

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o integriteti in preprečevanju korupcije obsega:

- Zakon o integriteti in preprečevanju korupcije – ZIntPK (Uradni list RS, št. 45/10 z dne 4. 6. 2010),
- Zakon o spremembah in dopolnitvah Zakona o integriteti in preprečevanju korupcije – ZIntPK-A (Uradni list RS, št. 26/11 z dne 8. 4. 2011),
- Zakon o spremembah in dopolnitvah Zakona o integriteti in preprečevanju korupcije – ZIntPK-B (Uradni list RS, št. 43/11 z dne 3. 6. 2011),
- Zakon o integriteti in preprečevanju korupcije – uradno prečiščeno besedilo – ZIntPK-UPB2 (Uradni list RS, št. 69/11 z dne 2. 9. 2011).

## **ZAKON O INTEGRITETI IN PREPREČEVANJU KORUPCIJE (ZIntPK)**

**(neuradno prečiščeno besedilo št. 3)**

### **I. SPLOŠNE DOLOČBE**

#### **1. člen (vsebina zakona)**

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The unofficial consolidated version of the Integrity and Prevention of Corruption Act comprises:

- Integrity and Prevention of Corruption Act – ZIntPK (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 45/10 of 4 June 2010),
- Act Amending the Integrity and Prevention of Corruption Act – ZIntPK-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 26/11 of 8 April 2011),
- Act Amending the Integrity and Prevention of Corruption Act – ZIntPK-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 43/11 of 3 June 2011),
- Integrity and Prevention of Corruption Act – Official Consolidated Text – ZIntPK-UPB2 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 69/11 of 2 September 2011).

## **INTEGRITY AND PREVENTION OF CORRUPTION ACT (ZIntPK)**

**(Unofficial consolidated version No. 3)**

### **I. INTRODUCTORY PROVISIONS**

#### **Article 1 (Subject of the Act)**

Ta zakon z namenom krepitve delovanja pravne države določa ukrepe in metode za krepitev integritete in transparentnosti ter za preprečevanje korupcije in preprečevanje in odpravljanje nasprotja interesov.

## **2. člen (uresničevanja namena zakona)**

Namen tega zakona se uresničuje tako, da se:

1. z omejevanjem in preprečevanjem korupcije ter nadzorom nad nezdržljivostjo funkcij z drugimi funkcijami in dejavnostmi zagotovi neodvisno izpolnjevanje ustavno in zakonsko določenih funkcij;
2. z uresničevanjem resolucije, ki ureja preprečevanje korupcije, oblikovanjem strokovnih mnenj in standardov dobre prakse, nudenjem pomoči pri izobraževanju, zagotavljanju ozaveščenosti ter načrtovanju in ocenjevanju integritete na vseh ravneh vzpodbuja in krepi sposobnost posameznikov in institucij, da prevzamejo odgovornost za razvoj integritete in s tem tudi za preprečevanje in odkrivanje korupcije;
3. z nadzorom nad premoženjem in sprejemanjem daril funkcionarjev, preprečevanjem in odpravljanjem nasprotja interesov ter koruptivnih ravnanj ter nadzorom nad lobiranjem vzpodbuja in krepi transparentnost v procesih in postopkih izvrševanja javne oblasti pri opravljanju javnih funkcij in pri upravljanju javnih zadev;
4. z določitvijo pogojev za opravljanje dejavnosti lobiranja pri delovanju javnega sektorja, zagotovi transparentnost te dejavnosti na način, ki bo podpiral dobre, omejeval in kaznoval neetične prakse lobiranja;
5. z zaščito prijaviteljev koruptivnih ravnanj vzpodbuja in krepi odkrivanje, preprečevanje ter odpravljanje koruptivnih ravnanj;
6. z uresničevanjem mednarodnih obveznosti Republike Slovenije vzpodbuja, podpira in krepi sodelovanje in strokovno pomoč pri preprečevanju in zatiranju korupcije na mednarodni ravni;
7. z ustanovitvijo in zagotavljanjem pogojev za delovanje Komisije za preprečevanje korupcije kot samostojnega in neodvisnega

For the purpose of enhancing the rule of law, this Act lays down measures and methods to strengthen integrity and transparency, to prevent corruption, and to avoid and eliminate conflicts of interest.

## **Article 2 (Purpose of the Act)**

The purpose of this Act shall be achieved by carrying out the following:

1. Ensuring the independent fulfilment of the functions set out by the Constitution and an Act by reducing and preventing corruption and by supervising the incompatibility of an office with other offices and activities;
2. Promoting and strengthening the capacity of individuals and institutions to assume responsibility for the development of integrity and, in so doing, the prevention and detection of corruption by implementing the resolution governing the prevention of corruption, preparing expert opinions and standards of good practice, offering training assistance, raising awareness, and planning for and assessing integrity at all levels;
3. Promoting and strengthening transparency within the processes and procedures of the exercising of public authority in the performance of public functions and management of public affairs by supervising the property of and acceptance of gifts by officials, by preventing and eliminating conflicts of interest and corrupt practices, and by supervising lobbying activities;
4. Ensuring the transparency of lobbying so as to promote good practices and restrict and sanction unethical lobbying practices by defining the conditions for the carrying out of lobbying activities within public sector operations;
5. Promoting and strengthening the detection, prevention and elimination of corrupt practices by protecting persons reporting them;
6. Promoting, supporting and strengthening cooperation and professional assistance in preventing and combating corruption at the international level by meeting the international obligations of the Republic of Slovenia; and
7. Promoting and enhancing cooperation between State bodies and self-governing local community bodies (hereinafter: local community

državnega organa za krepitev integritete in protikorupcijskega delovanja, ter določitev njihovih nalog in pristojnosti vzpodbuja in krepi sodelovanje državnih organov in organov samoupravnih lokalnih skupnosti (v nadaljnjem besedilu: organi lokalne skupnosti), organizacij javnega sektorja, oseb z javnimi pooblastili, institucij civilne družbe, medijev in pravnih ter fizičnih oseb pri dvigu integritete v Republiki Sloveniji, preprečevanju korupcije in učinkovitem odzivu države proti vsem oblikam koruptivnih ravnanj.

### **3. člen (veljavnost zakona)**

(1) Ta zakon velja za javni sektor, če drug zakon vprašanj, ki so urejena s tem zakonom, ne ureja drugače.

(2) Če ta zakon tako določa, velja tudi za zasebni sektor.

### **4. člen (pomen izrazov)**

Izrazi, uporabljeni v tem zakonu, imajo naslednji pomen:

1. »korupcija« je vsaka kršitev dolžnega ravnanja uradnih in odgovornih oseb v javnem ali zasebnem sektorju, kot tudi ravnanje oseb, ki so pobudniki kršitev ali oseb, ki se s kršitvijo lahko okoristijo, zaradi neposredno ali posredno obljubljenih, ponujenih ali dane oziroma zahtevane, sprejete ali pričakovane koristi zase ali za drugega;
2. »mednarodna korupcija« je korupcija, v kateri je udeležena najmanj ena fizična ali pravna oseba iz tujine;
3. »integriteta« je pričakovano delovanje in odgovornost posameznikov in organizacij pri preprečevanju in odpravljanju tveganj, da bi bila oblast, funkcija, pooblastilo ali druga pristojnost za odločanje uporabljena v nasprotju z zakonom, pravno dopustnimi cilji in etičnimi kodeksi;
4. »javni sektor« ima isti pomen kot javni sektor po zakonu, ki ureja javne uslužbenke vključno z javnimi podjetji in gospodarskimi

bodies), public sector organisations, persons vested with public authority, civil society institutions, the media, and legal and natural persons in raising the level of integrity in the Republic of Slovenia and preventing corruption and assisting the State in dealing effectively with all types of corrupt practices by establishing the Commission for the Prevention of Corruption and providing the conditions necessary for its operation as an autonomous and independent State body in order to strengthen integrity and suppress corruption and through the determination of its tasks and competences.

### **Article 3 (Applicability)**

(1) This Act shall apply to the public sector, unless issues governed by this Act are regulated otherwise by another Act.

(2) Where this Act so provides, it shall also apply to the private sector.

### **Article 4 (Definition of terms)**

For the purposes of this Act, the following definitions shall apply:

1. "Corruption" means any violation of due conduct by officials and responsible persons in the public or private sector, as well as the conduct of persons initiating such violations or of persons benefiting from it, for the purpose of undue benefit promised, offered or given, directly or indirectly, or for the purpose of undue benefit demanded, accepted or expected for one's own advantage or to the advantage of any other person;
2. "International corruption" means corruption involving at least one natural or legal person from abroad;
3. "Integrity" means the conduct and responsibility expected of individuals and organisations in the prevention and elimination of risks related to the use of any authority, office, mandate or any other decision-making power contrary to an Act, legally admissible objective or code of ethics;
4. "Public sector" has the same meaning as in the Act governing public servants, including public undertakings and private companies in

- družbami, v katerih ima večinski delež oziroma prevladujoč vpliv država ali lokalna skupnost;
5. »zaposleni v javnem sektorju« so funkcionarji, javni uslužbenci in zaposleni v javnih podjetjih in gospodarskih družbah, v katerih ima večinski delež oziroma prevladujoč vpliv država ali samoupravna lokalna skupnost;
  6. »funkcionarji oziroma funkcionarke« (v nadaljnjem besedilu: funkcionarji) so: poslanci državnega zbora, člani državnega sveta, predsednik republike, predsednik vlade, ministri, državni sekretarji, sodniki ustavnega sodišča, sodniki, državni tožilci, funkcionarji v drugih državnih organih in samoupravnih lokalnih skupnosti (v nadaljnjem besedilu: lokalne skupnosti), poslanci iz Republike Slovenije v Evropskem parlamentu, kjer njihove pravice in obveznosti niso drugače urejene z akti Evropskega parlamenta in drugi funkcionarji iz Slovenije v evropskih institucijah in drugih mednarodnih institucijah, generalni sekretar vlade, bivši funkcionarji, dokler prejemajo nadomestilo plače v skladu z zakonom, ter funkcionarji Banke Slovenije, če njihove pravice in obveznosti niso drugače urejene z zakonom, ki ureja Banko Slovenije in drugimi predpisi, ki obvezujejo Banko Slovenije;
  7. »družinski člani« so zakonec, otroci, posvojenci, starši, posvojitelji, bratje, sestre in osebe, ki s posameznikom živijo v skupnem gospodinjstvu ali v zunajzakonski skupnosti;
  8. »uradniki oziroma uradnice na položaju« (v nadaljnjem besedilu: uradniki na položaju) so: generalni direktorji, generalni sekretarji ministrstev, predstojniki organov v sestavi ministrstev, predstojniki vladnih služb, načelniki upravnih enot, direktorji oziroma tajniki občinskih uprav;
  9. »poslovodne osebe« so direktorji in člani kolektivnih poslovnih organov javnih agencij, javnih skladov, javnih zavodov, javnih gospodarskih zavodov ter drugih oseb javnega prava, ki so posredni uporabniki državnega proračuna ali proračuna samoupravne lokalne skupnosti ter javnih podjetij in gospodarskih družbi, v katerih imata država ali samoupravna lokalna skupnost večinski delež ali prevladujoč vpliv;
  10. »uradne osebe« so funkcionarji, uradniki na položaju in drugi javni uslužbenci, poslovodne osebe in člani organov upravljanja, vodenja in nadzora v subjektih javnega sektorja;
  11. »osebe, odgovorne za javna naročila«, so: osebe, ki jih naročniki imenujejo v strokovne komisije za oddajo javnega naročila in ki odločajo, potrjujejo in predlagajo vsebino razpisne dokumentacije,

- which a controlling interest or a dominant influence is held either by the State or by a local community;
5. "Public sector employees" means holders of public office, public employees, and employees in public undertakings and private companies in which the controlling interest or a dominant influence is held either by the State or by a local community;
  6. "Holder of public office" means deputies of the National Assembly, members of the National Council, the President of the Republic, the Prime Minister, ministers, state secretaries, Constitutional Court judges, other judges, state attorneys, officials in other State bodies and self-governing local communities (hereinafter: local communities), members of the European Parliament from the Republic of Slovenia, unless their rights and obligations are stipulated otherwise by the regulations of the European Parliament, and other holders of public office from Slovenia working in European and other international institutions, the Secretary-General of the Government, former holders of public office while receiving wage compensation pursuant to an Act, and holders of public office of the Bank of Slovenia, unless their rights and obligations are stipulated otherwise by the Act governing the Bank of Slovenia and other regulations binding on the Bank of Slovenia;
  7. "Family members" means spouses, children, adopted children, parents, adoptive parents, brothers, sisters, or any other persons living with an individual in the joint household or in a consensual union;
  8. "Officials in a managerial position" means directors-general, secretaries-general of ministries, heads of ministerial bodies, heads of government offices, heads of administrative units, and the directors or secretaries of municipal administrative bodies;
  9. "Managers" means the directors and members of the collective management bodies of the following: public agencies, public funds, public institutes, public utility institutes, other entities governed by public law which are indirect users of the government budget or the local community budget, and state-owned enterprises and corporations in which a controlling interest or a dominant influence is held either by the State or by a local community;
  10. "Official persons" means holders of public office, officials in a managerial position, other public employees, managers, and members of the management and supervisory boards of public sector entities;
  11. "Persons responsible for public procurement" means persons who are appointed by the contracting authorities to an expert commission responsible for the awarding of public contracts and who decide upon,

ocenjujejo ponudbe oziroma naročniku predlagajo izbor ponudnika, kadar gre za javna naročila, za katera je potrebno v skladu z zakonom, ki ureja javno naročanje, izvesti postopek javnega naročanja, razen postopek oddaje naročila male vrednosti, in kadar gre za javna naročila, za katera ni potrebno izvesti postopka javnega naročanja, če je vrednost naročila enaka ali višja od vrednosti za izvedbo postopka zbiranja ponudb po predhodni objavi, ne glede na to ali so ta naročila ali del dokumentacije o javnem naročilu v skladu z zakonom, ki ureja tajne podatke, označeni s stopnjo tajnosti. Za osebe, odgovorne za javna naročila, se štejejo tudi osebe, ki v skladu s to definicijo sodelujejo pri javnem naročanju in niso v delovnem razmerju pri naročniku;

12. »nasprotje interesov« so okoliščine, v katerih zasebni interes uradne osebe vpliva ali ustvarja videz, da vpliva na nepristransko in objektivno opravljanje njenih javnih nalog;
13. »zasebni interes uradne osebe« pomeni premoženjsko ali nepremoženjsko korist zanjo, za njene družinske člane in za druge fizične osebe ali pravne osebe, s katerimi ima ali je imela osebne, poslovne ali politične stike;
14. »lobiranje« je delovanje lobistov, ki za interesne organizacije izvajajo nejavno vplivanje na odločanje državnih organov in organov lokalnih skupnosti ter nosilcev javnih pooblastil pri obravnavi in sprejemanju predpisov in drugih splošnih aktov, pa tudi na odločanje državnih organov in organov ter uprav lokalnih skupnosti, ter nosilcev javnih pooblastil o drugih zadevah razen tistih, ki so predmet sodnih in upravnih postopkov ter postopkov, izvedenih po predpisih, ki urejajo javna naročila, in drugih postopkov, pri katerih se odloča o pravicah ali obveznostih posameznikov. Za dejanje lobiranja šteje vsak nejavni stik lobista z lobiranci, ki ima namen vplivati na vsebino ali postopek sprejemanja prej navedenih odločitev;
15. »lobist oziroma lobistka« (v nadaljnjem besedilu: lobist) je oseba, ki opravlja dejanja lobiranja in je vpisana v register lobistov ali oseba, ki opravlja dejanja lobiranja in je zaposlena v interesni organizaciji, za katero lobira oziroma je zakoniti zastopnik ali izvoljeni predstavnik te interesne organizacije;
16. »lobiranci oziroma lobiranke« (v nadaljnjem besedilu: lobiranci) so

adopt and propose the contents of tender documentation, evaluate bids, or submit proposals to the contracting authorities on the selection of bidders for public contracts which, pursuant to the Act governing public procurement, require the completion of a public procurement procedure, with the exception of the low-value contract award procedure, and for public contracts which do not require the completion of a public procurement procedure if the value of the contract is equal to or exceeds the value for which a tender collection procedure with prior publication is needed, regardless of whether or not these contracts or parts of public contract documentation are marked with a security classification marking pursuant to the Act governing classified information. Persons responsible for public procurement shall also include those persons who, under this definition, participate in public procurement but do not have an employment relationship with the contracting authority;

12. "Conflict of interest" means circumstances in which the private interests of an official person influences or appears to influence the impartial and objective performance of his public duties;
13. "Private interest of an official person" means a pecuniary or non-pecuniary benefit which is either to his advantage or to the advantage of his family members or other natural or legal persons with whom he maintains or has maintained personal, business or political relations;
14. "Lobbying" means the activities carried out by lobbyists who, on behalf of interest groups, exercise non-public influence on decisions made by State and local community bodies and holders of public authority in discussing and adopting regulations and other general documents and on decisions made by State bodies, the bodies and administrations of local communities, and holders of public authority on matters other than those which are subject to judicial and administrative proceedings, other proceedings carried out according to the regulations governing public procurement, and proceedings in which the rights and obligations of individuals are decided upon. Lobbying means any non-public contact made between a lobbyist and a lobbied party for the purpose of influencing the content or the procedure for adopting the aforementioned decisions;
15. "Lobbyist" means any person who is engaged in lobbying and who is entered in the register of lobbyists or a person who is engaged in lobbying and is employed in an interest group and lobbies on its behalf or a person who is an elected or otherwise legitimate representative of such an interest group;
16. "Lobbied persons" means holders of public office and public

funkcionarji in javni uslužbenci v državnih organih in organih lokalne skupnosti ter pri nosilcih javnih pooblastil, ki odločajo ali sodelujejo pri obravnavi in sprejemanju predpisov in drugih splošnih aktov ter odločitev iz 14. točke tega člena, s katerimi z namenom lobiranja komunicira lobist;

17. »interesne organizacije« so pravne osebe zasebnega prava in druge pravno urejene oblike združevanja fizičnih ali pravnih oseb, v imenu in na račun katerih lobist opravlja dejavnost lobiranja;
18. »nosilci ukrepov« so organi in organizacije, ki so z akcijskim načrtom za uresničevanje resolucije določeni kot izvajalci ukrepov za doseg ciljev resolucije.

## II. KOMISIJA ZA PREPREČEVANJE KORUPCIJE

1. Opredelitev, sestava in nadzor nad delom Komisije za preprečevanje korupcije

### **5. člen (položaj komisije)**

Komisija za preprečevanje korupcije (v nadaljnjem besedilu: komisija) je samostojen in neodvisen državni organ, ki z namenom krepitve učinkovitega delovanja pravne države in preprečevanja njenega ogrožanja s koruptivnimi dejanji v okviru in na podlagi zakonov samostojno izvršuje pristojnosti in opravlja naloge, določene v tem in v drugih zakonih.

### **6. člen (sredstva za delo komisije)**

Sredstva za delo komisije se zagotavljajo v proračunu Republike Slovenije na predlog komisije. Komisija samostojno odloča o porabi proračunskih sredstev.

employees who are employed in State bodies and local community bodies, who work with the holders of public authority responsible for decision-making, or who participate in the discussion and adoption of regulations, other general documents and decisions pursuant to paragraph fourteen of this Article and with whom lobbyists communicate for lobbying purposes;

17. "Interest groups" means legal persons governed by private law, and other legally regulated forms of association of natural or legal persons, on behalf and for the account of which a lobbyist performs a lobbying activity;
18. "Authorities responsible for measures" means bodies or organisations which, under the action plan for the implementation of the resolution, have been appointed as being responsible for the implementation of measures to meet the objectives of the resolution.

## II. COMMISSION FOR THE PREVENTION OF CORRUPTION

1. Definition, composition and supervision of the Commission's work

### **Article 5 (Legal Status)**

The Commission for the Prevention of Corruption (hereinafter: the Commission) is an autonomous and independent State body which, for the purposes of strengthening the effective functioning of the rule of law and safeguarding it from being threatened by corrupt practices, autonomously implements its powers and carries out the tasks set out herein and in other Acts within the framework and on the basis of the relevant legislation.

### **Article 6 (Funding)**

The funds for the work of the Commission shall be provided by the budget of the Republic of Slovenia upon a proposal made by the Commission. The Commission shall decide autonomously on the use of

**7. člen**  
**(imenovanje funkcionarjev komisije)**

(1) Komisija ima predsednika komisije in dva namestnika predsednika komisije. Predsednik komisije in namestnika predsednika komisije so funkcionarji.

(2) Predsednik komisije in njegova namestnika morajo biti državljani Republike Slovenije, imeti morajo najmanj izobrazbo, pridobljeno po študijskih programih druge stopnje, ali raven izobrazbe, ki v skladu z zakonom, ki ureja visoko šolstvo, ustreza izobrazbi druge stopnje, in najmanj deset let delovnih izkušenj pri opravljanju nalog, za katere je zahtevana ta izobrazba, ter ne smejo biti pravnomočno obsojeni na kazen zapora.

(3) Predsednik komisije in njegov namestnik mora biti oseba, za katero je na podlagi dosedanjega dela, ravnanja ali vedenja možno utemeljeno sklepati, da bo funkcijo v komisiji opravljala zakonito in v skladu s pravili stroke.

(4) Funkcija predsednika in namestnika predsednika komisije ni združljiva z opravljanjem funkcije ali delom v drugi osebi javnega ali zasebnega prava, ki deluje na področjih, kjer komisija izvršuje pristojnosti po tem zakonu.

(5) Predsednik in namestnika predsednika komisije morajo najkasneje v roku enega meseca po nastopu funkcije prenehati opravljati delo ali funkcijo iz prejšnjega odstavka.

(6) Predsednik komisije je imenovan za dobo šestih let, namestnika predsednika za dobo petih let, na svoje funkcije pa so lahko imenovani dvakrat zapored.

**8. člen**  
**(pogoji za delovanje komisije)**

the budget funds.

**Article 7**  
**(Appointment of the holders of public office of the Commission)**

(1) The Commission shall have a Chief Commissioner and two Deputy Commissioners. The Chief Commissioner and Deputy Commissioner are holders of public office.

(2) The Chief Commissioner and his deputies must be citizens of the Republic of Slovenia. They must have completed at least higher education under the second-level study programmes or education which corresponds to the second-level of higher education under the Act governing higher education, and must have at least ten years of work experience in performing tasks requiring the aforementioned education, and must not have been sentenced to imprisonment by way of a final judgment.

(3) The Chief Commissioner and his deputies must be persons for whom it may be reasonably concluded that, in respect of their previous work, conduct or behaviour, they will perform their function in the Commission by observing the law and pursuant to the rules of the profession.

(4) The office of Chief Commissioner or deputy must not be carried out in addition to the performance of a function or work in any other entity governed by public or private law that operates in areas where the Commission exercises its powers pursuant to this Act.

(5) The Chief Commissioner and his deputies shall cease to perform any work or function referred to in the preceding paragraph no later than one month after assuming office.

(6) The Chief Commissioner shall be appointed for a period of six years and a deputy commissioner for a period of five years; they may be appointed to their respective offices twice in a row.

**Article 8**  
**(Conditions for the operation of the Commission)**

(1) Predsednik in namestnika predsednika komisije opravljajo svojo funkcijo polni delovni čas.

(2) Pri komisiji je zaposleno potrebno število javnih uslužbencev. Vrste in število delovnih mest javnih uslužbencev se določijo z aktom o sistemizaciji.

2. Izbirni postopek, imenovanje, delovanje, naloge in pristojnosti komisije

### **9. člen (imenovanje komisije)**

(1) Predsednik komisije pol leta pred iztekom mandata predsednika in namestnikov predsednika o tem obvesti predsednika republike, ta pa pozove predlagatelje za člane izbirne komisije, da imenujejo svoje člane v roku 30 dni od prejema obvestila predsednika republike. Hkrati s pozivom za imenovanje članov izbirne komisije predsednik republike izvede javni poziv za zbiranje kandidatur za predsednika komisije in namestnika predsednika komisije. Za zbiranje kandidatur določi rok, ki ne sme biti krajši od 14 in ne daljši od 30 dni. Zbrane kandidature posreduje izbirni komisiji.

(2) Izbirni postopek za izbiro primernih kandidatov za predsednika in namestnika izvede izbirna komisija, sestavljena iz petih članov. V izbirno komisijo po enega člana imenujejo:

- Vlada Republike Slovenije (v nadaljnjem besedilu: vlada),
- Državni zbor Republike Slovenije (v nadaljnjem besedilu: državni zbor),
- neprofitne organizacije zasebnega sektorja s področja preprečevanja korupcije izmed svojih članov,
- Sodni svet izmed svojih članov,

(1) The Chief Commissioner and Deputy Commissioners shall perform their respective functions on a full-time basis.

(2) The Commission shall employ the necessary number of public employees. The categories and number of public employee posts shall be defined by the document on job classification.

2. Selection procedure, appointment, operation, tasks and powers of the Commission

### **Article 9 (Appointment of the Commission)**

(1) Six months before the expiry of the terms of office of the Chief Commissioner and Deputy Commissioners, the Chief Commissioner shall notify the President of the Republic accordingly; the latter shall in turn invite proposers for members of the selection committee to appoint members in question within 30 days of receipt of the notice from the President of the Republic. Along with the invitation to appoint members of the selection committee, the President of the Republic shall carry out a public call for the collection of candidacies for the Chief Commissioner and Deputy Commissioners. The period for collecting candidacies to be stipulated by the President of the Republic shall be not shorter than 14 days and not longer than 30 days. The candidacies collected shall then be submitted to the selection committee.

(2) The selection procedure for the choice of appropriate candidates for the posts of Chief Commissioner and Deputy Commissioners shall be carried out by the selection committee, which shall comprise five members. The following shall each appoint one member to the selection committee:

- the Government of the Republic of Slovenia (hereinafter: the Government);
- the National Assembly of the Republic of Slovenia (hereinafter: the National Assembly);
- non-profit private sector organisations engaged in the prevention of corruption from among their members;
- the Judicial Council from among its members; and

- Uradniški svet izmed svojih članov in imenovanja sporočijo Uradu predsednika Republike Slovenije (v nadaljnjem besedilu: urad predsednika republike).

(3) Prvo sejo izbirne komisije skliče generalni sekretar urada predsednika republike v sedmih dneh po poteku roka iz tretjega stavka prvega odstavka tega člena. Na prvi seji izbirna komisija določi način svojega dela in če se člani izbirne komisije ne odločijo drugače, jo vodi njen najstarejši član.

(4) Če predlagatelji za člane izbirne komisije v roku iz prvega odstavka tega člena, niso imenovali svojih članov v izbirno komisijo, jih generalni sekretar urada predsednika republike pozove, da to storijo v naslednjih petih dneh od dne prejema poziva ter jih opozori, da bo v nasprotnem primeru izbirna komisija pričela s svojim delom v sestavi, z do tedaj imenovanimi člani. Izbirna komisija v tem primeru odločitev sprejme z večino glasov imenovanih članov.

(5) Izbirna komisija preveri izpolnjevanje pogojev iz drugega odstavka 7. člena tega zakona ter oceni primernost kandidatov skladno s tretjim odstavkom 7. člena tega zakona. Izbirna komisija v 30 dneh po izteku roka iz prejšnjega odstavka posreduje predsedniku republike seznam kandidatov, ki izpolnjujejo pogoje in so primerni za imenovanje.

(6) Predsednik republike izmed kandidatov, ki mu jih je posredovala izbirna komisija, imenuje predsednika komisije in namestnika predsednika komisije v 30 dneh po prejemu kandidatur.

(7) Če predsednik republike izmed predlaganih kandidatov ne imenuje nobenega kandidata za predsednika oziroma namestnika predsednika komisije, o tem obvesti izbirno komisijo in takoj ponovi postopek javnega poziva za zbiranje kandidatur. Rok za zbiranje

- the Officials' Council from among its members.

The above shall then notify the Office of the President of the Republic of Slovenia (hereinafter: Office of the President of the Republic) of their appointments.

(3) The first sessions of the selection committee shall be convened by the Secretary-General of the Office of the President of the Republic within seven days following the expiry of the period referred to in the third sentence of paragraph one of this Article. At its first session, the selection committee shall define its work methodology and, unless members of the selection committee decide otherwise, the session shall be chaired by the member who is most senior in age.

(4) In the event that the proposers for members of the selection committee fail to appoint members to the selection committee within the period laid down in paragraph one of this Article, the Secretary-General of the Office of the President of the Republic shall invite them to do so within the five days following receipt of the invitation and instruct them that, in the event that this does not occur, the selection committee will begin its work comprising the previously appointed members. In such a case, the selection committee shall adopt a decision by way of a majority vote of the appointed members.

(5) The selection committee shall examine whether the conditions referred to in paragraph two of Article 7 of this Act have been met and assess the suitability of the candidates pursuant to paragraph three of Article 7 of this Act. The selection committee shall, within 30 days following the expiry of the period referred to in the preceding paragraph, submit to the President of the Republic a list of candidates who meet the conditions and are suitable for appointment.

(6) The President of the Republic shall, from among the candidates proposed to him by the selection committee, appoint the Chief Commissioner and Deputy Commissioners within 30 days following receipt of the names of the candidates.

(7) In the event that the President of the Republic does not appoint any candidate from among the candidates proposed for the posts of the Chief Commissioner and Deputy Commissioners, he shall notify the selection committee accordingly and repeat the public call procedure for

predlogov v tem primeru ne sme biti krajši od 14 in ne daljši od 30 dni. Izbirna komisija izvede postopek izbire primernih kandidatov v roku 14 dni od poteka roka za zbiranje kandidatur. Če tudi ponovljen postopek ni uspešen, se ponavlja toliko časa, dokler niso imenovani predsednik in oba namestnika predsednika komisije, pri čemer se upoštevajo roki iz tega odstavka.

(8) Funkcionar komisije, ki mu je potekel mandat, opravlja funkcijo do imenovanja novega funkcionarja na njegovo funkcijo.

(9) Naloge iz tega člena, potrebne za izvedbo zbiranja kandidatur in izbor primernih kandidatov, opravlja urad predsednika republike.

#### **10. člen (pristojnosti predsednika komisije)**

(1) Predsednik komisije zastopa komisijo ter vodi in organizira njeno delo.

(2) Predsednik komisije izmed imenovanih namestnikov predsednika komisije določi prvega in drugega namestnika.

(3) Predsednik komisije lahko pooblasti posameznega namestnika, da organizira in vodi delo na posameznih področjih.

(4) Predsednika komisije v primeru njegove odsotnosti ali zadržanosti nadomešča prvi namestnik, v primeru odsotnosti ali zadržanosti predsednika komisije in prvega namestnika pa ga nadomešča drugi namestnik. Če je predsednik komisije razrešen v skladu z 22. členom tega zakona, do imenovanja novega predsednika opravlja naloge predsednika prvi namestnik.

#### **11. člen**

the collection of candidacies without delay. In such cases, the period for the collection of proposals shall be not less than 14 days and not more than 30 days. The selection committee shall carry out the procedure for the selection of suitable candidates within 14 days following the expiry of the period for the collection of candidacies. In the event that the repeat procedure is also unsuccessful, it shall be repeated until the Chief Commissioner and both Deputy Commissioners have been appointed, whereby the durations referred to in this paragraph are to be observed.

(8) An official of the Commission whose term of office has expired shall perform his function until a new official has been appointed to replace him.

(9) The tasks referred to in this Article that are required to carry out the collection of candidacies and the selection of suitable candidates shall be performed by the Office of the President of the Republic.

#### **Article 10 (Powers of the Chief Commissioner)**

(1) The Chief Commissioner shall represent the Commission and manage and organise its work.

(2) The Chief Commissioner shall, from among the appointed Deputy Commissioners, nominate the first and second deputies.

(3) The Chief Commissioner may authorise a deputy to organise and manage certain areas of work.

(4) In the event that the Chief Commissioner is absent or otherwise precluded from attending to his duties, he shall be substituted by the first deputy; in the event that the Chief Commissioner and the first Deputy Commissioner are absent or otherwise precluded from attending to their duties, they will be substituted by the second deputy. Where the Chief Commissioner is deprived of his office pursuant to Article 22 of this Act, his tasks shall be carried out by the first deputy until the appointment of a new Chief Commissioner.

#### **Article 11**

### **(način delovanja komisije)**

(1) Komisija deluje in odloča kot kolegijski organ, ki ga sestavljajo funkcionarji iz prvega odstavka 7. člena tega zakona. Zadeve obravnava na sejah, kjer sprejema mnenja, stališča in druge odločitve, ki morajo biti sprejete vsaj z dvema glasovoma.

(2) Komisija svoje poslovanje uredi s poslovnikom in drugimi splošnimi akti. Poslovnik se objavi v Uradnem listu Republike Slovenije.

### **12. člen (naloge in pristojnosti komisije)**

(1) Komisija:

- pripravlja strokovne podlage za krepitev integritete in za programe usposabljanja;
- usposablja osebe, ki so odgovorne za načrte integritete;
- s predstavniki istovrstnih oseb javnega prava ali njihovih združenj pripravi vzorce njihovih načrtov integritete;
- svetuje pri krepitevi integritete in preprečevanju ter odpravljanju tveganj za korupcijo v javnem in zasebnem sektorju;
- spremlja in analizira podatke o stanju in uresničevanju nalog za preprečevanje korupcije v Republiki Sloveniji;
- spremlja zadeve s področja mednarodne korupcije ter spremlja in analizira podatke o številu in pojavnih oblikah kaznivih dejanj z elementi korupcije v Republiki Sloveniji;
- opravlja naloge v zvezi z lobiranjem;
- izdaja načelna mnenja, stališča, priporočila in pojasnila o vprašanih, povezanih z vsebino tega zakona;
- skrbi za izvajanje resolucije, ki ureja preprečevanje korupcije v Republiki Sloveniji;
- pripravlja spremembe resolucije, ki ureja preprečevanje korupcije v Republiki Sloveniji in jih predlaga v obravnavo vladi, ki jih predloži v sprejem državnemu zboru;
- daje soglasje k načrtom aktivnosti za uresničevanje resolucije, ki

### **(Method of operation of the Commission)**

(1) The Commission shall operate and decide as a collective body comprised of the officials referred to in paragraph one of Article 7 of this Act. The issues at hand shall be discussed at sessions, where the Commission shall adopt opinions, positions and other decisions by way of at least two votes being cast.

(2) The Commission shall regulate its operation pursuant to the Rules of Procedure and other general documents. The Rules of Procedure shall be published in the Official Gazette of the Republic of Slovenia.

### **Article 12 (Tasks and powers of the Commission)**

(1) The Commission:

- prepares expert groundwork for strengthening integrity and training programmes;
- provides training for persons responsible for integrity plans;
- prepares, together with the representatives of equivalent public law entities or their associations, models of their integrity plans;
- provides advice on strengthening integrity and preventing and eliminating the risks of corruption in the public and private sectors;
- monitors and analyses data on the development and realising of tasks aimed at preventing corruption in the Republic of Slovenia;
- monitors the state of affairs in the field of international corruption and monitors and analyses data on the number and manifestations of all forms of criminal offences involving elements of corruption in the Republic of Slovenia;
- performs lobbying-related tasks;
- adopts principled opinions, positions, recommendations and explanations in respect of issues connected with the contents of this Act;
- ensures the implementation of the resolution regulating the prevention of corruption in the Republic of Slovenia;
- drafts amendments to the resolution regulating the prevention of corruption in the Republic of Slovenia and proposes that they be discussed by the Government, which in turn submits them to the National Assembly for adoption;
- gives consent to the action plans of the individual authorities defined in

ureja preprečevanje korupcije v Republiki Sloveniji, posameznim organom, opredeljenim v resoluciji;

- opozarja pristojne organe v Republiki Sloveniji na uresničevanje obveznosti, ki izhajajo iz mednarodnih aktov s področja preprečevanja korupcije in jim daje predloge glede načina uresničevanja teh obveznosti;
- sodeluje s pristojnimi državnimi organi pri pripravi predpisov s področja preprečevanja korupcije;
- spremlja uresničevanje predpisov iz prejšnje alineje in daje pobude za njihove spremembe in dopolnitve;
- lahko daje mnenje k predlogom zakonov ter ostalih predpisov pred njihovo obravnavo na vladi o usklajenosti določb predlogov zakonov ter ostalih predpisov z zakoni in predpisi, ki urejajo področje preprečevanja korupcije in preprečevanja in odpravljanja nasprotja interesov;
- lahko daje državnemu zboru in vladi pobude za ureditev določenega področja s sprejetjem zakona ali drugega predpisa, v skladu z njenimi nalogami in pristojnostmi;
- sodeluje s podobnimi organi drugih držav in mednarodnih integracij ter mednarodnimi neprofitnimi organizacijami zasebnega sektorja s področja preprečevanja korupcije;
- sodeluje z znanstvenimi, strokovnimi, medijskimi in neprofitnimi organizacijami zasebnega sektorja s področja preprečevanja korupcije;
- pripravlja izhodišča za kodekse ravnanja;
- objavlja strokovno literaturo;
- odplačno izvaja strokovne naloge v zvezi s pripravo in izdelavo načrtov integritete in pripravo ukrepov za preprečevanje korupcije za uporabnike iz zasebnega sektorja;
- vodi evidence v skladu s tem zakonom;
- opravlja druge naloge, določene s tem in drugimi zakoni.

(2) V zvezi z uresničevanjem naloge iz šeste alineje prejšnjega odstavka so policija in državno tožilstvo ter sodišče dolžni komisijo obveščati o zaključeni obravnavi kaznivih dejanj korupcije, v katerih so istočasno osumljeni, ovadeni, obtoženi ali obsojeni slovenski in tuji državljani oziroma pravne osebe s sedežem v Republiki Sloveniji in tujini, v roku 30 dni po zaključku zadev, in sicer policija z obvestilom o načinu zaključka zadeve, državno tožilstvo z aktom o zavrženju ovadbe ali

the resolution, these plans relating to the implementation of the resolution regulating the prevention of corruption in the Republic of Slovenia;

- calls on the competent authorities in the Republic of Slovenia to meet the obligations arising from international instruments relating to the prevention of corruption and provides them with proposals regarding the method of implementation of these obligations;
- cooperates with the competent State bodies in drafting regulations on the prevention of corruption;
- monitors the implementation of the regulations referred to in the preceding indent and proposes initiatives for amendments to them;
- provides its opinion on proposals for Acts and other regulations before they are discussed by the Government, particularly in respect of the conformity of the provisions contained within these proposals for Acts and other regulations with the Acts and regulations regulating the prevention of corruption and the prevention and elimination of conflicts of interest;
- may submit initiatives to the National Assembly and the Government to regulate a particular area by adopting an Act or any other regulation in accordance with its tasks and powers;
- cooperates with the corresponding authorities of other countries and international structures and with international non-profit private sector organisations engaged in the prevention of corruption;
- cooperates with scientific, professional, media and non-profit organisations from the private sector in the prevention of corruption;
- prepares starting points for codes of conduct;
- publishes professional literature;
- performs, upon the receipt of payment, expert tasks related to the preparation and development of integrity plans and the preparation of measures for the prevention of corruption for private sector users;
- keeps records pursuant to this Act; and
- performs other tasks set out by this and other Acts.

(2) Within the context of the implementation of tasks referred to in indent six of the preceding paragraph, the Police, the State Prosecutor's Office and the competent court are under the obligation to notify the Commission of completed proceedings related to criminal offences of corruption in respect of which Slovenian and foreign citizens or legal entities established in the Republic of Slovenia and abroad have been simultaneously suspected, accused, charged or convicted, this within 30

odstopu od pregona ter sodišče s sodbo ali s sklepom. Dolžnost obveščanja velja tudi v primerih, ko v okviru mednarodnega sodelovanja od tujih policijskih ali pravosodnih organov izvedo za zaključeno zadevo v tuji državi, v kateri je bil ovaden, obtožen ali obsojen državljan Republike Slovenije.

(3) Cenik za izvajanje nalog iz enaindvajsete alineje prvega odstavka tega člena določi komisija in ga objavi na svoji spletni strani. Pri obračunu stroškov in načinu vplačil za izvajanje prej navedenih nalog se upoštevajo predpisi sprejeti na podlagi zakona, ki ureja javne finance.

### **13. člen**

#### **(pristojnosti komisije ob sumu korupcije ali drugih kršitev)**

(1) Komisija lahko na lastno pobudo, na podlagi prijave pravne ali fizične osebe ali na zahtevo iz drugega odstavka tega člena uvede postopek zaradi suma korupcije, kršitve predpisov o nasprotju interesov, omejitvi poslovanja ali o lobiranju ali zaradi ocene in odprave posamičnih ali sistemskih korupcijskih tveganj ali kršitev etike in integritete javnega sektorja.

(2) Zahtevo za uvedbo postopka iz prvega odstavka lahko podajo tudi:

- državni zbor,
- vlada,
- računsko sodišče, varuh človekovih pravic, državna revizijska komisija, informacijski pooblaščenec, Banka Slovenije in drugi samostojni državni organi ali javnopravne institucije s področja finančnega poslovanja, vrednostnih papirjev, varstva konkurence in preprečevanja pranja denarja,
- sodni svet, državno-tožilski svet,
- državno tožilstvo in sodišče, če ne gre za dejanja, ki sta jih pristojna preganjati oziroma odločati o njih v okviru svojih zakonskih pristojnosti.

days following the conclusion of the relevant case. The duty to notify shall also apply in cases where, within the framework of international cooperation, the aforementioned bodies are informed by foreign police or judicial authorities on a concluded case in a foreign country in which a citizen of the Republic of Slovenia has been accused, charged or convicted.

(3) The tariff for the implementation of the tasks referred to in indent 21 of paragraph one of this Article shall be determined by the Commission and published on its website. In calculating the costs and in determining the mode of payment for the implementation of the aforementioned tasks, the rules adopted pursuant to the Act governing public finance shall be observed.

### **Article 13**

#### **(Powers of the Commission on suspicion of corruption or other offences)**

(1) The Commission may, on its own motion, following a report submitted by a legal or natural person, or upon a request referred to in paragraph two of this Article, initiate proceedings relating to allegations of corruption, violation of the rules on conflicts of interest, violation of restrictions on business activities, violation of the regulation of lobbying, proceedings related to the assessment and elimination of individual or systemic corruption risks, or the violation of the ethics and integrity of the public sector.

(2) The application for the initiation of proceedings referred to in paragraph one can also be submitted by the following:

- the National Assembly;
- the Government;
- the Court of Audit, the Human Rights Ombudsman, the National Review Commission, the Information Commissioner, the Bank of Slovenia, and other autonomous State bodies or institutions governed by public law and operating in financial management, securities, the protection of competition and the prevention of money laundering;
- the Judicial Council and the State Prosecutors' Council;
- the State Prosecutor's Office or a court if the offences to be prosecuted or decided on do not fall within their legal competences.

(3) Komisija zadeve iz prejšnjega odstavka praviloma obravnava prednostno. Komisija lahko odloči, da ne bo uvedla postopka ali določila prednostne obravnave, če zadevo obravnava drug pristojen organ ali sodišče ali če je to v skladu s poslovnikom ali aktom komisije iz četrtega odstavka tega člena. V primeru zavrnitve zahteve mora komisija v roku 15 dni od prejema zahteve o svoji odločitvi in o razlogih zanjo pisno seznaniti vlagatelja zahteve.

(4) Komisija sprejme in na spletnih straneh objavi akt, s katerim določi merila in postopek za določanje vrstnega reda obravnave prijav oziroma za uvedbo postopka na lastno pobudo ter merila in način odločanja o prioritetni obravnavi posameznih zadev.

(5) Po končanem postopku komisija izda načelno mnenje ali ugotovitve o konkretnem primeru. Načelna mnenja in ugotovitve komisije po tem členu ne pomenijo odločanja o kazenski, prekrškovni, odškodninski, disciplinski ali drugi odgovornosti pravne ali fizične osebe in nimajo oblike upravne odločbe. V načelnih mnenjih in ugotovitvah komisija lahko obdeluje osebne podatke posameznika, in sicer ime, priimek, funkcijo, položaj in zaposlitev.

(6) Načelna mnenja komisije vsebujejo zlasti prikaz in opredelitev komisije do sistemskih pomanjkljivosti, neskladij in problemov ter predloge za izboljšanje stanja. Ugotovitve komisije o konkretnem primeru vsebujejo zlasti opis dejanskega stanja, oceno ravnanja s pravnega vidika, z vidika krepitve integritete javnega sektorja ter z vidika korupcijskih tveganj in v primeru ugotovljenih nepravilnosti ali tveganj pojasnilo, kakšno bi bilo dolžno ravnanje.

(7) Kadar se ugotovitve komisije nanašajo na določeno ali določljivo fizično ali pravno osebo, komisija osnutek ugotovitev pred javno objavo pošlje tej osebi, ki se lahko v roku sedmih delovnih dni izjasni o navedbah v ugotovitvah. Če se obravnavana oseba do navedb v osnutku ne izjasni, to ni ovira za izdajo ugotovitev komisije. Če komisija na

(3) The Commission shall, as a rule, consider the issues referred to in the preceding paragraph as a matter of priority. The Commission may decide not to initiate proceedings or to apply priority consideration in the event that the case is being considered by another competent authority or court or where this is in accordance with the Rules of Procedure or the document of the Commission referred to in paragraph four of this Article. In the event that the application has been rejected, the Commission shall, within 15 days of the date of receipt of the application, notify the applicant of its decision and the grounds for the rejection.

(4) The Commission shall adopt and publish on its website the wording of the document in which it sets out the criteria and the procedure for determining the priority list for considering the reports or for initiating proceedings on its own motion and the criteria for and the method of deciding on the priority consideration of individual cases.

(5) Following the concluded procedure, the Commission shall adopt a principled opinion or findings on a specific case. Under this Article, the principled opinions and findings of the Commission shall not mean any decision-making on the criminal, minor offence, compensation, disciplinary or any other accountability of a legal or natural person and shall not take the form of an administrative decision. In its principled opinions or findings, the Commission shall be entitled to process the personal data of individuals, including their name, function, position and place of employment.

(6) The principled opinions of the Commission shall in particular include its presentation of and position on systemic shortcomings, inconsistencies and problems and its proposals to improve the situation. The findings of the Commission on a specific case shall above all include a statement of facts and an assessment of the relevant conduct from a legal point of view, the strengthening of the integrity of the public sector, and corruption risks, as well as an explanation on the conduct required where irregularities or risks have been established.

(7) Where the Commission's findings relate to a particular or identifiable natural or legal person, the Commission shall, prior to their publication, send the draft findings to the relevant person, who shall then submit his observations on the statements referred to in the findings within seven working days. Where the person in question fails to take a position

podlagi mnenja pristojnega organa oceni, da obstaja verjetnost, da bi to ogrozilo interese predkazenskega, kazenskega ali drugega nadzornega ali sodnega postopka, osnutka ugotovitev obravnavani osebi ne pošlje.

(8) Komisija načelna mnenja in ugotovitve o konkretnem primeru skupaj z odgovorom obravnavane osebe predstavi javnosti z objavo na svoji spletni strani in na drug primeren način. Če bi javna objava ugotovitev komisije ogrozila interese predkazenskega, kazenskega ali drugega nadzornega ali sodnega postopka, se komisija o terminu in vsebini javne objave predhodno posvetuje s pristojnim organom.

(9) Kadar se ugotovitve nanašajo na funkcionarja, uradnika na položaju, javnega uslužbenca ali poslovodno osebo, komisija ugotovitve pošlje predstojniku organa oziroma organu, ki je pristojen za neposredno izvajanje nadzora nad delovanjem obravnavane osebe ali za njeno imenovanje in razrešitev. Ta mora v roku 30 dni oceniti škodljive posledice za ugled funkcije oziroma položaja ter ugled organa oziroma subjekta, v katerem obravnavana oseba deluje, uvesti nadzorne in disciplinske postopke in sprejeti ustrezne ukrepe skladno z zakonom, kodeksi ravnanja in načrtom integritete. O izvedenih ukrepih obvesti komisijo.

(10) Ne glede na prejšnji odstavek komisija v primeru, ko je ugotovljeno hujše koruptivno ravnanje funkcionarja, uradnika na položaju ali poslovodne osebe, pošlje organu, ki je pristojen za imenovanje in razrešitev obravnavanega posameznika predlog za razrešitev in o tem obvesti javnost. Pristojni organ se je o predlogu komisije za razrešitev dolžan izreči v roku 30 dni.

(11) Komisija na podlagi zahteve državnih organov, organizacij in drugih fizičnih ali pravnih oseb oblikuje odgovore, mnenja in pojasnila tudi o drugih vprašanih iz svojega delovnega področja.

on the statements in this draft, this shall not prevent the Commission from publishing its findings. In the event that the Commission takes the view, based on the opinion of the competent authority, that sending the draft findings to the person in question is likely to jeopardise the interests of the pre-trial, criminal, or any other supervisory or judicial proceedings, it shall refrain from doing so.

(8) The Commission shall present its principled opinions and findings on a specific case, together with the response of the person in question, to the public by publishing them on its website or in any other appropriate manner. Where the publication of the Commission's findings is likely to jeopardise the interests of the pre-trial, criminal, or any other supervisory or judicial proceedings, the Commission shall hold prior consultations with the competent authority regarding the date and contents of the publication.

(9) Where the findings relate to holders of public office, officials in a managerial position, public employees or managers, the Commission shall send the findings to the head of the relevant authority or to the authority responsible for the direct supervision of the activities of the person in question or for his appointment and dismissal. The latter shall, within 30 days, assess the adverse consequences for the reputation of the function or the position, or for the reputation of the authority or entity where the person in question is employed, and initiate supervisory and disciplinary procedures and adopt appropriate measures pursuant to an Act, the codes of conduct and the integrity plan. It shall inform the Commission on any measures implemented.

(10) Notwithstanding the preceding paragraph, in the event that seriously corrupt conduct on the part of a holder of public office, official in the position or manager has been established, the Commission shall send to the authority responsible for the appointment and dismissal of the person in question a proposal for his dismissal and inform the public accordingly. The competent authority shall take a position on the Commission's proposal for dismissal within 30 days.

(11) At the request of national authorities, organisations, and other natural or legal persons, the Commission shall also formulate answers, opinions and explanations relating to other issues which form part of its remit.

**13.a člen**  
**(pristojnost zahtevati nadzor)**

(1) Komisija lahko na podlagi nepravilnosti ali kršitev, ugotovljenih pri izvajanju postopka iz prejšnjega člena da obrazloženo pobudo:

- generalnemu državnemu tožilcu za izvedbo nadzorstvenega pregleda nad delovanjem določene organizacijske enote vrhovnega državnega tožilstva oziroma okrožnega državnega tožilstva ali za izvedbo delnega nadzorstvenega pregleda nad delom posameznega državnega tožilca ali nad delom na posamezni zadevi;
- sodnemu svetu ali ministru za pravosodje za izvedbo službenega nadzora nad delom določenega sodišča ali nad delom določenega sodnika;
- predsedniku višjega sodišča za pregled poslovanja sodišča skladno z zakonom, ki ureja sodišča,
- pristojnemu inšpekcijskemu organu ali drugemu državnemu organu za izvedbo upravnega ali strokovnega nadzora nad delom določenega organa, organizacijske enote ali nad delom v posamezni zadevi,
- predsednikom oziroma organom poklicnih organizacij z javnimi pooblastili za izvedbo strokovnega nadzora v okviru svojih pristojnosti ali
- drugim organom oziroma njihovim predstavnikom za izvedbo nadzora nad delovanjem posameznika, organa ali dela na posameznem primeru,
- predstojniku ali pristojnemu organu za uvedbo disciplinskega postopka zoper posameznega javnega uslužbenca ali funkcionarja.

(2) Če zavrne pobudo iz prejšnjega odstavka, mora pristojna oseba oziroma organ najkasneje v 15 dneh od prejema pobude komisiji posredovati pisno obrazložitev zavrnitve pobude za izvedbo nadzora oziroma za uvedbo disciplinskega postopka.

(3) Če izvede nadzor na podlagi pobude iz prvega odstavka tega člena, mora pristojna oseba oziroma organ končno poročilo o

**Article 13a**  
**(Power to request supervision)**

(1) On the basis of irregularities or violations established in the implementation of the procedure referred to in the preceding Article, the Commission may submit a reasoned initiative to the following:

- the State Prosecutor General in order to carry out a supervisory inspection of the functioning of a particular organisational unit of the Office of the State Prosecutor General and the District State Prosecutor's Office or to carry out a partial supervisory inspection of the work of an individual State prosecutor or of the work performed in a particular case;
- the Judicial Council or the Minister of Justice in order to carry out official supervision of the work of a particular court or of the work of a particular judge;
- the president of a higher court in order to review the operation of the court pursuant to the Act governing courts;
- the competent inspection authority or any other State body in order to carry out administrative or expert supervision of the work of a certain body or organisational unit or of the work performed in a particular case;
- the presidents or bodies of a professional organisation vested with public authority in order to carry out expert supervision within the scope of their powers;
- other authorities or their representatives in order to carry out supervision of the work of a person or a body or of the work performed in a particular case;
- the person in charge or the competent authority in order to initiate a disciplinary procedure against a public employee or a holder of public office.

(2) In the event that the initiative referred to in the preceding paragraph is refused, the responsible person or authority shall, no later than 15 days following receipt of the initiative related to the implementation of the supervision or initiation of a disciplinary procedure, send to the Commission a written explanation for its refusal.

(3) In the event that the supervision is carried out in accordance with the initiative referred to in paragraph one of this Article, the

izvedbi nadzora in o ugotovitvah in izvedenih ukrepih posredovati komisiji najkasneje v osmih dneh od sprejema. Če uvede disciplinski postopek, mora o zaključku in rezultatih tega postopka prav tako obvestiti komisijo v osmih dneh od zaključenega postopka.

#### **14. člen (protikorupcijska klavzula)**

(1) Pogodba, pri kateri kdo v imenu ali na račun druge pogodbene stranke, predstavniku ali posredniku organa ali organizacije iz javnega sektorja obljudi, ponudi ali da kakšno nedovoljeno korist za:

- pridobitev posla ali
- za sklenitev posla pod ugodnejšimi pogoji ali
- za opustitev dolžnega nadzora nad izvajanjem pogodbenih obveznosti ali
- za drugo ravnanje ali opustitev, s katerim je organu ali organizaciji iz javnega sektorja povzročena škoda ali je omogočena pridobitev nedovoljene koristi predstavniku organa, posredniku organa ali organizacije iz javnega sektorja, drugi pogodbeni stranki ali njenemu predstavniku, zastopniku, posredniku;

je nična.

(2) Organi in organizacije javnega sektorja so dolžni v pogodbe v vrednosti nad 10.000 eurov brez DDV, ki jih sklepajo s ponudniki, prodajalci blaga, storitev ali z izvajalci del, kot obvezno sestavino pogodb ob upoštevanju konkretnega primera, vključiti vsebino iz prejšnjega odstavka, lahko pa vključijo tudi dodatne določbe za preprečevanje korupcije ali drugega poslovanja v nasprotju z moralo ali javnim redom. Ta določba velja tudi za sklepanje pogodb s ponudniki, prodajalci oziroma izvajalci del ali storitev izven ozemlja Republike Slovenije.

(3) Organ ali organizacija javnega sektorja, ki je sklenila pogodbo, mora na podlagi svojih ugotovitev o domnevnem obstoju dejanskega stanja iz prvega odstavka tega člena ali obvestila komisije ali drugih organov, glede njegovega domnevnega nastanka, pričeti z

responsible person or authority shall send the final report on the implementation of the supervision and its findings and on the measures carried out to the Commission no later than eight days following adoption. In the event that a disciplinary procedure has been initiated, its conclusions and results shall also be reported to the Commission within eight days following the conclusion of this procedure.

#### **Article 14 (Anti-corruption clause)**

(1) Any contract in which a person promises, offers or gives any undue advantage to the representative or agent of a public sector body or organisation on behalf or for the account of another contracting party for the purpose of:

- making a business deal;
- concluding business under more favourable terms and conditions;
- omitting due supervision over the implementation of contractual obligations; or
- any other act or omission which causes a public sector body or organisation damage or by which the representative or the agent of the public sector body or organisation or the other contracting party or its representative, agent or intermediary are put in a position to obtain an undue advantage

shall be deemed null and void.

(2) Public sector bodies and organisations entering into contracts that exceed EUR 10,000 (excluding VAT) with bidders, suppliers of goods and services, or contractors shall, by taking into consideration the specific case, include in these contracts the content referred to in the preceding paragraph as a compulsory element of any contract; they may also include additional provisions for the purpose of preventing corruption or other transactions which are contrary to morality or public order. This provision shall also apply to entering into contracts with bidders, suppliers of goods and services, or contractors outside the territory of the Republic of Slovenia.

(3) A public sector body or organisation which has concluded a contract shall, on the basis of its own findings on the alleged existence of facts referred to in paragraph one of this Article or on the basis of a notification from the Commission or any other authority in respect of the

ugotavljanjem pogojev ničnosti pogodbe iz prejšnjega odstavka oziroma z drugimi ukrepi v skladu s predpisi Republike Slovenije.

(4) Komisija v primeru, da obstaja sum o nepravilnostih pri izvajanju drugega odstavka tega člena, od organov in organizacij javnega sektorja zahteva, da ji posredujejo vse pogodbe, sklenjene v določenem obdobju ali z določeno pogodbeno stranko. Če komisija ugotovi kršitev določb drugega odstavka tega člena ali domnevni obstoj dejanskega stanja iz prvega odstavka tega člena, o tem obvesti organ ali organizacijo, ki je sklenila pogodbo, in druge pristojne organe.

(5) V primeru, da organ ali organizacija javnega sektorja oceni, da zaradi narave posamezne pogodbe vključitev protikorupcijske klavzule ni možna ali primerna, ali če druga pogodbeno stranka s sedežem izven Republike Slovenije nasprotuje taki vključitvi, lahko organ ali organizacija komisijo z obrazloženim predlogom zaprosi, da za posamezno pogodbo odobri izvzetje iz dolžnosti, ki jo določa drugi odstavek tega člena. Pri odločanju komisija upošteva zlasti javni interes, da se pogodba sklene, objektivne okoliščine, ki ne omogočajo sklenitve posla s protikorupcijsko klavzulo ter stopnjo splošnega korupcijskega tveganja pri enakovrstnih poslih. Dovoljenje komisije za sklenitev pogodbe brez protikorupcijske klavzule se objavi na spletnih straneh komisije oziroma se po dogovoru z organom ali organizacijo objavi takrat, ko ne more več vplivati na sklenitev pogodbe.

(6) Organ ali organizacija javnega sektorja, ki je zavezana postopke javnega naročanja voditi skladno s predpisi, ki urejajo javno naročanje, je pred sklenitvijo pogodbe v vrednosti nad 10.000 eurov brez DDV od ponudnika zaradi zagotovitve transparentnosti posla in preprečitve korupcijskih tveganj dolžna pridobiti izjavo oziroma podatke o udeležbi fizičnih in pravnih oseb v lastništvu ponudnika, vključno z udeležbo tihih družbenikov, ter o gospodarskih subjektih, za katere se glede na določbe zakona, ki ureja gospodarske družbe, šteje, da so povezane družbe s ponudnikom. To izjavo oziroma podatke je organ ali

alleged occurrence of these facts, commence with the identification of the criteria for nullifying the contract referred to in the preceding paragraph or by way of any other measure in compliance with the regulations of the Republic of Slovenia.

(4) In the event that there is suspicion of irregularities in the implementation of paragraph two of this Article, the Commission shall request the public sector bodies or organisations to submit to it all contracts concluded in a specific period of time or with a specific person. If the Commission establishes a violation of the provisions of paragraph two of this Article or the alleged existence of the facts referred to in paragraph one of this Article, it shall notify the body or organisation that concluded the contract and other competent authorities accordingly thereof.

(5) In the event that a public sector body or organisation takes the view that due to the nature of a contract the inclusion of the anti-corruption clause is not possible or appropriate, or in cases where the other contracting party is established outside the territory of the Republic of Slovenia and opposes the inclusion of such, the relevant body or organisation may, by way of a reasoned proposal, request that the Commission grant an exemption from the obligation laid down in paragraph two of this Article in respect of the contract in question. When taking a decision thereon, the Commission shall particularly take into account the public interest in the conclusion of the contract, any objective circumstances which prevent business from being concluded owing to the inclusion of the anti-corruption clause, and the level of the general corruption risk in equivalent business transactions. The Commission's permission regarding the conclusion of a contract without the anti-corruption clause shall be published on its website or, in accordance with an agreement with the relevant body or organisation, when it can no longer have any impact on the conclusion of the contract.

(6) In order to ensure the transparency of the commercial transaction and to mitigate corruption risks, any public sector body or organisation which is subject to the obligation to carry out public procurement procedures in compliance with the relevant public procurement regulations shall, prior to the conclusion of a contract exceeding the value of EUR 10,000 (excluding VAT), obtain a statement or information on the participation of natural and legal persons in the ownership of the bidder, including the participation of silent partners, as well as on economic operators, which are considered to be affiliated

organizacija javnega sektorja na njeno zahtevo dolžna predložiti komisiji. Za fizične osebe izjava vsebuje ime in priimek, naslov prebivališča in delež lastništva. Če ponudnik predloži lažno izjavo oziroma da neresnične podatke o navedenih dejstvih, ima to za posledico ničnost pogodbe.

#### **15. člen (pravila postopka)**

(1) Če s tem zakonom ni določeno drugače, pri svojih postopkih komisija uporablja zakon, ki ureja splošni upravni postopek.

(2) Zoper odločbo komisije ni mogoča pritožba, dopusten pa je upravni spor.

#### **16. člen (pridobivanje podatkov in dokumentov s strani komisije)**

(1) Državni organi, organi samoupravnih lokalnih skupnosti in nosilci javnih pooblastil ter druge pravne osebe javnega in zasebnega prava morajo komisiji na njeno obrazloženo zahtevo, ne glede na določbe drugih zakonov in ne glede na obliko podatkov, v roku, ki ga določi komisija, brezplačno posredovati vse podatke, tudi osebne, in dokumente, ki so potrebni za opravljanje zakonskih nalog komisije. Če je naslovnik zahteve komisije Banka Slovenije, izmenjava podatkov poteka skladno s pravom Evropske unije (v nadaljnjem besedilu: EU), ki ureja izmenjavo nadzornih in statističnih informacij ter varovanje poklicne skrivnosti, ter z določbami predpisov, ki glede navedenih vsebin zavezujejo Banko Slovenije.

(2) Obrazložena zahteva iz prejšnjega odstavka mora vsebovati navedbo pravne podlage za pridobitev podatkov in razloge ter namen, za katerega se zahtevajo podatki.

companies to the bidder under the provisions of the Companies Act. The public sector body or organisation in question shall submit this statement or information to the Commission at the latter's request. In respect of natural persons, this statement shall include their personal name, residential address and interest in the assets. In the event that the bidder submits a false statement or provides false information on the facts stated, the contract shall be rendered null and void.

#### **Article 15 (Rules governing the procedure)**

(1) Unless otherwise stipulated by this Act, the Commission shall apply the Act governing general administrative procedure in its procedures.

(2) There shall be no appeal against a decision of the Commission, but an administrative dispute shall be admissible.

#### **Article 16 (Acquisition of data and documents by the Commission)**

(1) State bodies, bodies of self-governing local communities and other organisations vested with public authority, and any legal person governed by public or private law shall, within the time limit set out by the Commission and notwithstanding the provisions of other Acts and irrespective of the form of the data, forward free of charge to the Commission at its reasoned request any data, including personal data, and documents which are required by the Commission to perform its statutory tasks. Where the addressee of the Commission's request is the Bank of Slovenia, the exchange of data shall take place pursuant to the law of the European Union governing exchange of supervisory and statistical information and the protection of professional secrecy and pursuant to the provisions of the regulations which are binding on the Bank of Slovenia in respect of the contents referred to herein.

(2) The reasoned request referred to in the preceding paragraph shall contain a statement regarding the legal basis for the acquisition of the data and the reasons for and the purpose of the request for the data concerned.

(3) Pri subjektu javnega sektorja ima komisija pri izvajanju svojih pristojnosti ne glede na določbe drugih zakonov in ne glede na obliko podatkov ali vrsto oziroma stopnjo tajnosti pravico vpogleda v podatke in dokumente, s katerimi razpolaga ta subjekt in pravico zahtevati njihov izpis ali kopijo.

(4) Prvi in tretji odstavek tega člena se ne uporabljata za podatke, ki jih pri svojem delu v zaupnem razmerju pridobi odvetnik, zdravnik, socialni delavec, psiholog, duhovnik, ali kakšna druga oseba, ki ji zakon nalaga dolžnost varovanja podatkov iz zaupnega razmerja. Če komisija zahteva podatke, ki jih pristojni organi pridobijo s posebnimi oblikami pridobivanja podatkov po zakonu, ki ureja obveščevalno varnostno dejavnost ali če obstaja utemeljena nevarnost, da bi izvedba pooblastil komisije glede vpogleda ali posredovanja teh podatkov onemogočila ali bistveno otežila izvedbo predkazenskega ali kazenskega postopka ali ogrozila življenje ljudi ali varnost države, lahko policija, državno tožilstvo ali varnostno obveščevalna služba komisiji odreče dostop do celote ali dela zahtevanih podatkov oziroma omeji dostop do določenih prostorov. Zavrnitev oziroma omejitev mora biti pisno obrazložena. O ponovni zahtevi komisije za vpogled oziroma posredovanje podatkov v roku 15 dni dokončno odloči za področje policije generalni direktor policije, za področje tožilstva generalni državni tožilec, za področje obveščevalno varnostne dejavnosti pa vlada.

(5) Če je mogoče utemeljeno sklepati, da oseba prikriva svoje premoženje ali dohodke z namenom izogibanja nadzoru po tem zakonu in komisija nalog iz IV. in V. poglavja tega zakona oziroma nadzora v zvezi s šestim odstavkom 14. člena tega zakona ne more izvršiti drugače oziroma ne more drugače ugotoviti dejanskega stanja, pošlje pristojnim organom pregona in nadzora, vključno z organom, pristojnim za preprečevanje pranja denarja, zahtevo, da v okviru svojih pristojnosti ugotovijo dejansko stanje glede premoženja in lastništva v Republiki Sloveniji in v tujini in ugotovitve posredujejo komisiji.

(6) V primeru postopka zaradi suma korupcije in ugotavljanja dejanskih znakov korupcije po tem zakonu, v katerem potrebuje podatke

(3) In respect of a public sector entity, the Commission shall, in exercising its powers and notwithstanding the provisions of other Acts and irrespective of the form of the data or the type or level of classification, have the right of access to the data and documents at the disposal of this entity and the right to demand an extract or a copy thereof.

(4) Paragraphs one and three of this Article shall not apply to data obtained by an attorney, a physician, a social worker, a psychologist or a priest during the course of their work within a confidential relationship or by any other person obliged by an Act to protect data resulting from a confidential relationship. In the event that the Commission requests data obtained by the competent authorities through special methods of obtaining data under the Act governing intelligence and security activities, or where there is a reasonable risk that the implementation of the Commission's powers with regard to the access to or the communication of these data is likely to jeopardise or substantially impair the implementation of pre-trial or criminal proceedings or endanger the lives of people or the security of the State, the Police, the State Prosecutor's Office or the Intelligence and Security Service may deny access to the entirety or part of the data required or restrict access to certain premises. The notification of the denial or restriction shall include a statement of reasons. A final decision on a repeat request made by the Commission to be permitted access to or communicate data shall be taken by the Director-General of the Police, the State Prosecutor-General or the Government of the Republic of Slovenia for the areas of the Police, State prosecution, and intelligence and security respectively.

(5) Where it can be reasonably concluded that a person is concealing his property or income for the purpose of evading supervision under this Act, and the Commission is not in a position to carry out its tasks referred to in Chapters IV and V or supervision under paragraph six of Article 14 of this Act or otherwise establish the facts, the Commission shall send to the competent law enforcement and supervision authorities, including the authority responsible for the prevention of money laundering, a request that, within their powers, they establish the facts regarding assets and property in the Republic of Slovenia and abroad and submit their findings to the Commission.

(6) In the event that there are grounds for suspicion of corruption and, for the purpose of establishing factual indications of corruption under

iz pristojnosti urada, pristojnega za preprečevanje pranja denarja in financiranja terorizma, komisija uradu pošlje obrazloženo pisno pobudo za zbiranje in analiziranje podatkov, informacij in dokumentacije skladno z zakonom, ki ureja preprečevanje pranja denarja in financiranje terorizma. Urad o ugotovitvah v najkrajšem možnem času obvesti komisijo.

(7) Na zahtevo komisije so se uradne osebe in predstojniki oziroma odgovorne osebe v organizacijah, ki jim je podeljeno javno pooblastilo, dolžne udeležiti seje komisije in na njej osebno odgovarjati na vprašanja komisije. Ta dolžnost za navedene osebe velja še dve leti po prenehanju statusa, ki so ga imele v času dogodka oziroma ravnanja, ki ga obravnava komisija.

(8) Vabilo na sejo iz prejšnjega odstavka komisija vabljeni osebi praviloma vroča osebno prek organa ali organizacije, v kateri vabljen osebno dela. Vabilo pošlje po pošti, po svoji uradni osebi, ali po pravni ali fizični osebi, ki opravlja vročanje dokumentov v fizični obliki ali po elektronski poti, ki omogoča dejansko seznanitev z vabilom. Če komisija oceni, da je tako primernejše, se vabilo vroča na naslovu stalnega ali začasnega prebivališča vabljen osebno, skladno z določbami zakona, ki ureja splošni upravni postopek. Izjemoma se osebo lahko vabi tudi po telefonu, če s tem soglašata in soglasje komisiji isti dan potrdi po elektronski poti iz svojega osebnega ali službenega elektronskega naslova. Vabilo mora biti vabljeni osebi vročeno najmanj pet dni pred sejo.

(9) Oseba, vabljen na sejo komisije po prejšnjem odstavku, ima pravico do pravnega zastopanja in ne glede na določbo sedmega odstavka tega člena ni dolžna odgovarjati na vprašanja, če bi z odgovorom sebe ali svojega družinskega člana spravila v znatno premoženjsko škodo ali v kazenski pregon.

this Act, a procedure has been initiated in respect of which the Commission requires data falling within the competence of the office responsible for the prevention of money laundering and the financing of terrorism, the Commission shall send to the office responsible a reasoned written initiative to collect and analyse data, information and documents pursuant to the Prevention of Money Laundering and Terrorist Financing Act. The office shall notify the Commission of its findings at the earliest opportunity.

(7) At the Commission's request, official persons and the heads of or responsible persons in organisations vested with public authority shall attend a session of the Commission and on this occasion respond to the Commission's questions in person. This obligation shall apply to the aforementioned persons for a further two years after the termination of the status they held during the event or the conduct being considered by the Commission.

(8) The invitation to attend the session referred to in the preceding paragraph shall as a rule be served by the Commission on the invited person by personal delivery via the body or organisation in which the person in question is employed. The invitation shall be sent by post, through its official person, or through a natural or legal person who performs the serving of documents by letter or in electronic form enabling the recipient to be actually informed of the invitation in question. Where the Commission considers it to be more appropriate, the invitation may be served at the address of the permanent or temporary residence of the invited person pursuant to the provision of the Act governing general administrative procedure. In exceptional circumstances, the person in question can be invited by phone where he so agrees and confirms his agreement to the Commission on the same day in electronic form from his personal or official electronic mail address. The invitation shall be served on the invited person no later than five days before the commencement of the session.

(9) The person invited to the Commission's session referred to in the preceding paragraph shall be entitled to legal representation and, notwithstanding the provision of paragraph seven of this Article, shall not be obliged to answer questions where an answer may cause him or a member of his family considerable property damage or give rise to criminal prosecution.

**16.a člen**  
**(uporaba zunanjih strokovnjakov)**

(1) Komisija lahko pri opravljanju svojih nalog in pristojnosti pridobi zunanje strokovno mnenje.

(2) Oseba, ki da komisiji strokovno mnenje iz prejšnjega odstavka, ne sme razkriti, objaviti ali nepooblaščenim tretjim osebam posredovati podatkov ali informacij, ki jih je pridobila oziroma se je z njimi seznanila v okviru ali v povezavi z opravljanjem svojega dela za komisijo. Strokovno mnenje, ki ga je dala komisiji, lahko objavi ali kako drugače posreduje javnosti samo na podlagi predhodnega pisnega dovoljenja komisije.

**16.b člen**  
**(začasno opravljanje nalog pri komisiji)**

(1) Pri komisiji lahko na podlagi pisnega sporazuma komisije s predstojniki državnih organov za največ dve leti opravljajo naloge tudi javni uslužbenci iz drugih državnih organov. Za čas, ko so dodeljeni za opravljanje nalog javnih uslužbencev pri komisiji, se njihov delovnopравни status in naziv ne spreminjata, druga vprašanja, povezana z opravljanjem nalog pri komisiji, pa se uredijo v pisnem sporazumu med komisijo in predstojnikom državnega organa, pri katerem ima javni uslužbenec, začasno dodeljen na komisijo, sklenjeno pogodbo o zaposlitvi.

(2) Za čas, ko ti uslužbenci opravljajo naloge pri komisiji, so glede svojih dolžnosti in pravic izenačeni z javnimi uslužbenci, zaposlenimi pri komisiji, poleg tega pa ravnajo po navodilih predsednika komisije oziroma njegovih namestnikov.

3. Sodelovanje z neprofitnimi organizacijami zasebnega sektorja s področja preprečevanja korupcije

**Article 16a**  
**(Use of external experts)**

(1) In carrying out its tasks and implementing its powers, the Commission may obtain an external expert opinion.

(2) A person who provides an expert opinion referred to in the preceding paragraph to the Commission shall not disclose, publish or communicate to unauthorised third parties any data or information obtained during the course of or in connection with the performance of his work for the Commission. The person in question may publish the expert opinion or communicate it to the public in any other manner, but only pursuant to the prior written permission of the Commission.

**Article 16b**  
**(Temporary performance of tasks with the Commission)**

(1) On the basis of a written agreement between the Commission and the heads of State bodies, public employees from other State bodies may also perform tasks with the Commission for a period not exceeding two years. During their secondment to perform public servant tasks with the Commission, their labour law-related status and title shall not change. Other matters associated with the performance of tasks with the Commission shall be regulated by way of a written agreement between the Commission and the head of the State body with which the public servant temporarily seconded to the Commission has a valid employment contract.

(2) While performing tasks with the Commission, these employees shall, in respect of their rights and obligations, enjoy equal treatment as public servants employed by the Commission and shall act according to the instructions of the Chief Commissioner and his deputies.

3. Cooperation with non-profit private sector organisations in the field of corruption prevention

**17. člen**  
**(neprofitne organizacije zasebnega sektorja)**

(1) Komisija za uresničevanje namena tega zakona ter za krepitev integritete sodeluje z neprofitnimi organizacijami zasebnega sektorja s področja preprečevanja korupcije in reprezentativnimi sindikati javnega sektorja (v nadaljnjem besedilu: sindikati).

(2) Komisija lahko v okviru svojega finančnega načrta financira neprofitne organizacije zasebnega sektorja s področja preprečevanja korupcije pri izvajanju nalog na področju usposabljanja, informiranja ter osveščanja javnosti in organov javnega sektorja ter prenašanja dobrih praks na področju uresničevanja namena tega zakona.

4. Nadzor nad delom in poslovanjem komisije

**18. člen**  
**(obveščanje javnosti)**

(1) Komisija o svojem delu obvešča javnost.

(2) Komisija javnost obvešča z objavo svojih načelnih mnenj, stališč in odločitev ter sklicev sej in njihovih zapisnikov.

(3) Na svoje seje lahko komisija vabi predstavnike neprofitnih organizacij zasebnega sektorja s področja preprečevanja korupcije in sindikatov iz prejšnjega člena.

**19. člen**  
**(obveznost poročanja komisije)**

Komisija o svojem delu enkrat letno poroča državnemu zboru. Letno poročilo mora predložiti najkasneje do 31. maja tekočega leta za preteklo leto.

**Article 17**  
**(Non-profit private sector organisations)**

(1) For the purpose of implementing the objectives of this Act and strengthening integrity, the Commission shall cooperate with non-profit private sector organisations in the field of corruption prevention and with representative trade unions in the public sector (hereinafter: trade unions).

(2) Within the framework of its financial plan, the Commission shall finance non-profit private sector organisations in the prevention of corruption and in the performance of tasks related to training, informing, and raising the awareness of the public and public sector bodies and disseminating good practice in implementing the objectives of this Act.

4. Supervision of the work and operation of the Commission

**Article 18**  
**(Informing the public)**

(1) The Commission shall keep the public informed of its work.

(2) The Commission shall keep the public informed by publishing its principled opinions and positions and the convocations and minutes of its sessions.

(3) The Commission may invite representatives of non-profit private sector organisations working in the prevention of corruption and the trade unions referred to in the preceding Article to take part in its sessions.

**Article 19**  
**(The Commission's obligation to report on its work)**

The Commission shall report once a year to the National Assembly on its work. It shall submit the annual report for the preceding year by no later than 31 May of the current year.

**20. člen**  
**(nadzor nad komisijo)**

(1) Nadzor nad opravljanjem nalog komisije opravlja državni zbor. Predsednik komisije enkrat letno poroča državnemu zboru brez navajanja podatkov, ki bi omogočali identifikacijo obravnavanih fizičnih ali pravnih oseb, o vsebini in obsegu dela, o svojih sklepih, ugotovitvah, mnenjih komisije povezanih s pristojnostmi komisije, ter poda oceno trenutnega stanja na področju preprečevanja korupcije in preprečevanja ter odpravljanja nasprotja interesov.

(2) Komisija mora najmanj vsake tri leta izvesti notranjo revizijo poslovanja na področju porabe materialno-finančnih sredstev in kadrovskih zadev s strani zunanjega revizijskega organa. Revizijsko poročilo pošlje komisija v seznanitev predsedniku republike in državnemu zboru.

**21. člen**  
**(pristojnosti državnega zbora pri nadzoru)**

Državni zbor s smiselno uporabo določb tega zakona nadzira premoženjsko stanje, sprejemanje daril, nasprotje interesov ter nezdružljivost funkcije s pridobitno dejavnostjo predsednika komisije za preprečevanje korupcije in obeh namestnikov predsednika komisije.

**22. člen**  
**(razrešitev komisije)**

(1) Predsednik republike predsednika komisije ali namestnika predsednika komisije razreši:

- če predsednik komisije ali namestnik predsednika komisije to zahteva,
- če je s pravnomočno sodbo obsojen na kazen zapora,

**Article 20**  
**(Supervision over the Commission)**

(1) The supervision of the Commission's performance of its tasks shall be exercised by the National Assembly. The Chief Commissioner shall report once a year to the National Assembly on the content and scope of the Commission's work and on decisions, findings and opinions related to the Commission's powers, this without giving information that might result in natural and legal persons concerned being identified, and shall provide an assessment of the current situation with regard to the prevention of corruption and prevention and elimination of conflicts of interest.

(2) At least every three years, the Commission shall conduct an internal audit of its operations regarding the use of material and financial resources and personnel matters, which shall be carried out by an external auditing authority. The Commission shall send the audit report to the President of the Republic and the National Assembly for their information.

**Article 21**  
**(Powers of the National Assembly in exercising supervision)**

By applying, *mutatis mutandis*, the provisions of this Act, the National Assembly shall supervise the Chief Commissioner for the Prevention of Corruption and both Deputy Commissioners in terms of their assets, the acceptance of gifts, conflicts of interest and the incompatibility of holding office with the pursuit of gainful activity.

**Article 22**  
**(Dissolution of the Commission)**

(1) The President of the Republic shall relieve the Chief Commissioner or a Deputy Commissioners of his duties in the following circumstances:

- if the Chief Commissioner or a Deputy Commissioners requests to be relieved of his duties,
- if he has been convicted by way of a final judgment and sentenced to

- zaradi trajne izgube delovne zmožnosti za opravljanje funkcije,
- če ne ravna v skladu s petim odstavkom 7. člena tega zakona.

(2) O dejstvih iz druge in tretje alineje prejšnjega odstavka mora predsednik komisije ali namestnik predsednika komisije predsednika republike seznaniti v roku treh dni od dne nastanka prej navedenih dejstev.

(3) Če se ugotovi, da predsednik komisije in namestnik predsednika komisije ne ravna v skladu s petim odstavkom 7. člena tega zakona, ga predsednik republike razreši na predlog državnega zbora.

(4) Predsednik republike lahko na predlog državnega zbora razreši predsednika komisije ali namestnika predsednika komisije, če funkcije ne opravlja v skladu z ustavo in zakonom.

(5) Kadar je predsednik ali namestnik predsednika predčasno razrešen, se za obdobje mandata imenuje nov funkcionar v skladu s postopkom iz 9. člena tega zakona.

### III. ZAŠČITA PRIJAVITELJEV

#### **23. člen** **(prijava korupcije in zaščita prijavitelja)**

(1) Vsakdo lahko komisiji ali drugemu pristojnemu organu poda prijavo o koruptivnem ravnanju v državnem organu, lokalni skupnosti, pri nosilcu javnih pooblastil ali drugi pravni osebi javnega ali zasebnega prava ali o ravnanju fizične osebe, za katero verjame, da ima znake korupcije. Komisija in drugi pristojni organi morajo prijavitelje na njihovo zahtevo obvestiti o svojih ukrepih oziroma postopanju. Ta določba ne

- imprisonment,
- if he has permanently lost the capacity to perform the duties of his office,
- if he fails to act in accordance with paragraph five of Article 7 of this Act.

(2) The Chief Commissioner or a deputy of the Commission shall notify the President of the Republic of the facts referred to in indents two and three of the preceding paragraph within three days of the date of their occurrence.

(3) If it has been established that the Chief Commissioner or a deputy of the Commission has failed to act in accordance with paragraph five of Article 7 of this Act, the President of the Republic shall relieve the Chief Commissioner or deputy of his duties upon the proposal of the National Assembly.

(4) The President of the Republic may relieve the Chief Commissioner or deputy of the Commission of his duties upon the proposal of the National Assembly if the Chief Commissioner or deputy of the Commission fails to perform the duties of his office in accordance with the Constitution or an Act.

(5) If the Chief Commissioner or deputy of the Commission is prematurely relieved of his office, a new official shall be appointed for the term of office in accordance with the procedure referred to in Article 9 of this Act.

### III. PROTECTION OF WHISTLEBLOWERS

#### **Article 23** **(Reporting of corruption and protection of reporting persons)**

(1) Any person may report instances of corruption in a State body or local community or an organisation vested with public authority or by other legal persons governed by public or private law or any practice by a natural person which he believes contains factual indications of corruption to the Commission or any other competent body. At the reporting person's request, the Commission and other competent

posega v pravico prijavitelja, da o koruptivnem ravnanju obvesti javnost.

(2) Za dokumente, dosjeje, evidence in drugo dokumentarno gradivo iz postopka, ki ga komisija izvaja v zvezi s prijavo suma korupcije, se do zaključka postopka pred komisijo ne uporabljajo določbe zakona, ki ureja dostop do informacij javnega značaja. Podatki o zaščitenem prijavitelju korupcije tudi po zaključku postopka niso informacija javnega značaja. Ta določba velja tudi v primeru, ko je gradivo iz tega odstavka odstopljeno drugemu organu. Prijavo, ki vsebuje podatke, za katere je z zakonom določena stopnja tajnosti, sme prijavitelj posredovati le organom odkrivanja in pregona kaznivih dejanj ali komisiji.

(3) Če komisija ugotovi, da prijava iz prejšnjih odstavkov vsebuje znake kaznivega dejanja, katerega storilec se preganja po uradni dolžnosti, obvesti o tem organe odkrivanja in pregona po zakonu, ki ureja kazenski postopek, z zaprosilom, da jo ti obvestijo o nadaljnjem postopku.

(4) Identitete prijavitelja iz prvega odstavka tega člena, ki je prijavo podal v dobri veri oziroma je utemeljeno sklepal, da so njegovi podatki v zvezi s prijavo resnični, kar ocenjuje komisija, ni dovoljeno ugotavljati ali razkrivati. Zlonamerna prijava se kaznuje kot prekršek po tem zakonu, če niso podani znaki za kaznivo dejanje.

(5) Pri oceni, ali je prijava podana v dobri veri oziroma, ali je prijavitelj utemeljeno sklepal, da so njegovi podatki resnični, komisija upošteva predvsem naravo in težo prijavljenega ravnanja, z njim grozečo ali povzročeno škodo, morebitno prijaviteljevo kršitev dolžnosti varovanja določenih podatkov ter status organa ali osebe, kateri je bila zadeva prijavljena.

authorities shall notify the reporting person of the measures or the course of action taken in this respect. This provision shall not encroach on the reporting person's right to inform the public of the corrupt practice in question.

(2) The provisions of the Act governing access to public information shall not apply to documents, files, records or other documentary material relating to a procedure conducted by the Commission with regard to the reported suspicion of corruption until the procedure before the Commission has been concluded. Neither shall information on the protected reporting person be made public after the procedure has been concluded. This provision shall also apply in the event that the material referred to in this paragraph has been referred to another body for consideration. The reporting person may send a report that contains information that is defined by an Act as classified information only to criminal law enforcement authorities or to the Commission.

(3) If the Commission finds that the report referred to in the preceding paragraphs contains factual indications of a criminal offence for which the offender is to be prosecuted *ex officio*, it shall inform the law enforcement authorities of this in accordance with the Act governing criminal procedure and request that they keep it informed of any further course of action.

(4) The identity of the reporting person referred to in paragraph one of this Article who has made a report in good faith and has reasonably believed that the information he has provided with regard to the report is true, which shall be assessed by the Commission, shall not be established or disclosed. The filing of a malicious report shall be a minor offence punishable under this Act if no elements of a criminal offence have been established.

(5) In assessing whether the report has been made in good faith, or whether the reporting person has reasonably believed that the information he provided is true, the Commission shall take into account, in particular, the nature and gravity of the practice reported, the threat of damage posed by that practice or the actual damage caused as a result thereof, any possible breach of the reporting person's duty to protect specific information, and the status of the body or person to which the report has been made.

(6) Če so v zvezi s prijavo korupcije podani pogoji za zaščito prijavitelja oziroma njegovih družinskih članov po zakonu, ki ureja zaščito prič, lahko komisija poda Komisiji za zaščito ogroženih oseb predlog za njihovo vključitev v program zaščite ali pobudo generalnemu državnemu tožilcu za izvedbo nujnih zaščitnih ukrepov.

(7) Ko Komisija za zaščito ogroženih oseb odloča o predlogu komisije, se lahko njene seje udeleži tudi predstavnik komisije.

(8) Samo sodišče lahko odloči, da se razkrijejo podatki in identiteta oseb iz četrtega odstavka tega člena, če je to nujno potrebno za zavarovanje javnega interesa ali pravic drugih.

#### **24. člen**

##### **(prijava neetičnega oziroma nezakonitega ravnanja)**

(1) Uradna oseba, ki iz utemeljenih razlogov meni, da se od nje zahteva nezakonito ali neetično ravnanje ali se s tem namenom nad njo izvaja psihično ali fizično nasilje, lahko takšno dejanje prijavi nadrejenemu ali osebi, ki jo ta pooblasti (v nadaljnjem besedilu: pristojna oseba).

(2) Če ni pristojne osebe, če se ta na prijavo pisno ne odzove v roku petih delovnih dni ali če je pristojna oseba tista, ki od uradne osebe zahteva nezakonito ali neetično ravnanje, je za prijavo iz prejšnjega odstavka in za postopek z njo pristojna komisija.

(3) Pristojna oseba ali komisija na podlagi prijave oceni dejansko stanje, po potrebi izda ustrezna navodila za ravnanje in ukrene, kar je potrebno, da se preprečijo nezakonite ali neetične zahteve ter nastanek škodljivih posledic.

(6) If, in connection with the report of corruption, the conditions for the protection of the reporting person or his family members are fulfilled under the Act governing witness protection, the Commission may submit a proposal to the Commission for the Protection of Witnesses at Risk to include them in the protection programme or may propose that the State Prosecutor-General take urgent safeguarding measures.

(7) When the Commission for the Protection of Witnesses at Risk considers the Commission's proposal, its session may also be attended by the Chief Commissioner.

(8) Only the court may rule that any information on and the identity of the persons referred to in paragraph four of this Article be disclosed if this is strictly necessary in order to safeguard the public interest or the rights of others.

#### **Article 24**

##### **(Reporting unethical or illegal conduct)**

(1) An official person who has reasonable grounds to believe that he has been requested to engage in illegal or unethical conduct, or has been subject to psychological or physical violence to that end, may report such practice to his superior or to a person authorised by the superior (hereinafter: the responsible person).

(2) If there is no responsible person or if the responsible person fails to respond to the report in writing within five working days or if it is the responsible person himself who has requested that the official should engage in illegal or unethical conduct, the report referred to in the preceding paragraph and the procedure pertaining to it shall fall within the competence of the Commission.

(3) The responsible person or the Commission shall assess the actual situation on the basis of the report, issue appropriate instructions on further action to be taken if necessary, and take all necessary steps to prevent any illegal or unethical requests and adverse consequences that may ensue.

**25. člen**  
**(ukrepi za zaščito prijavitelja)**

(1) Če so prijavitelji zaradi prijave iz 23. ali 24. člena tega zakona izpostavljeni povračilnim ukrepom in so nastale za njih škodljive posledice, imajo pravico od svojega delodajalca zahtevati povračilo protipravno povzročene škode.

(2) Komisija prijaviteljem lahko nudi pomoč pri ugotavljanju vzročne zveze med škodljivimi posledicami in povračilnimi ukrepi iz prejšnjega odstavka.

(3) Če komisija v postopku iz prejšnjega odstavka ugotovi vzročno zvezo med prijavo in povračilnimi ukrepi zoper prijavitelja, od delodajalca zahteva, da zagotovi takojšnje prenehanje takšnega ravnanja.

(4) Če so prijavitelji iz prvega odstavka tega člena javni uslužbenci, lahko v primeru, ko se povračilni ukrepi nadaljujejo, kljub zahtevi komisije iz prejšnjega odstavka, in je nadaljevanje dela na njihovem delovnem mestu nemogoče, od svojega delodajalca zahtevajo premestitev na drugo enakovredno delovno mesto in o tem obvestijo komisijo.

(5) Če prijavitelj v primeru spora navaja dejstva, ki opravičujejo domnevo, da je bil zaradi prijave s strani delodajalca izpostavljen povračilnim ukrepom, je dokazno breme na strani delodajalca.

(6) Uresničitev zahteve iz četrtega odstavka tega člena zagotovi delodajalec javnega uslužbenca najkasneje v roku 90 dni in o tem obvesti komisijo.

IV. PREPREČEVANJE NASPROTJA INTERESOV IN NADZOR NAD  
SPREJEMANJEM DARIL

**Article 25**  
**(Measures to protect the reporting person)**

(1) If reporting persons have been subject to retaliatory measures as a consequence of filing a report as referred to in Articles 23 and 24 of this Act, and this has had an adverse impact on them, they have the right to claim compensation from their employer for the unlawfully caused damage.

(2) The Commission may offer reporting persons assistance in establishing a causal link between the adverse consequences and retaliatory measures referred to in the preceding paragraph.

(3) If, during the course of the procedure referred to in the preceding paragraph, the Commission establishes a causal link between the report and the retaliatory measures taken against the reporting person, it shall demand that the employer ensure that such conduct is discontinued immediately.

(4) If the reporting persons referred to in paragraph one of this Article are public employees, and if they continue to be the focus of retaliation despite the Commission's demand referred to in the preceding paragraph, making it impossible for them to continue work in their current work post, they may request that their employer transfer them to another equivalent post and inform the Commission of this.

(5) If a reporting person cites facts in a dispute that give grounds for the assumption that he has been subject to retaliation by the employer due to having filed a report, the burden of proof shall rest with the employer.

(6) The public employee's employer shall ensure that the demand referred to in paragraph four of this Article is met within 90 days at the latest and shall inform the Commission of this.

IV. CONFLICTS OF INTEREST AND SUPERVISION OF THE  
ACCEPTANCE OF GIFTS

## 1. Nezdržljivost

### **26. člen (nezdržljivost opravljanja funkcije in izjeme)**

(1) Poklicni funkcionar ob javni funkciji ne sme opravljati poklicne ali druge dejavnosti, namenjene pridobivanju dohodka ali premoženjske koristi.

(2) Ne glede na določbo prejšnjega odstavka lahko poklicni funkcionar opravlja pedagoško, znanstveno, raziskovalno, umetniško, kulturno, športno in publicistično dejavnost ter vodi kmetijo in upravlja z lastnim premoženjem, razen če drug zakon ne določa drugače. Funkcionar, ki dobi dovoljenje delodajalca oziroma sklene pogodbo za opravljanje ene od naštetih dejavnosti, razen v primerih športne ali publicistične dejavnosti, vodenja kmetije ali upravljanja z lastnim premoženjem, mora v roku 8 delovnih dni od pričetka opravljanja dejavnosti o tem pisno obvestiti komisijo ter priložiti dovoljenje delodajalca in sklenjeno pogodbo za opravljanje dejavnosti ali poklica.

(3) Komisija lahko v roku 15 delovnih dni od prejema obvestila iz prejšnjega odstavka uvede postopek ocene nezdržljivosti funkcije, če oceni, da obstaja verjetnost, da bi glede na konkreten obseg in naravo dejavnosti ter glede na funkcijo, ki jo opravlja poklicni funkcionar, opravljanje te dejavnosti predstavljalo nesorazmerno tveganje za objektivno in nepristransko opravljanje funkcije ali ogrozilo njeno integriteto. V tem primeru lahko komisija funkcionarju z odločbo prepove opravljati dodatno dejavnost ali pa mu postavi pogoje in omejitve, ki jih mora spoštovati pri opravljanju te dejavnosti.

(4) Če drug zakon ne določa drugače, lahko komisija poklicnemu funkcionarju dovoli tudi opravljanje poklicne ali druge dejavnosti, namenjene pridobivanju dohodka, pri čemer komisija upošteva javni interes ter stopnjo tveganja, da bi opravljanje te dejavnosti vplivalo na objektivno in nepristransko opravljanje funkcije ali ogrozilo

## 1. Incompatibility of office

### **Article 26 (Incompatibility of office and exceptions)**

(1) A professional holder of public office may not be engaged in any professional or other activity aimed at generating income or proceeds while holding a public office.

(2) Notwithstanding the provision of the preceding paragraph, professional holders of public office may engage in pedagogical, scientific, research, artistic, cultural, sports and publishing activities, manage a farm, and manage their own assets, unless otherwise stipulated by another Act. A holder of public office who obtains permission from his employer or enters into a contract to engage in one of the aforementioned activities, except in the cases of sports and publishing activities and of managing a farm or one's own assets, shall notify the Commission of this in writing within eight working days of the commencement of the activity and enclose with the notification the employer's permission and the contract under which he may perform the activity or profession.

(3) The Commission may, within 15 working days of receipt of the notification referred to in the preceding paragraph, initiate a procedure for assessing the incompatibility of office if it considers that the performance of the activity, given the actual scope and nature of the activity in question and the office held by the professional holder of public office, is likely to present a disproportionate risk to the objective and impartial discharge of the duties of the office or jeopardise its integrity. In this case, the Commission may issue a decision prohibiting the holder of public office from performing an additional activity or imposing conditions or restrictions on the official that must be complied with when performing the activity.

(4) Unless otherwise stipulated by another Act, the Commission may allow a professional holder of public office to perform a professional or other activity aimed at generating income, taking into account the public interest and the level of risk the performance of the activity poses to the objective and impartial discharge of the duties of the office or to its

njeno integriteto. Če želi poklicni funkcionar dohodek pridobiti od organa, v katerem opravlja svojo funkcijo, komisija dovoljenja ne izda. Če izda dovoljenje, sme komisija funkcionarju postaviti tudi pogoje in omejitve, ki jih mora spoštovati pri opravljanju druge dejavnosti.

(5) Če komisija ugotovi, da funkcionar ne spoštuje omejitev in pogojev iz odločbe po tretjem odstavku ali iz dovoljenja po prejšnjem odstavku ali opravlja poklicno ali drugo dejavnost na način, ki vpliva na objektivno in nepristransko opravljanje funkcije, komisija z odločbo dovoljenje prekliče. Funkcionar mora takoj, najkasneje pa po pravnomočnosti odločbe o preklicu dovoljenja, prenehati opravljati poklicno ali drugo dejavnost.

(6) V upravnem sporu zoper odločbo komisije o preklicu dovoljenja upravno sodišče odloča prednostno.

(7) Če funkcionar po pravnomočnosti odločbe o preklicu dovoljenja ne preneha z opravljanjem poklicne ali druge dejavnosti, komisija o tem obvesti organ, ki je pristojen za imenovanje in razrešitev funkcionarja. Ta organ mora v roku 30 dni zoper funkcionarja izvesti ustrezne ukrepe skladno z zakonom in načrtom integritete organa in o tem obvestiti komisijo.

## **27. člen** **(prepoved članstva in dejavnosti)**

(1) Poklicni funkcionar ne sme biti član oziroma opravljati dejavnosti upravljanja, nadzora ali zastopanja v gospodarskih družbah, gospodarskih interesnih združenjih, zadrugah, javnih zavodih, javnih skladih, javnih agencijah in drugih osebah javnega ali zasebnega prava, razen v društvih, ustanovah in političnih strankah.

(2) Nepoklicni funkcionar ne sme biti član oziroma opravljati dejavnosti upravljanja, nadzora ali zastopanja v osebi javnega ali

integrity. If a professional holder of public office wishes to obtain income from the body in which he holds office, the Commission shall not issue a permission. If the Commission issues a permission, it may impose conditions and limitations on the holder of public office that must be complied with when performing another activity.

(5) If the Commission finds that the holder of public office has not complied with the conditions and restrictions imposed by the decision referred to in paragraph three or the permission referred to in the preceding paragraph, or that the holder of public office performs a professional or other activity in a manner that interferes with the objective and impartial discharge of the duties of his office, it shall issue a decision revoking the permission. The holder of public office shall immediately, or no later than after the decision on revocation of the permission has become final, cease to perform the professional or other activity in question.

(6) In an administrative dispute against the Commission's decision on the revocation of the permission, the Administrative Court shall give priority to the matter.

(7) If the holder of public office does not cease performing the professional or other activity after the decision on the revocation of the permission has become final, the Commission shall inform the body responsible for the appointment and dismissal of the holder of public office. The body shall take appropriate measures against the holder of public office within 30 days in accordance with an Act and its integrity plan and shall inform the Commission of this.

## **Article 27** **(Prohibition of membership and activities)**

(1) A professional holder of public office may not be a member of or engaged in management, supervision or representation activities in a company, economic interest grouping, cooperative, public institute, public fund, public agency or other entity governed by public or private law, the exceptions being societies, foundations and political parties.

(2) A non-professional holder of public office may not be a member of any entity governed by public or private law referred to in the

zasebnega prava iz prejšnjega odstavka, če po svoji funkciji opravlja neposredni nadzor nad njihovim delom.

(3) Prepoved iz prvega odstavka tega člena glede članstva oziroma opravljanja dejavnosti upravljanja, nadzora ali zastopanja v javnih zavodih, javnih skladih, javnih agencijah in drugih osebah javnega ali zasebnega prava, če je oseba zasebnega prava nosilec javnega pooblastila ali izvajalec javne službe, velja tudi za nepoklicne župane in podžupane, ki opravljajo funkcijo v občini, ki je s subjekti iz tega odstavka ustanoviteljsko, lastniško, nadzorstveno ali finančno povezana.

#### **28. člen**

##### **(prenehanje opravljanja dejavnosti, funkcije ali članstva)**

(1) Funkcionar, ki je pred nastopom funkcije opravljal dejavnost ali funkcijo, ki po tem zakonu ni združljiva z opravljanjem njegove funkcije oziroma je v nasprotju s prejšnjim členom, mora najpozneje v 30 dneh po izvolitvi ali imenovanju oziroma po potrditvi mandata prenehati opravljati dejavnost oziroma funkcijo.

(2) Funkcionar, ki je bil pred nastopom funkcije član organov, katerih članstvo po tem zakonu ni združljivo z opravljanjem njegove funkcije oziroma je v nasprotju s prejšnjim členom, mora takoj podati odstopno izjavo oziroma zahtevo za razrešitev članstva, to pa mu mora v 30 dneh od imenovanja na funkcijo prenehati.

#### **29. člen**

##### **(opozorilo komisije in posledice neupoštevanja)**

(1) Če funkcionar v roku iz prejšnjega člena ne preneha opravljati dejavnosti, članstva ali funkcije, ki po tem zakonu ni združljiva z opravljanjem njegove funkcije, ga komisija na to opozori in mu v opozorilu določi rok, v katerem mora prenehati opravljati to dejavnost ali funkcijo. Rok, ki ga določi komisija, ne sme biti krajši od 15 dni in ne daljši od treh

preceding paragraph or engaged in management, supervision or representation activities in these entities if the duties of his office include direct supervision of their work.

(3) The prohibition referred to in paragraph one of this Article regarding the membership and the performance of management, supervision or representation activities in public institutes, public funds, public agencies and other entities governed by public or private law, if the entity governed by private law is vested with public authority or is a public service provider, shall also apply to non-professional mayors and deputy mayors who hold their office in the municipality that is related to the entities referred to in this paragraph in terms of founding, ownership, supervision and finance.

#### **Article 28**

##### **(Termination of activity, office or membership)**

(1) A holder of public office who, prior to taking office, performed an activity or held an office that is incompatible with his office under this Act or is contrary to the preceding Article shall cease to perform the activity or hold office no later than 30 days of the date of his election or appointment or the approval of his mandate.

(2) A holder of public office who, prior to taking office, was a member of bodies whose membership is incompatible with his office under this Act or is contrary to the preceding Article shall immediately submit his resignation or make a request to have his membership terminated; the membership shall be terminated within 30 days of the date of his appointment to office.

#### **Article 29**

##### **(Warning by the Commission and the consequences of failure to comply)**

(1) If a holder of public office does not cease to perform an activity, hold membership, or hold an office that is incompatible with his office under this Act within the time limit referred to in the preceding paragraph, the Commission shall warn the holder of public office and set the time limit by which the holder of public office must cease to perform the

mesecev. Komisija opozori na nezdržljivost tudi funkcionarja, ki je po nastopu funkcije pričel opravljati dejavnost, članstvo ali funkcijo, ki po tem zakonu ni združljiva z opravljanjem njegove funkcije in mu v opozorilu določi rok, v katerem mora odpraviti nezdržljivost. Ta rok ne sme biti krajši od 15 dni in ne daljši od treh mesecev.

(2) Če komisija ugotovi, da funkcionar po roku, ki ga je določila komisija na podlagi prvega odstavka tega člena, še naprej opravlja nezdržljivo dejavnost, članstvo ali funkcijo, o tem obvesti pristojni organ, ki je pristojen predlagati ali začeti s postopkom za prenehanje funkcije tega funkcionarja. O svoji končni odločitvi pristojni organ obvesti komisijo.

(3) Določbe prejšnjega odstavka ne veljajo za neposredno voljene funkcionarje. Če v njihovem primeru komisija ugotovi dejstva iz prejšnjega odstavka, o svojih ugotovitvah obvesti javnost in svoje ugotovitve objavi na spletnih straneh komisije.

2. Prepoved in omejitve sprejemanja daril

### **30. člen (prepoved in omejitve sprejemanja daril funkcionarjev)**

(1) Funkcionar ne sme sprejemati daril ali drugih koristi (v nadaljnjem besedilu: darila) v zvezi z opravljanjem funkcije, razen protokolarnih daril in priložnostnih daril manjše vrednosti.

(2) Protokolarna darila so darila funkcionarjem, dana s strani predstavnikov drugih državnih organov, drugih držav in mednarodnih organizacij in institucij, ob obiskih, gostovanjih ali drugih priložnostih, ter druga darila, dana v podobnih okoliščinah.

(3) Priložnostna darila manjše vrednosti so darila, dana ob

activity or hold office. The time limit set by the Commission may not be shorter than 15 days or longer than three months. The Commission shall warn the holder of public office who, after taking office, commences an activity, gains membership or takes an office which is incompatible with his office under this Act on the incompatibility and shall set the time limit by which the incompatibility in question must be eliminated. This time limit may not be shorter than 15 days or longer than three months.

(2) If the Commission establishes that the holder of public office continues to perform the activity, hold a membership or hold an office after the time limit set by the Commission has expired, it shall inform the relevant authority competent to propose or commence a procedure for the removal of the holder of public office from office. The competent authority shall inform the Commission of its final decision.

(3) The provisions of the preceding paragraph do not apply to directly elected holders of public office. If the Commission establishes that the facts referred to in the preceding paragraph in connection with directly elected holders of public office are true, it shall inform the public of its findings and publish them on its website.

2. Prohibition and restrictions with regard to the acceptance of gifts

### **Article 30 (Prohibition and restrictions with regard to the acceptance of gifts by holders of public office)**

(1) A holder of public office may not accept gifts or other benefits (hereinafter: gifts) in connection with the discharge of the duties of the office, the exceptions being protocol gifts and occasional gifts which are small in value.

(2) Protocol gifts are gifts given to holders of public office by representatives of other State bodies, other countries, and international organisations and institutions on the occasions of visits, guest appearances and other occasions and other gifts given in similar circumstances.

(3) Occasional gifts of small value are gifts given on special

posebnih priložnostih, ki ne presegajo vrednosti 75 eurov in katerih skupna vrednost v posameznem letu ne presega 150 eurov, če so prejeta od iste osebe. V nobenem primeru se kot darilo manjše vrednosti ne sme sprejeti denarja, vrednostnih papirjev ali dragocenih kovin.

(4) Ne glede na njihovo vrednost funkcionar ne sme sprejemati daril, ki so ali bi lahko vplivala na objektivno in nepristransko opravljanje njegove funkcije.

(5) Prepovedi in omejitve iz tega člena veljajo tudi za družinske člane funkcionarja.

### **31. člen (seznam daril)**

(1) Sprejeta darila in njihovo vrednost vpiše v seznam daril organ oziroma organizacija, v kateri funkcionar, ki je sprejel darilo, opravlja funkcijo.

(2) V seznam daril iz prejšnjega odstavka se ne vpisujejo darila, katerih vrednost ne presega vrednosti 25 eurov.

(3) Protokolarna ali priložnostna darila, ki presegajo vrednost 75 eurov, postanejo last Republike Slovenije, lokalne skupnosti oziroma organizacije, v kateri funkcionar opravlja svojo funkcijo.

(4) Če komisija ugotovi, da prejeto protokolarno ali priložnostno darilo presega vrednosti iz prejšnjega odstavka ali v primeru iz četrtega odstavka prejšnjega člena, darilo na podlagi odločbe komisije postane last Republike Slovenije, lokalne skupnosti oziroma organizacije, v kateri funkcionar opravlja svojo funkcijo.

(5) Darilo iz tretjega odstavka tega člena funkcionar preda v upravljanje organu oziroma organizaciji, v kateri opravlja funkcijo. Če darilo fizično ne obstaja več ali ga iz drugih razlogov ni mogoče predati v upravljanje organu oziroma organizaciji, v kateri funkcionar opravlja svojo funkcijo, funkcionar na podlagi odločbe komisije vplača vrednost darila v državni oziroma občinski proračun.

occasions that do not exceed EUR 75 in value each or a total value of EUR 150 during a particular year when they are received from the same person. In no circumstances may money, securities or precious metals be accepted as gifts of small value.

(4) A holder of public office may not accept gifts that have affected or might affect the objective and impartial discharge of the duties of his office, irrespective of their value.

(5) The prohibition and restrictions referred to in this Article shall also apply to the holder of public office's family members.

### **Article 31 (Gift list)**

(1) The body or organisation in which a holder of public office who has accepted a gift holds office shall put descriptions of the gifts accepted on the gift list and indicate their value.

(2) Gifts shall not be included on the gift list referred to in the preceding paragraph if less than EUR 25 in value.

(3) Protocol gifts and occasional gifts with a value greater than EUR 75 shall become the property of the Republic of Slovenia, local community or organisation in which the holder of public office holds office.

(4) If the Commission establishes that the value of the accepted protocol or occasional gift exceeds the amount referred to in the preceding paragraph, or in the case referred to in paragraph four of the preceding Article, the gift shall, pursuant to the decision of the Commission, become the property of the Republic of Slovenia, local community or organisation in which the holder of public office holds office.

(5) The holder of public office shall give the gift referred to in paragraph three of this Article to the body or organisation in which he holds office to manage. If the gift no longer exists physically, or cannot be given to the body or organisation in which the holder of public office holds office to manage for other reasons, the holder of public office shall pay the amount of the value of the gift into the State or municipal budget pursuant to the decision reached by the Commission.

(6) Način razpolaganja z darili, vodenja in vsebino seznama daril, ki jih v zvezi z opravljanjem funkcije prejema funkcionarji, ter glede drugih izvedbenih vprašanj v zvezi s prepovedmi, omejitvami in dolžnostmi funkcionarjev pri sprejemanju daril določi komisija.

### **32. člen (posredovanje seznamov daril komisiji)**

(1) Državni in drugi organi ter organizacije, ki so dolžne voditi sezname daril, kopije teh seznamov za preteklo leto posredujejo komisiji do 31. marca tekočega leta.

(2) Če komisija pri pregledu seznama ugotovi odstopanje od zakonskih meril, določenih v 30. členu tega zakona, o tem obvesti organ oziroma organizacijo, ki ji je posredovala seznam.

(3) Na podlagi zbranih podatkov komisija pripravi javni katalog daril, sprejetih v preteklem letu, in ga objavi na svoji spletni strani.

### **33. člen (darila in objektivnost opravljanja funkcije)**

(1) Komisija pri spremljanju izvajanja določb tega zakona glede sprejemanja daril ocenjuje, ali je posamezen funkcionar sprejemal darila ali si pridobival koristi, ki so ali bi lahko vplivale na objektivno in nepristransko opravljanje njegove funkcije.

(2) Če komisija oceni, da je posamezen funkcionar sprejemal darila ali si pridobival koristi, ki so ali bi lahko vplivale na objektivno in nepristransko opravljanje njegove funkcije, o tem nemudoma obvesti organe odkrivanja in pregona, po potrebi pa tudi druge pristojne organe.

(3) Če komisija ugotovi, da je funkcionar sprejemal darila, ki so

(6) The Commission shall define the manner in which gifts accepted by holders of public office in connection with the discharge of the duties of their office are handled and managed and the content of the list of these gifts and shall address other issues relating to the implementation of prohibition and restrictions with regard to the acceptance of gifts and the duties of holders of public office in this respect.

### **Article 32 (Forwarding gift lists to the Commission)**

(1) State and other bodies and organisations that are obliged to keep gift lists shall forward the copies of the lists for the previous year to the Commission by 31 March of the current year.

(2) If, upon examining a list, the Commission establishes any departure from the statutory criteria set out in Article 30 of this Act, it shall inform the body or organisation from which the list was received.

(3) On the basis of the information collected, the Commission shall prepare a public catalogue of gifts accepted in the previous year and publish it on its website.

### **Article 33 (Gifts and objective discharging of the duties of office)**

(1) In monitoring the implementation of the provisions of this Act relating to the acceptance of gifts, the Commission shall assess whether a particular holder of public office has accepted gifts or obtained benefits that have affected or might affect the objective and impartial discharging of the duties of his office.

(2) If the Commission considers that a particular holder of public office has accepted gifts or obtained benefits that have affected or might affect the objective and impartial discharging of the duties of his office, it shall immediately inform the law enforcement authorities and, if necessary, other competent authorities thereof.

(3) If the Commission establishes that a holder of public office

ali bi lahko vplivala na objektivno in nepristransko opravljanje njegove funkcije, darila na podlagi odločbe komisije postanejo last Republike Slovenije oziroma lokalne skupnosti.

### **34. člen**

#### **(darila državnim in lokalnim organom ter nosilcem javnih pooblastil)**

(1) Državni organi, lokalne skupnosti in nosilci javnih pooblastil lahko sprejemajo darila samo v primerih in pod pogoji, kot jih določa zakon.

(2) Državni organi, organi lokalnih skupnosti in nosilci javnih pooblastil ne glede na določbe drugih zakonov ne smejo sprejemati daril, ki vplivajo ali bi lahko vplivala na zakonitost, objektivnost in nepristranskost njihovega delovanja.

(3) Državni organi, organi lokalnih skupnosti in nosilci javnih pooblastil skupaj s seznamom daril iz prvega odstavka 31. člena tega zakona komisiji posredujejo tudi seznam daril, sprejetih po prvem odstavku tega člena.

(4) Če komisija ugotovi, da je državni organ, organ lokalne skupnosti ali nosilec javnih pooblastil sprejel darilo, ki vpliva ali bi lahko vplivalo na zakonitost, objektivnost in nepristranskost njegovega delovanja, darilo na podlagi odločbe komisije postane last Republike Slovenije oziroma lokalne skupnosti.

### 3. Omejitve poslovanja

### **35. člen**

#### **(omejitve poslovanja in posledice kršitev)**

(1) Organ ali organizacija javnega sektorja, ki je zavezan postopek javnega naročanja voditi skladno s predpisi, ki urejajo javno

has accepted gifts that have affected or might affect the objective and impartial discharging of the duties of his office, the gifts shall become the property of the Republic of Slovenia or the local community pursuant to the decision of the Commission.

### **Article 34**

#### **(Gifts to State and local bodies and other organisations vested with public authority)**

(1) State bodies, local communities and other organisations vested with public authority may accept gifts only in cases and under conditions laid down by an Act.

(2) Notwithstanding the provisions of other acts, State bodies, bodies of local communities and other organisations vested with public authority may not accept gifts that affect or might affect the legality, objectivity or impartiality of their work.

(3) State bodies, bodies of local communities and other organisations vested with public authority shall forward to the Commission the gift list accepted referred to in paragraph one of this Article, along with the gift list referred to in paragraph one of Article 31 of this Act.

(4) If the Commission establishes that a State body, local community body or other organisation vested with public authority has accepted a gift that affects or might affect the legality, objectivity or impartiality of its work, the gift shall become the property of the Republic of Slovenia or the local community pursuant to the decision of the Commission.

### 3. Restrictions on business activities

### **Article 35**

#### **(Restrictions on business activities and the consequences of violations)**

(1) A public sector body or organisation which is committed to conducting a public procurement procedure in accordance with the

naročanje, ali izvaja postopek podeljevanja koncesij ali drugih oblik javno-zasebnega partnerstva, ne sme naročati blaga, storitev ali gradenj, sklepati javno-zasebnih partnerstev ali podeliti posebnih ali izključnih pravic subjektom, v katerih je funkcionar, ki pri tem organu ali organizaciji opravlja funkcijo, ali njegov družinski član:

- udeležen kot poslovodja, član posloводства ali zakoniti zastopnik ali
- je neposredno ali preko drugih pravnih oseb v več kot pet odstotnem deležu udeležen pri ustanovitelskih pravicah, upravljanju ali kapitalu.

(2) Prepoved iz prejšnjega odstavka velja tudi za poslovanje organa ali organizacije javnega sektorja s funkcionarjem ali njegovim družinskim članom kot fizično osebo.

(3) Prepoved poslovanja v obsegu, ki izhaja iz prvega in prejšnjega odstavka tega člena, ne velja za postopke oziroma druge načine pridobivanja sredstev, ki niso zajeti v prvem odstavku tega člena, pod pogojem, da so pri tem dosledno spoštovane določbe tega ali drugega zakona o nasprotju interesov in o dolžnosti izogibanja temu nasprotju oziroma pod pogojem, da se funkcionar dosledno izloči iz vseh faz odločanja o sklenitvi in izvedbi postopka ali posla. Če funkcionar oziroma njegov družinski član v tem primeru krši določbe o izogibanju nasprotju interesov oziroma o dolžni izločitvi, nastopijo posledice kot v primeru prepovedi poslovanja.

(4) Prepoved poslovanja iz prvega odstavka tega člena in prepoved iz prejšnjega odstavka veljata tudi za ožje dele občine (vaške, krajevne ali četrtne skupnosti), ki imajo lastno pravno subjektiviteto, če je občinski funkcionar član sveta ožjega dela občine ali če se posamezen posel lahko sklene le z njegovim soglasjem.

(5) Funkcionarji v enem mesecu po nastopu funkcije, nato pa najkasneje v osmih dneh po vsaki spremembi, organu, v katerem opravljajo funkcijo, posredujejo naziv, matično številko in sedež subjektov, s katerimi so oni in njihovi družinski člani v razmerju iz prvega

regulations on public procurement or which carries out a procedure for granting concessions or other forms of public-private partnership may not order goods, services or construction works, enter into public-private partnerships, or grant special and exclusive rights to entities in which the holder of public office who holds office in the body or organisation concerned or his family member has the following role:

- participating as a manager, management member or legal representative or
- having more than a 5% share in the founders' rights, management or capital, either by direct participation or through the participation of other legal persons.

(2) The prohibition referred to in the preceding paragraph shall also apply to the public sector body or organisation's business dealings with the holder of public office or his family member as a natural person.

(3) The prohibition of operation within the scope detailed in paragraph one and the preceding paragraph of this Article shall not apply to other procedures or ways of obtaining funds that are not covered in paragraph one of this Article, providing that the provisions of this or any other Act relating to conflicts of interest and the obligation to avoid any conflicts of interest are duly complied with or that the holder of public office is consistently excluded from all stages of decision-making on the performance and entering into of procedures or transactions. If the holder of public office or the holder of public office's family member violates the provisions on the avoidance of conflicts of interest or exclusion, the consequences shall be the same as those specified for the prohibition of operation.

(4) The prohibition of operation referred to in paragraph one of this Article and the prohibition referred to in the preceding paragraph shall also apply to smaller parts of a municipality (i.e. to village, local and quarter communities) which have their own legal personality if the municipal holder of public office is a member of the council of a smaller part of the municipality or if a particular transaction may be entered into only with the municipal holder of public office's consent.

(5) Holders of public office shall communicate the name, registration number and head office of those entities with which they or their family members have a relationship, as referred to in paragraph one of this Article, to the body in which they hold office within one month after

odstavka tega člena. Organ seznam subjektov iz prejšnjega stavka tega člena posreduje komisiji najkasneje v 15 dneh od prejema podatkov oziroma obvestila o spremembi subjektov. Komisija seznam subjektov iz prvega stavka tega odstavka mesečno objavlja na svoji spletni strani.

(6) Omejitve po določbah tega člena ne veljajo za poslovanje na podlagi pogodb, ki so bile sklenjene pred funkcionarjevim nastopom funkcije.

(7) Pogodba ali druge oblike pridobivanja sredstev, ki so v nasprotju z določbami tega člena, so nične.

### **36. člen**

#### **(začasna prepoved poslovanja po prenehanju funkcije)**

(1) V roku dveh let po prenehanju funkcije funkcionar v razmerju do organa, pri katerem je opravljal svojo funkcijo, ne sme nastopiti kot predstavnik poslovnega subjekta, ki s tem organom ima ali vzpostavlja poslovne stike.

(2) Organ, v katerem je funkcionar opravljal funkcijo, v roku enega leta po prenehanju funkcije ne sme poslovati s subjektom, v katerem je bivši funkcionar neposredno ali preko drugih pravnih oseb v več kot 5% udeležen pri ustanoviteljskih pravicah, upravljanju oziroma kapitalu.

(3) O primeru iz prvega odstavka tega člena organ, pri katerem je funkcionar opravljal svojo funkcijo, nemudoma, najpozneje pa v roku 30 dni, obvesti komisijo.

#### 4. Nasprotje interesov

### **37. člen**

#### **(dolžnost izogibanja nasprotju interesov)**

(1) Uradna oseba mora biti pozorna na vsako dejansko ali

taking office and thereafter no later than within eight days of any change occurring. The body shall submit the list of entities referred to in the preceding sentence of this Article to the Commission no later than within 15 days of receipt of information on or a notification of changes regarding said entities. The Commission shall publish the list of entities referred to in the first sentence of this paragraph on its website every month.

(6) The restrictions under the provisions of this Article do not apply to operation on the basis of contracts concluded prior to the holder of public office taking office.

(7) A contract or other forms of obtaining funds that are in conflict with the provisions of this Article shall be null and void.

### **Article 36**

#### **(Temporary prohibition of operation after the termination of office)**

(1) A holder of public office may not act as a representative of a business entity that has established or is about to establish business contacts with a body in which the holder of public office held office until two years have elapsed from the termination of his office.

(2) The body in which the holder of public office held office may not do business with an entity in which the former official has a 5% share in the founders' rights, management or capital, either by direct participation or through the participation of other legal persons, until one year has elapsed from the termination of the office.

(3) The body in which the holder of public office held office shall without delay, and within 30 days at the latest, inform the Commission of the situation referred to in paragraph one of this Article.

#### 4. Conflict of interest

### **Article 37**

#### **(Obligation to avoid a conflict of interest)**

(1) An official person shall pay due attention to any actual or

možno nasprotje interesov in mora storiti vse, da se mu izogne.

(2) Uradna oseba svoje funkcije ali službe ne sme uporabiti zato, da bi sebi ali komu drugemu uresničila kakšen nedovoljen zasebni interes.

**38. člen**  
**(posledice neupoštevanja dolžnosti izogibanja)**

(1) Če z drugim zakonom ni določeno drugače, mora uradna oseba, ki ob nastopu službe ali funkcije ali med njenim izvajanjem, ugotovi nasprotje interesov ali možnost, da bi do njega prišlo, o tem takoj pisno obvestiti svojega predstojnika, če predstojnika nima, pa komisijo. Ob tem mora takoj prenehati z delom v zadevi, v kateri je prišlo do nasprotja interesov, razen, če bi bilo nevarno odlašati.

(2) Predstojnik oziroma komisija o obstoju nasprotja interesov odločita v 15 dneh in s svojo odločitvijo takoj seznanita uradno osebo.

**39. člen**  
**(postopek ugotavljanja nasprotja interesov)**

(1) Če obstaja verjetnost, da je pri uradnih ravnanjih uradnih oseb obstajalo nasprotje interesov, lahko komisija uvedbe postopek ugotavljanja dejanskega obstoja nasprotja interesov in njegovih posledic.

(2) Če je na podlagi izvedenega postopka ugotovljeno nasprotje interesov, komisija s tem seznanj pristojni organ ali delodajalca in mu določi rok, v katerem jo je dolžan obvestiti o sprejetih ukrepih.

(3) Če komisija ugotovi, da je uradna oseba v obravnavani situaciji vedela oziroma bi morala in mogla vedeti, da obstaja nasprotje interesov, vendar je kljub temu ravnala v nasprotju z določbami o preprečevanju nasprotja interesov, komisija o tem obvesti druge pristojne

possible conflict of interest and shall make every effort to avoid such.

(2) An official person may not use his office or post to advance his personal interests or the personal interests of another person.

**Article 38**  
**(Consequences of failing to comply with the obligation to avoid)**

(1) Unless otherwise provided by another Act, an official person who, upon taking up a post or office or during the performance of the duties of the post or office, finds that a conflict of interest has arisen or might arise must immediately inform his superior in writing or, if he has no superior, the Commission. In so doing, the official person shall immediately cease to perform any work with regard to the matter in which the conflict of interest has arisen, unless it would be dangerous to delay.

(2) The superior or the Commission shall decide on the conflict of interest within 15 days and shall communicate the decision to the official person.

**Article 39**  
**(Procedure for establishing a conflict of interest)**

(1) If there is a possibility that a conflict of interest has arisen in the official conduct of official persons, the Commission may initiate a procedure for the establishment of the actual existence of the conflict of interest and its consequences.

(2) If it is established, on the basis of the procedure carried out, that a conflict of interest has arisen, the Commission shall inform the competent authority or the employer and set the time limit by which the body or the employer is obliged to inform it of the measures taken in this respect.

(3) If the Commission finds that, in the situation addressed, an official person knew or should or could have known that the conflict of interest existed but, despite this, acted in contravention of the provisions on the prevention of conflicts of interest, the Commission shall inform all

organe.

(4) Komisija lahko uvede postopek iz prvega odstavka tega člena v roku dveh let od opravljenih uradnih dejanj.

#### **40. člen (izjeme uporabe tega poglavja)**

Določbe tega poglavja se ne uporabljajo za postopke, v katerih je izločitev uradne osebe urejena z drugim zakonom.

### **V. NADZOR NAD PREMOŽENJSKIM STANJEM**

#### **41. člen (dolžnost prijave premoženjskega stanja)**

(1) Zavezanci po tem poglavju so: poklicni funkcionarji, nepoklicni župani in podžupani, uradniki na položaju, poslovodne osebe, osebe, odgovorne za javna naročila, uradniki Državne revizijske komisije za revizijo postopkov oddaje javnih naročil (v nadaljnjem besedilu: Državna revizijska komisija) in državljani Republike Slovenije, ki opravljajo funkcijo v institucijah in drugih organih EU ter drugih mednarodnih institucijah, na katero so bili imenovani ali izvoljeni na podlagi napotitve ali predloga vlade oziroma državnega zbora, in njihova dolžnost prijave premoženjskega stanja ni drugače urejena z akti institucije in drugih organov EU ali drugih mednarodnih institucij, za katero opravljajo funkcijo.

(2) Poklicni funkcionar, nepoklicni župan in podžupan, uradnik na položaju in poslovodna oseba ter državljan Republike Slovenije, ki opravlja funkcijo v institucijah in drugih organih EU ter drugih mednarodnih institucijah, na katero je bil imenovan ali izvoljen na podlagi napotitve ali predloga vlade oziroma državnega zbora mora takoj, najpozneje pa v enem mesecu po nastopu in prenehanju funkcije ali dela, komisiji sporočiti podatke o svojem premoženjskem stanju. Podatke o premoženjskem stanju morajo ti zavezanci komisiji sporočiti tudi leto dni

other competent authorities.

(4) The Commission may initiate a procedure referred to in paragraph one of this Article within two years of the performance of the official acts.

#### **Article 40 (Exceptions from the application of this Chapter)**

The provisions of this Chapter do not apply to procedures in which the exclusion of an official person is regulated by another Act.

### **V. DECLARATION AND SUPERVISION OF ASSETS**

#### **Article 41 (Obligation to declare assets)**

(1) Persons with obligations under this Chapter shall be as follows: professional holders of public office, non-professional mayors and deputy mayors, officials in the position, managers, persons responsible for public procurement, civil servants of the National Review Commission for Reviewing Public Procurement Award Procedures (hereinafter: the National Review Commission), and citizens of the Republic of Slovenia who hold office in EU institutions, other EU bodies and other international institutions to which they have been appointed or elected on the basis of secondment or a proposal from the Government of the Republic of Slovenia or the National Assembly and whose obligation to declare their assets is not otherwise regulated by the documents of EU institutions, EU bodies or other international institutions for which they perform duties.

(2) A professional holder of public office, non-professional mayor or deputy mayor, official in the position, manager, or citizen of the Republic of Slovenia who holds office in EU institutions, other EU bodies and other international institutions to which he has been appointed or elected on the basis of secondment or a proposal from the Government of the Republic of Slovenia or the National Assembly shall without delay, and by no later than within one month after taking or ceasing to hold the office or post, communicate the information on his assets to the Commission. Such

po prenehanju funkcije ali dela.

(3) Osebe, odgovorne za javna naročila, morajo komisiji sporočiti podatke o svojem premoženjskem stanju enkrat letno, in sicer do 31. januarja tekočega leta za preteklo koledarsko leto, če so v preteklem koledarskem letu sodelovale v postopku javnega naročanja, kot je opredeljen v 11. točki 4. člena tega zakona. Podatke o svojem premoženjskem stanju morajo v roku in na način, določen v prejšnjem stavku, sporočiti tudi uradniki Državne revizijske komisije. Za osebe, odgovorne za javna naročila, in uradnike Državne revizijske komisije se ne uporablja drugi odstavek 43. člena tega zakona.

(4) Sporočanje podatkov o premoženjskem stanju iz drugega in tretjega odstavka tega člena se izvede preko elektronskega obrazca, dostopnega na spletnih straneh komisije.

(5) Organi, kjer so zaposleni zavezanci, in naročniki, ki poslujejo po predpisih, ki urejajo javno naročanje, komisiji posredujejo sezname teh zavezancev v 30 dneh po vsaki spremembi. Podatke o državljanih Republike Slovenije, ki opravljajo funkcijo v institucijah in drugih organih EU ter drugih mednarodnih institucijah, na katero so bili imenovani ali izvoljeni na podlagi napotitve ali predloga vlade oziroma državnega zbora, komisiji posredujeta vlada oziroma državni zbor. Sezname vsebujejo naslednje podatke zavezancev: osebno ime, EMŠO, davčno številko zavezanca, funkcijo oziroma položaj, naslov stalnega bivališča, pri funkcionarjih z omejenim mandatom in uradnikih na položaju pa tudi datum nastopa oziroma prenehanja funkcije oziroma položaja.

#### **42. člen (podatki o premoženjskem stanju)**

(1) Podatki o premoženjskem stanju zavezanca obsegajo:

- osebno ime,

persons shall also communicate the information on their assets to the Commission a year after ceasing to hold the office or post.

(3) Persons responsible for public procurement shall communicate the information on their assets to the Commission once a year by 31 January of the current year for the previous year if, in the previous year, they participated in a public procurement procedure as laid down in point 11 of Article 4 of this Act. The civil servants of the National Review Commission shall communicate the information on their assets within the time limit and in the manner laid down in the preceding paragraph. Paragraph two of Article 43 of this Act shall not apply to persons responsible for public procurement and civil servants of the National Review Commission.

(4) Information on assets referred to in paragraphs two and three of this Article shall be communicated by way of an electronic form which is available on the Commission's website.

(5) The bodies in which persons with obligations are employed, and contracting authorities that operate in accordance with regulations on public procurement, shall communicate lists of these persons to the Commission within 30 days of any change occurring. Information on the citizens of the Republic of Slovenia who hold office in EU institutions, other EU bodies and other international institutions to which they have been appointed or elected on the basis of secondment or a proposal from the Government of the Republic of Slovenia or the National Assembly shall be communicated to the Commission by the Government of the Republic of Slovenia or the National Assembly. These lists shall include the following information: personal name, personal registration number (EMŠO), tax ID number of the person, office or position, address of permanent residence, and, in the case of holders of public office with a limited term of office and officials in a managerial position, the date of taking or ceasing to hold office or position.

#### **Article 42 (Data on assets)**

(1) Data on assets of a person with obligations shall include the following:

- personal name;

- EMŠO,
- naslov stalnega prebivališča,
- davčno številko zavezanca,
- podatke o funkciji oziroma delu,
- delu, ki ga je opravljal neposredno pred nastopom funkcije,
- drugih funkcijah oziroma dejavnostih, ki jih opravlja,
- lastništvu oziroma deležih, delnicah in upravljaljskih pravicah v gospodarski družbi, zasebnem zavodu ali drugi zasebni dejavnosti z opisom dejavnosti in oznako firme, oziroma imena organizacije,
- deležih, delnicah, pravicah, ki jih imajo subjekti iz prejšnje alineje v drugi družbi, zavodu ali zasebni dejavnosti z oznako firme oziroma imena organizacije, (v nadaljnjem besedilu: posredno lastništvo),
- obdavčljivi dohodki po zakonu, ki ureja dohodnino, ki niso oproščeni plačila dohodnine,
- nepremičninah z vsemi zemljiškoknjižnimi podatki,
- denarnih sredstvih pri bankah, hranilnicah in hranilno-kreditnih službah, katerih skupna vrednost na posameznem računu presega 10.000 eurov,
- skupni vrednosti gotovine, če njena skupna vrednost presega 10.000 eurov,
- vrstah in vrednosti vrednostnih papirjih, če njihova skupna vrednost ob času prijave premoženja presega 10.000 eurov,
- dolgovih, obveznostih oziroma prevzetih jamstvih in danih posojilih, katerih vrednost presega 10.000 eurov,
- premičninah, katerih vrednost presega 10.000 eurov,
- druge podatke v zvezi s premoženjskim stanjem, ki jih zavezanec želi sporočiti.

(2) Podatke iz prejšnjega odstavka, ki jih je možno pridobiti iz uradnih evidenc, lahko komisija pridobi iz teh evidenc zaradi preverbe resničnosti navedb zavezanca.

(3) Če komisija na podlagi primerjave podatkov iz prvega odstavka tega člena in drugih podatkov ugotovi neskladje, lahko zahteva od zavezanca, da podatkom iz prvega odstavka tega člena priloži ustrezna dokazila.

- personal registration number (EMŠO);
- address of permanent residence;
- tax ID number;
- information on the office or work;
- information on the work performed immediately before taking office;
- any other office held or activities performed;
- information on ownership or stakes, shares or management rights in a company, private institution or any other private activity, with a description of the activity and a designation of the registered name or the name of the organisation;
- information on stakes, shares and rights that the entities referred to in the preceding indent have in another company, institution or private activity, with the designation of the registered name or the name of the organisation (hereinafter: indirect ownership);
- information on taxable income under the Act governing personal income tax that is not exempt from personal income tax;
- information on immovable property including all land register information on land plots;
- monetary assets deposited in banks, savings banks, and savings and loan undertakings the total value of which in an individual account exceeds EUR 10,000;
- the total value of cash if it exceeds EUR 10,000;
- types and values of securities if, at the time of the declaration of assets, their total value exceeded EUR 10,000;
- debts, obligations, or assumed guarantees and loans given the value of which exceeds EUR 10,000;
- movable property the value of which exceeds EUR 10,000; and
- any other information in relation to assets that the person with obligations wishes to provide.

(2) The Commission may obtain any information referred to in the preceding paragraph that can be obtained from the official records to verify the accuracy of the statements of the person with obligations.

(3) If the Commission finds any inconsistencies between the information referred to in paragraph one of this Article and other information, it may request the person with obligations to enclose relevant evidence with the information referred to in paragraph one.

#### **43. člen**

##### **(dolžnost sporočanja sprememb premoženjskega stanja)**

(1) Podatke o letnih dohodkih iz desete alineje prvega odstavka prejšnjega člena v elektronski obliki pridobi komisija od pristojnega organa.

(2) Vsako spremembo glede funkcije, dejavnosti oziroma lastništva iz osme in devete alineje prvega odstavka prejšnjega člena in vsako spremembo v premoženjskem stanju iz enajste do sedemnajste alineje prvega odstavka prejšnjega člena, ki presega 10.000 eurov, mora zavezanec sporočiti komisiji do 31. januarja tekočega leta za preteklo leto.

(3) Sporočanje sprememb premoženjskega stanja se izvede preko elektronskega obrazca, dostopnega na spletnih straneh komisije. Obrazec za sporočanje sprememb premoženjskega stanja obsega tudi možnost navedbe razloga povečanja premoženja.

(4) Komisija lahko kadarkoli zahteva od zavezanca, da ji predloži podatke iz 42. člena tega zakona. Zavezanec mora komisiji predložiti te podatke najkasneje v 15 dneh po prejemu zahteve.

(5) Če je ob primerjavi predloženih podatkov z dejanskim stanjem mogoče utemeljeno sklepati, da zavezanec svoje premoženje oziroma dohodke, z namenom izogibanja nadzoru po tem zakonu, prenaša na družinske člane, lahko komisija od njih zahteva, da v enem mesecu po prejemu zahteve komisiji predložijo podatke iz desete do šestnajste alineje prvega odstavka prejšnjega člena.

#### **44. člen**

##### **(poziv za predložitev podatkov premoženjskega stanja)**

(1) Če komisija ugotovi, da ji zavezanec ni sporočil podatkov o svojih funkcijah, dejavnostih, premoženju in dohodkih v skladu s tem zakonom, ga pozove, da ji v roku, ki ne sme biti krajši od 15 in ne daljši od 30 dni, predloži predpisane podatke.

#### **Article 43**

##### **(Obligation to provide information on any change in assets)**

(1) The Commission may obtain the information on annual income referred to in indent 10 of paragraph one of the preceding Article from the competent authority.

(2) The person with obligations shall communicate to the Commission any change to the office, activity or ownership referred to in indents 8 and 9 of paragraph one of the preceding Article and any change to the assets referred to in indents 11 to 17 of paragraph one of the preceding Article that exceeds EUR 10,000 by 31 January of the current year for the previous year.

(3) Any changes to assets shall be communicated by means of an electronic form which is available on the Commission's website. The form in which changes to assets are communicated also includes the possibility of stating the reason for the increase in assets.

(4) The Commission may at any time request the person with obligations to submit the data referred to in Article 42 of this Act. The person with obligations shall submit this data by no later than 15 days of receipt of the request.

(5) If it can be reasonably concluded from the comparison of the provided data with the actual situation that the person with obligations has transferred his assets or income to family members to avoid supervision under this Act, the Commission may request that the latter submit the data referred to in indents 10 to 16 of paragraph one of the preceding Article within one month of receipt of the request.

#### **Article 44**

##### **(Invitation to submit data on assets)**

(1) If the Commission finds that the person with obligations has not provided data on his offices, activities, assets and income in accordance with this Act, it shall invite the responsible person to submit the data required within a time limit that may not be shorter than 15 days or

(2) Če zavezanec v roku iz prejšnjega odstavka ne predloži zahtevanih podatkov, komisija odloči, da se mu plača oziroma nadomestilo plače vsak mesec po tem, ko je pretekel rok, zniža za znesek v višini deset odstotkov njegove osnovne plače, vendar največ do višine minimalne plače. Odločbo je dolžan izvršiti delodajalec.

(3) Drugi odstavek tega člena se ne uporablja za nepoklicne župane in podžupane.

#### **45. člen (nesorazmerno povečanje premoženja)**

(1) Če komisija na podlagi podatkov o premoženjskem stanju ali na podlagi drugih podatkov ugotovi, da se je premoženje zavezanca, od zadnje prijave nesorazmerno povečalo glede na njegove dohodke iz opravljanja funkcije ali dejavnosti, ki jo sicer opravlja v skladu z določbami in omejitvami iz tega in drugih zakonov ali pa da vrednost njegovega dejanskega premoženja, ki je osnova za odmero davčnih obveznosti, znatno presega prijavljeno vrednost premoženjskega stanja, pozove zavezanca, da najkasneje v 15 dneh pojasni način povečanja premoženja oziroma razliko med dejanskim in prijavljenim premoženjem.

(2) Če zavezanec iz prejšnjega odstavka ne pojasni načina povečanja premoženja ali razlike med dejanskim in prijavljenim premoženjem ali tega ne stori na razumljiv način, komisija o tem obvesti organ, pri katerem zavezanec opravlja funkcijo, oziroma organ, pristojen za izvolitev ali imenovanje zavezanca, v primeru suma storitve drugih kršitev pa tudi druge pristojne organe.

(3) Organ, pri katerem zavezanec opravlja funkcijo ali delo, oziroma organ, pristojen za izvolitev ali imenovanje zavezanca, lahko razen pri neposredno izvoljenih funkcionarjih, na podlagi obvestila komisije iz prejšnjega odstavka, v skladu z ustavo in zakonom začne postopek za prenehanje mandata ali za razrešitev ali druge postopke in o

longer than 30 days in duration.

(2) If the person with obligations fails to submit the required data within the time limit referred to in the preceding paragraph, the Commission shall decide that this person's salary or salary compensation should be reduced by ten percent of his basic salary each month after the expiry of the time limit, but to no less than the minimum salary level. This decision shall be implemented by the employer.

(3) Paragraph two of this Article shall not apply to non-professional mayors or deputy mayors.

#### **Article 45 (Disproportionate increase in assets)**

(1) If, on the basis of data on assets or other information, the Commission finds that, since the last declaration, the assets of the person with obligations have increased disproportionately compared to his income derived from the performance of his duties of office or an activity in accordance with the provisions and restrictions laid down in this Act and other acts, or that the value of the person's actual assets, being a basis for the assessment of tax liabilities, considerably exceeds the declared value of said person's assets, it shall invite the person with obligations to explain the increase in assets or the difference between the actual value and the declared value of assets by no later than within 15 days.

(2) If the person with obligations referred to in the preceding paragraph fails to explain the increase in assets or the difference between the actual and declared value of assets, or fails to do so in a comprehensible manner, the Commission shall notify the body in which the person concerned holds office or the body responsible for the election or appointment of the person concerned and, in the event of any suspicion that other violations are being committed, it shall also notify other competent authorities.

(3) The body in which the person with obligations holds office or performs work or the body responsible for the election or appointment of the person with obligations may initiate a procedure for the termination of the term of office or dismissal or any other procedure on the basis of the notification referred to in the preceding paragraph in accordance with the

tem obvesti komisijo.

(4) Organi iz drugega in prejšnjega odstavka komisijo o svojih ugotovitvah in odločitvah obvestijo v treh mesecih od prejete obvestila komisije.

(5) Če komisija utemeljeno sumi, da se je premoženje zavezanca iz prvega odstavka tega člena znatno povečalo, pa za to povečanje zavezanec ni podal utemeljenega pojasnila, hkrati pa obstaja utemeljena nevarnost, da bo zavezanec s tem premoženjem razpolagal, ga skrnil ali odtujil, lahko komisija državnemu tožilstvu ali pristojnemu organu s področja preprečevanja pranja denarja, davkov ali finančnega nadzora predlaga, da ta v okviru svojih zakonskih pristojnosti ukrene vse potrebno za začasno zaustavitev transakcij ali zavarovanja denarja in premoženja z namenom odvzema protipravno pridobljene premoženjske koristi oziroma denarja in premoženja nezakonitega izvora.

(6) Državno tožilstvo ali drug organ iz prejšnjega odstavka mora komisiji najpozneje v roku 72 ur pisno sporočiti, katere ukrepe je sprejel.

#### **46. člen (javnost podatkov)**

(1) Podatki o dohodkih in premoženjskem stanju zavezancev, z izjemo oseb, odgovornih za javna naročila in uradnikov Državne revizijske komisije, so ne glede na omejitve, ki jih določa zakon o varovanju osebnih podatkov in davčnih tajnostih, javno dostopni v delu, ki se nanaša na dohodke in premoženje, pridobljeno v obdobju opravljanja javne funkcije oziroma dejavnosti in še eno leto po prenehanju opravljanja funkcije oziroma dejavnosti. Podatki so javno objavljeni še 24 mesecev od dneva prenehanja opravljanja javne funkcije oziroma dela. Podrobnejšo metodologijo za javno objavo podatkov določi komisija s poslovníkom.

(2) Komisija na svoji spletni strani objavi podatke o dohodkih in premoženju, ki je bilo pridobljeno v obdobju opravljanja javne funkcije

Constitution and an Act and shall notify the Commission of this; the exception to this is in the case of directly elected holders of public office.

(4) The bodies referred to in paragraph two and the preceding paragraph shall notify the Commission of their findings and decisions within three months of receipt of the Commission's notification.

(5) If the Commission reasonably suspects that the assets of the person with obligations referred to in paragraph one of this Article have increased considerably and the person with obligations has failed to provide an adequate explanation for said increase and there is a reasonable risk that the person with obligations will have these assets available or will conceal or appropriate them, the Commission may propose that the State Prosecutor's Office or the competent authority in the field of money laundering prevention, taxes or financial supervision take all necessary steps within their legal powers to temporarily stop transactions and secure the money and assets for the purpose of seizing unlawfully obtained proceeds or money and assets of illegal origin.

(6) The State Prosecutor's Office or other bodies referred to in the preceding paragraph shall inform the Commission in writing of the measures taken in this regard no later than within 72 hours.

#### **Article 46 (Public availability of data)**

(1) Data on the income and assets of persons with obligations, with the exception of persons responsible for public procurement and civil servants of the National Review Commission, shall be publicly available in the part relating to income and assets obtained during the period of holding a public office or performing an activity and within one year after the termination of the office or activity, irrespective of the restrictions stipulated in the Act governing protection of personal information and the Act governing protection of confidential tax information. The data shall be made publicly available for 24 months after the date of the termination of the office or work. A more detailed methodology for publishing the data shall be laid down by the Commission in its Rules of Procedure.

(2) On its website, the Commission shall publish data on income and assets obtained during the period of holding a public office or

oziroma dejavnosti in še eno leto po prenehanju opravljanja funkcije oziroma dejavnosti, in sicer o:

- osebnem imenu in funkciji zavezanca,
- lastništvu oziroma deležih in številu delnic ter pravic v gospodarski družbi, zavodu ali zasebni dejavnosti z oznako firme oziroma imena organizacije,
- lastništvu oziroma deležih, delnicah in upravljaljskih pravicah v gospodarski družbi, zasebnem zavodu ali drugi zasebni dejavnosti z opisom dejavnosti in oznako firme, oziroma imena organizacije,
- številu in vrednosti nepremičnin brez zemljiškoknjižnih podatkov,
- skupni vrednosti denarnih sredstev pri bankah, hranilnicah in hranilno-kreditnih službah, če ta presega 10.000 eurov,
- skupni vrednosti gotovine, če ta presega 10.000 eurov,
- skupni vrednosti vrednostnih papirjev, če ta presega 10.000 eurov,
- skupni vrednosti dolgov, obveznosti oziroma prevzetih jamstev, če ta presega 10.000 eurov,
- skupni vrednosti danih posojil, če ta presega 10.000 eurov,
- premičninah, katerih vrednost presega 10.000 eurov, na način, ki ne omogoča njihove identifikacije.

(3) Podatki iz prejšnjega odstavka se objavijo na način, ki omogoča njihovo medsebojno primerljivost.

## VI. NAČRTI INTEGRITETE

### **47. člen (načrt integritete)**

(1) Državni organi, samoupravne lokalne skupnosti, javne agencije, javni zavodi, javni gospodarski zavodi in javni skladi (v nadaljevanju: zavezanci za izdelavo načrtov integritete), morajo skladno s tem zakonom oblikovati in sprejeti načrt integritete in o tem obvestiti komisijo.

(2) Če ugotovi, da je izvajanje dejavnosti v javnem interesu in razpolaganje z javnim premoženjem izpostavljeno tveganjem za korupcijo ali drugim oblikam protipravnega ravnanja, lahko komisija izda

performance of an activity and within one year after the termination of the office or activity; the data shall include the following:

- the personal name and office of the person with obligations;
- the ownership or stakes and the number of shares and rights in a company, institution or private activity with the designation of the registered name or the name of the organisation;
- the ownership or stakes, shares and management rights in a company, private institution or any other private activity with the designation of the registered name or the name of the organisation;
- the number and value of immovable properties without land registry information on land plots;
- the total value of monetary assets deposited in banks, savings banks, and savings and loan undertakings if this exceeds EUR 10,000 in value;
- the total value of cash held if this exceeds EUR 10,000 in value;
- the total value of securities held if this exceeds EUR 10,000 in value;
- the total value of debts, obligations or guarantees assumed if this exceeds EUR 10,000 in value;
- the total value of loans given if this exceeds EUR 10,000 in value; and
- movable property the value of which exceeds EUR 10,000, this in a manner that does not allow for the property's identification.

(3) The data referred to in the preceding paragraph shall be published in a manner that facilitates a comparison of the data.

## VI. INTEGRITY PLANS

### **Article 47 (Integrity plan)**

(1) State bodies, self-governing local communities, public agencies, public institutes, public utility institutes and public funds (hereinafter: entities obliged to draw up integrity plans) shall draw up and adopt an integrity plan and inform the Commission of this in accordance with this Act.

(2) If the Commission finds that there is a considerable risk of corruption or other forms of unlawful conduct in performing an activity in the public interest and disposal of public assets, it may issue a decision

sklep, s katerim javnemu subjektu, ki ni zajet v prejšnjem odstavku, v katerem se ta dejavnost opravlja ali razpolaganje poteka, odredi, da v sodelovanju z njo izdela, uresničuje in dopolnjuje načrt integritete.

(3) Načrt integritete vsebuje zlasti:

- oceno korupcijske izpostavljenosti institucije,
- osebna imena ter delovna mesta oseb, odgovornih za načrt integritete,
- opis področij in načina odločanja z oceno izpostavljenosti tveganjem za korupcijo in predloge za izboljšave integritete,
- ukrepe za pravočasno odkrivanje, preprečevanje in odpravljanje tveganj za korupcijo ter
- druge dele načrta, opredeljene v smernicah iz 50. člena tega zakona.

(4) Komisija usposablja osebe iz druge alineje prejšnjega odstavka.

#### **48. člen (izdelava in nadzor načrtov integritete)**

(1) Zavezanci za izdelavo načrtov integritete se glede na oceno izpostavljenosti tveganjem korupcije razvrstijo v najmanj, srednje in najbolj izpostavljeno skupino, kazalniki za razvrščanje po posameznih skupinah, metodologija in način izdelave ter vrednotenje načrtov integritete so določeni v smernicah iz 50. člena tega zakona.

(2) Komisija preverja, ali so zavezanci sprejeli načrt integritete in kako ga uresničujejo.

#### **49. člen (prošnja za oceno načrta integritete)**

Komisija lahko tudi na predlog drugih pravnih oseb, ki niso določene v prvem odstavku 47. člena tega zakona in na njihove stroške ob uporabi določbe drugega odstavka 47. člena tega zakona, izdela

ordering a public entity which is not specified in the preceding paragraph and in which this activity is performed or assets are available to draw up, to implement and amend the integrity plan in cooperation with the Commission.

(3) An integrity plan shall contain in particular the following:

- an assessment of the institution's exposure to corruption;
- the personal names and posts of persons responsible for the integrity plan;
- a description of the areas and manner of decision-making with an assessment of exposure to corruption risks and proposals for integrity improvements;
- measures for the timely detection, prevention and elimination of corruption risks; and
- other parts of the plan as defined in the guidelines referred to Article 50 of this Act.

(4) The Commission shall provide training for the persons referred to in indent two of the preceding paragraph.

#### **Article 48 (Drawing up and supervising integrity plans)**

(1) On the basis of the assessment of exposure to corruption risks, the entities obliged to draw up integrity plans shall be divided into three groups: the least, medium and most exposed; indicators for dividing entities into individual groups and the methodology and manner of the drawing up and evaluation of integrity plans shall be specified in the guidelines referred to in Article 50 of this Act.

(2) The Commission shall check whether the entities have adopted the integrity plans and how they plan to implement them.

#### **Article 49 (Request for the assessment of the integrity plan)**

On the proposal and at the expense of other legal entities not specified in paragraph one of Article 47 of this Act, and by applying the provision of paragraph one of Article 47 of this Act, the Commission may

oceno integritete ali poda predloge za njeno izboljšanje.

**50. člen**  
**(objava smernic oblikovanja načrta integritete)**

Komisija izdela in na svojih spletnih straneh objavi smernice za oblikovanje načrtov integritete, preverjanje delovanja načrtov integritete in ocenjevanje integritete.

VII. RESOLUCIJA O PREPREČEVANJU KORUPCIJE V REPUBLIKI  
SLOVENIJI

**51. člen**  
**(namen in cilj)**

(1) Resolucija je akt, ki ga na predlog vlade sprejme državni zbor.

(2) Z resolucijo se teži k realnim, postopnim in premišljenim ukrepom za odpravo korupcije, njeni osnovni cilji so usmerjeni preventivno: dolgoročna in trajna odprava pogojev za nastanek in razvoj korupcije, vzpostavitev ustreznega pravnega in institucionalnega okolja za preprečevanje korupcije, dosledna uveljavitev odgovornosti za nezakonita dejanja, izgradnja splošno sprejemljivega sistema ničelne tolerance do vseh korupcijskih ravnanj skozi razne oblike izobraževanj in učinkovita uporaba mednarodno uveljavljenih standardov na tem področju.

(3) Komisija spremlja uresničevanje resolucije na podlagi akcijskega načrta, ki ga v sodelovanju z nosilci ukrepov iz resolucije sprejme v roku treh mesecev po sprejemu resolucije ali njenih sprememb.

(4) Za uresničevanje obveznosti iz prejšnjega odstavka lahko komisija daje predloge za sprejem in spremembo predpisov ter usmeritve

make an assessment of integrity or make suggestions for integrity improvements.

**Article 50**  
**(Publication of guidelines for drawing up the integrity plan)**

The Commission shall produce guidelines for the drawing up of integrity plans, checking their functioning and assessing levels of integrity and shall publish them on its website.

VII. RESOLUTION ON THE PREVENTION OF CORRUPTION

**Article 51**  
**(Purpose and aim)**

(1) The resolution is a document adopted by the National Assembly upon the proposal of the Government.

(2) The resolution is aimed at taking realistic, gradual and considered measures to eliminate corruption; its fundamental objectives focus on preventive action: the long-term and permanent elimination of conditions for the occurrence and development of corruption, the establishment of an adequate legal and institutional environment for the prevention of corruption, consistent enforcement of accountability for illegal actions, the establishment of a generally acceptable system of zero tolerance for all acts of corruption through different forms of education, and the effective application of internationally recognised standards in this area.

(3) The Commission shall monitor the implementation of the resolution on the basis of an action plan that it shall adopt within three months of the adoption of the resolution or its amendments in cooperation with the authorities responsible for the measures contained in the resolution.

(4) In order to meet the obligations referred to in the preceding paragraph, the Commission may make proposals for the adoption of and

glede načina izvrševanja ukrepov iz resolucije in načrtov za njeno uresničevanje.

#### **52. člen (aktivnosti)**

(1) Pri uresničevanju resolucije in načrtov za njeno uresničevanje komisija sodeluje z organizacijami iz javnega in zasebnega sektorja, neprofitnimi organizacijami zasebnega prava s področja preprečevanja korupcije ter z državljanke in državljanke.

(2) Sodelovanje iz prejšnjega odstavka se nanaša na skupne dejavnosti pri izvajanju resolucije in načrtov za njeno uresničevanje, analize stanja na področju korupcije, izvajanje medijskih kampanj in druge dejavnosti, pomembne za krepitev integritete in preprečevanje korupcije.

#### **53. člen (akcijski načrt)**

(1) Nosilci ukrepov iz akcijskega načrta za uresničevanje resolucije iz javnega sektorja komisiji do konca meseca februarja vsako leto poročajo o dejavnostih za uresničitev teh ukrepov v preteklem letu.

(2) Komisija v roku treh mesecev po prejemu poročil iz prejšnjega odstavka sestavi poročilo o izvajanju resolucije z navedbo ključnih dosežkov, problemov, dejavnikov tveganja in ocene uspešnosti in ga vključi v letno poročilo o delu iz 19. člena tega zakona.

(3) Zaradi neizvajanja ukrepov iz akcijskega načrta za uresničevanje resolucije lahko komisija zoper odgovorne osebe za izvajanje ukrepov predlaga ugotavljanje odgovornosti pristojnemu organu.

#### **54. člen**

amendments to regulations and provide guidelines on the manner in which the measures contained in the resolution are implemented and on plans for the implementation of the resolution.

#### **Article 52 (Activities)**

(1) In the implementation of the resolution and the plans for doing so, the Commission shall cooperate with non-profit public and private sector organisations, non-profit organisations governed by private law in the field of prevention of corruption, and citizens.

(2) The cooperation referred to in the preceding paragraph shall apply to joint activities for the implementation of the resolution and the plans for doing so, analysing the situation in the field of corruption, conducting media campaigns, and other activities relevant to strengthening integrity and preventing corruption.

#### **Article 53 (Action plan)**

(1) The public sector authorities responsible for the measures contained in the action plan for the implementation of the resolution shall report annually to the Commission by the end of February on the activities undertaken during the previous year to implement these measures.

(2) The Commission shall prepare a report on the implementation of the resolution containing key achievements, problems, risk factors and a performance assessment within three months of receipt of the reports referred to in the preceding paragraph and shall include it in the annual report on work referred to in Article 19 of this Act.

(3) If any failure to implement measures contained in the action plan for the implementation of the resolution should arise, the Commission may propose that the competent authority calls the persons responsible for the implementation of measures to account.

#### **Article 54**

### **(spremembe in dopolnitve resolucije)**

(1) Če nosilci ukrepov iz resolucije in iz načrtov za njeno uresničevanje v svojih poročilih predlagajo spremembe ali dopolnitve resolucije, komisija o njih sprejme mnenje ter s predlogi nosilcev in svojimi lastnimi predlogi v poročilu iz drugega odstavka prejšnjega člena seznaní državni zbor.

(2) Če komisija ugotovi, da bi bili potrebni takojšnji popravki resolucije ali izvedba drugih nujnih ukrepov za njeno uresničitev, pristojne pozove, da začnejo z njihovo izvedbo in o tem takoj obvesti državni zbor.

(3) Če se komisija s predlogi nosilcev ukrepov iz prvega odstavka tega člena ne strinja, jih o tem obvesti in obrazloži svojo odločitev.

### **55. člen (spremembe resolucije)**

Komisija vsaka tri leta preveri, ali je potrebno spremeniti ali dopolniti resolucijo. Ugotovitve in predloge vključi v prvo naslednje redno poročilo državnemu zboru.

## **VIII. LOBIRANJE**

### **1. Lobiranja**

### **56. člen (lobiranje in lobisti)**

(1) Lobiranje lahko opravljajo samo registrirani lobisti, razen izjem, določenih v četrtem odstavku 58. člena tega zakona.

### **(Modifications and amendments to the resolution)**

(1) If the authorities responsible for the measures contained in the resolution and the plans for its implementation propose modifications and amendments to the resolution in their reports, the Commission shall adopt an opinion on the proposed amendments and shall inform the National Assembly of the proposals of the authorities responsible for the measures and of its own proposals contained in the report as referred to in paragraph two of the preceding Article.

(2) If the Commission finds that immediate corrections to the resolution are required or that other urgent measures for its implementation need to be implemented, it shall call on the competent authorities to commence with the implementation of the measures and shall inform the National Assembly without delay.

(3) If the Commission disagrees with the proposals of the authorities responsible for the measures referred to in paragraph one of this Article, it shall inform them of this and provide reasons for its decision.

### **Article 55 (Modifications to the resolution)**

Every three years, the Commission shall check whether the resolution needs to be modified. It shall include its findings and proposals in the next regular report to the National Assembly.

## **VIII. LOBBYING**

### **1. Lobbying**

### **Article 56 (Lobbying and lobbyists)**

(1) Lobbying activities may be performed only by registered lobbyists, with the exception of the persons listed in paragraph four of Article 58 of this Act.

(2) Lobist je lahko vsaka polnoletna oseba, ki ni zaposlena v javnem sektorju in ji ni bila odvzeta poslovna sposobnost ter ni bila zaradi naklepnega kaznivega dejanja, ki se preganja po uradni dolžnosti, v Republiki Sloveniji pravnomočno obsojena na več kot šest mesecev zapora.

(3) Funkcionar ne sme lobirati pred potekom dveh let, odkar mu je prenehala funkcija.

#### **56.a člen (izjeme lobiranja)**

Delovanje posameznikov, neformalnih skupin ali interesnih organizacij z namenom vplivanja na odločanje državnih organov in organov samoupravnih lokalnih skupnosti ter nosilcev javnih pooblastil pri obravnavi in sprejemanju predpisov in drugih splošnih aktov, na področju, ki se neposredno nanaša na sistemska vprašanja krepitve pravne države, demokracije in varstva človekovih pravic in temeljnih svoboščin, ne sodi med lobiranje po določbah tega zakona.

#### 2. Združenje lobistov

#### **57. člen (združenje lobistov)**

Lobisti se lahko združujejo v združenja lobistov, ki sprejmejo kodeks poklicne etike.

#### 3. Registracija lobistov

#### **58. člen (vpis v register)**

(1) Dejanja lobiranja lahko izvaja domača ali tuja fizična oseba, ki je vpisana v registru lobistov v Republiki Sloveniji, ki ga vodi komisija.

(2) A lobbyist may be any person having reached the age of majority who is not employed in the public sector, has not been deprived of the capacity to enter into contracts and has not been given a final sentence for a premeditated crime prosecuted *ex officio* in the Republic of Slovenia of imprisonment for a term of more than six months.

(3) Officials may not lobby until two years have elapsed from the date of termination of their office.

#### **Article 56a (Exceptions to lobbying)**

Actions taken by individuals, informal groups or interest groups for the purpose of influencing the decision-making of State bodies, bodies of self-governing local communities and other organisations vested with public authority in the consideration and adoption of regulations and other general documents in the area directly relating to the systemic issues of strengthening the rule of law, democracy, and the protection of human rights and fundamental freedoms is not considered lobbying under the provisions of this Act.

#### 2. Lobbyist associations

#### **Article 57 (Lobbyist associations)**

Lobbyists may form lobbyist associations which adopt the code of professional ethics.

#### 3. Registration of lobbyists

#### **Article 58 (Entry into the register)**

(1) Lobbying activities may be performed by a domestic or foreign natural person entered in the register of lobbyists in the Republic of

Vpis v register je pogoj za pričetek izvajanja lobiranja.

(2) Za pravno osebo lahko izvajajo lobiranje samo fizične osebe, ki so vpisane v register lobistov v Republiki Sloveniji.

(3) Lobisti se vpišejo v register, ki vsebuje naslednje podatke: osebno ime lobista, davčno številko, naslov, kamor želi prejemati obvestila in vabila iz drugega odstavka 67. člena tega zakona, firmo oziroma ime in sedež gospodarske družbe, samostojnega podjetnika, ali interesne organizacije, če je lobist pri teh zaposlen, ter področja, glede katerih je registriral interes.

(4) Ne glede na določbe tega zakona, se oseba, ki lobira za interesno organizacijo, v kateri je zaposlena, za ta namen ni dolžna vpisati v register lobistov. Enako velja za zakonitega zastopnika ali izvoljenega predstavnika interesne organizacije.

(5) Za vpis v register se plača taksa v skladu z zakonom, ki ureja upravne takse.

(6) Podatki v registru, razen davčne številke, so javni.

(7) Tuji lobisti se v register vpišejo na podlagi uradno prevedenih dokazil, ki smiselno dokazujejo izpolnjevanje pogojev iz tretjega odstavka tega člena.

(8) Lobist mora prijaviti vsako spremembo podatkov za vpis v register v osmih dneh po nastanku sprememb.

#### **59. člen (listine vpisa)**

Tuja fizična oseba mora priložiti za vpis v register tudi izpisek iz javnega registra za lobista samostojnega podjetnika, gospodarsko družbo ali interesno organizacijo, če je lobist pri teh zaposlen.

Slovenia, which is kept by the Commission. Entry into the register shall be a prerequisite for the commencement of lobbying activities.

(2) Lobbying activities for legal persons may be performed only by natural persons entered in the register of lobbyists in the Republic of Slovenia.

(3) Lobbyists shall be entered in a register that contains the following data: the personal name of the lobbyist, tax ID number, the address where the notices and invitations referred to in paragraph two of Article 67 of this Act are to be received, the registered office or name and the head office of the company, sole trader or interest group if that is where the lobbyist is employed, and the areas in which the lobbyist has registered an interest.

(4) Notwithstanding the provisions of this Act, persons carrying out lobbying activities for the interest group in which they are employed shall not be obliged to enter into the register of lobbyists. The same shall apply to the legal representative or elected representative of the interest group.

(5) A fee shall be charged for entry into the register in accordance with the Act governing administrative fees.

(6) The data in the register shall be made public, with the exception of the tax ID number.

(7) Foreign lobbyists shall be entered into the register on the basis of officially translated documents proving, *mutatis mutandis*, that the conditions referred to in paragraph three of this Article have been met.

(8) Lobbyists shall report any change regarding the data for entry into the register within eight days of its occurrence.

#### **Article 59 (Entry documents)**

In order to enter into the register, a foreign natural person must also submit an extract from a public register for a lobbyist individual sole trader, company or interest group if they employ the lobbyist in question.

**60. člen**  
**(izdaja odločbe)**

(1) Komisija izda odločbo o vpisu v register oziroma odločbo o izbrisu iz registra v 15 dneh po prejemu vloge za vpis oziroma po nastopu razlogov za izbris iz registra.

(2) Lobista se vpiše v register z dnem vročitve odločbe.

(3) Na podlagi odločbe o vpisu v register se lobistu izda dokazilo o vpisu. Obrazec dokazila določi registracijski organ.

(4) Dokazilo mora lobist vrniti registracijskemu organu v osmih dneh od prenehanja veljavnosti registracije oziroma od izbrisa iz registra.

**61. člen**  
**(dopolnitev podatkov vpisa)**

(1) Če komisija ugotovi, da kandidat za lobista za vpis oziroma za obnovitev vpisa v register ni predložil vseh potrebnih podatkov in prilog, ga najkasneje v petih dneh pozove, naj jih v določenem roku posreduje. Ta rok ne sme biti krajši od petih dni in ne daljši od 15 dni.

(2) Če kandidat za lobista v določenem roku posreduje podatke, mu komisija izda odločbo o vpisu v register v nadaljnjih 15 dneh.

(3) Če kandidat za lobista v roku iz prvega odstavka tega člena ne posreduje podatkov, se njegova vloga za vpis v register zavrže.

**62. člen**  
**(izbris iz registra)**

**Article 60**  
**(Issuing a decision)**

(1) The Commission shall issue a decision on entry into the register or a decision on removal from the register within 15 days of receipt of the application for entry or after the reasons for removal from the register have arisen.

(2) A lobbyist shall be entered in the register on the date on which the decision is served.

(3) Confirmation of entry shall be issued to the lobbyist on the basis of the decision on entry into the register. The confirmation form shall be determined by the registration authority.

(4) A lobbyist shall return the confirmation form to the registration authority within eight days of the expiry of validity of the registration or the removal from the register.

**Article 61**  
**(Completing data for entry)**

(1) If the Commission finds that a lobbyist candidate has failed to submit all the required data and enclosures for the entry or renewal of the entry into the register, it shall invite the candidate, within five days at the latest, to submit them within the time limit set. This time limit may not be shorter than 5 days or longer than 15 days.

(2) If the lobbyist candidate submits the data in question within the time limit set, the Commission shall issue a decision on entry into the register to the candidate within the next 15 days.

(3) If the lobbyist candidate fails to submit the required data within the time limit referred to in paragraph one of this Article, the candidate's application for entry into the register shall be dismissed.

**Article 62**  
**(Removal from the register)**

Lobista komisija izbriše iz registra, če:

- se ugotovi, da so podatki in dokazila, na podlagi katerih je bil vpisan v register, lažni,
- je bil zaradi naklepnega kaznivega dejanja, ki se preganja po uradni dolžnosti, v Republiki Sloveniji pravnomočno obsojen na več kot šest mesecev zapora,
- ugotovi, da ne izpolnjuje več pogojev za vpis v register,
- pisno izjavi, da ne želi biti več lobist in opravljati lobiranja.

#### 4. Poročanje lobistov

##### **63. člen (poročilo lobista)**

(1) Lobist, ki je vpisan v register lobistov v Republiki Sloveniji, mora komisiji pisno poročati o svojem delu, in sicer:

- do 31. januarja tekočega leta za preteklo leto,
- najkasneje v 30 dneh po prenehanju veljavnosti registracije.

(2) Lobist, ki je vpisan v register lobistov v Republiki Sloveniji, mora dokumentacijo, ki je osnova za poročanje komisiji, hraniti pet let od dneva podaje poročila iz prejšnjega odstavka.

##### **64. člen (vsebina poročila)**

Poročilo iz prejšnjega člena vsebuje:

- davčno številko lobista,
- podatke o interesnih organizacijah, za katere je lobiral,
- podatke o višini plačila, ki ga je prejel od teh organizacij za vsako zadevo, v kateri je lobiral, če pa je proces lobiranja sestavni del

The Commission shall remove a lobbyist from the register on the following bases:

- if it has been established that the data and documents used for entry into the register are false;
- if he has been given a final sentence of imprisonment for premeditated crime prosecuted *ex officio* in the Republic of Slovenia for a term of more than six months;
- if it finds that he no longer meets the criteria for entry into the register;
- if he states in writing that he no longer wishes to be a lobbyist or carry out lobbying activities.

#### 4. Reporting obligations for lobbyists

##### **Article 63 (Report by the lobbyist)**

(1) A lobbyist entered in the register of lobbyists in the Republic of Slovenia shall report in writing to the Commission on his work within the following timeframes:

- by 31 January of the current year for the previous year and
- by no later than within 30 days of the expiry of the validity of registration.

(2) A lobbyist entered in the register of lobbyists in the Republic of Slovenia shall keep the documentation on which reporting to the Commission is based for five years from the date on which the report referred to in the preceding paragraph is submitted.

##### **Article 64 (Content of the report)**

The report referred to in the preceding Article shall contain the following:

- the lobbyist's tax ID number;
- data on interest groups for which the lobbyist has lobbied;
- data on the amount of payment received from interest groups for each matter in which the lobbyist has lobbied; if lobbying is a part of a

storitvene pogodbe, ki vključuje tudi druge dejavnosti in vrednost lobiranja ni mogoče enoznačno opredeliti, se poroča o vrednosti storitvene pogodbe, kjer lobist označi, kolikšen delež v odstotkih je plačilo za proces lobiranja,

- navedbo namena in cilja, zaradi katerega je lobiral za posamezno interesno organizacijo,
- navedbo državnih organov in lobirancev, pri katerih je lobiral,
- navedbo vrst in načinov lobiranja za posamezno zadevo, v kateri je lobiral,
- navedbo vrste in vrednosti donacij političnim strankam in organizatorjem volilnih ter referendumskih kampanj.

#### **65. člen (preizkus poročila in dopolnitev)**

Komisija preizkusi, ali poročilo vsebuje vse predpisane podatke. Če ugotovi, da je poročilo glede predpisanih podatkov pomanjkljivo, zahteva, naj lobist v določenem roku poročilo ustrezno dopolni. Ta rok ne sme biti krajši od 20 dni in ne daljši od 30 dni.

#### **66. člen (preverjanje resničnosti podatkov in navedb)**

Komisija lahko preverja resničnost podatkov in navedb v poročilu:

- z vpogledom v dokumentacijo lobista iz 64. člena tega zakona,
- s poizvedbami pri interesnih organizacijah, za katere je lobist lobiral,
- s poizvedbami pri državnih organih in lobirancih, pri katerih je lobist lobiral,
- s poizvedbami pri političnih strankah in organizatorjih volilnih ter referendumskih kampanj,
- s predlogom pristojnim organom, da opravijo revizijo poslovanja pri lobistu, ali gospodarski družbi, samostojnem podjetniku ali interesni organizaciji, kjer je lobist zaposlen, ali pri interesnih organizacijah, za katere je lobist lobiral.

service contract that also includes other activities and the value of lobbying cannot be clearly determined, the lobbyist shall state the value of the service contract and the percentage of payment for lobbying;

- the statement of the purpose and objective of lobbying for a particular interest group;
- the names of State bodies in which the lobbyist has lobbied and persons lobbied by the lobbyist;
- types and methods of lobbying for a particular matter in which the lobbyist has lobbied; and
- the type and value of donations made to political parties and the organisers of electoral and referendum campaigns.

#### **Article 65 (Verifying and completing the report)**

The Commission shall verify whether the report contains all the data required. If it finds that the report is incomplete in this respect, the Commission shall request the lobbyist to properly complete the report within the time limit set. This time limit may not be shorter than 20 days and not longer than 30 days.

#### **Article 66 (Verifying the accuracy of data and statements)**

The Commission may verify the accuracy of the data and statements contained in the report by carrying out the following:

- viewing the lobbyist's documentation referred to in Article 64 of this Act;
- making enquiries with interest groups for which the lobbyist has lobbied;
- making enquiries with State bodies in which the lobbyist has lobbied and persons lobbied by the lobbyist;
- making enquiries with political parties and the organisers of electoral and referendum campaigns;
- proposing that competent authorities conduct an audit of the operations of the lobbyist, a company, sole trader or interest group employing the lobbyist, or interest groups for which the lobbyist has lobbied.

#### 4. Informiranje

##### **67. člen (pravica do informiranosti lobista)**

(1) V pisni zahtevi za dostop do informacij javnega značaja po zakonu, ki ureja dostop do informacij javnega značaja, lobirancu ni treba izpolniti pogojev iz prvega odstavka 69. člena tega zakona.

(2) Lobist, ki je vpisan v register lobistov v Republiki Sloveniji, ima v zvezi s področji, za katere je registriral interes, pravico biti vabljen na vse javne predstavitve in na vse oblike javnih posvetovanj, o čemer so ga dolžni obveščati državni organi in lokalne skupnosti.

##### **68. člen (informiranje lobirancev in zapis lobiranja)**

(1) Lobist lahko lobirancem posreduje pisne in ustne informacije in gradivo v zadevah, v katerih lobira za interesne organizacije.

(2) Lobist se pri izvajanju lobiranja lahko sestaja z lobiranci. Lobiranec o vsakem stiku z lobistom, ki ima namen lobirati, sestavi zapis, v katerem navede podatke o lobistu: osebno ime, podatek, ali se je identificiral v skladu z določbami tega zakona, področje lobiranja, ime interesne organizacije, ali druge organizacije, za katero lobira lobist, navedba morebitnih prilog in datum, kraj obiska lobista ter podpis lobiranca. Lobiranec zapis posreduje v roku treh dni v vednost svojemu predstojniku in komisiji. Obveznost izdelave zapisa za lobirance velja tudi v primeru stikov iz tretjega odstavka 69. člena tega zakona. Zapise komisija hrani za dobo petih let.

#### 4. Providing information

##### **Article 67 (The lobbyist's right to information)**

(1) In a written request for access to information of a public nature under the Act governing access to information of a public nature, the lobbyist is not required to meet the conditions stipulated in paragraph one of Article 69 of this Act.

(2) A lobbyist entered in the register of lobbyists in the Republic of Slovenia shall have the right to be invited to all public presentations and all forms of public consultations with regard to the areas in which he has registered an interest and shall be informed thereof by the State bodies and local communities concerned.

##### **Article 68 (Informing persons lobbied and lobbying record)**

(1) A lobbyist may submit to lobbied persons any verbal or written information and material on matters in which the lobbyist carries out lobbying activities for interest groups.

(2) In carrying out lobbying activities, a lobbyist may meet the persons lobbied. At every contact with the lobbyist, the person lobbied shall make a record containing the following data on the lobbyist: personal name, information on whether the lobbyist has identified himself in accordance with the provisions of this Act, the area of lobbying, the name of the interest group or any other organisation for which the lobbyist is lobbying, any possible enclosures, the date and place of the visit by the lobbyist, and the signature of the person lobbied. The person lobbied shall forward a copy of the record to his superior and the Commission within three days. The obligation of persons lobbied to keep a record shall also apply in the event of contact arising as referred to in paragraph three of Article 69 of this Act. The Commission shall keep lobbying records for a period of five years.

**69. člen**  
**(dolžnost identifikacije lobista)**

(1) Lobist se mora lobirancem identificirati in pokazati pooblastilo interesne organizacije za lobiranje v določeni zadevi. Lobist mora navesti tudi namen in cilj, zaradi katerega lobira.

(2) Lobiranci lahko privolijo v stike z lobistom samo po predhodni preveritvi, ali je lobist vpisan v register lobistov, razen izjem, določenih v četrtem odstavku 58. člena tega zakona.

(3) Če bi pri stiku z določenim lobistom pri lobirancu nastalo nasprotje interesov, je lobiranec stik dolžan odkloniti.

5. Prepovedi

**70. člen**  
**(prepovedana ravnanja lobistov)**

(1) Lobist ne sme lobirati izven okvirov, kot je določeno v 14. točki 4. člena tega zakona.

(2) Lobist lobirancem ne sme posredovati netočnih, nepopolnih ali zavajajočih informacij.

(3) Lobist pri lobiranju ne sme ravnati proti predpisom, ki določajo prepoved sprejemanja daril v zvezi z opravljanjem funkcije ali javnimi nalogami lobirancev.

**71. člen**  
**(prijava prepovedanih ravnanj lobistov)**

(1) Če lobist ne ravna v skladu s prejšnjim členom ali če ni

**Article 69**  
**(The lobbyist's duty of identification)**

(1) A lobbyist shall show to the persons lobbied his identification and an authorisation obtained from the interest group to lobby in a particular matter. The lobbyist shall also state the purpose and objective of the lobbying in question.

(2) The persons lobbied may agree to have contact with the lobbyist only after verifying whether the lobbyist is entered in the register of lobbyists (exceptions to this are referred to in paragraph four of Article 58 of this Act).

(3) If, during contact with a particular lobbyist, a conflict of interest arises on the part of the person lobbied, the person lobbied shall refuse any further contact with the lobbyist.

5. Prohibitions

**Article 70**  
**(Prohibited actions of lobbyists)**

(1) A lobbyist may not lobby outside the scope specified in point 14 of Article 4 of this Act.

(2) A lobbyist may not provide incorrect, incomplete or misleading information to the persons lobbied.

(3) When carrying out lobbying activities, a lobbyist may not act in contravention of regulations on the prohibition of the acceptance of gifts in connection with the discharge of the duties of the office or public duties of the persons lobbied.

**Article 71**  
**(Reporting prohibited lobbyist actions)**

(1) If a lobbyist fails to act in accordance with the preceding

vpisan v register lobistov v skladu z 58. členom, ga lobiranec v roku desetih dni od poskusa lobiranja prijavi komisiji.

(2) Lobiranci so dolžni komisiji prijaviti stike iz četrtega odstavka 58. člena, kadar ti stiki potekajo na nejavni način.

(3) Če ocenijo, da so stiki iz prejšnjega odstavka nezakoniti ali v nasprotju z namenom tega zakona, so jih lobiranci dolžni zavrniti in o tem obvestiti komisijo.

### **72. člen** **(pravica izjaviti se o prijavi)**

(1) Komisija v primeru prijave iz prejšnjega člena obvesti lobista oziroma prijavljeno osebo in ji določi rok, v katerem se lahko o tem izjavi. Ta rok ne sme biti krajši od 15 dni in ne daljši od 30 dni.

(2) Izjavo iz prejšnjega odstavka lahko lobist oziroma prijavljena oseba da pisno ali ustno na zapisnik pred komisijo.

(3) Resničnost podatkov iz prijave in izjave lobista ali prijavljene osebe lahko komisija preverja v skladu s 66. členom tega zakona.

### **73. člen** **(sankcije zaradi neupoštevanja določil tega zakona)**

(1) Lobistu, ki ni poslal poročila iz 63. člena tega zakona ali ni dopolnil poročila v skladu s 65. členom tega zakona ali je po 66. členu tega zakona ugotovljeno, da je v poročilu navedel neresnične podatke, komisija lahko izreče naslednje sankcije:

- pisni opomin,
- prepoved lobiranja za določen čas, ki ne sme biti krajši od treh

Article or is not entered in the register of lobbyists in accordance with Article 58, the person lobbied shall report the lobbyist to the Commission within ten days of the attempt to lobby in question.

(2) Persons lobbied shall be obliged to report the contact referred to in paragraph four of Article 58 to the Commission in the event that it is made in a non-public manner.

(3) If the persons lobbied consider the contact referred to in the preceding paragraph to be illegal or contrary to the purpose of this Act, they must refuse it and inform the Commission thereof.

### **Article 72** **(Right to a make statement with regard to the report)**

(1) In the event that a report referred to in the preceding Article is filed, the Commission shall inform the lobbyist or reported person of this and shall set the time limit by which the lobbyist or reported person may make a statement with regard to the report. This time limit may not be shorter than 15 days and not longer than 30 days.

(2) The lobbyist or reported person may make a statement referred to in the preceding paragraph orally or in writing for the record before the Commission.

(3) The Commission may verify the accuracy of data contained in the report and in the statement of the lobbyist or reported person in accordance with Article 66 of this Act.

### **Article 73** **(Sanctions for failure to comply with the provisions of this Act)**

(1) The Commission shall impose the following sanctions on a lobbyist who has failed to submit a report referred to in Article 63 of this Act or complete it in accordance with Article 65 of this Act or for whom it has been established in accordance with Article 66 of this Act that he has given false information in the report:

- a written reminder,
- a ban from lobbying activities for a specified period of time, which may

- mesecev in ne daljši od 24 mesecev,  
- izbris iz registra.

(2) Sankcije iz prejšnjega odstavka se vpišejo v register lobistov.

(3) Komisija sankcijo izreče v odvisnosti od teže kršitve, od posledic, ki so zaradi nje nastale in od tega, ali gre za prvo ali ponavljajočo kršitev.

#### **74. člen**

##### **(sankcije zaradi kršitev identifikacije in prepovedi ravnanja lobistov)**

(1) Lobistu, ki je ravnal v nasprotju z 69. ali 70. členom tega zakona, komisija lahko izreče naslednje sankcije:

- pisni opomin,
- prepoved nadaljnjega lobiranja v določeni zadevi,
- prepoved lobiranja za določen čas, ki ne sme biti krajši od 3 mesecev in ne daljši od 24 mesecev,
- izbris iz registra.

(2) Komisija sankcijo izreče v odvisnosti od teže kršitve, od posledic, ki so zaradi nje nastale in od tega, ali gre za prvo ali ponavljajočo kršitev. Sankcije iz prejšnjega odstavka se vpišejo v register lobistov.

### **IX. UPORABA PODATKOV IN VODENJE EVIDENC**

#### **75. člen**

##### **(uporaba podatkov)**

Podatki, pridobljeni v skladu s tem zakonom ter podatki, določeni v evidencah v tem zakonu, se smejo obdelovati le za izvajanje ukrepov in metod za krepitev integritete, za zagotavljanje transparentnosti delovanja javnega sektorja, za preprečevanje korupcije in nasprotja interesov, za nadzor nad premoženjem in sprejemanjem daril in za vodenje registra lobistov.

- not be shorter than 3 months or longer than 24 months,  
- removal from the register.

(2) The sanctions referred to in the preceding paragraph shall be entered in the register of lobbyists.

(3) The Commission may impose a sanction depending on the gravity of the violation, on the consequences that ensue, and on whether the violation is a first-time or repeat violation.

#### **Article 74**

##### **(Sanctions for violations of the duty of identification and the prohibition regarding lobbyist actions)**

(1) The Commission may impose the following sanctions on a lobbyist who has acted in contravention of Articles 69 or 70 of this Act:

- a written reminder,
- a ban from further lobbying activities in a particular matter,
- a ban from lobbying for a specified period of time, which may not be shorter than 3 months or longer than 24 months,
- removal from the register.

(2) The Commission may impose a sanction depending on the gravity of the violation, on the consequences that ensue, and on whether the violation is a first-time or repeat violation. The sanctions referred to in the preceding paragraph shall be entered in the register of lobbyists.

### **IX. USE OF INFORMATION AND RECORD KEEPING**

#### **Article 75**

##### **(Use of information)**

All information obtained in accordance with this Act and the data contained in records under this Act shall be processed only for the purposes of implementing the measures and methods required to strengthen integrity, ensuring the transparency of operation of the public sector, preventing corruption and conflicts of interest, supervising assets and the acceptance of gifts, and keeping the record of lobbyists.

**76. člen**  
**(evidence podatkov in rok hranjenja)**

(1) Komisija podatke, informacije in dokumentacijo, pridobljeno na podlagi tega zakona, hrani deset let, nato se dokumentacija s podatki in informacijami arhivira.

(2) Komisija vodi naslednje evidence podatkov:

- evidenco prijav o sumih korupcije in kršitev tega zakona, ki vsebuje ime, priimek in naslov stalnega ali začasnega prebivališča prijavitelja, ime, priimek in naslov stalnega ali začasnega prebivališča prijavljenih oseb in druge podatke, povezane s preprečevanjem in raziskovanjem prijavljenih koruptivnih ravnanj za namene ugotavljanja korupcije in izvajanja pristojnosti komisije ter drugih državnih organov na področju preprečevanja korupcije.
- evidenco funkcionarjev, uradnikov na položaju, poslovodnih oseb, uradnih oseb, oseb odgovornih za javna naročila iz 4. člena tega zakona (osebno ime, EMŠO, davčna številka, funkcija oziroma položaj, naslov stalnega bivališča), za namene ugotavljanja zavezancev, njihove istovetnosti in preverjanja podatkov ter odločanja po tem zakonu,
- evidenco zadev s področja mednarodne korupcije v skladu s šesto alinejo prvega odstavka 12. člena tega zakona (osebno ime osumljene, ovadene, obtožene ali obsojene osebe, EMŠO, kvalifikacija kaznivega dejanja, vrsta zaključka zadeve), za namene ugotavljanja vzrokov mednarodne korupcije, oblikovanja ukrepov, za potrebe poročanja mednarodnim organizacijam, odkrivanja primerov mednarodne korupcije v skladu s pooblastili po tem zakonu in sodelovanja z drugimi pristojnimi državnimi organi,
- evidenco zadev s področja zaščite prijaviteljev koruptivnih ravnanj iz četrtega, petega in šestega odstavka 23. člena tega zakona (osebno ime prijavitelja ali njegov psevdonim, odločitev o tem, ali je bila prijava podana v dobri veri in ali je bila za zaščito prijavitelja in njegovih družinskih članov odrejena zaščita po zakonu, ki ureja zaščito prič), za namene izvajanja zaščite prijaviteljev koruptivnih ravnanj, spremljanja učinkovitosti zaščite in pomoči prijaviteljem,

**Article 76**  
**(Data records and the storage period)**

(1) The Commission shall store the data, information and documentation obtained pursuant to this Act for a period of ten years; after the expiry of said period, the documentation, data and other information shall be archived.

(2) The Commission shall keep the following data records:

- a record of reported suspicions of corruption and violations of this Act containing the name, surname, and address of the permanent or temporary residence of the reporting person and reported persons and other data relating to the prevention and investigation of reported acts of corruption for the purposes of establishing instances of corruption and exercising the powers of the Commission and other State bodies in the prevention of corruption,
- a record of holders of public office, officials in a managerial position, managers, official persons and persons responsible for public procurement referred to in Article 4 of this Act (personal name, personal registration number (EMŠO), tax ID number of the person, office or position, and address of permanent residence) for the purposes of establishing persons with obligations and their identity, verifying data, and making decisions under this Act,
- a record of cases involving international corruption in accordance with indent six of paragraph one of Article 12 of this Act (personal name of the suspected, denounced, accused or convicted person, personal registration number (EMŠO), the type of criminal offence, and the manner in which the case was concluded) for the purposes of establishing the causes of international corruption, drawing up measures, reporting to international organisations, detecting cases of international corruption in accordance with the powers under this Act, and cooperating with other competent State bodies,
- a record of cases involving the protection of persons who report acts of corruption referred to in paragraphs four, five and six of Article 23 of this Act (personal name of the reporting person or his pseudonym, any decision on whether the report has been made in good faith, and a record of whether the protection of the reporting person or his family members has been secured under the Act governing witness protection) for the purposes of implementing the protection of persons

- evidenco zadev s področja zaščite uradnih oseb, od katerih se zahteva nezakonito oziroma neetično ravnanje iz 24. člena tega zakona (osebno ime prijavitelja komisiji, osebno ime osebe, ki zahteva nezakonito oziroma neetično ravnanje, navedba organa in seznam izdanih navodil komisije za ravnanje), za namene izvajanja zaščite uradnih oseb, spremljanja učinkovitosti zaščite in pomoči uradnim osebam,
- evidenco o obstoju vzročne zveze iz tretjega odstavka 25. člena tega zakona in evidenco zahtevkov za premestitev iz četrtega odstavka 25. člena tega zakona (osebno ime prijavitelja, osebno ime osebe, ki zahteva nezakonito oziroma neetično ravnanje, navedba organa, vsebina ocene oziroma zahtevka za premestitev), za namene ugotavljanja obstoja povračilnih ukrepov, ukrepanja proti povračilnim ukrepom ter spremljanja učinkovitosti ukrepov komisije,
- evidenco seznamov daril iz prvega odstavka 31. člena tega zakona (naziv organa, ki je prejel darilo, osebno ime obdarovanca in njegova funkcija, vrsta darila) in evidenco iz tretjega odstavka 34. člena tega zakona (naziv organa, ki je prejel darilo, osebno ime prejemnika darila in njegova funkcija ali položaj, vrsta in vrednost darila), za namene ugotavljanja in odločanja o kršitvah glede prepovedi in omejitev sprejemanja daril, nadzora komisije nad vodenjem seznamov daril ter njihovega objavljanja,
- evidenco poslovnih subjektov iz 35. člena tega zakona (naziv poslovnega subjekta, matična številka in sedež), za namene izvajanja nadzora nad omejitvami poslovanja, sporočanja podatkov, objavljanja podatkov o poslovnih subjektih za katere veljajo omejitve poslovanja z njimi,
- evidenco uradnih oseb, glede katerih komisija po drugem odstavku 38. člena in drugem odstavku 39. člena tega zakona ugotavlja obstoj nasprotja interesov (osebno ime uradne osebe, funkcija oziroma položaj, naslov stalnega prebivališča, vsebina odločitve komisije), za namene ugotavljanja in odločanja o nasprotju interesov ter sodelovanja s pristojnimi državnimi organi,
- who report acts of corruption, monitoring the effectiveness of the protection provided and offering assistance to reporting persons,
- a record of cases involving the protection of official persons who are requested to engage in the illegal or unethical conduct referred to in Article 24 of this Act (personal name of the reporting person, personal name of the person who requests illegal or unethical conduct, name of the body, and the list of instructions issued by the Commission on further action to be taken) for the purposes of implementing the protection of official persons, monitoring the effectiveness of protection and offering assistance to official persons,
- a record of the existence of a causal link referred to in paragraph three of Article 25 of this Act and a record of requests for transfer referred to in paragraph four of Article 25 of this Act (personal name of the reporting person, personal name of the person who requests illegal or unethical conduct, name of the body, and content of the assessment or the request for transfer) for the purposes of establishing the existence of retaliatory measures, taking action against retaliatory measures and monitoring the effectiveness of the measures taken by the Commission,
- a record of the gift lists referred to in paragraph one of Article 31 of this Act (name of the body that accepted a gift, personal name of the person who was given the gift and his office, and the type of gift) and a record referred to in paragraph three of Article 34 of this Act (name of the body that accepted a gift, personal name of the person who was given the gift, his office or position, and the type and value of the gift) for the purposes of establishing and deciding on violations of the prohibition of and restrictions with regard to the acceptance of gifts and the Commission exercising supervision over the management and publication of gift lists,
- a record of business entities referred to in Article 35 of this Act (name of the business entity, registration number and head office) for the purposes of exercising supervision over restrictions on business activities, providing information, publishing data on business entities that are subject to restrictions on business activities,
- a record of the official persons with regard to whom the Commission has established the existence of a conflict of interest under paragraph two of Article 38 and paragraph two of Article 39 of this Act (personal name of the official person, his office or position, address of permanent residence, and content of the Commission's decision) for the purposes of establishing and deciding on the conflict of interest and cooperating with the competent State bodies,

- evidenco zavezancev iz prvega odstavka 41. člena, ki vsebuje podatke iz prvega odstavka 41. člena in prvega odstavka 42. člena, pri čemer se podatki o premoženjskem stanju vodijo ločeno, za namene ugotavljanja zavezancev in njihove istovetnosti, preverjanja podatkov in odločanja po tem zakonu ter za objavo podatkov in izvajanje pristojnosti komisije in drugih državnih organov na področju preprečevanja korupcije,
- evidenco zadev s področja nesorazmerno povečanega premoženja iz 45. člena tega zakona (osebno ime, funkcija oziroma položaj zavezancev iz prvega odstavka 41. člena tega zakona, seznam obvestil po drugem odstavku 45. člena tega zakona, seznam obvestil iz četrtega odstavka 45. člena tega zakona, seznam sprejetih odločitev po petem odstavku 45. člena tega zakona in seznam ukrepov po šestem odstavku 45. člena tega zakona), za namene ugotavljanja premoženjskega stanja zavezancev, za odločanje o kršitvah ter sodelovanja s pristojnimi državnimi organi,
- evidenco oseb iz druge alineje tretjega odstavka 47. člena tega zakona (osebno ime, delovno mesto, organ), za namene učinkovitega izvajanja načrta integritete ter usposabljanja oseb, odgovornih za načrt integritete,
- evidenco funkcionarjev, zoper katere je komisija predlagala uveljavljanje odgovornosti zaradi neizvajanja ukrepov iz resolucije (tretji odstavek 53. člena), ki vsebuje podatke iz prve alineje tega odstavka, za namene uresničevanja resolucije, in predlaganja ukrepov v primeru njihovega neizvajanja,
- evidenco – register lobistov, ki vsebuje podatke iz tretjega odstavka 58. člena tega zakona, za namene zagotavljanja zakonitosti, ugotavljanja, odločanja ter nadzora na lobiranjem,
- evidenco samostojnih podjetnikov, gospodarskih družb oziroma interesnih organizacij, za katere lobirajo lobisti (naziv, davčna številka) iz 58. člena tega zakona, za namene zagotavljanja zakonitosti, ugotavljanja, odločanja ter nadzora na lobiranjem,
- evidenco izrečenih sankcij lobistom po 73. in 74. členu tega zakona (osebno ime lobista, davčna številka, vrsta kršitve, vrsta sankcije), za namene zagotavljanja zakonitosti in transparentnosti lobiranja, varnosti pravnega prometa, spremljanja vzrokov in kršitev ter oblikovanja ukrepov.
- a record of persons with obligations referred to in paragraph one of Article 41 containing the data referred to in paragraph one of Article 41 and paragraph one of Article 42, with data on assets kept separately, for the purposes of determining the persons with obligations and their identity, verifying data and decision-making under this Act, publishing information, and exercising the powers of the Commission and other State bodies in the prevention of corruption,
- a record of cases involving a disproportionate increase in assets referred to in Article 45 of this Act (personal name, office or position of persons with obligations referred to in paragraph one of Article 41 of this Act, list of notifications referred to in paragraph two of Article 45 of this Act, list of notifications referred to in paragraph four of Article 45 of this Act, list of decisions taken referred to in paragraph five of Article 45 of this Act, and list of measures taken referred to in paragraph six of Article 45 of this Act) for the purposes of establishing the assets of persons with obligations, deciding on violations and cooperating with the competent State bodies,
- a record of persons referred to in indent two of paragraph three of Article 47 of this Act (personal name, post and body) for the purposes of the effective implementation of the integrity plan and the training of persons responsible for the integrity plan,
- a record of holders of public office with regard to whom the Commission proposed that they be called to account owing to their failure to implement the measures contained in the resolution (paragraph three of Article 53), this containing the information referred to in indent one of this paragraph, for the purposes of implementing the resolution and proposing measures in the event that the measures contained in the resolution are not implemented,
- a record/register of lobbyists containing information referred to in paragraph three of Article 58 of this Act for the purposes of ensuring legality of and establishing, deciding on and supervising lobbying activities,
- a record of the sole traders, companies or interest groups for which lobbyists carry out lobbying activities (name and tax ID number) referred to in Article 58 of this Act for the purposes of ensuring legality of and establishing, deciding on and supervising lobbying activities,
- a record of the sanctions imposed on lobbyists referred to in Articles 73 and 74 of this Act (personal name of the lobbyist, tax ID number, type of violation and type of sanction) for the purposes of ensuring the legality and transparency of lobbying and the security of legal transactions, monitoring of causes and violations, and the drawing up

of measures.

## X. KAZENSKE DOLOČBE

### **77. člen (prekrški fizičnih oseb)**

(1) Z globo od 400 do 1.200 eurov se kaznuje za prekršek posameznik, ki:

- se v nasprotju z določbo sedmega odstavka 16. člena tega zakona brez opravičila ne udeleži seje komisije ali ne odgovarja na vprašanja komisije iz njene pristojnosti, razen v primerih iz devetega odstavka 16. člena tega zakona,
- v nasprotju z drugim odstavkom 16.a člena tega zakona brez predhodnega pisnega dovoljenja komisije razkrije, objavi ali nepooblaščenim tretjim osebam posreduje podatke ali informacije, ki jih je pridobil oziroma se je z njimi seznanil v okviru ali v povezavi z opravljanjem svojega dela za komisijo,
- v nasprotju z določbo četrtega odstavka 23. člena tega zakona ugotavlja identiteto prijavitelja, ki je prijavo podal v dobri veri oziroma je utemeljeno sklepal, da so njegovi podatki resnični,
- v nasprotju z določbo drugega odstavka 26. člena tega zakona komisije ne obvesti o opravljanju poklicne ali druge dejavnosti,
- v nasprotju z določbo tretjega odstavka 26. člena tega zakona ne spoštuje odločbe o prepovedi opravljanja dodatne dejavnosti ali pogojev in omejitev, ki mu jih je z odločbo postavila komisija,
- v nasprotju z določbami 30. člena tega zakona sprejme darilo ali drugo korist v zvezi z opravljanjem funkcije,
- v nasprotju z določbami 31. člena tega zakona sprejetega darila in njegove vrednosti ne vpiše v seznam daril pri organu ali organizaciji, v kateri opravlja svojo funkcijo ali ga ne preda v upravljanje organu oziroma organizaciji, v kateri opravlja funkcijo,
- v nasprotju z določbo petega odstavka 35. člena tega zakona

## X. PENALTY PROVISIONS

### **Article 77 (Minor offences by natural persons)**

(1) An individual shall be fined from EUR 400 to EUR 1,200 for the minor offences of:

- in contravention of the provision of paragraph seven of Article 16 of this Act, failing to attend a session of the Commission without a valid reason or failing to respond to the questions posed by the Commission that lie within its competence, with the exception of the cases referred to in paragraph nine of Article 16 of this Act,
- in contravention of paragraph two of Article 16a of this Act, disclosing or publishing data or information which he has obtained or become familiar with during the course of or in connection with the performance of his work for the Commission, or communicating this data or information to unauthorised third parties, without the prior written consent of the Commission,
- in contravention of the provision of paragraph four of Article 23 of this Act, attempting to establish the identity of the reporting person who has made the report in good faith or has reasonably believed that his information is true;
- in contravention of the provision of paragraph two of Article 26, failing to inform the Commission that he is carrying out a professional or other activity,
- in contravention of the provision of paragraph three of Article 26 of this Act, failing to comply with the Commission's decision on the prohibition of the performance of an additional activity or with the conditions or restrictions imposed on him by the Commission's decision,
- in contravention of the provisions of Article 30 of this Act, accepting a gift or any other benefit in connection with the discharge of the duties of his office,
- in contravention of the provisions of Article 31 of this Act, failing to enter details of the accepted gift and its value on a gift list kept by the body or organisation in which he holds office or failing to give the gift to the aforementioned body or organisation to manage,
- in contravention of the provision of paragraph five of Article 35 of this

organu, v katerem opravlja funkcijo, ne sporoči podatkov o subjektih, s katerimi so on ali njegovi družinski člani povezani na način iz prvega odstavka 35. člena tega zakona,

- v nasprotju z določbo prvega odstavka 36. člena tega zakona v roku dveh let po prenehanju funkcije v razmerju do organa, v katerem je opravljal svojo funkcijo, nastopi kot predstavnik pravne osebe, ki s tem organom ima ali vzpostavlja poslovne stike,
- v nasprotju z določbo prvega odstavka 38. člena tega zakona svojega predstojnika ali komisije ne obvesti takoj o nasprotju interesov oziroma možnosti, da bi do njega prišlo,
- v nasprotju z določbo drugega ali tretjega odstavka 41. člena tega zakona komisiji ne sporoči podatkov o premoženjskem stanju,
- v prijavo o premoženjskem stanju iz 42. in 43. člena tega zakona ali v njene dopolnitve ne vpiše potrebnih podatkov ali vpiše lažne podatke,
- ki opravlja dejanja lobiranja, čeprav ni vpisan v register lobistov skladno s prvim odstavkom 58. člena in ni izzet iz obveznosti registracije na podlagi četrtega odstavka 58. člena tega zakona,
- kot lobiranec v skladu z drugim odstavkom 68. člena tega zakona ne izdela zapisa o lobiranju,
- kot lobiranec v nasprotju z določbo 69. člena tega zakona ne odkloni stika z lobistom, ki ni vpisan v register lobistov ali stika, pri katerem bi nastalo nasprotje interesov,
- ki kot lobiranec v roku iz 71. člena tega zakona ne prijavi komisiji lobista, ki ravna v nasprotju s 70. členom ali ni vpisan v register lobistov v skladu z 58. členom.

(2) Z globo od 1.000 do 2.000 eurov se kaznuje za prekršek posameznik, ki:

- v nasprotju z določbo četrtega odstavka 23. člena tega zakona razkrije identiteto prijavitelja, ki je prijavo podal v dobri veri oziroma je utemeljeno sklepal, da so njegovi podatki resnični, ali poda zlonamerno prijavo,
- v nasprotju z določbo petega odstavka 26. člena tega zakona po pravnomočnosti odločbe o preklicu dovoljenja ne preneha z opravljanjem poklicne ali druge dejavnosti,

Act, failing to provide to the body in which he holds office information on the entities with which he or his family members have a relationship referred to in paragraph one of Article 35 of this Act,

- in contravention of the provision of paragraph one of Article 36 of this Act, acting as a representative of a legal person that has established or is about to establish business contacts with a body within two years of the termination of his term of office at the latter,
- in contravention of the provision of paragraph one of Article 38 of this Act, failing to immediately inform his superior or the Commission of a conflict of interest or the possibility that a conflict of interest may arise,
- in contravention of the provisions of paragraphs two and three of Article 41 of this Act, failing to communicate information on his assets to the Commission,
- failing to provide the necessary data, or providing false data, in the declaration of assets referred to in Articles 42 and 43 of this Act or its supplements,
- performing lobbying activities despite not being entered in the register of lobbyists in accordance with paragraph one of Article 58 of this Act and being exempt from the obligation to register under paragraph four of Article 58 of this Act,
- in his capacity as a lobbied person, failing to make a lobbying record in accordance with paragraph two of Article 68 of this Act,
- in contravention of the provision of Article 69 of this Act, in his capacity as a lobbied person, failing to refuse contact with a lobbyist who is not entered in the register of lobbyists or contact where a conflict of interest would arise,
- in his capacity as a lobbied person, failing to report to the Commission, within the time limit referred to in Article 71 of this Act, a lobbyist who acts in contravention of Article 70 of this Act or is not entered into the register of lobbyists in accordance with Article 58 of this Act.

(2) An individual shall be fined from EUR 1,000 to EUR 2,000 for the minor offences of:

- in contravention of the provision of paragraph four of Article 23 of this Act, disclosing the identity of the reporting person who has made the report in good faith or has reasonably believed that his information is true or making a malicious report,
- in contravention of the provision of paragraph five of Article 26 of this Act, failing to cease to perform a professional or other activity after the decision made on revocation of permission has become final,

- v nasprotju z določbo 28. člena tega zakona ne preneha opravljati nezdržljive funkcije, članstva ali dejavnosti,
- ki lobira v nasprotju s 70. členom tega zakona.

(3) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa ali organizacije iz javnega sektorja, če v nasprotju z določbo drugega in petega odstavka 14. člena tega zakona v pogodbo, ki jo sklene organ ali organizacija javnega sektorja, ne vključi vsebine iz prvega odstavka 14. člena tega zakona, ali po obvestilu komisije ali drugih organov o domnevnem obstoju dejanskega stanja iz prvega odstavka 14. člena v nasprotju s tretjim odstavkom 14. člena tega zakona ne prične s postopkom ugotavljanja ničnosti pogodbe ali z drugimi ustreznimi ukrepi v skladu s predpisi Republike Slovenije, ali če komisiji v nasprotju z določbo četrtega odstavka 14. člena tega zakona ne posreduje zahtevanih pogodb in dokumentov, ali če v nasprotju z določbo šestega odstavka 14. člena tega zakona ne pridobi izjave oziroma podatkov o udeležbi fizičnih in pravnih oseb v lastništvu ponudnika, vključno z udeležbo tihih družbenikov, ter o gospodarskih subjektih, za katere se glede na določbe zakona, ki ureja gospodarske družbe, šteje, da so povezane družbe s ponudnikom, ali če te izjave v nasprotju z določbo šestega odstavka 14. člena tega zakona na njeno zahtevo ne predloži komisiji.

(4) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti, nosilca javnih pooblastil in pravne osebe javnega ali zasebnega prava, če komisiji v nasprotju z določbo prvega odstavka 16. člena tega zakona brezplačno ne posreduje vseh podatkov, tudi osebnih in dokumentov, ki so potrebni za opravljanje zakonskih nalog komisije.

(5) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba subjekta iz javnega sektorja, če komisiji v nasprotju z določbo tretjega odstavka 16. člena tega zakona ne omogoči vpogleda v podatke in dokumente, s katerimi razpolaga ta subjekt ali ne izroči njihovega izpisa ali kopije.

- in contravention of the provision of Article 28 of this Act, failing to cease to hold an incompatible office, perform an incompatible activity or revoke his membership,
- carrying out lobbying activities in contravention of Article 70 of this Act.

(3) A responsible person of a public sector body or organisation shall be fined from EUR 400 to EUR 4,000 for the minor offences of, in contravention of the provisions of paragraphs two and five of Article 14 of this Act, failing to include the content referred to in paragraph one of Article 14 of this Act in a contract concluded by the public sector body or organisation; after being notified by the Commission or other bodies of the alleged existence of the facts referred to in paragraph one of Article 14 of this Act, in contravention of paragraph three of Article 14 of this Act, failing to initiate a procedure for establishing the nullity of the contract or to take other appropriate measures in accordance with the regulations of the Republic of Slovenia; or, in contravention of the provision of paragraph four of Article 14 of this Act, failing to submit the required contracts and documents; in contravention of the provision of paragraph six of Article 14 of this Act, failing to obtain a statement or information on the participation of natural and legal persons in the bidder's ownership, including the participation of silent partners, and on business entities that are considered to be companies affiliated with the bidder under the provisions of the Act governing companies, or, in contravention of the provision of paragraph six of Article 14 of this Act, failing to submit the aforementioned statement to the Commission at its request.

(4) A responsible person of a State body, local community body, organisation vested with public authority, or legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of the provision of paragraph one of Article 16 of this Act, failing to submit to the Commission free of charge any data, including personal data, and documents required by the Commission to perform its statutory tasks.

(5) A responsible person of a public sector entity shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of the provision of paragraph three of Article 16 of this Act, failing to enable the Commission to access data and documents that the entity has at its disposal or failing to submit an extract or copy of these data and documents to the Commission.

(6) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti, nosilca javnih pooblastil in pravne osebe javnega ali zasebnega prava, ki v nasprotju z določbo četrtega odstavka 23. člena prične postopek za ugotavljanje ali razkritje prijavitelja zaradi prijave.

(7) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti, nosilca javnih pooblastil ali druge pravne osebe javnega ali zasebnega prava, ki v nasprotju s prvim odstavkom 25. člena tega zakona prijavitelju povzroči škodljive posledice oziroma ga izpostavi povračilnim ukrepom.

(8) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti, nosilca javnih pooblastil ali druge pravne osebe javnega ali zasebnega prava, ki v nasprotju z zahtevo komisije iz tretjega odstavka 25. člena tega zakona ne preneha takoj s povračilnimi ukrepi.

(9) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti, nosilca javnih pooblastil ali druge pravne osebe javnega prava, ki v nasprotju s četrtem in šestim odstavkom 25. člena tega zakona brez utemeljenega razloga ne premesti javnega uslužbenca.

(10) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil, ki sprejme darilo v nasprotju z določbo prvega ali drugega odstavka 34. člena tega zakona.

(11) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil, ki v nasprotju s prvim odstavkom 32. člena in tretjim odstavkom 34. člena komisiji ne posreduje seznamov prejetih daril.

(6) A responsible person of a State body, local community body, organisation vested with public authority, or legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of the provision of paragraph four of Article 23, initiating a procedure for the establishment or disclosure of the identity of the reporting person due to the report having been filed by this person.

(7) A responsible person of a State body, local community body, organisation vested with public authority, or other legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of acting in a manner that has adverse consequences for the reporting person or exposing the reporting person to retaliatory measures, in contravention of the provision of paragraph one of Article 25 of this Act.

(8) A responsible person of a State body, local community body, organisation vested with public authority, or other legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to immediately cease imposing retaliatory measures, in contravention of the demand of the Commission referred to in paragraph three of Article 25 of this Act.

(9) A responsible person of a State body, local community body, organisation vested with public authority, or other legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to transfer a public employee without justification in contravention of paragraphs four and six of Article 25 of this Act.

(10) A responsible person of a State body, local community body, organisation vested with public authority, or other legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of accepting a gift in contravention of the provision of paragraphs one or two of Article 34 of this Act.

(11) A responsible person of a State body, local community body, organisation vested with public authority, or other legal person governed by public or private law shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to submit the list of accepted gifts to the Commission, in contravention of paragraph one of Article 32 and paragraph three of Article 34 of this Act.

(12) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa ali organizacije javnega sektorja ali ožjega dela občine, če ravna v nasprotju s prvim, drugim ali četrtem odstavkom 35. člena tega zakona, in odgovorna oseba organa, ki komisiji ne posreduje seznama subjektov iz petega odstavka 35. člena.

(13) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa, v katerem je funkcionar opravljal svojo funkcijo, če v nasprotju z drugim odstavkom 36. člena posluje s poslovnim subjektom funkcionarja.

(14) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa, pri katerem je funkcionar opravljal svojo funkcijo, če v nasprotju s tretjim odstavkom 36. člena tega zakona komisije ne obvesti o ravnanju funkcionarja v nasprotju s prvim odstavkom 36. člena tega zakona.

(15) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa ali naročnika, ki komisiji v nasprotju s petim odstavkom 41. člena tega zakona ne posreduje seznama zavezancev.

(16) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, organa lokalne skupnosti in nosilca javnih pooblastil kot nosilca izvajanja ukrepov iz akcijskega načrta za uresničevanje resolucije, ki v nasprotju s prvim odstavkom 53. člena tega zakona komisiji ne poroča o dejavnostih za uresničitev teh ukrepov.

#### **78. člen (prekrški pravnih oseb)**

Z globo od 400 do 100.000 eurov se za prekršek iz tretjega, četrtega, petega, šestega, sedmega, osmega, devetega, desetega, enajstega, dvanajstega, trinajstega, štirinajstega, petnajstega in šestnajstega odstavka 77. člena tega zakona kaznuje nosilec javnih

(12) A responsible person of a body or organisation of the public sector or a smaller part of a municipality shall be fined from EUR 400 to EUR 4,000 for the minor offence of acting in contravention of paragraphs one, two or four of Article 35 of this Act, and a responsible person of a body shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to submit a list of the entities referred to in paragraph five of Article 35 of this Act to the Commission.

(13) A responsible person of a body in which the official has held office shall be fined from EUR 400 to EUR 4,000 for the minor offence of doing business with the official's business entity in contravention of paragraph two of Article 36 of this Act.

(14) A responsible person of a body in which the official has held office shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to inform the Commission of conduct by an official that is contrary to paragraph one of Article 36 of this Act, in contravention of paragraph three of Article 36 of this Act.

(15) A responsible person of a body or contracting authority shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to submit a list of persons with obligations to the Commission, in contravention of paragraph five of Article 41 of this Act.

(16) A responsible person of a State body, local community body or organisation vested with public authority as an authority responsible for the implementation of measures contained in the action plan for the implementation of the resolution shall be fined from EUR 400 to EUR 4,000 for the minor offence of failing to report to the Commission on activities undertaken to implement these measures, in contravention of paragraph one of Article 53 of this Act.

#### **Article 78 (Offences by legal persons)**

An organisation vested with public authority or other legal person governed by public or private law shall be fined from EUR 400 to EUR 100,000 for the minor offences referred to in paragraphs three, four, five, six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen

pooblastil ali druga pravna oseba javnega ali zasebnega prava, razen Republike Slovenije in lokalnih skupnosti.

**79. člen**  
**(prekršek interesne organizacije)**

(1) Z globo od 400 do 100.000 eurov se kaznuje za prekršek interesna organizacija, za katero z njeno vednostjo lobira posameznik, ki v nasprotju z 58. členom tega zakona ni registriran kot lobist.

(2) Z globo od 400 do 100.000 eurov se kaznuje za prekršek interesna organizacija, po naročilu katere lobist lobira v nasprotju s 70. členom tega zakona.

**80. člen**  
**(izvajanje nadzora)**

(1) Za izvajanje in za nadzor nad izvajanjem določb tega zakona je pristojna komisija.

(2) Globe, predpisane s tem zakonom, se lahko v hitrem postopku izrekajo tudi v višjem znesku, kot je najnižji predpisan znesek globe, ne smejo pa presegati najvišjih zneskov glob, ki so za prekršek predpisane po tem zakonu.

**XI. PREHODNE IN KONČNE DOLOČBE**

**81. člen**  
**(pristojnosti Komisije za preprečevanje korupcije v preostalem mandatu članov)**

(1) Predsednik, namestnik predsednika in člani Komisije za preprečevanje korupcije po Zakonu o preprečevanju korupcije (Uradni list RS, št. 2/04, 20/06 – ZNOJF-1 in 33/07 – odločba US; v nadaljnjem besedilu: Zakon o preprečevanju korupcije) nadaljujejo z delom v skladu z nalogami in pristojnostmi, ki jih imajo člani komisije po tem zakonu, do

and sixteen of Article 77 of this Act, with the exception of the Republic of Slovenia and local communities.

**Article 79**  
**(Offences by an interest group)**

(1) An interest group for which an individual who, in contravention of Article 58 of this Act, is not registered as a lobbyist but carries out lobbying activities with the full knowledge of the interest group shall be fined from EUR 400 to EUR 100,000.

(2) An interest group shall be fined from EUR 400 to EUR 100,000 for the minor offence of ordering a lobbyist to lobby in contravention of Article 70 of this Act.

**Article 80**  
**(Exercising supervision)**

(1) The Commission shall be responsible for the implementation and supervision of the implementation of the provisions of this Act.

(2) The fines laid down in this Act may also be imposed in an expedited procedure in an amount higher than the minimum amount of the fine prescribed but shall not exceed the maximum fines prescribed for minor offences under this Act.

**XI. TRANSITIONAL AND FINAL PROVISIONS**

**Article 81**  
**(Powers of the Commission for the Prevention of Corruption for the remainder of the term of office of members)**

(1) Under the Prevention of Corruption Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 2/14, 20/16 – ZNOJF-1 and 33/17 – Constitutional Court Decision; hereinafter: the Prevention of Corruption Act), the Chief, deputy and members of the Commission for the Prevention of Corruption shall continue their work in accordance with the tasks and powers of the members of the Commission under this Act until

imenovanja in nastopa dela predsednika komisije in obeh namestnikov predsednika komisije imenovanih po tem zakonu.

(2) Predsednik, namestnik predsednika in člani komisije za preprečevanje korupcije po Zakonu o preprečevanju korupcije sprejemajo odločitve z večino glasov vseh članov.

## **82. člen (prepoved ponovnega imenovanja)**

Predsednik in namestnik predsednika ter člani komisije, imenovani po Zakonu o preprečevanju korupcije, po preteku svojih mandatov iz prvega odstavka prejšnjega člena ne morejo biti ponovno imenovani na funkcijo v komisiji.

## **83. člen (prenehanje članstva, dejavnosti ali funkcije in omejitve poslovanja)**

(1) Funkcionarji, ki na dan uveljavitve tega zakona opravljajo funkcijo ali dejavnost, ki po 26. členu oziroma 27. členu tega zakona ni združljiva z opravljanjem funkcije, morajo ravnati v skladu s prvim odstavkom 28. člena tega zakona v roku dveh mesecev po uveljavitvi zakona.

(2) Funkcionarji, ki so na dan uveljavitve tega zakona člani organov v nasprotju s 27. členom tega zakona, morajo ravnati v skladu z drugim odstavkom 28. člena tega zakona v roku dveh mesecev po uveljavitvi zakona.

(3) Tretji odstavek 27. člena se za nepoklicne župane in podžupane ne uporablja do poteka njihovih mandatov v subjektih iz prvega odstavka 27. člena tega zakona.

(4) Pogodbe, ki so jih naročniki sklenili pred uveljavitvijo tega zakona, ostanejo ne glede na določbe prvega odstavka 35. člena v veljavi do izteka pogodbenega roka. Če na dan uveljavitve zakona poteka postopek javnega naročila, v katerem je udeležen ponudnik, s katerim naročnik v skladu s prvim in drugim odstavkom 35. člena ne sme

the Chief Commissioner and two deputies are appointed and take up duties under this Act.

(2) The Chief, deputy and members of the Commission for the Prevention of Corruption shall make decisions by way of a majority vote of all its members in accordance with the Prevention of Corruption Act.

## **Article 82 (Prohibition of reappointment)**

The Chief Commissioner, Deputy Commissioners and members of the Commission appointed under the Prevention of Corruption Act may not be reappointed to office in the Commission after the expiry of their term of office referred to in paragraph one of the preceding Article.

## **Article 83 (Termination of membership, activity or office and restrictions on business activities)**

(1) Holders of public office who, on the date of the entry into force of this Act, hold an office or perform an activity that is incompatible with their office under Article 26 or 27 of this Act shall act in accordance with paragraph one of Article 28 of this Act within two months of the entry into force thereof.

(2) Holders of public office who are members of bodies in contravention of Article 27 of this Act on the date of the entry into force of this Act shall act in accordance with paragraph two of Article 28 of this Act within two months of the entry into force thereof.

(3) Paragraph three of Article 27 shall not apply to non-professional mayors and deputy mayors until the expiry of their term of office in entities referred to in paragraph one of Article 27 of this Act.

(4) Contracts concluded by contracting authorities prior to the entry into force of this Act shall remain valid until the expiry of the contractual deadline notwithstanding the provisions of paragraph one of Article 35. If a public procurement procedure is being conducted on the date of the entry into force of this Act and involves a bidder with which the

poslovati, mora ponudnik v roku petih dni po uveljavitvi tega zakona umakniti svojo ponudbo.

**84. člen**  
**(zaključitev postopkov)**

(1) Postopki, začeti po Zakonu o preprečevanju korupcije, se zaključijo po določbah Zakona o preprečevanju korupcije.

(2) Začeti postopek imenovanja predsednika in namestnika predsednika ter novih članov komisije v skladu z Zakonom o preprečevanju korupcije, se z dnem začetka veljavnosti tega zakona ustavi.

(3) Predsednik republike v primeru iz prejšnjega odstavka v roku sedmih dni po začetku veljavnosti tega zakona začne postopek imenovanja funkcionarjev komisije tako, da pozove predlagatelje za člane izbirne komisije, da imenujejo svoje člane ter izvede javni poziv v skladu z 9. členom tega zakona. Hkrati pozove predlagatelje možnih kandidatov, ki so posredovali predloge v skladu s pozivom na podlagi zakona o preprečevanju korupcije iz prejšnjega odstavka, ali se njihov predlog šteje kot kandidatura po 9. členu tega zakona ob upoštevanju pogojev iz tega zakona. Postopek se nadaljuje v skladu z določbami tega zakona, ki urejajo postopek imenovanja funkcionarjev komisije.

**85. člen**  
**(vzpostavitev evidenc)**

Komisija vzpostavi oziroma uskladi evidence podatkov po tem zakonu najkasneje v šestih mesecih po uveljavitvi tega zakona.

**86. člen**  
**(roki za opravo dejanj)**

contracting authority may not do business in accordance with paragraphs one and two of Article 35 thereof, the bidder shall withdraw its tender within five days of its entry into force.

**Article 84**  
**(Completion of procedures)**

(1) The proceedings initiated under the Prevention of Corruption Act shall be completed in accordance with its provisions.

(2) A proceeding for the appointment of the Chief, deputy and new members of the Commission that has already been initiated under the Prevention of Corruption Act shall cease as of the date of the entry into force of this Act.

(3) In the case referred to in the preceding paragraph, the President of the Republic shall initiate a procedure for the appointment of the Commission's officials within seven days of the entry into force of this Act by calling on the proposers of members of the selection committee to appoint their members and by issuing a public call in accordance with Article 9 of this Act. At the same time, the President of the Republic shall call on the proposers of possible candidates who have submitted their proposals in accordance with the call under the Prevention of Corruption Act referred to in the preceding paragraph to state whether, taking into account the conditions laid down in this Act, their proposal is considered a candidacy under Article 9 of this Act. The procedure shall continue in accordance with the provisions of this Act that regulate the procedure for the appointment of the Commission's officials.

**Article 85**  
**(Establishment of records)**

The Commission shall establish or reconcile data records under this Act no later than within six months of its entry into force.

**Article 86**  
**(Time limits for actions)**

(1) Zavezanci iz 41. člena tega zakona, ki še niso prijavi premoženja, svoje premoženje prvič prijavijo v roku 75 dni od uveljavitve tega zakona.

(2) Zavezanci iz drugega odstavka 56. člena tega zakona svoje poročilo iz 63. člena tega zakona pošljejo komisiji po poteku enega leta od uveljavitve tega zakona.

(3) Delodajalec, pri katerem so zaposleni zavezanci iz 41. člena tega zakona, mora prvič komisiji predložiti sezname teh zavezancev v 30 dneh po uveljavitvi zakona.

(4) Načrti integritete iz prvega odstavka 47. člena tega zakona morajo biti sprejeti najkasneje v roku enega leta po uveljavitvi tega zakona.

#### **87. člen (smernice za načrte integritete)**

Komisija izdela in na svojih spletnih straneh objavi smernice za oblikovanje načrtov integritete, preverjanje delovanja načrtov integritete in ocenjevanje integritete v roku treh mesecev od uveljavitve zakona.

#### **88. člen (podzakonska predpisa)**

(1) Podzakonska predpisa, sprejeta na podlagi Zakona o preprečevanju korupcije, se uporabljata, če nista v nasprotju z določili tega zakona, in sicer:

- Poslovnik Komisije za preprečevanje korupcije (Uradni list RS, št. 105/04) do sprejetja poslovnika komisije iz 11. člena tega zakona,
- Pravilnik o načinu razpolaganja z darili, ki jih sprejme funkcionar (Uradni list RS, št. 17/05) do določitve načina razpolaganja z darili komisije iz šestega odstavka 31. člena tega zakona.

(1) Those persons with obligations referred to in Article 41 of this Act who have not yet declared their assets shall for the first time declare said assets within 75 days of the entry into force thereof.

(2) The responsible persons referred to in paragraph two of Article 56 of this Act shall send their report referred to in Article 63 of this Act to the Commission after one year has elapsed since its entry into force.

(3) An employer that employs the persons with obligations referred to in Article 41 of this Act shall for the first time submit the lists of these persons to the Commission within 30 days of its entry into force.

(4) The integrity plans referred to in paragraph one of Article 47 of this Act shall be adopted no later than within two years of its entry into force.

#### **Article 87 (Guidelines for integrity plans)**

The Commission shall produce guidelines for drawing up integrity plans, checking their functioning and assessing integrity, and publish them on its website within three months of the entry into force of this Act.

#### **Article 88 (Implementing regulations)**

(1) The following implementing regulations adopted pursuant to the Prevention of Corruption Act shall continue to apply, unless they are contrary to the provisions of this Act:

- Rules of Procedure of the Commission for the Prevention of Corruption (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 105/14), this until the adoption of the Rules of Procedure of the Commission referred to in Article 11 of this Act;
- Rules on the disposal of gifts received by officials (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 17/15), this until the manner in which gifts are handled is defined by the Commission as referred to in paragraph 6 of Article 31 of this Act.

(2) Poslovník komisije iz 11. člena tega zakona sprejme komisija v roku 60 dni od uveljavitve tega zakona.

(3) Pravidnik o načinu razpolaganja z darili iz šestega odstavka 31. člena tega zakona sprejme komisija v roku 30 dni od uveljavitve tega zakona.

#### **89. člen (prenehanje veljavnosti predpisov)**

(1) Z dnem uveljavitve tega zakona preneha veljati Zakon o nezdružljivosti opravljanja javne funkcije s pridobitno dejavnostjo (Uradni list RS, št. 20/06 in 33/07 – odločba US).

(2) Z dnem uveljavitve tega zakona preneha veljati četrta alineja drugega odstavka 52. člena Zakona o prekrških (Uradni list RS, št. 3/07 – uradno prečiščeno besedilo, 17/08, 21/08 – popr., 76/08 – ZIKS-1C, 108/09 in 109/09 – odločba US), v delu, ki se nanaša na prekrške s področja nezdružljivosti javnih funkcij s pridobitno dejavnostjo.

#### **90. člen (začetek veljavnosti)**

(1) Ta zakon začne veljati naslednji dan po objavi v Uradnem listu Republike Slovenije.

(2) Določbe VIII. poglavja tega zakona se začnejo uporabljati šest mesecev po objavi v Uradnem listu Republike Slovenije.

(2) The Commission shall adopt the Rules of Procedure referred to in Article 11 of this Act within 60 days of the entry into force thereof.

(3) The Commission shall adopt the rules on the manner in which gifts are handled, as referred to in paragraph six of Article 31 of this Act, within 30 days of the entry into force thereof.

#### **Article 89 (Termination of validity of regulations)**

(1) As of the date of the entry into force of this Act, the Incompatibility of Holding Public Office with Profitable Activity Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 20/16 and 33/07 – Dec. of the CC) shall cease to be in force.

(2) As of the date of the entry into force of this Act, indent four of paragraph two of Article 52 of the Minor Offences Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 3/17 – official consolidated text, 17/08, 20/08 – corr., 76/08 – ZIKS-1C, 108/09 and 109/09 – Dec. of the CC) shall cease to be in force in the part relating to minor offences relating to the incompatibility of holding public office with profitable activity.

#### **Article 90 (Entry into force)**

(1) This Act shall enter into force on the day following its publication in the Official Gazette of the Republic of Slovenia.

(2) The provisions of Chapter VII of this Act shall apply six months following the publication in the Official Gazette of the Republic of Slovenia.