

R E P O R T

On the study visit to the Commission for the Prevention of Corruption of Slovenia within the framework of Technical Assistance and Information Exchange (TAIEX) program by European Union

Areg Shushyan, the Deputy Chairperson of the Commission on Ethics of High-Ranking Officials of Armenia and the Commission members Armen Khudaverdyan and Artak Sargsyan, within the framework of TAIEX program by European Union, had the following working discussions and meetings in Ljubljana, from March 25-26, 2014:

March 25, Cassation Court, Nina Betetto, judicial ethics in Slovenia

During the meeting at the Cassation Court, Slovenian judicial code of conduct which defines the ethics rules for judges, as well as the cases of ethics rules violations and their solutions were discussed. The mentioned Code of Conduct was elaborated by the Union of Judges and includes regulations related to both professional and private activities. The ethics rules for judges of Slovenia are based on the Bangalore Principles of Judicial Conduct set by the UN. The judges undergo mandatory trainings including discussions on ethical dilemma and an independent and impartiality test.

Basically, the code of conduct is not being reviewed in Slovenia. The elaboration of an explanatory handbook on the code of conduct is planned, which will make the code more comprehensive and enforceable. This initiative is included in the Group of States against Corruption (GRECO) commitment list.

Legislative regulations related to the issues of public servants' asset declaration submission, conflict of interest and illicit enrichment are applicable to judges as well. There are no restrictions on the secondary employment of judges which is considered an omission and is included as Slovenia's commitment before GRECO. Monitoring results of Slovenian judiciary system's integrity by GRECO were presented to the members of the Commission on Ethics of High-Ranking Officials.

March 25, the Commission for the Prevention of Corruption of the Republic of Slovenia, Natalia Ulaga, asset declaration system of Slovenia

The asset declaration system in Slovenia is regulated by the Law on Integrity and Prevention of Corruption Act and the list of the declarants includes deputies, prosecutors, judges, ministers, heads of bodies at the ministries, heads of state bodies, deputies, heads of public services, heads of state agencies and state organizations, public officials involved in the processes of state procurement (members of competition commission when the acquisition price of goods and services exceeds 100.000 Euros and in the case of construction works - 80.000 Euros), heads of control and oversight agencies, diplomats, representatives of international institutions and etc. The public official submits his/her asset declaration on his/her behalf, as for the members of his/her family - they are required to submit asset declarations only if necessary. Even in the cases when the property is a joint property registered under the name of the spouse; the public official has the right not to declare it.

Responsible officials on ethics issues are appointed in the public administration bodies in Slovenia who send the list of the declarants and information about them to the Commission for the Prevention of Corruption of Slovenia. Asset declarations are submitted according to the adopted form, which includes the personal data of the declarant, the position and the functions, previously occupied positions and functions, information on other jobs or occupied positions, real estate data, movable property, cash in banks (only in the case of exceeding 10.000 euros or accounts with equivalent amounts), given loans and securities, received loans and securities with values exceeding 10.000 Euros (type, International Securities Identification Number, quantity, price) etc. The declarants do not submit information on their income and the mentioned information is received from the tax service through the electronic system.

Sanctions are set for the violations of legislative regulations on asset declaration. Particularly, for submitting false and incomplete declaration the amount of penalty is 400-1200 Euros and for not submitting the declaration-10% reduction of salary per month.

March 26, Commission for the Prevention of Corruption of the Republic of Slovenia, connection to the governmental agencies database of Slovenia

Through the electronic system, the Commission for the Prevention of Corruption is directly connected to the database of state agencies and has no restrictions for using the respective data. Through the declaration data and online databases, the Commission conducts analysis and oversight on budget expenditure, public procurement, financing of state agencies. The Commission examines procurement contracts, profits of state agencies and single source procurements, as well as detects participation of the companies of the declarants' related persons in public procurement that is prohibited by the law.

March 26, the Commission for the Prevention of Corruption of the Republic of Slovenia, Roman Berchiche, analysis of asset declarations in Slovenia, corruption risk assessment and review processes

Analysis and oversight of asset declaration is conducted according to the law and the Commission for the Prevention of Corruption of Slovenia prepares corruption risk assessment, detection of ethics rules violations and conflict of interest situations on the basis of inconsistencies and other issues found in the declarations. Problematic and questionable asset declarations are then thoroughly analyzed in the process of which the Commission collaborates with the agencies of tax service, financial monitoring center, prosecutor general and the police.

The institution of whistleblowers functions in Slovenia and approximately 1200 reports are received annually, 30% of which are thoroughly analyzed. Unanimous applications and reports do not serve a basis for thorough analysis, if they do not contain concrete facts and the submitted information is general.

The Commission actively cooperates with law enforcement bodies and in cases of concrete suspicions, a decision on the process of further activities and actions is being made. The Commission applies to the prosecutor general's office and immediately informs the police about the cases with criminal elements. The Commission staff

members are involved in the investigation group established by police and the prosecutor general's office. The Commission has signed memorandums of cooperation with the prosecutor general's office, the police, tax service and other agencies.

March 26, The Commission for the Prevention of Corruption of Slovenia, Jurie Schkrebetz, managing the conflict of interest situations

The Slovenian legislation defines conflict of interest as a situation when private and personal interests affect or appear to affect the implementation of the public official's official duties. Regulations of conflict of interest are applied not only to public officials, public servants, inspection bodies, but also to the companies whose shares belong to the state or to the local authorities. In the case of conflict of interest, public officials should immediately inform their directors and in absence of the last - to his/her deputy. In case of not informing about the conflict of interest situation, the law sets penalty in the amount of 400-1200 Euros and the decision on the penalty is being published on the website of the Slovenian Commission.

March 26, Commission for the Prevention of Corruption of the Republic of Slovenia, regulations on incapability of positions in Slovenia

The regulations on incompatible position are applied to those public officials who submit asset declarations and get remunerations from the state budget. There are no restrictions related to pedagogical and creative activities set by legislation. If the working hours of pedagogical activities exceed the time limitations, the Commission has the right to restrict the pedagogical activities. Entrepreneurial activity is prohibited by law. The companies belonging to the public official are prohibited to participate in the state procurement processes for two years after the termination of his/her official duties.