

# Steps taken to implement and enforce the OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions

## SLOVENIA

(Information as of 23 April 2008)

### *Date of deposit of instrument of ratification/acceptance or date of accession*

6 September 2001 (The Law on the Ratification of Convention entered into force on 5 November 2001.)

### *Implementing legislation*

#### *Criminalisation of bribery – Criminal Code*

Criminal Code of 1994 (Official Gazette RS, no. 70/94; entered into force on 1 January 1995).

Amendments to the Criminal Code of 1999 (Official Gazette RS, no. 23/99; entered into force on 23 April 1999). The definition of the “public official” in Article 126 which relates to Articles 267, 268, 269 (passive and active bribery of public officials and trading in influence) was expanded to encapsulate foreign and international public official.

Amendments to the Criminal Code of 2004 (Official Gazette RS, no. 40/04; entered into force 5 May 2004). Further expanded and clarified the definition of foreign and international public officials and bribery in international business transaction in Article 126; significantly revised incriminations of active and passive bribery and active and passive trading in influence in Articles 267, 268, 269 and 269.a respectively, as well as raised punishments for these offences.

#### *Liability of Legal Persons*

Law on the Liability of Legal Persons for Criminal Offences of 1999 (Official Gazette, RS, no. 59/99; entered into force 21 October 1999) and Amendments to the Law on the Liability of Legal Persons for Criminal Offences of 2004 (Official Gazette, RS, no. 50/04; entered into force 21 May 2004). Introduced a comprehensive system of corporate criminal liability, prescribed sanctions and specificities within criminal procedure when prosecuting legal entities. It covers all bribery and corruption-related offences, including bribery of foreign public officials.

#### *Money Laundering*

Article 252 of Criminal Code of 1994 with amendments in 1999 and 2004. Slovenia adopted an all-crimes approach to money laundering offences; all bribery and corruption-related offences, including bribery of foreign public officials are predicate offences to the offence of money laundering.

Law on the Prevention of Money Laundering and Terrorism Financing of 2007 (Official Gazette, RS, no. 60/08; entered into force 21 July 2007).

### *Effectiveness of investigation and prosecution*

Amendments to the Criminal Procedure Code of 1999 and 2004. Expanded the powers of the police/prosecution to use special investigative means (interception of telecommunications, electronic surveillance, simulated corruption offences covert access to and monitoring of financial data and transactions, etc.) as well as powers of identification and seizure of proceeds of crime in investigation of all bribery and corruption related offences, including bribery of foreign public officials.

### ***Other relevant laws, regulations or decrees that have an impact on a country's implementation of the OECD Convention or the Recommendations***

Law for the Prevention of Corruption of 2004 (Official Gazette, RS, no. 2/04; entered into force 30 February 2004). Adopted a comprehensive, interdisciplinary approach to preventing and controlling of corruption.

The above law has established an independent State Body – the Commission for the prevention of corruption, which reports directly to the Parliament and consist of representatives (elected for the term of six years) of all branches of the Government – judiciary, executive and legislative -- and has analytical, coordinative and advisory-educational tasks. The previous Government's Office for the Prevention of Corruption has been transferred into a permanent secretariat/support unit for the Commission. The Commission is also responsible for the preparation and monitoring of the implementation of the National Anti-Corruption Strategy, the enforcement of Code of Conduct for Public Officials and represents fundamental enforcement body for the provisions relating to the declaration of assets of public officials. Additionally, the Law includes provisions which in comprehensive and uniformed way – for all public officials and functionaries in the all branches of the Government and public companies – regulate amongst others the following topics: declaration of assets of public officials; conflict of interests; integrity plans. The Commission became fully operational on 1 October 2004.

Regarding the above mentioned, the Government has sent during the last quarter of year 2005 a draft Law on Incompatibility of Public Function with Profit-Making Activities to the parliament for adoption. The Law was adopted by the Parliament in February 2006. Implementation of the Incompatibility Law, which replaced a number of provisions of the Prevention of Corruption Law and foresaw dismantling of the Commission for the Prevention of Corruption, was suspended by the Constitutional Court on April 2006. On March 2007, the Constitutional Court issued a decision (cf. Decision U-I\_75/06-28) in which it found several provisions, i.e. the monitoring mechanism of the Parliamentary Commission, to be unconstitutional. Further, it ruled out that the provisions of the Prevention of Corruption Act are to continue being implemented until afore mentioned unconstitutional provisions are amended and removed. In this context, the Government has now drafted the Restrictions and Limitations for Public Holders Law, which passed its first reading in Parliament on 29 February 2008 and second reading on 22 April 2008. The draft Restrictions and Limitations Law continues to foresee the abolishment of the Commission for the prevention of Corruption.

National Anti-Corruption Strategy has been adopted by the Parliament in 2004. The Strategy lists 172 long-term legislative, administrative, institutional and practical measures aimed long-term and sustainable reduction of risks for corruption in all spheres of society.

### ***Other information***

#### *Relevant authorities*

#### **General Prosecutor's Office**

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**General Police Directorate**

Stefanova 2, , SI-1000 Ljubljana, Slovenia

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**Commission for the Prevention of Corruption**

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**Office for Money Laundering Prevention**

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*Signature/Ratification of other relevant international instruments*

**March 2000: ratification of the Council of Europe Criminal Law Convention on Corruption;**

**April 2003: ratification of the Council of Europe Civil Law Convention on Corruption.**

**January 2008 ratification of the United Nations Convention against Corruption**

*Working Group on Bribery Monitoring Reports*

**Phase 1: Review of Implementation of the Convention and 1997 Recommendation**

<http://www.oecd.org/dataoecd/33/50/34541732.pdf>

**Phase 2: Report on the Application of the Convention on Combating Bribery of Foreign Public Officials in International Business Transactions and the 1997 Recommendation on Combating Bribery in International Business Transactions**

<http://www.oecd.org/dataoecd/14/59/38883195.pdf>