.

SID banka has adopted numerous internal legal acts regulating compliance, ethics, export credits and so on, and the staff has been trained in accordance with the compliance rules act. The more relevant for the particular questions/recommendations are:

- the Code of ethics;
- the Anti-bribery and anti-corruption act;
- the Anti-money-laundering and terrorist financing act;
- The prevention of fraud act;
- Compliance rules act.

Each and every SID banka's internal act has to be annually checked for eventual necessary upgrade and/or verified. The Code of ethics has already been reviewed and necessary updates have been made, however the act has not yet been approved by the management body of the bank, nevertheless the renewed act will step into force in 2023. The anti-bribery and anti-corruption act will be updated i.e. references to the (up-to-date) laws will be corrected. As to the reporting questions, this issue is addressed in Compliance rules act. The act obliges the employees to report each and every issue with regard to the client or the transaction in question, together with all the participant parties (exporter, the importer, bank of exporter/importer, agents, UBO, director etc.) to compliance department for enhanced due diligence. The compliance dept. among others checks whether the client has been debarred or is on any other black list, preventing it from public advantages. Should that be the case, the compliance dept. will issue a negative opinion and export credit dept. will refuse the issue of the insurance cover. Provided that the client or any other party participating in the transaction has not yet been debarred or convicted, while SID banka still assess that from the compliance point of view the client is too risky, the compliance dept. will also issue a negative compliance opinion on the matter. Provided that bribery or corruption indicators have been detected taking into account all the relevant circumstances, compliance dept. is authorized to perform an investigation or to start criminal or other proceedings within and/or outside the bank; including reporting to the Slovenian national authority in line with the Prevention of fraud act.

In accordance with the Compliance rules act, the SID banka staff is fully trained. Compliance dept. and export credit dept. are currently working on adoption of an operational act empowering the employees of the export credit dept. to detect, assess and monitor the compliance risk with respect to the (potentially) insured transaction.

Since Slovenia has not yet implemented the whistleblowing directive (Directive (EU) 2019/1937), the topic is addressed in the compliance rules act, which empowers each and every employee of the bank, to report any

detected suspicion of breach of rules to the compliance dept, including bribery and corruption. The bank will adopt a special whistle-blowing act once the new law will be adopted in national assembly.

Lastly one of many compliance roles is to check whether the export credit department is acting in accordance with the relevant law. The compliance dept. has, among others, checked and has established that the named dept. acts in accordance with the Recommendations of the Council on Bribery and Officially supported export credits.

If no action has been taken to implement recommendation 16(a), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Text of recommendation 16 (b):

16. Regarding **public advantages**, the Working Group recommends that:

b. Slovenia encourage public contracting authorities to routinely check the debarment lists of multilateral financial institutions in relation to public procurement contracting, and take such lists into consideration as a basis for due diligence of applicants.

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 16(b), please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

Given the status and powers it has under the Act on Legal Protection in Public Procurement Procedures (ZPVPJN), National Review Commission (*Državna revizijska komisija za revizijo postopkov oddaje javnih naročil*, shortened *Državna revizijska komisija*) cannot encourage public authorities neither to follow the debarment lists of multilateral financial institutions in relation to public procurement contracting neither to take into account such lists when deciding on the award of a public contract. In fact, National Review Commission can only determine whether contracting authorities act in accordance with the regulations on public procurement when awarding public contracts.

The national regulation of public procurement contracting is based on the transposition of acts of the European Union, including Directive 2014/24/EU [...], Directive 2014/25/EU [...] and Directive 2009/81/EC [...]. If these supranational acts do not include such grounds for exclusion, it would be a better solution to address such question on a supranational and not on a national level. This is therefore a systemic issue of transnational importance, not just a national problem. Which is particularly important because in the case of a discrepancy between national law and European Union law, European Union law has precedence over national law.

In addition, it must be taken into account that Directive 2014/24/EU defines certain institutes that enable the award of public contracts also to economic operators who were subjects of a conviction by final judgment (see the first subparagraph of the third paragraph of Article 57 and the sixth and seventh paragraphs of 57 Article of Directive 2014/24/EU).

In the first subparagraph of the first paragraph of Article 57 of Directive 2014/24/EU, as well as in the first paragraph of Article 75 of the Public Procurement Act (ZJN-3), it is specified that a conviction by final judgment must be imposed on the economic operator and thus judicial intervention is required, which a bank, regardless of its status, cannot give since it is not a court. This further justifies the need for regulation by a supranational act, rather than regulation at the national level.

However, it should be added that ZJN-3 in accordance with point 3 of the first paragraph of Article 27 of ZJN-3 and Public Procurement for Defence and Security Act (ZJNPOV) in accordance with point h of the second paragraph of Article 20 of ZJNPOV shall not apply to public contracts and design contests which the contracting authority awards or organises in accordance with procurement rules provided by an international organisation or international financing institution, where the public contracts and design contests concerned are fully financed by that organisation or institution. In the case of public contracts and design contests co-financed for the most part by an international organisation or international financing institution the parties shall agree on applicable procurement procedures. Therefore, in such cases the debarment lists of these international financing institutions could also be taken into account when awarding public contracts and design contests.

Text of recommendation 17:

17. Regarding **Official Development Assistance**, the Working Group recommends that Slovenia further implement key aspects of the 2016 OECD Recommendation of the Council for Development Cooperation Actors on Managing the Risk of Corruption, in particular to ensure that (i) the agencies and ministries involved in ODA projects request that persons applying for ODA contracts declare that they have not been convicted of corruption offences, in any jurisdiction, (ii) appropriate due diligence is carried out prior to the granting of ODA contracts; (iii) there are communication channels in place about the processes and outcomes of reporting corruption internally within the MFA; and (iv) there are clear, written and public rules on the processes and criteria for sanctioning foreign bribery in relation to ODA contracts [2016 Recommendation 6(iii), 7(ix), 8(iv)].

Action taken as of the date of the follow-up report to implement this recommendation:

If no action has been taken to implement recommendation 17, please specify in the space below the measures you intend to take to comply with the recommendation and the timing of such measures or the reasons why no action will be taken:

PART II: ISSUES FOR FOLLOW-UP BY THE WORKING GROUP

Regarding Part II and as per the procedures agreed by the Working Group in December 2019, countries are invited to provide information with regard to any follow-up issue identified below where there have been relevant developments since the Phase 4 report. Please also note that the Secretariat and the lead examiners may also identify follow-up issues for which it specifically requires information from the evaluated country.

18. The Working Group will follow up on the issues below as case law, practice, and legislation develops:

Text of issue for follow-up 18 (a):

- a. Whether whistleblowers who report suspected foreign bribery are afforded the protections guaranteed by the law [Phase 3 Recommendation 10(c)].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Ministry of Justice drafted a new Whistleblower Protection Act that foresees protection of whistleblowers that report on any breach of legislation valid in the Republic of Slovenia, including foreign bribery. Whistleblowers are to be afforded protection and assistance in a process of reporting, including measures to prevent retaliatory measures, legal aid and unemployment benefits in case of labour law measures or dismissal from work.

The Whistleblower Protection Act was confirmed by the Government of the Republic of Slovenia and sent to the National Assembly for deliberation. It is expected to be adopted in early 2023.

Text of issue for follow-up 18 (b):

- b. Auditor independence, in light of the amendments to the Audit Act [Phase 3 follow-up issue 12(k)].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

According to APOA inspections performed since 2021, the independence of auditors is appropriate. In this period, two violations of independence rules (one Audit firm and one Statutory Auditor – both violations have occurred on the same case) have been identified within inspection of 20 Audit firms and 38 Statutory Auditors.

Neither the Ministry of Finance nor APOA have information that any retaliation measures have been enforced against the auditors who reported foreign bribery.

Text of issue for follow-up 18 (c):

- c. The adequacy of external auditing requirements in Slovenia, particularly regarding SMEs with foreign operations [Phase 3 recommendation 7(b)].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Text of issue for follow-up 18 (d):

- d. The impact of the proposed legislative reforms on the ability of the media to play an effective role in detecting and reporting allegations of foreign bribery [2009 Recommendation IX (iii)].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

We refer to our answers to Recommendation 5.

Text of issue for follow-up 18 (e):

- e. The treatment of incoming MLA requests, and whether such requests trigger the opening of a foreign bribery investigation in Slovenia [Phase 3 follow-up issue 12(m)]

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

When the Ministry of Justice as the central authority receives an incoming MLA request, it is sent to the competent Slovenian court, Public Prosecutor's Office or SSPO for execution.

In accordance with the "Order for transmitting foreign MLA requests to the Public Prosecutor's Offices", foreign MLA requests that are sent for execution to the competent courts are sent for information to the Public Prosecutor's Offices.

If an MLA request would contain an information that would give grounds for suspicion that a foreign bribery offence was committed, foreign bribery investigation would be triggered by such MLA request.

Thus far, no MLA request has triggered the opening of a foreign bribery investigation. But in general, as for all criminal offences, if an MLA request would contain information that would constitute grounds for suspicion that a criminal offence was committed, such request would trigger the opening

of an investigation in all cases, not only in corruption or foreign bribery cases. In cases of corruption, as SSPO has the exclusive jurisdiction over corruption offences, when an MLA request would contain information about an act of corruption, the file would be referred to the SSPO by the prosecution office that received the MLA.

Text of issue for follow-up 18 (f):

- f. The adoption of the revised IPCA and the concrete impact it will have in terms of independence of the CPC and its role in the fight against foreign bribery. [Convention Article 5; Phase 3 Recommendation 4.c)]

6.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

As it has no law enforcement and prosecutorial powers, the CPC is regarded as an institution that can have a role in detection of foreign bribery.

The amendments of IPCA, entered into force on 17 November 2020, provide new criteria for improving the transparency of the procedure for the appointment of the CPC Chief Commissioner and deputies (Articles 9 and 9.a of the IPCA). The amendments to the candidacy committee (instead of the selection committee), which nominates the candidates, exclude members with political background.

The 5-member candidacy committee consists of:

- one member appointed by the ministry responsible for public administration from among officials working in the fields of strengthening integrity and reducing corruption risks in the public sector;
- one member appointed by a private-sector non-profit organisation working in the fields of human rights protection, integrity, ethics, lobbying or corruption prevention;
- one member appointed by the National Assembly of the Republic of Slovenia;
- one member appointed by the Judicial Council
- one member appointed by the State Prosecutorial Council from among the members composing the Ethics and Integrity Commission,

Additionally, the candidacy committee conducts a personal suitability assessment of the candidates and sends its nominations to the President of the Republic of Slovenia, who takes the final decision on the appointment of the CPC Chief Commissioner and deputies.

The amended IPCA foresees improvement of existing tools in the area of investigation procedure before the CPC, as it defines more clearly the different procedure types and the rules that apply to the CPC when conducting administrative procedures, expedited minor offence proceedings and other public law proceedings, including the procedural rights of investigated persons. The amendment brings additional improvements in the fields of gift giving and acceptance, lobbying and supervision of asset declarations. Finally, the amendments provide a legal basis for the CPC's ERAR tool (an online application that enables easy browsing of financial transaction data from the entire public sector). The IPCA amendments enable the CPC to include more data sources into ERAR and thereby make public spending even more transparent.

Based on the amendment of the IPCA from November 2020, the CPC adopted the Rules of Procedure

of the CPC⁴ and the Ministry of Justice prepared the Rules on restrictions and duties of officials in regards to the acceptance of gifts⁵.

Text of issue for follow-up 18 (g):

- g. The proposed amendments to the Police Act, to ensure that they do not compromise the independence of the NBI and that there is sufficient clarity regarding the NBI's investigative jurisdiction in foreign bribery cases [Convention Article 5].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Please refer to the answers under Recommendations 8 (d) and 8 (e).

Text of issue for follow-up 18 (h):

- h. The human and financial resources available to the prosecutors' office to support the effective detection, investigation and prosecution of foreign bribery. [Phase 3 Follow-up issue 11 e.]

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Regarding the proposal of the State Prosecutor General No. VDT-Tu-10-2/6/2022/1 of November 24, 2022, the Minister of Justice initiated the procedure for amending the Order on the number of state prosecutor posts. The proposal of the Order amending the Order on the number of state prosecutor posts (draft proposal) changes the structure of the number of posts depending on the number of cases and the workload of individual state prosecutors' offices, considering the number of cases as well as the complexity of the cases they handle. Among others, the draft proposal also refers to the structure of the number of state prosecutors' posts at the Specialised State Prosecutor's Office of the Republic of Slovenia, in which the number of posts in the title of district state prosecutor is increased by 4 posts. At the 97th regular session, which took place on December 7, 2022, the State Prosecutorial Council gave a positive opinion to the draft proposal. Pursuant to the provision of Article 141 of the State Prosecutor's Office Act, the Government of the Republic of Slovenia must give its consent to the draft proposal. According to the opinion of the Ministry of Justice, there are no obstacles for the draft proposal to be accepted by the end of this year or in the early beginning of the 2023.

Additionally with respect to systemic organisational changes, on September 15, 2022, the Government accepted the Supreme State Prosecutor's Office proposal to increase the total Joint

⁴ <https://www.kpk-rs.si/kpk/wp-content/uploads/2021/10/Poslovnik-Komisije.pdf>

⁵ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV14250>

Personnel Plan for State Prosecutor's Offices for the years 2023 and 2024 by 92 new employments. An increase of financial resources in the total amount of 3.5 million EUR is foreseen. The mentioned boosting of the State Prosecutor's Offices is aimed at empowering the State Prosecutor's Office organisation and the State Prosecutorial Council to accomplish their tasks in a smooth, high-quality manner, quickly and transparently. Namely, the lack of state prosecutors has already seriously affected the work of state prosecutors and contributed to the worsening of their efficiency.

SSPO Resources:

Year	Financial resources	Number of prosecutors	Number of legal advisers	Number of administration staff
2021	3.177.949	27	12	15
2022	3.388.643	26	10	15

The joint budget for the entire Slovenian prosecution service (without the Prosecutorial Council) for the year 2021 was 23,633,518 EUR and for the year 2022 24,077,992 EUR. Human resources for the year 2021 for the entire Slovenian prosecutorial service were as follows: 203 prosecutors, 82 legal advisers and 227 administration staff. For the year 2022: 208 prosecutors, 83 legal advisers and 231 administration staff.

Text of issue for follow-up 18 (i):

- i. The activities of the Parliamentary commissions of inquiries, to ensure that the Prosecution Service is not compelled to answer questions or provide information in relation to specific cases. [Convention Article 5; Phase 3 Recommendation 4.c.]

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Decision of the Constitutional Court No. U-I-214/19, Up-1011/19, dated 8 July 2021

The Constitutional Court decided on a petition and constitutional complaint of the State Prosecutor General, the Supreme State Prosecutor's Office of the Republic of Slovenia, and the Supreme Court against Article 1 of the Parliamentary Investigation Act in conjunction with the Act Ordering a Parliamentary Investigation in the Case of Franc Kangler and Others. The State Prosecutor General and the Supreme State Prosecutor's Office of the Republic of Slovenia also challenged the mentioned Act and the Rules on Parliamentary Investigation because these two acts allegedly failed to regulate an appropriate mechanism by which it would be possible to prevent parliamentary investigations that unconstitutionally interfere with the self-dependence and independence of the performance of the function of the State Prosecutor's Office.

To begin with, the Constitutional Court drew attention to its hitherto case law, in accordance with which the State Prosecutor's Office is part of the executive branch of power, but self-dependent in relation to other authorities of the executive branch of power and independent in relation to the legislative and judicial branches of power. It explained that state prosecutors do not in any way entail

a part of the executive branch of power, which could be subject to political supervision and political accountability. On the contrary, the self-dependence and independence of state prosecutors, which follows from the constitutional function of criminal prosecution, prohibit political meddling in the performance of the function of the State Prosecutor's Office in concrete cases. The mentioned constitutional position of the State Prosecutor's Office must also be taken into consideration when ordering and carrying out parliamentary investigations. In the assessment of the Constitutional Court, such does not entail that the Constitution prohibits any parliamentary investigation that refers to the performance of the function of the State Prosecutor's Office. It entails, however, that it is not admissible to influence, by a parliamentary investigation, the decision of state prosecutors on whether in a certain concrete case they will initiate or discontinue criminal prosecution and how they will conduct the criminal prosecution procedure. If a parliamentary investigation is ordered or requested with the intention of ascertaining the correctness of concrete decisions or actions of state prosecutors that fall within the remit of the function of the State Prosecutor's Office or to assess the liability of state prosecutors for such decisions or actions, the mere ordering of such parliamentary investigation is inconsistent with the constitutionally guaranteed independence of state prosecutors referred to in Article 135 of the Constitution and in the second sentence of the second paragraph of Article 3 of the Constitution.

Further down in the Decision, the Constitutional Court addressed the question of the procedural protection of the independence of the State Prosecutor's Office in a procedure for ordering a parliamentary investigation. It explained that the legislation does not envisage judicial protection, a legal remedy, or any other effective procedure by which it would be possible to prevent parliamentary investigations that unconstitutionally interfere with the independence of state prosecutors, although the existence of such procedures is of key importance for the functioning of a state governed by the rule of law, the protection of human rights, and for independent, impartial, and fair judicial decision-making. The Constitutional Court decided that such a procedure could be introduced in conformity with the constitutional system of the separation of powers and in a manner that would not jeopardise the effective performance of parliamentary investigations. According to the Constitutional Court, the Constitution requires the existence of such a procedure.

In view of the above, the Constitutional Court established that the challenged Parliamentary Investigation Act and the Rules on Parliamentary Investigation are inconsistent with the first paragraph of Article 135 and the second sentence of the second paragraph of Article 3 of the Constitution. Within the framework of the review of the constitutionality of the Act Ordering a Parliamentary Investigation in the Case of Franc Kangler and Others, the Constitutional Court analysed the parts of the Act that refer to the performance of the function of the State Prosecutor's Office and assessed that the investigation refers to the assessment of whether it was lawful to initiate and carry out a criminal prosecution procedure in that concrete case. It concluded that the Act Ordering a Parliamentary Investigation in the Case of Franc Kangler and Others is, in this part, inconsistent with the independence of state prosecutors, and thus abrogated it to that extent.

The decision of the Constitutional Court concluded the long-lasting debate about political supervision and political accountability of state prosecutors in the Republic of Slovenia and provided clear answers in regards to the independence of state prosecutors.

Text of issue for follow-up 18 (j):

- j. The application of territorial and nationality jurisdiction concerning foreign bribery offences committed in whole or in part abroad, especially with regard to legal persons, to ensure that the

foreign bribery offence can always be prosecuted and sanctioned without regard to the place where the bribery occurred [Convention Article 4 ; Phase 3 Follow-up issue 11.g.]

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

We believe no legislative development are needed.

Text of issue for follow-up 18 (k):

- k. The decision of the Constitutional Court and the application of the rule for destruction of evidence gathered through special investigative measures. [Convention Art. 5, Commentary 27].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

The valid regulation was changed following the mentioned decision of the Constitutional Court, which offered an explanation of the time limit (two years) for the destruction of evidence gathered through special investigative measures, which was before not recognised in case law. Hence, the law was changed so that the state prosecutor only needs to perform any action, aimed in the direction of prosecution for the time limit to stop irreversibly (amendments to CPA, Official Gazette, No. 22/19).

At the practical level, a statistical table has been created in prosecutorial case management system that is available to the heads of prosecution offices at all times, with fresh data that highlights which files require action due to an approaching deadline. Additionally, an extract from this table is sent by the Centre of Expertise and IT at the Supreme State Prosecutor's Office to the heads of all prosecution offices every three months by e-mail.

Text of issue for follow-up 18 (l):

- l. The level of resources allocated to the judiciary and the impact on the speed of judicial proceedings. [Phase 3 Follow-up issue 11 f.]

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

Text of issue for follow-up 18 (m):

- m. The use of plea bargains and guilty pleas in foreign bribery cases, including whether the sanctions applied are effective, proportionate, and dissuasive.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

As there are no sentences in foreign bribery cases, we are providing the data for domestic corruption. Please see the enclosed table for statistics regarding corruption criminal offences.

Text of issue for follow-up 18 (n):

- n. The application in practice of art. 6 LLPCO regarding successor liability of legal entities.

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:**Text of issue for follow-up 18 (o):**

- o. The issue of post enforcement non-deductibility of bribes to foreign public officials [Phase 3 Follow-up issue 11 I.].

With regard to the issue identified above, describe any new case law, legislative, administrative, doctrinal or other relevant developments since the adoption of the report. Please provide relevant statistics as appropriate:

PART III: ENFORCEMENT

Please describe any development in the detection, investigation, prosecution and/or resolution of any foreign bribery-related case since March 2021, including those cases listed in the Matrix over which Slovenia has jurisdiction.

“World Bank Case”

In January 2021 the prosecutor in charge of the case sent an email to the German colleague about the information that was requested previously with the European Investigation Order, and they replied in November 2021. In February 2022, the National Bureau of Investigation issued a report to the prosecutors, stating that there are no reasonable grounds to determine that the suspected Slovenian citizen committed the alleged offences. The evidence obtained on the basis of the European Investigation Orders from Germany and Switzerland does not confirm the allegations made in the World Bank's complaint. The World Bank has also concluded settlements with all involved legal and natural persons. Criminal proceedings were also pending in Germany (against a Slovenian citizen) and in Switzerland (against a Bosnian citizen) for acts that seem to be based on the same evidence. The prosecutor in charge of this case has not yet reached a final decision, but in the light of the evidence examined so far and the facts established, the case will probably be concluded without an indictment.

“Pharmaceutical case”

In January 2021, the prosecutor in charge of this case sent an EIO to Romania, requesting that they forward the documentation obtained by the Romanian authorities in the course of their pre-trial proceedings. In March 2021 he received an EIO from the Romanian authorities for the seizure of certain documentation from the company in Slovenia regarding their Romanian subsidiary. Also in March 2021, he received the reply of the Romanian authorities to our EIO. They provided a large amount of documentation in Romanian language (approx. 1100 pages in two scanned documents, not including the documentation which is reduced to DVD). Together with the Romanian prosecutor, they agreed that he will wait to with the execution of their EIO, pending examination of the Romanian documentation, in case they wish to carry out a large-scale seizure or search themselves. Following an agreement with the Romanian prosecutor, in April 2021, the Romanian prosecution sent a letter which documentation relates to the activities of Slovenian citizens or employees of the Slovenian company. After examining the material forwarded from Romania, no role of Slovenian nationals in bribery in Romania is currently apparent. In May 2021 prosecutor forwarded the EIO to the competent court for execution. In August 2021 the Romanian Prosecutor's Office, through Eurojust, urged the competent court to execute the EIO. The District Court in Slovenia then executed the European Investigation Order and forwarded the requested documentation to Romania.

In September 2022 year, the Slovenian prosecutors were informed by their Romanian counterparts that the competent prosecutor in Romania has concluded the pre-trial proceedings without filing an indictment. We are now in the process of obtaining official documents from Romania.

Since the preliminary documentation from Romania, which Slovenian prosecution obtained through an European Investigation Order last year, does not show that Slovenian citizens or the Slovenian company played any role in the alleged bribery in Romania, and since the Romanian authorities did not file an indictment against their citizens after the pre-trial proceedings, it is expected that the case will be closed, after obtaining the official Romanian decision.

PART IV: DISSEMINATION OF EVALUATION REPORT

Please describe the efforts taken to publicise and disseminate the Phase 4 evaluation report:

The report was sent to all relevant stakeholders that participated in the P4 evaluation on the Slovenian side.

www.oecd.org/corruption/anti-bribery

