

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 spremembah in dopolnitvah Zakona o integriteti in preprečevanju korupcije – ZIntPK-C (Uradni list RS, št. 158/20 z dne 2. 11. 2020).

ZAKON O INTEGRITETI IN PREPREČEVANJU KORUPCIJE (ZIntPK)

(neuradno prečiščeno besedilo št. 4)

I. SPLOŠNE DOLOČBE

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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),
- Act Amending the Integrity and Prevention of Corruption Act – ZIntPK-C (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 158/20 of 2 November 2020),

INTEGRITY AND PREVENTION OF CORRUPTION ACT (ZIntPK)

(Unofficial consolidated version No. 4)

I. INTRODUCTORY PROVISIONS

1. člen
(vsebina zakona)

Ta zakon z namenom krepitev 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

Article 1
(Subject of the Act)

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, prevent and detect 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 exercising public authority in the performance of public functions and the management of public affairs by supervising the possession 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 the persons reporting them;
6. Promoting, supporting and strengthening cooperation and professional assistance in preventing and combating corruption at the international

preprečevanju in zatiranju korupcije na mednarodni ravni;

7. z ustanovitvijo in zagotavljanjem pogojev za delovanje Komisije za preprečevanje korupcije kot samostojnega in neodvisnega državnega organa za krepitev integritete in protikorupcijskega delovanja, ter določitvijo njenih 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 vprašan, 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, pomenijo:

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

level by meeting the international obligations of the Republic of Slovenia;

7. Promoting and enhancing cooperation between state bodies and self-governing local community bodies (hereinafter: local community 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 by determining 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

- uporabljena v nasprotju z zakonom, pravno dopustnimi cilji in etičnimi kodeksi;
4. »javni sektor« so državni organi in samoupravne lokalne skupnosti (v nadaljnjem besedilu: lokalne skupnosti), javne agencije, javni skladi, javni zavodi, javni gospodarski zavodi, Banka Slovenije, druge osebe javnega prava, ki so posredni uporabniki državnega proračuna ali proračuna lokalne skupnosti, pravne osebe, ki jih je ustanovila država ali lokalna skupnost, javna podjetja, gospodarske družbe in druge pravne osebe, v katerih ima večinski delež oziroma prevladujoč vpliv država ali lokalna skupnost;
 5. »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, generalni sekretar vlade, generalni sekretar predsednika republike, šef kabineta predsednika republike, namestnik generalnega sekretarja predsednika republike, svetovalec predsednika republike, generalni sekretar državnega zbora, sekretar državnega sveta, funkcionarji v drugih državnih organih in lokalnih skupnostih, poslanci iz Republike Slovenije v Evropskem parlamentu, če njihove pravice in obveznosti niso drugače urejene z akti Evropskega parlamenta in drugi funkcionarji iz Republike Slovenije v evropskih institucijah in drugih mednarodnih institucijah, če jih tja napoti Republika Slovenija, ter člani sveta Banke Slovenije, če njihove pravice in obveznosti niso drugače urejene z zakonom, ki ureja Banko Slovenije, in drugimi predpisi, ki obvezujejo Banko Slovenije;
 6. »družinski člani« so zakonec, otroci, posvojenci, starši, posvojitelji, bratje, sestre in osebe, ki s posameznikom živijo v skupnem gospodinjstvu ali v zunajzakonski skupnosti;
 7. »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, osebe s posebnimi pooblastili v Banki Slovenije, načelniki upravnih enot, direktorji oziroma tajniki občinskih uprav;
 8. »poslovodne osebe« so direktorji in člani kolektivnih poslovnih organov javnih agencij, javnih skladov, javnih zavodov, javnih gospodarskih zavodov in drugih oseb javnega prava, ki so posredni uporabniki državnega proračuna ali proračuna lokalne skupnosti,
- decision-making power contrary to an Act, legally admissible objective or code of ethics;
4. "Public sector" means state bodies and self-governing local communities (hereinafter: local communities), public agencies, public funds, public institutions, public commercial institutions, the Bank of Slovenia, other entities governed by public law that are indirect users of the state budget or the budgets of local communities, legal persons founded by the state or a local community, public enterprises, commercial companies and other legal persons in which the state or local communities are the controlling shareholders or have a prevailing influence;
 5. "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, the Secretary-General of the Government, the Secretary-General of the President of the Republic, the Head of the Office of the President of the Republic, the Deputy Secretary-General of the President of the Republic, the adviser to the President of the Republic, the Secretary-General of the National Assembly, the Secretary of the National Council, officials in other state bodies and 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 the Republic of Slovenia working in European and other international institutions appointed to their posts by the Republic of Slovenia, and members of the Governing Board 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;
 6. "Family members" means spouses, children, adopted children, parents, adoptive parents, brothers, sisters, or any other persons living with an individual in a joint household or in a consensual union;
 7. "Officials in a managerial position" means directors-general, secretaries-general of ministries, heads of ministerial bodies, heads of government offices, persons with special powers in the Bank of Slovenia, heads of administrative units, and the directors or secretaries of municipal administrative bodies;
 8. "Managers" means the directors and members of the collective management bodies of the following: public agencies, public funds, public institutes, public utility institutes and other entities governed by public law which are indirect users of the government budget or the

pravnih oseb, ki jih je ustanovila država ali lokalna skupnost, javnih podjetij, gospodarskih družb in drugih pravnih oseb, v katerih imata država ali lokalna skupnost večinski delež ali prevladujoč vpliv;

9. »uradne osebe« so funkcionarji, uradniki na položaju in drugi javni uslužbenci, uslužbenci zaposleni v Banki Slovenije, poslovodne osebe in člani organov upravljanja, vodenja in nadzora v subjektih javnega sektorja;
10. »osebe, odgovorne za javna naročila« so osebe, ki jih naročniki imenujejo v strokovne komisije za oddajo javnega naročila in osebe, ki odločajo, potrjujejo in predlagajo vsebino razpisne dokumentacije, 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 in pod pogojem, da je ocenjena vrednost posameznega naročila enaka ali višja od 100.000 eurov brez DDV, 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;
11. »nasprotje interesov« so okoliščine, v katerih zasebni interes uradne osebe ali osebe, ki jo subjekt javnega sektorja imenuje kot zunanji član komisije, sveta, delovnih skupin ali drugega primerljivega telesa, vpliva ali ustvarja videz, da vpliva na nepristransko in objektivno opravljanje njenih javnih nalog;
12. »zasebni interes osebe« iz prejšnje točke pomeni premoženjsko ali nepremoženjsko korist zanjo, za njene družinske člane in za druge fizične ali pravne osebe, s katerimi ima ali je imela ta oseba ali njen družinski član osebne, poslovne ali politične stike;
13. »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;
14. »lobiranje« je delovanje lobistov, ki za interesne organizacije izvajajo nejavno vplivanje na odločanje državnih organov, Banke Slovenije, organov lokalnih skupnosti in nosilcev javnih pooblastil pri obravnavi

local community budget, legal persons founded by the state or a local community, public enterprises, commercial companies and other legal persons in which the state or local communities are the controlling shareholders or have a prevailing influence;

9. "Official persons" means holders of public office, officials in managerial positions and other public employees, employees of the Bank of Slovenia, managers, and members of the management and supervisory boards of public sector entities;
10. "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 persons who decide upon, 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 and under the condition that the estimated value of a contract is equal to or exceeds EUR 100,000 excluding VAT, 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;
11. "Conflict of interest" means circumstances in which the private interest of an official person or a person appointed as an external member of a commission, council, working group or another similar body by a public sector entity, influences or appears to influence the impartial and objective performance of their public duties;
12. "Private interest of the person" referred to in the previous point means a pecuniary or non-pecuniary benefit, which is either to their advantage or to the advantage of their family members or other natural or legal persons with whom they or their family member maintains or has maintained personal, business or political relations;
13. "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;
14. "Lobbying" means the activities carried out by lobbyists who, on behalf of interest groups, exercise non-public influence on decisions made by state, the Bank of Slovenia and local community bodies and holders of

in sprejemanju predpisov in drugih splošnih aktov ter na odločanje državnih organov, Banke Slovenije, organov in uprav lokalnih skupnosti ter nosilcev javnih pooblastil o drugih zadevah razen tistih, ki so predmet sodnih in upravnih postopkov, 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 funkcionarji in javni uslužbenci v državnih organih, Banki Slovenije, organih in upravi lokalne skupnosti ter pri nosilcih javnih pooblastil, ki odločajo ali sodelujejo pri obravnavi in sprejemanju predpisov, drugih splošnih aktov in odločitev iz 14. točke tega člena, s katerimi z namenom lobiranja komunicira lobist;
17. »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 krepitev učinkovitega delovanja pravne države in preprečevanja njenega

public authority in discussing and adopting regulations and other general documents and on decisions made by state bodies, the Bank of Slovenia, 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 an employee of 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 employees in state bodies, the Bank of Slovenia, local community bodies and administrations and holders of public authority who are responsible for decision-making, or who participate in the discussion and adoption of regulations, other general documents and decisions pursuant to point 14 of this Article and with whom lobbyists communicate for lobbying purposes;
17. "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 for the Prevention of Corruption 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

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.

7. člen (komisija)

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

(2) Funkciji predsednika in namestnika predsednika komisije nista združljivi z opravljanjem funkcije ali delom v drugi osebi javnega ali zasebnega prava, ki deluje na področjih, na katerih komisija izvršuje pristojnosti po tem zakonu.

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

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

(5) Funkcionar komisije, ki mu je potekel mandat ali je odstopil, opravlja funkcijo s polnimi pooblastili do začetka opravljanja funkcije novega funkcionarja, razen če je bil razrešen zaradi razlogov iz druge do pete alineje prvega odstavka 22. člena tega zakona.

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 the budget funds.

Article 7 (The Commission)

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

(2) The office of Chief Commissioner or Deputy Commissioner 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.

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

(4) 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.

(5) An official of the Commission whose term of office has expired or who has resigned shall perform their office with full powers until a new official has come into office, unless they were dismissed from office for reasons referred to in indents two through five of paragraph one of Article 22 of this Act.

7.a člen
(izločitev funkcionarja komisije ali uslužbenca komisije)

(1) Funkcionar komisije ali uslužbenec komisije v postopkih po tem zakonu ne sme sodelovati pri obravnavi zadeve ali odločati o zadevi, v kateri je udeležen sam ali je z osebo, ki je v zadevi udeležena, ali njenim zakonitim zastopnikom, ali pravnim pooblaščenecem v konkretni zadevi:

1. v sorodstvenem razmerju v ravni vrsti ali v stranski vrsti do vštetega tretjega kolena,
2. v zakonski zvezi ali v svaštvu do vštetega drugega kolena ali če z njo živi ali je živela v zunajzakonski skupnosti ali v partnerski zvezi oziroma neskljenjeni partnerski zvezi ali
3. v razmerju skrbnika, varovanca, rejnika ali otroka, ki je nameščen v rejništvo.

(2) Funkcionar ali uslužbenec komisije ne sme sodelovati pri obravnavi zadeve ali odločati o zadevi, če obstajajo druge okoliščine, v katerih njegov zasebni interes vpliva oziroma vzbuja videz, da vpliva ali bi lahko vplival na njegovo nepristranskost in objektivnost pri opravljanju javnih nalog in izvajanju uradnih postopkov v zvezi z obravnavano zadevo.

(3) O izločitvi funkcionarja komisije s sklepom odločata preostala dva funkcionarja komisije, o izločitvi uslužbenca komisije pa predsednik komisije ali oseba, ki jo za to pooblasti. Zahtevo za izločitev lahko poda funkcionar ali uslužbenec komisije, prijavitelj, obravnavana oseba oziroma oseba, ki je subjekt nadzora po tem zakonu, iz razlogov po prvem ali drugem odstavku tega člena.

(4) Določbe tega člena veljajo tudi za postopke, ki jih komisija vodi v skladu z zakonom, ki ureja splošni upravni postopek, za postopke, ki jih vodi po zakonu, ki ureja prekrške, pa veljajo določbe o izločitvi v skladu z zakonom, ki ureja prekrške.

Article 7a
(Exclusion of a Commission official or a Commission employee)

(1) A Commission official or a Commission employee may not participate in procedures under this Act when the consideration of or decision on the matter involves themselves or a person, or that person's legal representative or holder of power of attorney in the matter in question, who is:

1. directly related or indirectly related to them up to and including the third degree,
2. married or related to them through marriage up to and including the second degree or if they live or have lived with them in cohabitation or civil union or non-formal civil union, or
3. their guardian, ward, foster parent or foster child.

(2) A Commission official or a Commission employee may not participate in the consideration of or decision on the matter if there are other circumstances in which their private interests influence or appear to influence or could influence the impartial and objective performance of their public duties and the conduct of official procedures relating to the matter in question.

(3) The decision to exclude a Commission official shall be issued by the other two Commission officials; the decision to exclude a Commission employee shall be issued by the Chief Commissioner or a person authorised by the Chief Commissioner. A request for exclusion can be made by a Commission official or a Commission employee, the reporting person, the person in question or the person subject to supervision under this Act for reasons referred to in paragraph one or two of this Article.

(4) The provisions of this Article shall also apply to procedures conducted by the Commission in accordance with the Act governing the general administrative procedure, while procedures conducted by the Commission in accordance with the Act governing minor offences shall be subject to provisions on exclusion from the Act governing minor offences.

8. člen
(pogoji za delovanje komisije)

(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
(pogoji za imenovanje funkcionarjev komisije)

(1) Oseba je lahko imenovana za funkcionarja komisije, če:

- je državljan Republike Slovenije in obvlada slovenski jezik;
- ima najmanj izobrazbo, pridobljeno po študijskih programih druge stopnje, ali raven izobrazbe, ki v skladu z zakonom, ki ureja visoko šolstvo, ustreza izobrazbi druge stopnje;
- ima najmanj deset let delovnih izkušenj pri opravljanju nalog, za katere je zahtevana izobrazba iz prejšnje alineje, od tega najmanj tri leta delovnih izkušenj na področju, za katero kandidira, ali na sorodnem področju v javnem ali zasebnem sektorju, pri čemer se izpolnjevanje pogoja delovnih izkušenj presoja po zakonu, ki ureja javne uslužbenke;
- zoper njo ni bila vložena pravnomočna obtožnica ali na podlagi obtožnega predloga razpisana glavna obravnava zaradi naklepnega kaznivega dejanja, za katerega se storilec preganja po uradni dolžnosti;
- ni bila pravnomočno obsojena zaradi naklepnega kaznivega dejanja;
- ni član organov politične stranke ali zadnji dve leti pred

Article 8
(Conditions for the operation of the Commission)

(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
(Conditions for the appointment of Commission officials)

(1) A person may be appointed to serve as a Commission official if they:

- are a citizen of the Republic of Slovenia and have a command of the Slovene language;
- have at least a second cycle study programme level of education an education acquired in a second cycle study programme or a level of education that corresponds to second cycle education in accordance with the Act governing higher education;
- have at least ten years of work experience in performing tasks requiring the education referred to in the previous indent, at least three of which in the field of the position they are applying for or a similar field in the public or private sector; the fulfilment of this condition shall be considered pursuant to the Act governing public employees;
- have not been finally charged with or the subject of a main hearing based on an indictment proposal for a premeditated criminal offence that is prosecuted *ex officio*;
- have not been convicted by a final judgement for a premeditated criminal offence;
- are not a member of any political party body and have not, in the last

- kandidiranjem ni opravljala funkcije v izvršilni, sodni ali zakonodajni veji oblasti na državni ali lokalni ravni;
- po evropski jezikovni lestvici izkazuje višjo raven znanja angleškega ali francoskega jezika;
 - v kandidacijskem postopku in postopku imenovanja izkaže, da je osebno primerna in strokovno usposobljena za opravljanje funkcije.

(2) Kandidat je dolžan seznaniti kandidacijsko komisijo z morebitnimi preteklimi in sedanjimi osebnimi okoliščinami, ki bi lahko vplivale ali ustvarjale videz, da vplivajo na njegovo nepristransko ter objektivno opravljanje funkcije oziroma bi lahko škodovala ugledu komisije.

(3) Ni osebno primerna tista oseba, za katero je na podlagi dosedanjega dela, ravnanja in vedenja možno utemeljeno sklepati, da funkcije ne bo opravljala strokovno, pošteno, vestno, ali da ne bo varovala ugleda, nepristranskosti in neodvisnosti komisije.

(4) Kandidat mora kandidaturi priložiti in pred kandidacijsko komisijo osebno predstaviti strokovno utemeljeno strategijo razvoja in dela komisije ter njeno uporabnost in izvedljivost za čas trajanja svojega mandata.

(5) Kandidacijska komisija v poslovniku določi način svojega dela. Strokovno usposobljenost preverja s smiselno uporabo standardov, meril in metod uradniškega sveta.

9.a člen **(kandidacijski postopek in postopek imenovanja funkcionarjev)**

(1) Funkcionarje komisije imenuje predsednik republike.

(2) Predsednik komisije najkasneje pol leta pred iztekom mandata predsednika oziroma namestnikov predsednika o tem obvesti predsednika republike, ta pa pozove predlagatelje za člane kandidacijske komisije, da imenujejo svoje člane v roku 15 dni od prejema obvestila

- two years prior to their application, held any office in the executive, judicial or legislative branch of government at state or local level;
- show a high level of knowledge of English or French according to the Common European Framework of Reference for Languages;
 - demonstrate in the application and candidacy procedures that they have suitable personal qualities and professional qualifications for the job.

(2) The candidate must inform the candidacy committee of any past or present personal circumstances that could influence or appear to influence the impartial and objective performance of their duties or could hurt the Commission's reputation.

(3) A person does not have suitable personal qualities if their previous work, actions and conduct could reasonably lead to the conclusion that they will not perform their duties in a professional, honest or conscientious manner or that they will fail to safeguard the reputation, impartiality and independence of the Commission.

(4) The candidate must provide and give a personal presentation before the candidacy committee of a professionally reasoned strategy for the Commission's development and work, and its applicability and feasibility during their term of office.

(5) The candidacy committee shall lay down its method of work in the Rules of Procedure. Professional qualifications shall be subject to the *mutatis mutandis* application of standards, criteria and methods of the Council of Officials.

Article 9a **(Candidacy procedure and appointment procedure)**

(1) Commission officials are appointed by the President of the Republic.

(2) At least six months before the expiry of the terms of office of the Chief Commissioner or Deputy Commissioners, the CHIEF Commissioner shall notify the President of the Republic accordingly; the latter shall in turn invite proposers for members of the candidacy

predsednika republike. Hkrati s pozivom za imenovanje članov kandidacijske komisije predsednik republike izvede javna poziva za zbiranje kandidatur za predsednika komisije in namestnika predsednika komisije. Za zbiranje kandidatur določi rok, ki ne sme biti krajši od 14 dni. Pravočasne kandidature generalni sekretar Urada predsednika Republike Slovenije (v nadaljnjem besedilu: urad predsednika republike) posreduje kandidacijski komisiji.

(3) Kandidacijski postopek za izbiro primernih kandidatov za predsednika in namestnika izvede kandidacijska komisija, sestavljena iz petih članov. V kandidacijsko komisijo imenujejo:

- enega člana ministrstvo, pristojno za javno upravo, izmed uradnikov z delovnega področja krepite integritete in omejevanja korupcijskih tveganj v javnem sektorju;
- enega člana neprofitne organizacije zasebnega sektorja, ki deluje na področjih varstva človekovih pravic, integritete, etike, lobiranja ali preprečevanja korupcije;
- enega člana Državni zbor Republike Slovenije;
- po enega člana Sodni svet in Državnotožilski svet izmed članov, ki sestavljajo Komisijo za etiko in integriteto,

ki imenovanja sporočijo uradu predsednika republike.

(4) Za člana kandidacijske komisije ne more biti imenovana oseba, ki je član organov politične stranke, ali ki je zadnji dve leti opravljala funkcije v izvršilni ali zakonodajni veji oblasti na državni ali lokalni ravni, ali ki je s kandidatom v razmerju, določenem v prvem odstavku 7.a člena tega zakona. Omejitev opravljanja funkcije v izvršilni veji oblasti ne velja za člane kandidacijske komisije iz četrte alineje prejšnjega odstavka.

(5) Člani kandidacijske komisije so pri svojem delu samostojni, neodvisni in niso vezani na nobene usmeritve ali napotke, delujejo po

committee to appoint the members in question within 15 days of receipt of the notice from the President of the Republic. Along with the invitation to appoint members of the candidacy committee, the President of the Republic shall carry out public calls 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 not be shorter than 14 days. Timely candidacies shall be forwarded by the Secretary-General of the Office of the President of the Republic of Slovenia (hereinafter: the Office of the President of the Republic) to the candidacy committee.

(3) The candidacy procedure for the selection of appropriate candidates for the posts of Chief Commissioner and Deputy Commissioners shall be carried out by the candidacy committee, which shall comprise five members. The candidacy committee shall consist of:

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

(4) A person cannot be appointed member of the candidacy committee if they are a member of any political party body or have, in the last two years, held any office in the executive or legislative branch of government at state or local level, or have a relationship with the candidate referred to in paragraph one of Article 7a of this Act. The limitation of holding office in the executive branch of government shall not apply to members of the candidacy committee referred to in indent four of the previous paragraph.

(5) Candidacy committee members are independent and autonomous in their work, are not tied to any guidelines or instructions, act

svoji vesti, odgovorno, skladno z ustavo in zakonom ter etično in transparentno. Kandidacijska komisija pri ugotavljanju pogojev ter preverjanju osebnostne primernosti in strokovne usposobljenosti upošteva določbe tega zakona in standarde strokovne usposobljenosti, merila za izbiro in metode preverjanja usposobljenosti, določene v poslovniku iz petega odstavka 9. člena tega zakona.

(6) Prvo sejo kandidacijske komisije skliče generalni sekretar urada predsednika republike v sedmih dneh po poteku roka iz tretjega stavka drugega odstavka tega člena.

(7) Kandidacijska komisija postopek vodi tako, da o njegovem poteku vodi, hrani in arhivira sledljiv zapis za vsakega kandidata. Razgovori s kandidati pred kandidacijsko komisijo se snemajo.

(8) Kandidacijska komisija v 30 dneh po izteku roka iz tretjega stavka drugega odstavka tega člena posreduje predsedniku republike abecedni seznam kandidatov za funkcijo predsednika komisije oziroma kandidatov za funkciji namestnikov predsednika komisije, ki izpolnjujejo pogoje iz prve do sedme alineje prvega odstavka 9. člena tega zakona, skupaj s kratkim obrazloženim mnenjem o osebnostni primernosti in strokovni usposobljenosti za opravljanje funkcije za vsakega kandidata posebej, in abecedni seznam tistih, ki ne izpolnjujejo pogojev iz prve do sedme alineje prvega odstavka 9. člena tega zakona.

(9) Pred imenovanjem predsednika komisije ali namestnika predsednika komisije urad predsednika republike povabi kandidata oziroma kandidate, da predstavijo strokovno utemeljeno strategijo razvoja in dela komisije ter dajo morebitna dodatna pojasnila v zvezi s svojo kandidaturo. Predstavitve je odprta za javnost.

(10) Predsednik republike imenuje predsednika komisije ali namestnika predsednika komisije v 15 delovnih dneh po prejemu seznamov kandidatov iz osmega odstavka tega člena.

(11) Če predsednik republike ne imenuje nobenega kandidata za predsednika oziroma namestnika predsednika komisije, takoj ponovi

according to their conscience, responsibly, in compliance with the Constitution and the relevant acts, ethically and transparently. In establishing the conditions and verifying the required personal qualities and professional qualifications, the candidacy committee shall apply the provisions of this Act and professional qualification standards, the selection criteria and the methods of qualification verification laid down in the Rules of Procedure referred to in paragraph five of Article 9 of this Act.

(6) The first session of the candidacy 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 two of this Article.

(7) The candidacy committee shall maintain, store and archive a traceable record for each candidate in the procedure. Interviews with candidates before the candidacy committee shall be recorded.

(8) Within 30 days after the expiry of the time limit referred to in the third sentence of paragraph two of this Article, the candidacy committee shall submit to the President of the Republic an alphabetical list of candidates for the office of the Chief Commissioner or candidates for the two offices of Deputy Commissioner meeting the conditions referred to in indents one through seven of paragraph one of Article 9 of this Act, together with a short reasoned opinion on the required personal qualities and professional qualifications for the job of each candidate, as well as an alphabetical list of candidates not meeting the conditions referred to in indents one through seven of paragraph one of Article 9 of this Act.

(9) Before the appointment of a Chief or Deputy Commissioner, the Office of the President of the Republic shall invite the candidate or candidates to present their professionally reasoned strategy for the development and work of the Commission and provide any additional clarifications with regard to their candidacies. The presentation shall be open to the public.

(10) The President of the Republic shall appoint a Chief Commissioner or Deputy Commissioner within 15 working days of receiving the list of candidates referred to in paragraph eight of this Article.

(11) In the event that the President of the Republic does not appoint any candidate to the posts of Chief Commissioner and Deputy

postopek javnega poziva za zbiranje kandidatur.

(12) Naloge iz tega člena, potrebne za izvedbo zbiranja kandidatur, izbor primernih kandidatov in administrativno-tehnična opravila za delo kandidacijske komisije, opravlja urad predsednika republike.

(13) Dokumentacija o kandidacijskem postopku in postopku imenovanja se hrani skladno s pravili, ki urejajo hrambo dokumentarnega gradiva v javni upravi.

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 zaradi razlogov iz 22. člena tega zakona, razen razloga iz prve alineje prvega odstavka 22. člena tega zakona, do imenovanja novega predsednika naloge predsednika s polnimi pooblastili opravlja njegov prvi namestnik.

11. člen (način delovanja komisije)

(1) Komisija deluje in odloča kot kolegijski organ, ki ga sestavljajo funkcionarji iz prvega odstavka 7. člena tega zakona.

Commissioners, they shall repeat the public call procedure for the collection of candidacies without delay.

(12) The tasks referred to in this Article that are required to carry out the collection of candidacies, the selection of suitable candidates as well as the administrative and technical work of the candidacy committee shall be performed by the Office of the President of the Republic.

(13) Documentation on the candidacy procedure and the appointment procedure shall be stored according to the rules governing the storage of documents in public administration.

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 nominate the first and second deputies from among the appointed Deputy Commissioners.

(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 their duties, they 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. If the Chief Commissioner is dismissed from office for reasons referred to in Article 22 of this Act, except for the reason referred to in indent one of paragraph one of Article 22 thereof, the first deputy shall perform the tasks of Chief Commissioner with full powers.

Article 11 (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

- (2) Komisija kot kolegijski organ:
- odloča o uvedbi in izvedbi postopkov po prvem odstavku 13. člena tega zakona in sprejema odločitve v teh postopkih,
 - odloča o zahtevi za izvedbo ukrepov skladno s 13.a, 13.b in 13.c členom tega zakona,
 - sprejema ukrepe za zaščito prijavitelja skladno s 23. in 25. členom tega zakona,
 - odloča o obstoju nasprotja interesov pri uradnih ravnanjih uradnih oseb iz petega odstavka 38. člena tega zakona,
 - odredi izdelavo, uresničitev in dopolnitev načrta integritete iz drugega odstavka 47. člena tega zakona,
 - določa prednostne naloge in smernice delovanja komisije, njene politike na posameznem področju dela, programe dela, finančne in kadrovske načrte ter nadzira njihovo izvajanje,
 - sprejema letna poročila komisije, poslovnik ter akt o notranji organizaciji in sistemizaciji in
 - odloča o drugih zadevah iz pristojnosti komisije, če tako zahteva funkcionar komisije, ker meni, da je v zadevi zaradi njene pomembnosti potrebno kolegijsko odločanje.

(3) Zadeve iz prejšnjega odstavka komisija obravnava na sejah. Seja je sklepčna, če sta na njej prisotna vsaj dva člana komisije. Kadar komisija zaseda v polni sestavi, odločitve sprejema z večino glasov članov, kadar pa zaseda v sestavi dveh članov, ta odločitve sprejema soglasno. Član komisije se glasovanja ne more vzdržati. Podatek o glasovanju je sestavni del odločitve.

(4) Člani komisije pri odločanju niso vezani na nobene usmeritve ali napotke in odločajo na podlagi ustave in zakona.

(5) Komisija lahko na svoje seje z njihovo privolitvijo vabi predstavnike neprofitnih organizacij zasebnega sektorja s področja dela komisije, reprezentativnih sindikatov javnega sektorja (v nadaljnjem besedilu: sindikati) in drugih organizacij ter posameznike, za katere predsedujoči oceni, da bi s svojim strokovnim znanjem in izkušnjami

this Act.

- (2) The Commission as a collegial body:
- decides on the institution and conduct of procedures under paragraph one of Article 13 of this Act and reaches decisions in these procedures,
 - decides on requests for the implementation of measures under Articles 13a, 13b and 13c of this Act,
 - adopts measures to protect reporting persons pursuant to Articles 23 and 25 of this Act,
 - decides on the existence of conflict of interests in the official conduct of official persons referred to in paragraph five of Article 38 of this Act,
 - orders the drawing up, implementation and amendment of integrity plans referred to in paragraph two of Article 47 of this Act,
 - determines the priorities and guidelines of the Commission's operation, its policies in specific fields, its work programmes and financial and HR plans, and oversees their implementation,
 - adopts the Commission's annual reports, Rules of Procedure and Act on Internal Organisation and Job Classification, and
 - decides on other matters within the Commission's remit if so requested by a Commission official because they believe the matter to be of such importance that it requires collegial decision-making.

(3) The matters referred to in the preceding paragraph shall be discussed at the Commission's sessions. The session shall be deemed to have a quorum if at least two Commission members are present. When the Commission is in full composition, decisions shall be reached by a majority vote of its members; when the Commission sits in a composition of two members, decisions shall be reached unanimously. A Commission member may not abstain from voting. The voting information is an integral part of the decision.

(4) In reaching their decisions, the Commission members shall not be bound by any guidelines or instructions and shall decide in accordance with the Constitution and the relevant Acts.

(5) With their consent, the Commission may invite representatives of private sector non-profit organisations active in the Commission's areas of work, representative public sector unions (hereinafter: unions) and other organisations and individuals whose expertise and experience the Chief believes could contribute to a

lahko pripomogli k uspešni obravnavi posameznih točk dnevnega reda.

(6) Komisija lahko ugotovitve in druge odločitve v zvezi s postopki, ki jih vodi po tem zakonu in ki se nanašajo na funkcionarja, uradnika na položaju, poslovodno osebo in člana organov upravljanja, vodenja in nadzora v subjektih javnega sektorja ali na pravno osebo, predstavi javnosti z objavo na svoji spletni strani in na drug primeren način. Ugotovitve ali druge odločitve komisija objavi po preteku roka za vložitev tožbe v upravnem sporu, če ta ni vložena, oziroma po odločitvi sodišča v upravnem sporu.

(7) Ne glede na prejšnji odstavek lahko komisija izda sporočilo za javnost o zaključku postopka pred komisijo, ki vsebuje navedbo subjekta iz šestega odstavka tega člena, navedbo o vrsti postopka, ki ga je vodila, ter odločitev, zoper katero je bila vložena tožba v upravnem sporu. Sporočilo za javnost ne sme razkrivati dejanskega stanja.

(8) Komisija dokumente iz šestega odstavka tega člena objavi tako, da osebne podatke drugih oseb psevdonimizira in da iz njih ni mogoče razbrati podatkov, varovanih z določbami drugih zakonov.

(9) Če bi javna objava odločitve komisije ogrozila nadaljnje postopke komisije, jo komisija za ustrezen čas odloži. Če bi javna objava odločitve komisije na podlagi mnenja pristojnega organa ogrozila interese predkazenskega, kazenskega ali drugega sodnega, nadzornega ali revizijskega postopka, se komisija o terminu in vsebini javne objave predhodno posvetuje s pristojnim organom.

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

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

successful discussion of specific agenda items.

(6) The Commission may present its findings and other decisions with regard to the procedures conducted under this Act pertaining to holders of public office, officials in a managerial position, managers or members of the management and supervisory boards of public sector entities or pertaining to legal persons to the public by publishing such information on its website or in another appropriate manner. The Commission shall publish its findings or other decisions after the expiry of the time limit for bringing an action in an administrative dispute if no such action is brought or after the court reaches a decision in an administrative dispute.

(7) Notwithstanding the preceding paragraph, the Commission may issue a press release on the conclusion of a procedure before the Commission indicating the entity referred to in paragraph six of this Article, the type of procedure conducted and the decision challenged in an administrative dispute. The press release may not reveal the facts of the case.

(8) The documents referred to in paragraph six of this Article shall be published so that the personal data of other persons is pseudonymised and that the data protected with the provisions of other Acts cannot be discerned.

(9) If the publication of the Commission's decision should jeopardise any further Commission procedures, it shall be postponed for the appropriate time. If the publication of the Commission's decision should jeopardise the interests of the pre-trial, criminal, or any other judicial, supervisory or audit proceedings according to the opinion of the competent authority, the Commission shall hold prior consultations with the latter regarding the date and contents of the publication.

(10) 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) Komisija:

- izvaja nadzor nad določbami tega zakona o nezdružljivosti funkcij, o prepovedi članstva in dejavnosti, o omejitvah in prepovedih sprejemanja daril, o omejitvah poslovanja, o dolžnem izogibanju nasprotju interesov, o dolžnosti prijave premoženjskega stanja, o dolžnostih v zvezi z načrti integritete, o lobiranju in o protikorupcijski klavzuli;
- izvaja ukrepe za zaščito prijaviteljev;
- pripravlja strokovne podlage za krepitev integritete in za programe usposabljanja, usposablja osebe, ki so odgovorne za načrte integritete, in druge zavezanke po tem zakonu ter s predstavniki istovrstnih oseb javnega prava ali njihovih združenj sooblikuje dobre prakse za identifikacijo in obvladovanje kršitev integritete, omejevanje in preprečevanje korupcije in nasprotja interesov;
- svetuje pri krepitevi integritete ter preprečevanju in odpravljanju tveganj za korupcijo v javnem in zasebnem sektorju in v tem okviru svetuje ali sama vzpostavlja sisteme, aplikacije ali druge mehanizme za povečanje transparentnosti delovanja javnega sektorja, tudi z uporabo sodobne tehnologije;
- opravlja analize delovanja javnega sektorja in objavlja rezultate, vključno z osebnimi podatki, v skladu z zakonom, ki ureja dostop do informacij javnega značaja;
- zaradi zagotavljanja transparentnosti delovanja javnega sektorja pridobiva, uporablja, obdeluje in objavlja podatke o denarnih tokovih subjektov javnega sektorja;
- spremlja in analizira podatke o stanju in uresničevanju nalog za preprečevanje korupcije v Republiki Sloveniji, podatke o številu kaznivih dejanj korupcije v Republiki Sloveniji ter spremlja in analizira zadeve s področja mednarodne korupcije;
- izdaja priporočila in pojasnila o vprašanih, povezanih z vsebino tega zakona;
- skrbi za izvajanje resolucije, ki ureja preprečevanje korupcije v Republiki Sloveniji, pripravlja resolucijo in njene spremembe ter jih predlaga v obravnavo vladi, ki jih predloži v sprejem državnemu zboru;
- daje priporočila za aktivnosti za uresničevanje resolucije, ki ureja preprečevanje korupcije v Republiki Sloveniji, posameznim organom,

(1) The Commission:

- exercises supervision over the provisions of this Act regarding the incompatibility of offices, prohibitions regarding memberships and activities, limitations and prohibitions regarding the acceptance of gifts, restrictions on operations, the duty to avoid any conflicts of interest, the duty to declare assets, the duties regarding integrity plans, lobbying and the anti-corruption clause;
- implements measures to protect the reporting persons;
- prepares expert groundwork for strengthening integrity and training programmes, provides training for persons responsible for integrity plans and other persons with obligations under this Act, and prepares, together with the representatives of equivalent public law entities or their associations, examples of good practice to identify and manage integrity violations and curb and prevent corruption and conflicts of interest;
- gives advice on how to strengthen integrity and prevent and eliminate corruption risks in the public and private sectors and, in this context, establishes or gives advice on systems, applications and other mechanisms to increase the transparency of public sector operations, including through the use of modern technology;
- conducts analyses on public sector operations and publishes results, including personal data, in accordance with the Act governing access to public information;
- to ensure the transparency of public sector operations, obtains, uses, processes and publishes data on the cash flows of public sector entities;
- monitors and analyses data on the development and realisation of tasks aimed at corruption prevention in the Republic of Slovenia and data on the number of criminal offences involving corruption in the Republic of Slovenia, and monitors and analyses international corruption matters;
- adopts recommendations and explanations in respect of issues connected with the contents of this Act;
- oversees the implementation of the resolution regulating the prevention of corruption in the Republic of Slovenia, drafts the resolution and its amendments and proposes that they be discussed by the Government, which in turn submits them to the National Assembly for adoption;
- gives recommendations on the activities of the individual authorities defined in the resolution, these activities relating to the implementation

opredeljenim v resoluciji;

- pristojnim organom v Republiki Sloveniji daje priporočila glede uresničevanja obveznosti, ki izhajajo iz mednarodnih aktov s področja preprečevanja korupcije;
- sodeluje s pristojnimi državnimi organi pri pripravi predpisov s področja preprečevanja korupcije, spremlja uresničevanje teh predpisov ter daje pobude za njihove spremembe in dopolnitve ter daje mnenja o ustreznosti določb predlogov zakonov in podzakonskih aktov z vidika predpisov, ki urejajo področje integritete in preprečevanja korupcije;
- daje državnemu zboru in vladi pobude za ureditev določenega področja v skladu s svojimi nalogami in pristojnostmi;
- sodeluje s podobnimi organi drugih držav in mednarodnih organizacij ter mednarodnimi neprofitnimi organizacijami zasebnega sektorja s področja dela komisije;
- sodeluje z znanstvenimi, strokovnimi, medijskimi in neprofitnimi organizacijami zasebnega sektorja s področja dela komisije;
- pripravlja izhodišča za kodekse ravnanja;
- vodi evidence v skladu s tem zakonom;
- opravlja druge naloge, določene s tem in drugimi zakoni.

(2) V zvezi z uresničevanjem naloge iz sedme alineje prejšnjega odstavka policija, državno tožilstvo in sodišče obveščajo komisijo 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 odstopu od pregona, sodišče pa s sodbo ali sklepom. Dolžnost obveščanja velja tudi kadar 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 državljani Republike Slovenije.

(3) V zvezi z uresničevanjem naloge iz dvanajste alineje prvega odstavka tega člena pripravljavci zakonov in drugih predpisov

of the resolution regulating the prevention of corruption in the Republic of Slovenia;

- gives recommendations to the competent authorities in the Republic of Slovenia regarding the fulfilment of obligations arising from international instruments relating to the prevention of corruption;
- cooperates with the competent state bodies in drafting regulations on corruption prevention, monitors the implementation of such regulations and proposes initiatives for amendments thereto, and provides its opinion on the appropriateness of the provisions of proposals for Acts and implementing regulations pursuant to regulations governing integrity and the prevention of corruption;
- submits initiatives to the National Assembly and the Government to regulate a particular area in accordance with its tasks and powers;
- cooperates with the corresponding authorities of other countries and international organisations and with international non-profit private sector organisations engaged in the Commission's areas of work;
- cooperates with scientific, professional, media and non-profit private sector organisations active in the Commission's field of work;
- prepares starting points for codes of conduct;
- keeps records pursuant to this Act;
- performs other tasks set out by this and other acts.

(2) With regard to the implementation of the task referred to in indent seven of the preceding paragraph, the Police, the State Prosecutor's Office and the competent court shall 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 days following the conclusion of the relevant case. The police shall do this by way of a notification on the manner in which the case was completed, the State Prosecutor's Office by way of a document on the rejection of the accusation or the abandonment of the prosecution and the court by way of a judgment or decision. The duty to notify shall also apply 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) With regard to the implementation of the task referred to in indent twelve of paragraph one of this Article, the bodies preparing Acts

komisiji posredujejo predloge zakonov in drugih predpisov najkasneje v času, ko poteka medresorsko usklajevanje.

(4) Policija, državna tožilstva in sodišča komisiji najpozneje do konca marca tekočega leta za preteklo leto posredujejo statistične podatke v zvezi s postopki, ki se nanašajo na kazniva dejanja korupcije, in sicer:

- policija posreduje podatke o številu obravnavanih kaznivih dejanj korupcije, številu osumljencev in številu vloženi kazenskih ovadb oziroma poslanih poročil na državno tožilstvo;
- Vrhovno državno tožilstvo Republike Slovenije posreduje podatke o številu vloženi obtožni aktov, številu zavrženih kazenskih ovadb po končanem postopku poravnani ali odloženega kazenskega pregona, podatke o zakonski označbi kaznivega dejanja in številu obtoženih oseb;
- sodišča posredujejo podatke o številu izdanih odločb na prvi stopnji (obsodilne, oprostilne, druge odločitve), številu obdolžencev in obsojencev po posameznih zadevah, številu pravnomočno zaključenih zadev (obsodilne, oprostilne, druge odločitve) ter številu obdolžencev in obsojencev po posameznih zadevah in v zvezi s pravnomočno zaključenimi zadevami: število izrečenih kazni zapora in število obsodb na pogojno kazen zapora.

(5) Če gre za kaznivo dejanje z mednarodnim elementom, organi iz prejšnjega odstavka navedejo tudi ta podatek. Za kaznivo dejanje z mednarodnim elementom gre, če so izpolnjeni pogoji iz drugega odstavka tega člena.

(6) Komisija na začetku leta za potrebe posredovanja statističnih podatkov v naslednjem koledarskem letu sporoči seznam kaznivih dejanj korupcije, v zvezi s katerimi je potrebno sporočiti podatke.

(7) Policija, državno tožilstvo in sodišče na zahtevo komisije posredujejo tudi druge statistične podatke za uresničevanje nalog komisije iz sedme alineje prvega odstavka tega člena, v kolikor z njimi razpolagajo.

and other regulations shall submit to the Commission the proposals for Acts and other regulations at the latest in the course of inter-ministerial coordination.

(4) No later than by the end of March of the current year for the past year, the Police, the State Prosecutor's Offices and the courts shall provide the Commission with statistics on proceedings pertaining to corruption offences, namely:

- the Police shall provide data on the number of corruption offences dealt with, the number of suspects and the number of criminal complaints filed or notifications sent to the State Prosecutor's Office;
- The Supreme State Prosecutor's Office of the Republic of Slovenia shall provide data on the number of indictments filed, the number of criminal complaints rejected following settlement or suspended prosecution proceedings, data on the legal designation of criminal offences and the number of accused persons;
- the courts shall provide data on the number of first-instance decisions issued (convictions, acquittals and other decisions), the number of persons charged with or convicted of criminal offences by case, the number of cases resolved with a final judgment (convictions, acquittals and other decisions) and the number of persons charged with or convicted of criminal offences by case and in relation to cases resolved with a final judgment: the number of prison sentences and the number of suspended prison sentences.

(5) If the criminal offence is of an international character, the authorities referred to in the preceding paragraph shall specify this as well. A criminal offence is of an international character if the conditions referred to in paragraph two of this Article have been met.

(6) At the beginning of the year, for the purposes of submitting statistics in the following calendar year, the Commission shall send a list of the corruption offences that require the reporting of data.

(7) At the Commission's request, the Police, the State Prosecutor's Office and the court shall submit other statistics required for the Commission to perform the tasks referred to in indent seven of paragraph one of this Article, if such statistics is available.

13. člen

(pristojnosti komisije ob sumu korupcije ali drugih kršitev)

(1) Komisija lahko na svojo pobudo ali na podlagi prijave pravne ali fizične osebe uvede postopek zaradi:

1. suma korupcije, ki ne obsega kršitev iz 2. do 13. točke tega odstavka;
2. suma kršitve integritete uradne osebe;
3. suma kršitve obveznosti vključitve protikorupcijske klavzule v pogodbo;
4. suma kršitve dolžnosti pridobitve izjave oziroma podatkov o udeležbi fizičnih in pravnih oseb v lastništvu ponudnika ter o gospodarskih subjektih, za katere se glede na določbe zakona, ki ureja gospodarske družbe, šteje, da so povezane družbe s ponudnikom;
5. suma kršitve določb o zaščiti prijaviteljev;
6. suma opravljanja nezdržljive funkcije, dejavnosti ali članstva;
7. suma kršitve pri sprejemanju daril;
8. suma kršitev določb o prepovedi oziroma omejitvah poslovanja;
9. suma kršitve določb o nasprotju interesov;
10. suma kršitve dolžnosti prijave premoženjskega stanja;
11. suma nesorazmernega povečanja premoženja;
12. suma kršitve določb o lobiranju;
13. suma kršitve dolžnosti, povezanih z izdelavo načrta integritete.

(2) Komisija v poslovniku določi natančnejša pravila za postopanje s prijavi, ki vključujejo tudi merila za sprejem prijave v obravnavo oziroma za zavrnitev, zavrženje ali odstop prijave drugemu organu (predhodni preizkus prijave). V poslovniku se določijo tudi merila za določanje vrstnega reda obravnave prijav oziroma za uvedbo postopka na lastno pobudo, način odločanja o obravnavi posameznih zadev in podrobnejša pravila za izvedbo postopkov po tem členu.

Article 13

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

(1) The Commission may, on its own motion or following a report submitted by a legal or natural person, initiate proceedings relating to the following:

1. suspected corruption, not encompassing the violations referred to in points 2 to 13 of this paragraph;
2. a suspected breach of integrity by an official person;
3. a suspected breach of the obligation to include an anti-corruption clause in a contract;
4. a suspected breach of the duty to obtain a statement or information on the participation of natural and legal persons in the ownership of the bidder and economic operators, which are considered to be affiliated with the bidder according to the provisions of the Act governing companies;
5. a suspected violation of provisions on the protection of reporting persons;
6. a suspected incompatibility of office, activity or membership;
7. a suspected violation related to the acceptance of gifts;
8. a suspected violation of provisions on prohibitions or restrictions on business activities;
9. a suspected violation of provisions on the conflict of interest;
10. a suspected breach of the duty to declare assets;
11. a suspected disproportionate increase in assets;
12. a suspected violation of provisions on lobbying;
13. a suspected breach of duties related to the preparation of integrity plans.

(2) The Commission's Rules of Procedure shall specify the rules for dealing with reports, including the criteria for taking the report into consideration or for the rejection, dismissal or referral of the report to another body (a pre-test of the report). The Rules of Procedure shall also set out the criteria for determining the priority list for considering reports or for initiating proceedings at the Commission's own motion, the method of deciding on priority consideration and specific rules on conducting the procedures under this Article.

(3) Če komisija v okviru postopka zaradi suma korupcije iz 1. točke prvega odstavka tega člena zazna znake kaznivega dejanja, nemudoma vloži ovadbo. Postopek zaradi suma korupcije lahko komisija z vložitvijo ovadbe zaključi, lahko pa izda in javno objavi tudi načelno mnenje, v katerem se na načelni ravni opredeli do ugotovljenega ravnanja in do morebitnih sistemskih pomanjkljivosti ali neskladij, ki omogočajo takšno ravnanje, ter predlaga ukrepe za izboljšanje stanja. Načelno mnenje lahko komisija izda tudi, če ne zazna znakov kaznivega dejanja. Načelno mnenje komisije ne pomeni odločanja o kazenski, prekrškovni, odškodninski ali disciplinski odgovornosti pravne ali fizične osebe in nima oblike upravne odločbe. V načelnem mnenju komisija ne sme objaviti osebnih podatkov fizičnih in pravnih oseb iz konkretne zadeve ali podatkov na podlagi katerih bi jih bilo mogoče prepoznati. Ne glede na prejšnji stavek, sme komisija, kadar je to potrebno zaradi opisa in opredelitve do ugotovljenega ravnanja, objaviti zgolj psevdonimizirane osebne podatke, vendar tako, da fizične ali pravne osebe ni mogoče prepoznati.

(4) V primeru suma kršitve integritete uradne osebe iz 2. točke prvega odstavka tega člena komisija izda ugotovitve o konkretnem primeru, ki vsebujejo opis dejanskega stanja, oceno kršitve uradne osebe z vidika krepitve integritete in v primeru ugotovljenih nepravilnosti pojasnilo, kakšno bi bilo pričakovano ravnanje. Osnutek ugotovitev o konkretnem primeru komisija pošlje obravnavani uradni osebi, ki se lahko v roku, ki ga komisija določi glede na okoliščine obravnavane kršitve, vendar ne krajšem od treh dni, izjasni o navedbah glede dejanskega stanja. Ob pošiljanju osnutka obravnavani osebi, se jo obvesti, da bo njen odgovor objavljen skupaj z ugotovitvami o konkretnem primeru.

(5) V primeru suma kršitev iz 3. do 13. točke prvega odstavka tega člena, ki so v tem zakonu določene za prekršek, pooblaščen uradna oseba komisije kot prekrškovnega organa uvede prekrškovni postopek in odloči o prekršku.

(3) If, in the procedure related to a suspected corruption from point 1 of paragraph one of this Article, the Commission detects indications of a criminal offence, it shall immediately file a complaint. The Commission may conclude the procedure relating to suspected corruption by filing a complaint or issue and publish a principled opinion, stating its position, as a matter of principle, on the established conduct and any systemic shortcomings or inconsistencies that enable such conduct, and propose measures to improve the situation. The Commission may also issue a principled opinion if no indications of a criminal offence have been detected. A principled opinion of the Commission shall not mean any decision-making on the criminal, minor offence, compensation or disciplinary accountability of a legal or natural person and shall not take the form of an administrative decision. The Commission's published principled opinions may not include the personal data of natural or legal persons from the matters in question or data that could reveal their identities. Notwithstanding the preceding sentence, when so required to describe and state its position to the established conduct, the Commission may publish only the pseudonymised personal data which, however, do not allow the identification of the natural or legal person in question.

(4) In case of a suspected breach of integrity by an official person referred to in point 2 of paragraph one of this Article, the Commission shall issue its findings on a specific case containing a statement of facts, an assessment of the breach committed by an official person from the point of view of strengthening integrity, as well as an explanation on the expected conduct where irregularities have been established. The draft findings on a specific case shall be sent to the relevant official person who can submit their observation on the statement of facts in a time limit set by the Commission based on the circumstances of the breach under consideration, which shall not be shorter than three days. When the draft is sent to the person in question, the latter shall be notified that their response shall be published together with the findings on the relevant case.

(5) In case of a suspected violation referred to in points 3 through 13 of paragraph one of this Article designated in this Act as minor offences, the authorised official of the Commission as the minor offence body shall initiate minor offence proceedings and reach a decision on the minor offence.

(6) Komisija lahko z namenom preprečevanja in odvratanja ravnanj, ki pomenijo kršitev tega zakona po pravnomočnosti odločbe o prekršku, ki se nanaša na funkcionarja, odločitev predstavi javnosti z objavo na svoji spletni strani in na drug primeren način. Objava obsega podatke o kršitelju (osebno ime ali naziv in sedež pravne osebe), kršitvi (opis okoliščin, ki pomenijo prekršek) in izrečeni sankciji. Objava je na spletni strani javno dostopna pet let po objavi.

(7) V primeru suma kršitev iz 3. do 13. točke prvega odstavka tega člena, ki v tem zakonu niso določeni kot prekršek, komisija izvede ugotovitveni postopek in sprejme ukrepe ali opravi druga dejanja v skladu z zakonom. Pred dokončnim sprejetjem odločitve mora komisija v roku, ki ga določi glede na okoliščine obravnavane kršitve, vendar ne krajšem od treh dni, pridobiti izjavo obravnavane osebe o očitkih in ugotovitvah glede kršitev. Osebo se ob tem obvesti, da bo v primeru javne objave ugotovitev komisije, objavljen tudi njen odgovor.

(8) Po prejemu odgovora obravnavane osebe iz četrtega in sedmega odstavka tega člena lahko komisija:

- sprejme ugotovitve ali odločitev, kot so bile v osnutku ugotovitev ali odločitve, v katerih se opredeli do navedb iz odgovora obravnavane osebe ter postopek obravnave zadeve zaključi in o tem obvesti obravnavano osebo;
- sprejme drugačne ugotovitve ali odločitev, kot so bile v osnutku ugotovitev ali odločitve, in ponovno izvede postopek po tem členu, če se dejstva in pravne okoliščine bistveno razlikujejo;
- obravnavano osebo, ki je poslala odgovor, povabi na sejo komisije z namenom razjasnitve dodatnih okoliščin in izvede morebitne nadaljnje aktivnosti, potrebne za razjasnitev primera.

(9) Če se obravnavana oseba do navedb v osnutku ne izjasni, to ni ovira za izdajo ugotovitev komisije. Če komisija ugotovitve v konkretnem primeru skladno s šestim odstavkom 11. člena tega zakona javno objavi, objavi tudi odgovor obravnavane osebe.

(6) The Commission may, in order to prevent and deter the conduct representing a violation of this Act, present its decision to the public by publishing it on its website or in another appropriate manner after its decision on the minor offence pertaining to a public office holder becomes final. The publication shall contain the details of the person concerned (the personal name and title of the natural person or the place of establishment of the legal person), the violation (a description of the circumstances that constitute an offence) and the sanction imposed. The publication on the website shall be available to the public for five years.

(7) In case of a suspected violation referred to in points 3 through 13 of paragraph one of this Article not designated in this Act as minor offences, the Commission shall initiate fact-finding proceedings and adopt measures or take other action provided by an Act. Before reaching its final decision, the Commission shall, within the time limit set based on the circumstances of the violation under consideration, which shall not be shorter than three days, obtain a statement from the person in question on the allegations and findings regarding the violations. The person shall also be notified that, if the Commission's findings are published, their response shall be published as well.

(8) After receiving a response from the person in question referred to in paragraphs four and seven of this Article, the Commission may:

- adopt the findings or decisions contained in the draft findings or decisions, stating its position to the claims from the response of the person in question, conclude the proceedings in the matter in question and notify the person in question thereof;
- adopt other findings or decisions than the ones contained in the draft findings or decisions and repeat the proceedings under this Article if the facts or legal circumstances differ considerably;
- invite the relevant person who responded to attend a Commission session in order to clarify additional circumstances and carry out any further activities required to clarify the case.

(9) Where the person in question fails to take a position on the statements in the draft, this shall not prevent the Commission from publishing its findings. If the Commission publishes the findings in a specific case in accordance with paragraph six of Article 11 of this Act, it shall also publish the response of the person in question.

(10) Če komisija zazna, da na določenem področju obstajajo sistemska korupcijska tveganja, izda priporočilo za pravilno ravnanje subjektov, ki delujejo na tem področju.

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

(12) Komisija ne obravnava zadev, če je od dogodka, na katerega se zadeva nanaša, preteklo več kot pet let.

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

(10) If the Commission detects systemic corruption risks in a particular area, it shall issue a recommendation for the proper conduct of entities active in this area.

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

(12) The Commission shall not consider the matter if the event to which the matter pertains occurred more than five years ago.

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

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 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.

13.b člen

(predlog za razrešitev in pobuda predstojniku za ukrepanje)

(1) V primeru ugotovljene kršitve iz 2. do 13. točke prvega odstavka 13. člena tega zakona, izvršene s strani na funkcijo imenovanega funkcionarja, uradnika na položaju ali poslovodne osebe, lahko komisija glede na težo kršitve ali njeno ponavljanje pristojnemu organu pošlje pobudo za začetek postopka za razrešitev obravnavane osebe, ki poteka skladno z zakonom, ki ureja razrešitev. Pristojni organ je o predlogu komisije za razrešitev dolžan odločiti v roku 30 dni.

(2) Komisija lahko med ali po zaključku postopka zaradi kršitve iz prvega odstavka 13. člena tega zakona, v katerem je obravnavana uradna oseba, z ugotovitvami ali drugimi odločitvami seznanil predstojnika ali odgovorno osebo organa, pri katerem je uradna oseba zaposlena, in mu z namenom zagotavljanja zakonitosti delovanja organa, odpravljanja korupcijskih tveganj, zagotovitve integritete organa in javnega sektorja ter zaščite prijaviteljev, predlaga izvedbo ustreznih ukrepov.

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 responsible person or authority shall send to the Commission the final report on the implementation of the supervision and its findings and on the measures carried out no later than eight days following its 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 13b

(Proposal for dismissal and motion for the person in charge to take action)

(1) In the event of an established violation referred to in points 2 through 13 of paragraph one of Article 13 of this Act committed by a holder of public office, an official in a managerial position or a manager, the Commission may, based on the gravity or repeated nature of the violation, send a motion to the competent authority to initiate a procedure for the dismissal of the person in question, which shall be conducted in accordance with the Act governing dismissal. The competent authority shall reach a decision on the Commission's proposal for dismissal within 30 days.

(2) During or after the violation procedure referred to in paragraph one of Article 13 of this Act pertaining to an official person, the Commission shall submit its findings or other decisions to the head or the responsible person of the authority for which the official person works and, in order to ensure the legality of the authority's work, eliminate corruption risks, maintain the integrity of the authority and the public sector and protect the reporting persons, propose that appropriate action be taken.

(3) Predlog iz prejšnjega odstavka komisija poda, če oceni, da se v obravnavani zadevi ali v povezavi z obravnavano osebo pojavljajo korupcijska tveganja, tveganja za nezakonito porabo javnih sredstev ali če je ogrožena integriteta organa ali javnega sektorja ali zaščita prijaviteljev.

(4) Pri uporabi tega člena je komisija dolžna poskrbeti, da s svojimi aktivnostmi ne ogrozi interesov postopka pred komisijo, ki še teče, ali interesov predkazenskega, kazenskega ali drugega sodnega, nadzornega ali revizijskega postopka, ki teče pred drugim pristojnim organom.

13.c člen (pristojnost predlagati revizijo)

Če so podana dejstva in okoliščine, ki izkazujejo sum korupcije ali nasprotja interesov s strani funkcionarjev, uradnikov na položaju, poslovodnih oseb in članov organov upravljanja, vodenja in nadzora v subjektih javnega sektorja in komisija oceni, da je za zaščito porabe javnih sredstev potrebna revizija poslovanja uporabnikov javnih sredstev, lahko komisija med ali po zaključku postopka sprejme obrazložen sklep, s katerim računskemu sodišču predlaga uvedbo revizije posameznega posla ali poslov, sklenjenih s strani subjekta javnega sektorja.

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 obljubi, 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

(3) The Commission shall submit the proposal referred to in the preceding paragraph if it considers that the matter in question or the relevant person poses corruption risks, the risk of the illegal use of public funds or that the integrity of the authority or the public sector or the protection of the reporting persons are at risk.

(4) In applying this article, the Commission shall be obliged to ensure that its activities do not jeopardise the interests of ongoing proceedings before the Commission or the interests of pre-trial, criminal, or any other judicial, supervisory or audit proceedings before another competent authority.

Article 13c (Competence to propose an audit)

If the facts and circumstances of the case give rise to a suspicion of corruption or a conflict of interest by public office holders, officials in managerial positions, managers or members of the management and supervisory boards of public sector entities and if the Commission considers that, in order to protect the use of public funds, the operations of public funds users must be audited, the Commission may issue a reasoned decision, either during or after the procedure, proposing that the Court of Audit audit a specific transaction or transactions made by a public sector entity.

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:

- obtaining business;
- 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

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 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 pogodbeni stranka s sedežem izven Republike Slovenije nasprotuje taki vključitvi, lahko organ ali organizacija komisijo z obrazloženim predlogom zaprosi, da za posamezno pogodbo odobri izzetje iz dolžnosti, ki jo določa drugi odstavek tega člena. Pri odločanju komisija upošteva zlasti javni interes, da se pogodba sklene,

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 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

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 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 (vrste in pravila postopka)

(1) Komisija v zvezi z izvrševanjem svojih pristojnosti vodi upravne postopke, hitre prekrškovne postopke in druge javnopravne postopke po določbah tega zakona.

(2) Upravni postopki, v katerih komisija odloča po zakonu, ki ureja splošni upravni postopek, so:

- postopek izdaje dovoljenja za sklenitev pogodbe brez protikorupcijske klavzule (peti odstavek 14. člena tega zakona),

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 an 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 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 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 (Procedure types and rules)

(1) With regard to the exercise of its powers, the Commission shall conduct administrative procedures, expedited minor offence proceedings and other public law proceedings according to the provisions of this Act.

(2) The administrative procedures in which the Commission reaches decisions in accordance with the Act governing the general administrative procedure are the following:

- the procedure to issue a permission to conclude a contract without an anti-corruption clause (paragraph five of Article 14 of this Act),

- postopek izdaje dovoljenja funkcionarju za opravljanje poklicne ali druge dejavnosti, namenjene pridobivanju dohodka (tretji odstavek 26. člena tega zakona),
- postopek izdaje odločbe o prepovedi opravljanja dodatne dejavnosti ali postavitvi pogojev in omejitev, ki jih mora funkcionar spoštovati pri opravljanju te dejavnosti (četrti odstavek 26. člena tega zakona),
- postopek izdaje odločbe o preklicu dovoljenja, iz prejšnjih dveh alinej (peti odstavek 26. člena tega zakona),
- postopek izdaje odločbe o obstoju nasprotja interesov po pisnem obvestilu uradne osebe, kadar nadrejena oseba oziroma predstojnik ali kolektivni organ o izločitvi ne odloči v zakonskem roku ali če uradna oseba nima nadrejene osebe oziroma predstojnika (peti odstavek 38. člena),
- postopek izdaje odločbe o znižanju plače oziroma nadomestila plače zavezanca zaradi zavrnitve sporočanja podatkov o funkcijah, dejavnostih, premoženju in dohodkih v skladu z zakonom (drugi odstavek 44. člena),
- postopek izdaje sklepa in odredbe o izdelavi, uresnitvi ali dopolnitvi načrt integritete (drugi odstavek 47. člena tega zakona),
- postopek izdaje odločbe o vpisu lobista v register lobistov (registracija lobista) in vpisu spremembe podatkov lobista (58. člen tega zakona),
- postopek izbrisa lobista iz registra lobistov (62. člen tega zakona),
- izrekanje sankcij na podlagi 73. in 74. člena tega zakona.

(3) Hitri prekrškovni postopki so postopki, v katerih komisija na podlagi zakona, ki ureja prekrške izreka sankcije po 77., 78. in 79. členu tega zakona.

(4) Drugi javnopravni postopki so postopki, ki se vodijo za izvajanje pristojnosti po prvem odstavku 13. člena tega zakona. Za druge javnopravne postopke se za vprašanja, ki niso urejena s tem zakonom, smiselno uporabljajo določbe zakona, ki ureja upravni postopek.

(5) Zoper ugotovitve ali druge odločitve iz postopkov po prejšnjem odstavku ima obravnavana oseba pravico do vložitve tožbe v upravnem sporu. Upravno sodišče o tožbi odloči v treh mesecih od vložitve tožbe. Zoper načelno mnenje iz tretjega odstavka 13. člena tega

- the procedure to issue a permission to a holder of public office to perform a professional or other activity aimed at generating income (paragraph three of Article 26 of this Act),
- the procedure to issue a decision prohibiting the holder of public office from performing an additional activity or imposing conditions or restrictions on the holder of public office that must be complied with when performing the activity (paragraph four of Article 26 of this Act),
- the procedure to issue a decision revoking the permission referred to in the preceding two indents (paragraph five of Article 26 of this Act),
- the procedure to issue a decision on the existence of a conflict of interest after informing the official person in writing when the person in charge or the superior or a collective body fails to reach a decision on the dismissal within the statutory time limit of if the official person has no person in charge or superior (paragraph five of Article 38),
- the procedure to issue a decision on reducing the salary or compensation of a person with obligations for their failure to communicate data on their offices, activities, assets and income in accordance with the Act (paragraph two of Article 44),
- the procedure to issue a decision and order to draw up, implement or amend the integrity plan (paragraph two of Article 47 of this Act),
- the procedure to issue a decision on entering a lobbyist in the register of lobbyists (lobbyist registration) and entering a change in the lobbyist's data (Article 58 of this Act),
- the procedure to remove a lobbyist from the register of lobbyists (Article 62 of this Act),
- the imposition of sanctions pursuant to Articles 73 and 74 of this Act.

(3) Expedited minor offence proceedings are proceedings in which the Commission, based on the Act governing minor offences, imposes sanctions pursuant to Articles 77, 78 and 79 of this Act.

(4) Other public law proceedings are proceedings conducted for the exercise of powers under paragraph one of Article 13 of this Act. The provisions of the Act governing the administrative procedure shall apply *mutatis mutandis* to issues with regard to other public law proceedings not regulated by this Act.

(5) The person in question shall have the right to bring an action in an administrative dispute against the findings or other decisions relating to proceedings from the preceding paragraph. The administrative court shall reach a decision on the action within three months of filing. An

zakona, ki ne izpolnjuje zahtev iz tretjega odstavka 13. člena tega zakona ali v drugih primerih, ko pomeni odločanje o pravici, obveznosti ali pravni koristi posameznika, je dopusten upravni spor.

15.a člen (razgovor na seji komisije)

(1) Komisija lahko zaradi razjasnitve dejstev in okoliščin v zvezi s posamezno zadevo, ki jo obravnava, vabi osebe na razgovor na sejo komisije.

(2) Komisija lahko na razgovor vabi:

- uradne osebe,
- predstojnike oziroma odgovorne osebe v organizacijah, ki jim je podeljeno javno pooblastilo,
- druge osebe, zaposlene v subjektih javnega sektorja,
- osebe iz drugega odstavka 40. člena tega zakona.

(3) Osebe iz prejšnjega odstavka se morajo na zahtevo komisije odzvati vabilu in na razgovoru osebno in po resnici odgovarjati na vprašanja iz pristojnosti komisije. Oseba, ki v času vabljenja nima več statusa iz prejšnjega odstavka, se mora odzvati vabilu tudi po prenehanju statusa, ki ga je imela v času dogodka oziroma ravnanja, ki ga obravnava komisija.

(4) Poleg oseb iz drugega odstavka tega člena lahko komisija opravi razgovor tudi z drugimi osebami, če v to privolijo.

(5) Vabilo za razgovor vsebuje najmanj naslednje podatke:

- ime in priimek vabljenega,
- datum, uro in kraj razgovora,
- navedbo, v zvezi s katerim dogodkom, njenim ravnanjem ali ravnanjem drugih oseb, podatki ali dokumentacijo bo potekal razgovor,
- pojasnilo, da lahko vabljenega oseba s seboj prinese dodatno

administrative dispute shall be admissible against the principled opinion referred to in paragraph three of Article 13 of this Act if the latter does not meet the requirements set out in paragraph three of Article 13 of this Act or in other cases involving an individual's rights, obligations or legal entitlements.

Article 15a (Interview at a Commission session)

(1) In order to clarify any facts or circumstances with regard to a particular matter under consideration, the Commission may invite someone to attend its session for an interview.

(2) The Commission may request an interview with:

- official persons,
- heads of or responsible persons in organisations vested with public authority,
- other persons working in public sector entities,
- the persons referred to in paragraph two of Article 40 of this Act.

(3) The persons referred to in the preceding paragraph must respond to the Commission's invitation at their request and attend the interview to respond to questions within the Commission's remit in person and truthfully. The person who no longer has the status referred to in the preceding paragraph at the time of invitation must respond to the invitation even after the termination of their status at the time of the event or the conduct being considered by the Commission.

(4) In addition to the persons referred to in paragraph two of this Article, the Commission may also interview other persons if the latter agree to it.

(5) An invitation to an interview shall contain, as a minimum, the following information:

- the name and surname of the invited person,
- the date, time and place of the interview,
- the indication of the event, their conduct or the conduct of other persons, information or documents that shall be the subject of the interview,
- the explanation that the invited person may bring additional

- dokumentacijo,
- rok za morebitno utemeljeno opravičilo odsotnosti,
- pojasnilo, da ima vabljeni oseba pravico do pravnega zastopanja s strani pooblaščenca, ki si ga sama izbere in za katerega sama nosi stroške zastopanja, in
- opozorilo o pravnih posledicah neudeležbe.

(6) Oseba, ki se brez opravičljivih razlogov ne odzove na razgovor, na katerega je bila pravilno vabljeni, ne more biti prisilno privedena, lahko pa se ji izreče sankcija v skladu s tem zakonom.

(7) Komisija vroča vabilo vabljeni osebi praviloma osebno na naslovu delodajalca. Vabilo pošlje po pošti, po svoji uradni osebi, ali po pravni ali fizični osebi, ki opravlja vročanje dokumentov v fizični obliki, ali po elektronski pošti, ki omogoča dejansko seznanitev z vabilom. Če komisija oceni, da je tako primernejše, se vabilo vroča na naslovu stalnega ali začasnega prebivališča vabljeni osebe, skladno z določbami zakona, ki ureja splošni upravni postopek.

(8) Če vabljeni oseba iz utemeljenih razlogov opraviči svoj izostanek, se jo vabi ponovno na drug datum oziroma uro.

(9) Vabilo mora biti vabljeni osebi vročeno najmanj tri delovne dni pred sejo komisije. V primeru utemeljenih razlogov je lahko rok tudi krajši, vendar v tem primeru vabljeni oseba zaradi izostanka na seji ne sme trpeti pravnih posledic.

(10) Komisija lahko na svojo pobudo ali na predlog vabljeni osebe odloči, da se razgovor z vabljeni osebo opravi z uporabo sodobnih tehničnih sredstev za prenos slike oziroma glasu (tele ali videokonferenca).

(11) Seje komisije, na katerih se opravlja razgovor, se zvočno snemajo. Vabljeni oseba ima pravico do elektronske kopije zvočnega posnetka, ki postane del zapisnika in spisa.

(12) V zapisniku o opravljenem razgovoru je treba zapisati, da je bil razgovor posnet z ustreznim tehničnim sredstvom za zvočno

- documents with them,
- the time limit for informing the Commission of any justified absence,
- the explanation that the invited person shall have the right to be legally represented by an authorised person of their own choosing and that they shall bear the costs of representation themselves, and
- a caution about the legal implications of their failure to attend.

(6) A person who has been duly summoned to an interview but fails to attend without providing a justifiable reason cannot be brought by force but a sanction can be imposed in accordance with this Act.

(7) As a rule, the Commission shall serve the invitation on the invited person in person at their employer's address. The invitation shall be sent by post, through its official person, or through a legal or natural person who performs the serving of documents by letter or e-mail, 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 the general administrative procedure.

(8) If the invited person provides justifiable reasons for their absence, they shall receive another invitation for a different date or time.

(9) The invitation shall be served on the invited person at least three working days before the session of the Commission. For justifiable reasons, this time limit may be shorter but, in that case, the invited person may not suffer any legal consequences for their absence from the session.

(10) On its own initiative or at the proposal of the invited person, the Commission may decide to conduct the interview with the invited person using modern technical means for image or audio transmission (a tele- or video-conference).

(11) The Commission's sessions at which the interviews are conducted shall be audio recorded. The invited person shall have the right to an electronic copy of the audio recording, which shall become a part of the minutes and the file.

(12) The minutes of the interview must specify that the interview was recorded using the appropriate technical means for audio recording,

snemanje in kdo je to napravil, da je bila vabljen oseb vnaprej obveščena o snemanju in da je bil posnetek reproduciran.

(13) Razgovor z vabljen oseb se praviloma opravlja posamično in brez prisotnosti drugih vabljenih oseb, razen če komisija iz utemeljenih razlogov odloči drugače. Če se izpovedbe posameznih vabljenih oseb v isti zadevi, o isti okoliščini med seboj razlikujejo ali če obstajajo drugi utemeljeni razlogi, sme komisija na isto sejo vabiti več oseb in na seji med njimi opraviti soočenje.

(14) Kadar komisija med razgovorom z vabljen oseb zaradi ravnanja drugih oseb ugotovi, da je potrebno oseb vabiti na razgovor zaradi njenega ravnanja, komisija razgovor prekine in oseb seznanj, da jo bo ponovno vabila skladno s petim odstavkom tega člena. V primeru iz prejšnjega stavka se zapisnik, zvočni zapis in dokumentacija, ki jo je oseb izročila, iz spisa izločijo in jih v nadaljevanju tega postopka ni dopustno pregledovati niti uporabiti.

15.b člen (potek razgovora)

(1) Razgovor z vabljen oseb vodi predsedujoči, ki daje besedo udeležencem in skrbi za nemoten potek seje komisije. Predsedujoči zagotavlja učinkovit, nemoten in zakonit potek seje, vzdrževanje reda na seji in varovanje dostojanstva komisije in vabljen oseb.

(2) Predsedujoči vabljen oseb pred razgovorom seznanj, da se razgovori pred komisijo zvočno snemajo in da ima pravico do elektronske kopije zvočnega posnetka.

(3) Predsedujoči vabljen oseb pred razgovorom opozori, da:

- lahko komisija del ali celoten zapis razgovora posreduje pristojnim organom, če v svojem postopku ugotovi kršitve iz njihove pristojnosti,
- je dolžna govoriti resnico, da ne sme ničesar zamolčati, da je na

the person who did the recording and that the invited person was informed of the recording in advance and that the recording was reproduced.

(13) As a rule, an interview with the invited person shall be conducted on an individual basis and without other invited persons present, unless the Commission has justifiable reasons to decide otherwise. If the testimonies of individual invited persons in the same matter on the same circumstance differ or in case of other justifiable reasons, the Commission may invite several persons to attend the session and confront them.

(14) When, during an interview with an invited person based on the conduct of other persons, the Commission establishes that the person must be invited for an interview based on their conduct, the Commission shall suspend the interview and inform the person that they shall receive another invitation in accordance with paragraph five of this Article. In the case referred to in the preceding paragraph, the minutes, the audio recording and the documents provided by the person shall be removed from the file and may not be examined or used in the continuation of these proceedings.

Article 15b (Conduct of the interview)

(1) The interview with the invited person shall be conducted by the Chief who shall invite the participants to speak and ensure that the session of the Commission runs smoothly. The Chief shall ensure an efficient, smooth and legal conduct of the session, maintain order at the session and protect the dignity of the Commission and the invited person.

(2) Before the interview, the Chief shall inform the invited person that interviews before the Commission are audio-recorded and that they have the right to an electronic copy of the recording.

(3) Before the interview, the Chief shall caution the invited person that:

- the Commission may submit the whole or part of the interview transcript to the competent authorities if the procedure establishes any violations within its remit,
- they must speak truthfully and not withhold anything, that, in

vprašanja komisije dolžna dajati vsa pojasnila in odgovore, ki so pomembni za opravljanje njenih nalog v konkretnem primeru, in

- ima pravico odkloniti odgovor na posamezno vprašanje, če je verjetno, da bi z odgovorom sebe ali koga svojih bližnjih spravila v hudo sramoto, kazenski pregon ali znatno materialno škodo.

(4) Predsedujoči nato vabljeni osebo seznanijo z razlogi vabljenja.

(5) Vprašanja vabljeni osebi zastavljajo predsedujoči in člani komisije, z dovoljenjem predsedujočega pa tudi uslužbenci komisije, ki so prisotni na seji.

(6) Vabljena oseba lahko med razgovorom sama ali na poziv predsedujočega v spis vloži dodatno dokumentacijo ali pisna pojasnila o zadevi, zaradi katere je vabljena.

(7) Prisotni na seji komisije so dolžni varovati podatke in informacije, s katerimi so se seznanili med razgovorom. Predsedujoči na koncu seje prisotne opozori, da javnosti ali nepooblaščenim tretjim osebam ne smejo razkrivati nejavnih informacij in podatkov, s katerimi so se seznanili na seji, ter na pravne posledice takega dejanja.

15.c člen (vpogled v spis)

(1) V primeru drugih javnopravnih postopkov ima obravnavana oseba oziroma oseba, zoper katero je podana prijava, pravico vpogleda v spis po opravljenem predhodnem preizkusu prijave.

(2) Druge osebe imajo pravico do vpogleda v spis, če izkažejo svoj pravni interes, in sicer po zaključku postopka pred komisijo.

(3) Komisija pri vpogledu v spis ne sme razkriti identitete prijavitelja ali podatkov, na podlagi katerih ga je mogoče identificirati.

responding to the Commission's questions, they must provide all the explanations and answers relevant to the performance of its tasks in the case in question, and

- they have the right not to respond to any question if by so doing they could render themselves or a person close to them liable to criminal prosecution, or bring disgrace to or inflict substantial pecuniary damage on themselves or a person close to them.

(4) The Chief shall then inform the invited person of the reasons for the invitation.

(5) The questions shall be posed to the invited person by the Chief and members of the Commission and, with the Chief's permission, the Commission employees present at the session.

(6) During the interview, the invited person may, if they so choose or are called upon to do so by the Chief, file additional documents or written explanations on the matter that was the subject of the invitation.

(7) The persons present at a Commission session shall be obliged to protect the data and information acquired during the interview. At the end of the session, the Chief shall caution that they cannot disclose the non-public information and data acquired at the session to the public or unauthorised third parties, and specify the legal consequences thereof.

Article 15c (Access to the file)

(1) In case of other public law proceedings, the person in question or the reported person shall have the right to access the file after the report is pre-tested.

(2) Other persons shall have the right to access the file if they demonstrate their legal interest after the proceedings before the Commission are concluded.

(3) When granting access to the file, the Commission may not reveal the identity of the reporting person or the data enabling their identification.

(4) Pravica do vpogleda v spis ali prepis posameznega ali vseh dokumentov se ustrezno omeji ali odreče, če komisija na podlagi mnenja pristojnega organa oceni, da obstaja verjetnost, da bi to ogrozilo interese predkazenskega, kazenskega postopka ali drugega sodnega ali nadzornega postopka ali škodovalo interesom postopka po tem zakonu ali zaradi varstva osebnih podatkov.

(5) Komisija o pravici do vpogleda v spis odloči najpozneje v 15 dneh od vložitve zahteve. Komisija odloči s sklepom, kadar pravico do vpogleda omeji ali zavrne. Zoper sklep komisije je dopusten upravni spor.

(6) Postopek vpogleda v spis se podrobneje uredi v poslovniku komisije.

16. člen

(pridobivanje podatkov in dokumentov s strani komisije)

(1) Državni organi, organi lokalnih skupnosti, nosilci javnih pooblastil, pravne osebe javnega in zasebnega prava, in osebe s statusom samostojnih podjetnikov posameznikov ali posameznikov, ki samostojno opravljajo dejavnost, 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, razloge in namen, za katerega se zahtevajo podatki.

(3) Pri subjektu javnega sektorja ima komisija pri izvajanju

(4) The right to access the file or copy of any or all of the documents shall be duly restricted or denied if the Commission takes the view, based on the opinion of the competent authority, that it is likely to jeopardise the interests of the pre-trial, criminal or any other judicial or supervisory proceedings, or harm the interests of a procedure under this Act or to protect personal data.

(5) The Commission shall decide on the right to access the file within no later than 15 days of the filing of the request. The Commission shall issue a decision restricting or denying the right to access. An administrative dispute may be initiated against the decision of the Commission.

(6) The file access procedure shall be laid down in the Commission's Rules of Procedure.

Article 16

(Acquisition of data and documents by the Commission)

(1) State bodies, bodies of local communities, holders of public authority, legal persons governed by public or private law and persons with the status of sole trader or self-employed persons 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. If 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 (hereinafter: the EU) governing the 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 data, the reasons for and the purpose of the request for the data concerned.

(3) With regard to a public sector entity, the Commission shall, in

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 državnega tožilstva generalni državni tožilec, za področje obveščevalno varnostne dejavnosti pa vlada.

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

(6) Komisija in uslužbenci komisije lahko v zvezi z zadevo, ki se vodi pred komisijo, opravljajo razgovore oziroma zbirajo informacije od oseb, ki bi lahko dale koristne informacije za razjasnitev okoliščin v tej zadevi, tudi izven seje ali izven prostorov komisije, če se oseba s tem strinja. Razgovori po tem odstavku se lahko zvočno snemajo samo s

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 to access 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 access or communicate data shall be taken by the Director-General of the Police, the State Prosecutor-General or the Government for the areas of the Police, state prosecution, and intelligence and security respectively.

(5) In the event that there are grounds for suspicion of corruption and, for the purpose of establishing factual indications of corruption under 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 Act governing the prevention of money laundering and terrorist financing. The office shall notify the Commission of its findings at the earliest opportunity.

(6) With regard to the matter before the Commission, the Commission and its employees may also conduct interviews or collect information from persons who could offer useful information to clarify the circumstances of the matter outside the session or outside the Commission premises if the relevant person agrees to this. Interviews

predhodnim pristankom osebe, s katero se opravlja razgovor. Če se oseba, s katero pooblaščen oseba opravlja razgovor, s tem strinja, lahko da svojo izjavo tudi na zapisnik, ki ga podpišeta pooblaščen oseba komisije in oseba, ki je dala izjavo. Elektronska kopija zvočnega posnetka postane del zapisnika oziroma spisa.

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.

under this paragraph may be audio-recorded only with the prior consent of the interviewed person. If the person interviewed by the authorised person agrees, the statement can also be made for the record signed by the authorised person of the Commission and the person who gave the statement. An electronic copy of the audio recording shall become part of the record or file.

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 employee 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 employee 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 employees employed by the Commission and shall act according to the instructions of the Chief Commissioner and their deputies.

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

17. člen
(neprofitne organizacije zasebnega sektorja)

(1) Komisija za uresničevanje namena tega zakona in za krepitev integritete sodeluje z neprofitnimi organizacijami zasebnega sektorja s področja dela komisije in sindikati.

(2) Komisija enkrat na leto objavi razpis za financiranje projektov neprofitnih organizacij zasebnega sektorja s področja dela komisije pri izvajanju nalog na področju usposabljanja, informiranja in osveščanja javnosti in organov javnega sektorja ter prenašanja dobrih praks na področju uresničevanja namena tega zakona.

(3) Sredstva za financiranje projektov iz prejšnjega odstavka se zagotavljajo v proračunu Republike Slovenije v okviru sredstev komisije.

4. Nadzor nad delom in poslovanjem komisije

18. člen
(obveščanje javnosti)

(1) Komisija namenja posebno pozornost rednemu, celovitemu in objektivnemu obveščanju splošne in strokovne javnosti o svojem delu, pri čemer ob interesu javnosti upošteva tudi varovanje integritete organa, interese postopkov pred komisijo in pred drugimi pristojnimi organi, zaščito prijaviteljev ter dostojanstvo in pravice oseb v postopkih komisije.

(2) Komisija poleg dokumentov iz šestega odstavka 11. člena tega zakona na svojih spletnih straneh objavlja informacije iz osmega odstavka 11. člena tega zakona, letna poročila in druge dokumente

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

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 Commission's areas of work and with trade unions.

(2) Once a year, the Commission shall publish a call for applications for the financing of projects run by non-profit private sector organisations in the Commission's areas of work in relation 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.

(3) Funds for the financing of projects referred to in the preceding paragraph shall be allocated in the budget of the Republic of Slovenia as part of the Commission's funds.

4. Supervision of the work and operation of the Commission

Article 18
(Informing the public)

(1) The Commission shall devote particular attention to regularly, comprehensively and objectively informing the general public and the expert community about its work, taking into consideration the public interest as well as the protection of the body's integrity, the interests of proceedings before the Commission and other competent authorities, the protection of reporting persons and the dignity and rights of persons involved in proceedings before the Commission.

(2) in addition to the documents referred to in paragraph six of Article 11 of this Act, the Commission shall publish on its website the information referred to in paragraph eight of Article 11 of this Act, its

splošne narave s področja integritete in transparentnosti, preprečevanja in omejevanja korupcije ter nasprotja interesov. Komisija na svojih spletnih straneh objavlja tudi sklice sej komisije in njihove zapisnike na način, da iz njih ni mogoče razbrati osebnih podatkov in podatkov, varovanih z določbami drugih zakonov.

(3) Objava podatkov, s katero bi bila lahko razkrita identiteta ali ogrožena varnost osebe, ki v dobri veri poda prijavo ali kako drugače sodeluje pri razkrivanju korupcije, ali podatkov, ki so bili pridobljeni zaradi postopka komisije in bi njihovo razkritje škodovalo njegovi izvedbi, ni dovoljena. Podatkov o osebi, ki je v dobri veri podala prijavo ali sodelovala pri razkrivanju korupcije, drugih nezakonitih ali neetičnih ravnanj, komisija brez njene osebne privolitve ne razkriva niti potrjuje.

(4) Komisija po končanem postopku iz prvega odstavka 13. člena tega zakona javnost obvesti tudi, kadar ni ugotovila kršitev tega zakona, kadar je javnost z uvedbo postopka že seznanjena.

(5) Podrobnejši način obveščanja javnosti komisija uredi v poslovniku.

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.

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

annual reports and other documents of general nature regarding integrity and transparency, the prevention and restriction of corruption and conflicts of interest. The Commission shall also publish on its website the convocations and minutes of its sessions so that personal data and data protected with the provisions of other Acts cannot be discerned.

(3) The publication of data that could reveal the identity or jeopardise the safety of a person who has made a report in good faith or is otherwise involved in the exposure of corruption, or data obtained due to a Commission procedure whose disclosure would harm the conduct of such a procedure is not permitted. Data on a person who has made a report in good faith or is involved in exposure of corruption or other illegal or unethical conduct shall not be disclosed or confirmed by the Commission without their personal consent.

(4) After the procedure referred to in paragraph one of Article 13 of this Act is completed, the Commission shall inform the public even when no violations of this Act were established if the public had already been made aware of the initiation of proceedings.

(5) The manner of informing the public shall be laid down in the Rules of Procedure.

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.

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 the decisions, findings and opinions related to the Commission's powers, this without giving information that might result in the identification of the natural and

ter odpravljanja nasprotja interesov.

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

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

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

(2) Predsednik komisije in namestnika predsednika komisije podatke o svojih obveznostih, povezanih s položajem funkcionarja po tem zakonu, vpišejo v uradne evidence komisije o podatkih o premoženjskem stanju, omejitvah poslovanja, prejetih darilih, nasprotju interesov in nezdružljivosti funkcije s pridobitno dejavnostjo. Predsednik komisije in oba namestnika predsednika komisije posredujejo podatke državnemu zboru na obrazcih, ki so predpisani s tem zakonom. O izpolnitvi navedenih obveznosti funkcionarji komisije obvestijo državni zbor v roku treh dni. Komisija obvestilo iz prejšnjega stavka objavi na svojih spletnih straneh.

(3) Ostale podatke, ki jih državni zbor potrebuje za izvedbo nadzora in za vodenje katerih ni pristojna komisija, državni zbor pridobi sam.

22. člen **(razrešitev komisije)**

legal persons concerned, 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)**

(1) 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, restrictions on operations, conflicts of interest and the incompatibility of holding office with the pursuit of gainful activity.

(2) The Chief Commissioner and both Deputy Commissioners shall enter the data on their obligations with regard to the office of the public office holder under this Act into the Commission's official records on assets, restrictions on operations, the acceptance of gifts, conflicts of interest and the incompatibility of holding office with the pursuit of gainful activity. The Chief Commissioner and both Deputy Commissioners shall submit the data to the National Assembly on the forms prescribed by this Act. The Commission officials shall inform the National Assembly of the fulfilment of these obligations within three days. The notification referred to in the preceding paragraph shall be published on the Commission's website.

(3) Other data that the National Assembly needs to conduct supervision and whose management does not fall within the Commission's remit shall be acquired by the National Assembly itself.

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

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

- če predsednik komisije ali namestnik predsednika komisije odstopi,
- če funkcije ne opravlja v skladu z ustavo in zakonom,
- če je s pravnomočno sodbo obsojen zaradi naklepnega kaznivega dejanja,
- zaradi trajne izgube delovne zmožnosti za opravljanje funkcije,
- če ne ravna v skladu s tretjim odstavkom 7. člena tega zakona.

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

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

(4) Če se ugotovi, da predsednik komisije ali namestnik predsednika komisije ne ravna v skladu s tretjim odstavkom 7. člena tega zakona, ga predsednik republike po pravnomočnosti odločitve o nezdržljivosti razreši na predlog državnega zbora. Državni zbor pri ugotavljanju nezdržljivega položaja predsednika in obeh namestnikov z drugimi funkcijami oziroma delom (drugi odstavek 7. člena tega zakona) smiselno uporablja določbe tega zakona, ki urejajo postopek in ukrepe komisije na področju nezdržljivosti.

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

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

- if the Chief Commissioner or a Deputy Commissioners resigns,
- if they fail to perform the duties of their office in accordance with the Constitution or an Act,
- if they have been convicted of a premeditated criminal offence by way of a final judgment,
- if they have permanently lost the capacity to perform the duties of their office,
- if they have failed to act in accordance with paragraph three of Article 7 of this Act.

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

(3) The President of the Republic may also relieve the Chief Commissioner or a Deputy Commissioner of their duties upon the proposal of the National Assembly if the Chief Commissioner or a Deputy Commissioner fails to perform the duties of their office in accordance with the Constitution or an Act.

(4) If it has been established that the Chief Commissioner or a Deputy Commissioner has failed to act in accordance with paragraph three of Article 7 of this Act, the President of the Republic shall relieve the Chief Commissioner or Deputy Commissioner of their duties upon the proposal of the National Assembly after the decision on incompatibility becomes final. In establishing the incompatibility of offices of the Chief Commissioner and both Deputy Commissioners with other offices or work (paragraph two of Article 7 of this Act), the National Assembly shall apply *mutatis mutandis* the provisions of this Act which govern the procedure and the measures of the Commission with regard to incompatibility.

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

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 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

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 they believe contains factual indications of corruption to the Commission or any other competent body. At the reporting person's request, the Commission and other competent 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 or she has provided with regard to the

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.

(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

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 or she 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 the 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) If, in connection with the report of corruption, the conditions for the protection of the reporting person or their 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 or she 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 or her 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

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.

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

fails to respond to the report in writing within five working days or if it is the responsible person himself or herself 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.

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 thereof.

(5) If a reporting person cites facts in a dispute that give grounds for the assumption that they have been subject to retaliation by the

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

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

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 thereof.

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

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 their 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 they 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

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 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

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 integrity. If a professional holder of public office wishes to obtain income from the body in which they hold 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 their 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

(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 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.

(Prohibition of membership and activities)

(1) A professional holder of public office may not be a member of or engaged in the 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 preceding paragraph nor engaged in management, supervision or representation activities in these entities if the duties of their office include the 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 their 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 their election or appointment or the approval of their mandate.

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

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 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 v zvezi s sprejemanjem daril v javnem sektorju)

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 their 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 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 their office under this Act 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 by holders of public office

Article 30
(Prohibition and limitations in the public sector relating to the acceptance of gifts)

(1) Uradne osebe ne smejo sprejemati daril ali drugih koristi (v nadaljnem besedilu: darila) v zvezi z opravljanjem svoje funkcije, ali javne službe, ali v zvezi s svojim položajem. Daril v zvezi z opravljanjem funkcije, ali javne službe, ali v zvezi s položajem uradne osebe ne smejo sprejemati tudi družinski člani uradne osebe.

(2) Ne glede na prejšnji odstavek lahko uradna oseba ali njen družinski član v imenu organa, pri katerem dela, sprejme protokolarno darilo, ki ne glede na vrednost postane last njenega delodajalca. Kot protokolarna se štejejo darila, ki jih dajo tuje ali domače pravne ali fizične osebe ob službenih dogodkih.

(3) Ne glede na prvi in drugi odstavek tega člena uradna oseba lahko sprejme darilo, ki se tradicionalno ali običajno izroča ob določenih dogodkih (kulturnih, slavnostnih, zaključkih izobraževanja, usposabljanja, ob praznikih ipd.) ali ob opravljanju diplomatskih aktivnosti, njegova vrednost pa ne sme presegati vrednosti 100 eurov, ne glede na obliko darila in število darovalcev istega darila.

(4) Če ne gre za darilo iz drugega ali tretjega odstavka tega člena, je uradna oseba dolžna darovalca opozoriti na prepoved sprejemanja daril in zavrniti ponujeno darilo, enako je dolžan zavrniti darilo tudi družinski član uradne osebe. Če darovalec pri darilu vztraja, je uradna oseba oziroma njen družinski član darilo dolžna izročiti delodajalcu uradne osebe.

(5) Ne glede na določbe tega člena uradna oseba ali njen družinski član ne sme sprejeti darila:

- če bi izročitev ali sprejem takega darila pomenila kaznivo dejanje;
- če je to prepovedano po drugem zakonu ali na njegovi podlagi izdanimi predpisi;
- če se kot darilo izročajo denar, vrednostni papirji, darilni boni in drage kovine;
- če bi sprejem darila vplival ali ustvaril videz, da vpliva, na nepristransko in objektivno opravljanje javnih nalog uradne osebe.

(6) Subjekt javnega sektorja vodi seznam prejetih daril, ki vsebuje podatke o vrsti in ocenjeni vrednosti darila, darovalcu in drugih

(1) An official person may not accept gifts or other benefits (hereinafter: gifts) in connection with the discharge of the duties of their office or public service or in connection with their position. The prohibition to accept gifts in connection with the discharge of office duties or public service or in connection with the position shall also apply to the family members of the official person.

(2) Notwithstanding the preceding paragraph, an official person or their family member may, on behalf of the body for which the official person works, accept a ceremonial gift which, regardless of its value, shall become the property of their employer. Ceremonial gifts are gifts gifted by foreign or Slovenian legal or natural persons at official events.

(3) Notwithstanding paragraphs one and two of this Article, an official person may accept a gift that is traditionally or commonly presented at specific events (cultural events, ceremonies, events marking the end of education or training programmes, holidays, etc.) or when carrying out diplomatic activities whose value does not exceed EUR 100, regardless of the type of gift and the number of persons presenting the same gift.

(4) If the gift concerned is not as specified in paragraph two or three of this Article, the official person shall be obliged to inform the giver of the prohibition to accept gifts and reject the offered gift; the family member of the official person shall be obliged to do the same. If the giver insists on giving the gift, the official person or their family member shall be obliged to hand over the gift to the employer of the official person.

(5) Notwithstanding the provisions of this Article, the official person or their family member may not accept the gift:

- if giving or accepting such a gift is considered a criminal offence;
- if this is prohibited in accordance with another Act or regulation issued on the basis thereof;
- if the gift constitutes cash, securities, gift vouchers or precious metals;
- if the acceptance of the gift influences or appears to influence the impartial and objective performance of the official person's public duties.

(6) A public sector entity shall keep a list of received gifts containing data on the type and estimated value of the gift, the giver and

okoliščinah izročitve darila. V seznam daril se vpisujejo podatki o darilih, katerih vrednost presega 50 eurov. Subjekt javnega sektorja je seznam daril za uradne osebe, njihove družinske člane in protokolarnih daril dolžan posredovati komisiji do 31. marca za preteklo leto prek elektronskega obrazca, dostopnega na spletnih straneh komisije.

(7) Način razpolaganja z darili, določanja vrednosti daril in vodenja seznama daril ter druga izvedbena vprašanja v zvezi z izvajanjem tega člena s pravilnikom določi minister, pristojen za sistemsko urejanje omejevanja korupcije.

(8) Določbe tega člena se ne uporabljajo za gospodarske družbe, v katerih ima večinski delež oziroma prevladujoč vpliv država ali lokalna skupnost, razen za tiste, ki so ustanovljene na podlagi zakona.

**31. člen
(črtan)**

**32. člen
(črtan)**

**33. člen
(črtan)**

**34. člen
(črtan)**

3. Omejitve poslovanja

**35. člen
(omejitve poslovanja in posledice kršitev)**

(1) Organ ali organizacija javnega sektorja, ki je zavezan

other gift-giving circumstances. The gift list shall include gifts with a value exceeding EUR 50. A public sector entity shall be obliged to submit the gift lists pertaining to official persons, their family members and ceremonial gifts to the Commission by 31 March for the previous year using an electronic form available on the Commission's website.

(7) The minister responsible for systemic regulation concerning the limitation of corruption shall adopt the rules defining the manner in which gifts are handled, the manner in which their value is determined, the manner in which the gift list is kept and other practical questions with regard to the implementation of this Article.

(8) The provisions of this Article shall not apply to companies in which the state or local communities are the controlling shareholders or have a prevailing influence, except those established on the basis of an Act.

**Article 31
(Deleted)**

**Article 32
(Deleted)**

**Article 33
(Deleted)**

**Article 34
(Deleted)**

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

postopek javnega naročanja voditi skladno s predpisi, ki urejajo javno 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 poslovodstva ali zakoniti zastopnik ali
- neposredno ali prek 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 drugega odstavka tega člena, ne velja za postopke oziroma druge načine pridobivanja sredstev, ki niso določeni v prvem odstavku tega člena, pod pogojem, da so pri tem spoštovane določbe tega ali drugega zakona o nasprotju interesov in o dolžnosti izogibanja temu nasprotju oziroma pod pogojem, da se funkcionar 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) Fizična ali odgovorna oseba poslovnega subjekta poda pisno izjavo o tem, da fizična oseba oziroma poslovni subjekt ni povezan s funkcionarjem in po njenem vedenju ni povezan z družinskim članom funkcionarja na način, določen v prvem odstavku tega člena. Izjava se

conducting a public procurement procedure in accordance with the 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 their family member has the following role:

- participating as a manager, member of management or legal representative or
- having more than a five percent 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 their family member as a natural person.

(3) The prohibition of operation within the scope detailed in paragraphs one and two of this Article shall not apply to other procedures or ways of obtaining funds that are not set out 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 complied with or that the holder of public office is excluded from all stages of decision-making on the performance and entering into of procedures or transactions. If the holder of public office or their 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) The natural or responsible person of a business entity shall give a written statement to the effect that the natural person or business entity is not associated with the holder of public office and, to their knowledge, is not associated with a family member of the holder of public

predloži v postopku podeljevanja koncesije, sklepanja javno-zasebnega partnerstva ali v postopku javnega naročanja, če ta ni bil izveden, pa pred sklenitvijo pogodbe z organom ali organizacijo javnega sektorja iz prvega odstavka tega člena.

(6) Če so podane okoliščine iz prvega odstavka tega člena, funkcionarji v enem mesecu po nastopu funkcije, nato pa najkasneje v osmih dneh po vsaki spremembi, organu ali organizaciji javnega sektorja, v katerem opravljajo funkcijo, pisno posredujejo:

- osebno ime,
- EMŠO,
- naslov stalnega bivališča,
- podatke o organu, pri katerem funkcionar opravlja funkcijo,
- datum nastopa in prenehanja omejitve,
- naziv, sedež, matično in davčno številko poslovnega subjekta,
- način udeležbe funkcionarja ali njegovih družinskih članov v poslovnem subjektu.

(7) Organ ali organizacija javnega sektorja podatke iz prejšnjega odstavka posreduje komisiji prek elektronskega obrazca, dostopnega na spletnih straneh komisije, najkasneje v 15 dneh od prejema podatkov oziroma spremembe podatkov. Komisija seznam poslovnih subjektov iz prejšnjega odstavka mesečno objavlja na svoji spletni strani. Poslovni subjekt, za katerega veljajo omejitve poslovanja po prenehanju funkcije, je še eno leto po prenehanju funkcije funkcionarja objavljen v seznamu omejitev poslovanja, ki ga vodi komisija.

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

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

36. člen

office in the manner prescribed in paragraph one of this Article. The statement shall be submitted in the procedure for granting concessions, upon entering a public-private partnership or in the public procurement procedure or, if the latter was not carried out, before concluding a contract with the public sector body or organisation referred to in paragraph one of this Article.

(6) If the circumstances from paragraph one of this Article occur, the holders of public office shall communicate to the public sector body or organisation in which they hold office within one month after taking office and thereafter no later than within eight days of any change occurring, the following:

- their personal name,
- their personal identification number (EMŠO),
- the address of their permanent residence,
- data on the body in which they hold office,
- the start and end dates of the restriction,
- the name, head office, registration number and tax identification number of the business entity,
- the manner of participation of the holder of public office or their family members in the business entity.

(7) The public sector body or organisation shall submit the data from the previous paragraph to the Commission using the electronic form available on the Commission's website within no later than 15 days of receiving the data or of any change thereto. The Commission shall publish the list of business entities referred to in the preceding paragraph on its website every month. The business entity subject to restrictions on operation after the termination of office shall be on the list of operation restrictions kept by the Commission for one year after the termination of the holder's office.

(8) The restrictions under the provisions of this Article shall not apply to operations based on contracts concluded prior to the holder of public office taking office.

(9) 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

(začasna prepoved poslovanja po prenehanju funkcije)

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

(2) Organ ali organizacija javnega sektorja, 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 prek drugih pravnih oseb v več kot pet odstotnem deležu udeležen pri ustanovitelskih pravicah, upravljanju oziroma kapitalu in s funkcionarjem kot fizično osebo.

(3) O primeru iz prvega odstavka tega člena organ ali organizacija javnega sektorja, 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 v zvezi s svojo službo ali funkcijo pozorna na vsako nasprotje interesov in se mu je dolžna izogniti.

(2) Uradna oseba, ki ob nastopu službe ali funkcije ali med njenim izvajanjem ugotovi obstoj okoliščin, ki bi lahko vplivale ali ustvarile videz, da vplivajo na nepristransko in objektivno opravljanje njenih javnih nalog, navedene okoliščine nemudoma razkrije neposredno nadrejenemu ali od njega pooblaščenim osebam.

(3) Uradna oseba svoje službe ali funkcije in informacij, ki jih pridobi pri opravljanju svoje funkcije oziroma službe, ne sme uporabiti za to, da bi sebi ali komu drugemu uresničila nedovoljen zasebni interes.

(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 public sector body or organisation in which the holder of public office held office until two years have elapsed from the termination of their office.

(2) The public sector body or organisation in which the holder of public office held office may not do business with an entity in which the former public office holder has more than a five percent share in the founders' rights, the management or capital and the public office holder as a natural person, either by direct participation or through the participation of other legal persons, until one year has elapsed from the termination of office.

(3) The public sector body or organisation 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 conflicts of interest)

(1) An official person shall pay due attention to any conflict of interest with regard to their post or office and shall be obliged to avoid such.

(2) An official person who, upon taking up a post or office or during the performance of the duties thereof, detects circumstances that could influence or could appear to influence the impartial and objective performance of their public duties, shall immediately disclose such circumstances to their immediate supervisor or their authorised person.

(3) An official person may not use their post or office or the information obtained during the performance of the duties of thereof, to advance their personal interests or the personal interests of another

38. člen
(način izogibanja nasprotju interesov)

(1) Uradna oseba mora takoj, ko ugotovi obstoj okoliščin nasprotja interesov, prenehati z delom v zadevi, razen če bi bilo nevarno odlašati, ter o izločitvi in okoliščinah nasprotja interesov najkasneje v roku treh delovnih dni pisno obvestiti svojega nadrejenega oziroma predstojnika.

(2) Nadrejena oseba oziroma predstojnik čim prej, najkasneje pa v petih dneh od prejema obvestila iz prejšnjega odstavka obrazloženo odloči, ali se uradno osebo izloči iz postopka obravnave in odločanja o zadevi, ali oseba nadaljuje z delom. Zoper to odločitev ni pravnega sredstva.

(3) Kadar je uradna oseba del kolektivnega organa, o njeni izločitvi v roku in na način iz prejšnjega odstavka odloči ta organ. Uradna oseba pri odločanju o lastni izločitvi ne sme sodelovati.

(4) Če nadrejena oseba oziroma predstojnik ali kolektivni organ odloči, da bo uradna oseba kljub nasprotju interesov nadaljevala z delom v zadevi, ji lahko da obvezujoče obrazložene usmeritve za ravnanje in odločanje, pri čemer mora zasledovati javni interes. Nadrejena oseba oziroma predstojnik ali kolektivni organ sprejeto odločitev v petih dneh po njenem sprejemu posreduje komisiji.

(5) Če nadrejena oseba oziroma predstojnik ali kolektivni organ o izločitvi ne odloči v roku iz drugega odstavka tega člena ali če uradna oseba nima nadrejene osebe oziroma predstojnika, uradna oseba o obstoju okoliščin nasprotja interesov v petih dneh obvesti komisijo. Komisija v petih dneh od prejema obvestila odloči o obstoju oziroma neobstoju nasprotja interesov in o načinu izoginitve nasprotju interesov.

person.

Article 38
(Manner of avoiding conflicts of interest)

(2) When an official person detects the circumstances of a conflict of interest, they shall immediately cease to perform any work with regard to the matter unless it would be dangerous to delay, and inform their superior or the person in charge of their exclusion and the circumstances of the conflict of interest in writing within no later than three working days.

(2) As soon as possible but no later than within five days of receiving the notification referred to in the preceding paragraph, the superior or the person in charge shall reach a reasoned decision on whether to exclude the official person from the consideration of and decision on the matter or let them continue their work. There shall be no legal remedy against this decision.

(3) When the official person is part of a collective body, their exclusion shall be decided by this body within the time limit and in the manner referred to in the preceding paragraph. The official person may not participate in the decision on their own exclusion.

(4) If the supervisor or the person in charge or the collective body decides that the official person shall continue working on the matter despite a conflict of interest, the official person may be given compulsory guidelines with explanations as to their conduct and decision-making while being obliged to pursue the public interest. The supervisor or the person in charge or the collective body shall inform the Commission of their decision within five days of its adoption.

(5) If the supervisor or the person in charge or the collective body fails to reach a decision on exclusion within the time limit referred to in paragraph two of this Article or if the official person has no superior or person in charge, the official person shall notify the Commission of the circumstances of the conflict of interest within five days. The Commission shall reach a decision on the existence or non-existence of a conflict of interest and the manner of avoiding it within five days of receiving the notification.

39. člen

(postopek ugotavljanja in posledice dejanskega nasprotja interesov)

(1) Če obstaja sum, da je pri uradnem ravnanju uradne osebe obstajalo dejansko nasprotje interesov, lahko komisija v roku dveh let od opravljenih uradnih dejanj uvede postopek ugotavljanja obstoja dejanskega nasprotja interesov in njegovih posledic.

(2) Če je na podlagi izvedenega postopka ugotovljen obstoj dejanskega nasprotja interesov, komisija z ugotovitvami v konkretnem primeru seznaní delodajalca uradne osebe in mu določi rok, v katerem jo je dolžan obvestiti o sprejetih ukrepih za odpravo posledic nasprotja interesov.

(3) Komisija lahko o ugotovitvah iz prejšnjega odstavka in o opustitvah ukrepov za dolžno izogibanje nasprotju interesov iz prejšnjega člena obvesti tudi nadzorni organ subjekta javnega sektorja, v okviru katerega deluje uradna oseba, in ga pozove, naj izvede ali odredi ukrepe za preprečitev ponovitve kršitve, glede na okoliščine konkretnega primera pa tudi ukrepe za uveljavljanje odgovornosti uradne osebe, njenega nadrejenega ali predstojnika.

40. člen

(veljavnost določb o nasprotju interesov)

(1) Določbe 37. do 39. člena tega zakona veljajo za vse uradne osebe po tem zakonu, razen kadar je izločitev uradne osebe urejena z zakonom, ki ureja kazenski postopek, z zakonom, ki ureja pravdni postopek, z zakonom, ki ureja splošni upravni postopek, ali z drugim zakonom, ki ureja izločitev iz odločanja v pravnem postopku.

(2) Določbe 37. do 39. člena tega zakona, ki veljajo za uradne osebe, se uporabljajo tudi za osebe, ki jih subjekt javnega sektorja imenuje kot zunanje člane komisij, sveta, delovnih skupin ali drugih

Article 39

(Procedure for establishing an actual conflict of interest and its consequences)

(1) In case of suspicion that an actual conflict of interest has arisen in the official conduct of an official person, the Commission may, within two years of the official conduct in question, initiate a procedure for establishing the existence of an actual conflict of interest and its consequences.

(2) If it is established, on the basis of the procedure carried out, that an actual conflict of interest has arisen, the Commission shall inform the official person's employer of its findings in the case in question and set the time limit by which the employer is obliged to inform the Commission of the measures taken to remedy the consequences of the conflict of interest.

(3) The Commission may also submit its findings referred to in the preceding paragraph and the lack of measures for due avoidance of a conflict of interest referred to in the preceding paragraph to the supervisory authority of the public sector entity in which the official person works and call upon it to implement or impose measures to prevent the violation from happening again and, based on the circumstances of the case in question, measures to establish the accountability of the official person, their superior or person in charge.

Article 40

(Application of provisions on the conflict of interest)

(1) The provisions of Articles 37 through 39 of this Act shall apply to all official persons under this Act, unless if the exclusion of an official person is regulated by the Act governing the criminal procedure, the Act governing the civil procedure, the Act governing the general administrative procedure or another Act governing exclusion from decision-making in legal proceedings.

(2) The provisions of Articles 37 through 39 of this Act applicable to official persons shall also apply to persons appointed as external members of committees, councils, working groups or other comparable

primerljivih teles, kadar ti opravljajo javne naloge oziroma naloge iz delovnega področja subjekta javnega sektorja.

V. NADZOR NAD PREMOŽENJSKIM STANJEM

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

(1) Zavezanci za prijavo premoženjskega stanja so poklicni funkcionarji, člani državnega sveta, nepoklicni župani in podžupani, uradniki na položaju, poslovodne osebe in člani organov nadzora v javnih podjetjih in gospodarskih družbah, v katerih imata država ali lokalna skupnost večinski delež ali prevladujoč vpliv, 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) Zavezanec mora najpozneje v enem mesecu po nastopu in po prenehanju funkcije ali dela komisiji sporočiti podatke o svojem premoženjskem stanju na dan nastopa oziroma prenehanja funkcije. Podatke o premoženjskem stanju morajo zavezanci komisiji sporočiti tudi leto dni po prenehanju funkcije ali dela.

(3) Ne glede na prejšnji odstavek osebe, odgovorne za javna naročila, komisiji sporočijo podatke o svojem premoženjskem stanju na dan 31. decembra do 31. januarja za preteklo leto, če so v preteklem koledarskem letu sodelovale v postopku javnega naročanja, kot je opredeljen v 10. točki 4. člena tega zakona.

(4) Organi ali organizacije javnega sektorja, pri katerih delujejo zavezanci, komisiji posredujejo seznam zavezancev za prijavo

bodies by a public sector entity when they perform public duties or duties within the remit of the public sector entity.

V. DECLARATION AND SUPERVISION OF ASSETS

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

(1) The persons obliged to declare assets are professional holders of public office, members of the National Council, non-professional mayors and deputy mayors, officials in a managerial position, managers and members of supervisory bodies in 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, persons responsible for public procurement, officials of the National Review Commission for Reviewing Public Procurement Procedures (hereinafter: the National Review Commission) and citizens of the Republic of Slovenia who hold office in EU institutions and 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 or the National Assembly and whose obligation to declare assets is not otherwise regulated by the documents of EU institutions or other EU bodies or other international institutions for which they perform duties.

(2) Within no later than one month after assuming office and after ceasing to hold the office or post, the person with obligations shall provide the Commission with data on their assets as at the date of assuming or termination of office. Persons with obligations shall also communicate the data on their assets to the Commission a year after ceasing to hold the office or post.

(3) Notwithstanding the preceding paragraph, persons responsible for public procurement shall provide the Commission with data on their assets as at 31 December by 31 January for the previous year if, in the previous calendar year, they participated in a public procurement procedure as laid down in point 10 of Article 4 of this Act.

(4) Public sector bodies or organisations in which persons with obligations work shall communicate the list of persons obliged to declare

premoženjskega stanja v 30 dneh po vsaki spremembi. Naročniki, ki poslujejo po predpisih, ki urejajo javno naročanje, komisiji posredujejo seznam zavezancev do 31. januarja za preteklo leto. 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 posreduje vlada oziroma državni zbor. Seznami vsebujejo naslednje podatke zavezancev: osebno ime, EMŠO, davčno številko zavezanca, funkcijo oziroma položaj, datum nastopa oziroma prenehanja funkcije oziroma položaja in naslov stalnega bivališča.

(5) Sporočanje podatkov o premoženjskem stanju in posredovanje seznama zavezancev se izvede prek elektronskega obrazca, dostopnega na spletnih straneh komisije.

42. člen (podatki o premoženjskem stanju)

(1) Zavezanec mora na obrazcu za prijavo premoženjskega stanja navesti naslednje osebne podatke:

- osebno ime,
- EMŠO,
- naslov stalnega prebivališča,
- davčno številko,
- podatke o funkciji oziroma delu, ki ga opravlja in na podlagi katerega ima status zavezanca,
- podatke o funkciji ali delu, ki ga je opravljal neposredno, preden je postal zavezanec, in
- podatke o drugih funkcijah oziroma dejavnostih, ki jih opravlja.

(2) Zavezanec mora na obrazcu za prijavo premoženjskega stanja navesti naslednje podatke o premoženju v Republiki Sloveniji in tujini:

- podatke o nepremičninah: vrsta, velikost, leto izgradnje, katastrska občina, lastniški delež, parcelna številka, številka stavbe in številka posameznega dela stavbe,
- podatke o pravicah na nepremičninah in drugih premoženjskih

assets within 30 days of any change occurring. Contracting authorities that operate in accordance with regulations on public procurement shall communicate the list of persons with obligations by 31 January for the previous year. Data on the citizens of the Republic of Slovenia who hold office in EU institutions and 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 or the National Assembly shall be communicated to the Commission by the Government or the National Assembly. These lists shall include the following information: the personal name, personal registration number (EMŠO), tax ID number of the person with obligations, their office or position, the date of taking or ceasing to hold office or position and the address of their permanent residence.

(5) Data on assets and the list of the persons with obligations shall be communicated by way of an electronic form, which is available on the Commission's website.

Article 42 (Data on assets)

(1) A person with obligations shall provide the following personal data in the form for the declaration of assets:

- their personal name,
- their personal registration number (EMŠO),
- the address of their permanent residence,
- their tax ID number,
- data on the office held or the work performed that is the basis for their obligations,
- data on the office held or the work performed immediately before becoming a person with obligations, and
- data on any other office held or activities performed.

(2) The person with obligations shall provide the following data on assets in the Republic of Slovenia and abroad in the asset declaration form:

- data on immovable property: type, size, year of construction, cadastral municipality, ownership share, plot number, building number and the number of the part of the building,
- data on rights on immovable property and other property rights,

- pravicah,
- podatke o premičninah, če vrednost posamezne premičnine presega 10.000 eurov,
- podatke o denarnih sredstvih pri bankah, hranilnicah in hranilno – kreditnih službah, če skupna vrednost sredstev na računih presega 10.000 eurov,
- podatke o skupni vrednosti gotovine, če ta presega 10.000 eurov,
- podatke o lastništvu oziroma deležih, delnicah, katerih skupna vrednost presega 10.000 eurov, in upravljavskih pravicah v gospodarski družbi ali drugem subjektu zasebnega prava z navedbo firme pravne osebe ali naziva subjekta ter podatke o vrstah in vrednosti vrednostnih papirjev, če njihova skupna vrednost presega 10.000 eurov,
- podatke o dolgovih, obveznostih oziroma prevzetih jamstvih in danih posojilih, katerih vrednost presega 10.000 eurov, in
- druge podatke v zvezi s premoženjskim stanjem, ki jih zavezanec želi sporočiti ali jih določa ta zakon.

(3) Zavezanec sporoči podatke o premoženju iz prve do sedme alineje prejšnjega odstavka, če je pravni lastnik prijavljenih enot premoženja. Dejansko lastništvo in deleže skupnega lastništva v posamezni enoti prijavljenega premoženja zavezanec navede v okviru osme alineje prejšnjega odstavka.

43. člen

(dolžnost sporočanja sprememb premoženjskega stanja)

(1) Zavezanec mora komisiji vsako spremembo osebnih podatkov iz prve, pete in sedme alineje prvega odstavka prejšnjega člena sporočiti v roku 30 dni po nastanku spremembe, vsako spremembo v premoženjskem stanju pa najkasneje do 31. januarja v naslednjem letu po nastanku spremembe. Pri enotah premoženja, ki se skladno z drugim odstavkom prejšnjega člena prijavi le, če presega določeno vrednost, je zavezanec kot spremembo dolžan prijaviti povečanje premoženja, s katerim doseže prag za prijavo posamezne vrste premoženja, pri že prijavljenih enotah premoženja pa sporoči spremembo, ko se premoženje poveča ali zmanjša za več kot 10.000 eurov.

(2) Sporočanje sprememb premoženjskega stanja se izvede

- data on movable property the value of which exceeds EUR 10,000,
- data on monetary assets deposited in banks, savings banks, and savings and loan undertakings if the total account balance exceeds EUR 10,000,
- data on the total value of cash held if this exceeds EUR 10,000 in value,
- data on ownership or stakes and shares, if their total value exceeds EUR 10,000, and management rights in a company or other private-law entity, with the designation of the registered name of the legal person or the name of the entity and data on the types and values of securities if their total value exceeds EUR 10,000,
- data on debts, obligations, or assumed guarantees and granted loans if their value exceeds EUR 10,000, and
- any other data in relation to assets that the person with obligations wishes to provide or that is prescribed by this Act.

(3) The person with obligations shall communicate the data on assets from indents one through seven of the preceding paragraph if they are the legal owner of the individual assets declared. Actual ownership and shares in the total ownership of a particular asset declared shall be provided under indent eight of the preceding paragraph.

Section 43

(Obligation to provide information on any change in assets)

(1) The person with obligations shall communicate any change in the personal data referred to in indents one, five and seven of paragraph one of the preceding Article within 30 days of any change that occurred, and any change in assets by 31 January the year following the change that occurred. As regards changes in individual assets that are declared only if they exceed a certain value pursuant to paragraph two of the preceding Article, the person with obligations shall declare an increase in assets achieving the threshold for declaring a particular type of asset; as regards previously declared individual assets, a change shall be communicated when the assets increase or decrease by more than EUR 10,000.

(2) Any changes in assets shall be communicated by means of

prek elektronskega obrazca, dostopnega na spletnih straneh komisije. Obrazec za sporočanje sprememb premoženjskega stanja obsega tudi možnost navedbe razloga za povečanje ali zmanjšanje premoženja.

(3) Komisija lahko kadarkoli od zavezanca zahteva, da ji predloži celovite podatke iz prvega in drugega odstavka prejšnjega člena. Zavezanec mora komisiji te podatke predložiti v 15 dneh po prejemu zahteve.

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.

(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.

44.a člen

(nadzor nad premoženjskim stanjem in ugotavljanje nesorazmernega povečanja premoženja)

(1) Komisija nadzoruje pravilnost, pravočasnost in popolnost prijave podatkov o premoženjskem stanju in sprememb tega stanja. Komisija v primeru suma kršitev dolžnosti prijave premoženjskega stanja in suma nesorazmernega povečanja premoženja prijavljene podatke zavezancev o premoženjskem stanju primerja s podatki, ki jih pridobi na podlagi zahteve po 16. členu tega zakona.

an electronic form which is available on the Commission's website. The form in which changes in assets are communicated also includes the possibility of stating the reason for the increase or decrease in assets.

(3) The Commission may at any time request the person with obligations to submit the comprehensive data referred to in paragraphs one and two of the preceding Article. The person with obligations shall submit such data within 15 days 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 or her 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 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 44a

(Supervision of assets and establishing a disproportionate increase in assets)

(1) The Commission shall supervise the accuracy, timeliness and completeness of asset declaration data and any changes therein. In the event of a suspected breach of the duty to declare assets and suspected disproportionate increase in assets, the Commission shall compare the declared asset data of persons with obligations to the data obtained on the basis of the request under Article 16 of this Act.

(2) Če komisija na podlagi primerjave podatkov iz prejšnjega odstavka ugotovi neskladje, zahteva od zavezanca, da v roku 15 dni pisno pojasni neskladje in priloži ustrezna dokazila, lahko pa z zavezancem zaradi razjasnitve dejanskega stanja opravi razgovor.

(3) Če iz podatkov, pridobljenih v postopku iz tega člena, ali iz drugih podatkov, pridobljenih po tem zakonu, izhaja sum, 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 da vrednost njegovega dejanskega premoženja, ki je osnova za odmero davčnih obveznosti, znatno presega prijavljeno premoženje (nesorazmerno povečanje premoženja), ali da zavezanec razpolaga s premoženjem neznanega izvora, komisija izvede postopek zaradi suma nesorazmernega povečanja premoženja. V okviru ugotavljanja dejanskega stanja lahko komisija organom pregona in nadzora, vključno z organom, pristojnim za preprečevanje pranja denarja, poda pobudo, da v okviru svojih pristojnosti ugotovijo dejansko stanje glede premoženja in lastništva v Republiki Sloveniji in v tujini in ugotovitve posredujejo komisiji.

(4) Komisija pripravi osnutek ugotovitev o konkretnem primeru, ki vsebuje seznam premoženja, ki po ugotovitvah komisije presega prijavljeno premoženje, uradne znane prihodke zavezanca ali za katerega komisija v postopku ni mogla ugotoviti vira oziroma izvora. Ta osnutek komisija pošlje zavezancu in ga pozove, naj v roku, ki ga komisija določi glede na okoliščine obravnavane kršitve, vendar ne krajšem od osmih dni, pisno pojasni način povečanja ali vire premoženja in priloži ustrezna dokazila. Komisija lahko na svojo pobudo ali na predlog zavezanca v zvezi s tem z zavezancem opravi razgovor.

(5) Če zavezanec ne pojasni načina povečanja ali virov premoženja oziroma tega ne stori na prepričljiv, verodostojen in razumljiv način, komisija ravna skladno s 45. členom tega zakona.

(6) Če komisija med postopkom oceni, da obstaja utemeljena

(2) If, based on the comparison of data referred to in the preceding paragraph, the Commission finds an inconsistency, it shall require the person with obligations to provide a written explanation for the inconsistency within 15 days, enclosing the appropriate proof, or conduct an interview with the person with obligations to clarify the actual facts.

(3) If the data obtained in the procedure referred to in this Article or other data obtained under this Act gives rise to a suspicion that, since the last declaration, the assets of the person with obligations have increased disproportionately compared to their income derived from their duties of office or an activity performed 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 (a disproportionate increase in assets) or that the person with obligations possesses assets of unknown origin, the Commission shall initiate proceedings for suspected disproportionate increase in assets. In establishing the facts, the Commission may propose to law enforcement and supervision authorities, including the authority responsible for the prevention of money laundering, 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.

(4) The Commission shall prepare draft findings on a specific case containing a list of assets that, according to the Commission's findings, exceed the value of declared assets, the officially known income of the person with obligations or assets whose source or origin could not be established. This draft shall be sent to the person with obligations, calling upon them to provide, within a time limit set by the Commission based on the circumstances of the violation under consideration, but not shorter than eight days, a written explanation for the manner of increase in or the origin of assets and enclose the appropriate proof. On its own initiative or at the proposal of the person with obligations, the Commission may conduct an interview with said person with regard thereto.

(5) If the person with obligations fails to explain the manner of increase in or the origin of assets or fails to do it convincingly, credibly and clearly, the Commission shall act in accordance with Article 45 of this Act.

(6) If, in the course of the procedure, the Commission estimates

nevarnost, da bo zavezanec s premoženjem neznanega oziroma nepojasnjene izvora razpolagal, ga skrnil ali odtujil, lahko državnemu tožilstvu ali pristojnemu organu s področja preprečevanja pranja denarja ali finančnega nadzora predlaga, naj 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. Komisija v predlogu posreduje vse zbrane podatke, ki so potrebni za izvajanje zakonskih pristojnosti organov iz prejšnjega stavka.

(7) Državno tožilstvo ali drug organ iz prejšnjega odstavka mora komisiji najpozneje v roku 72 ur pisno sporočiti, katere ukrepe je sprejel, ali obrazložiti, zakaj ne bo ukrepal.

(8) Zavezanec je subjekt nadzora po tem členu za čas opravljanja funkcije, položaja ali dela in še eno leto po prenehanju funkcije, položaja ali dela.

44.b člen (razširitev nadzora na druge osebe)

(1) Če se v postopkih iz prejšnjega člena izkaže sum, da zavezanec svoje premoženje prikriva s prenašanjem na družinske člane ali da te osebe od tretjih oseb neposredno pridobivajo enote premoženja, ki na kakršen koli način izvirajo iz funkcije ali dela zavezanca, lahko komisija razširi nadzor tudi na premoženjsko stanje družinskih članov zavezanca. Sum iz prejšnjega stavka obstaja zlasti, kadar je iz pridobljenih podatkov razvidno prenašanje premoženja na družinske člane, kadar odhodki zavezanca znatno presegajo njegove uradno znane prihodke ali kadar podatki kažejo, da zavezancu druge osebe krijejo pomemben del življenjskih stroškov.

(2) Za postopek nadzora nad premoženjskim stanjem oseb iz prejšnjega odstavka se smiselno uporabljajo določbe prejšnjega člena.

that there is a reasonable risk that the person with obligations will dispose of, conceal or appropriate the assets of unknown or unexplained origin, it may propose that the State Prosecutor's Office or the competent authority in the field of money laundering prevention 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. In its proposal, the Commission shall submit all the collected data necessary for the bodies referred to in the preceding paragraph to act within their legal powers.

(7) 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 or provide reasons for not taking action no later than within 72 hours.

(8) The person with obligations shall be the subject of supervision under this Article for the duration of their term in office, position or work and another year after the termination of their office, position or work.

Article 44b (Extension of supervision to other persons)

(1) If the procedures referred to in the preceding Article give rise to suspicions that the person with obligations is concealing assets by transferring them to their family members or that these persons acquire indirectly from third parties individual assets that in any way originate from the office or work of the person with obligations, the Commission may extend supervision to the assets of the family members of the person with obligations. The suspicion referred to in the preceding sentence arises particularly when the obtained data suggests the transfer of assets to family members, when the expenditure of the person with obligations significantly exceeds their officially known income or when the data suggests that a significant portion of their living expenses is covered by other persons.

2) The procedure of supervision of the assets of persons referred to in the preceding paragraph shall be governed *mutatis mutandis* by the provisions of the previous Article.

45. člen

(ukrepi v primeru nesorazmernega povečanja premoženja)

(1) Če na podlagi obvestila pristojnega organa zavezanec v postopku iz 44.a člena tega zakona ne pojasni načina povečanja premoženja, virov premoženja ali razlike med dejanskim in prijavljenim premoženjem ali tega ne stori na prepričljiv, verodostojen in razumljiv način, komisija zadevo z vsemi zbranimi podatki nemudoma odstopi državnemu tožilstvu zaradi preverbe možnosti ukrepanja po zakonu, ki ureja odvzem premoženja nezakonitega izvora, ali pristojnemu organu s področja davkov zaradi preverbe možnosti ukrepanja po davčnih predpisih. Komisija lahko, če na podlagi obvestila pristojnega organa ugotovi, da s tem ne bi ogrozila interesov postopkov drugih pristojnih organov, o tem obvesti tudi organ ali organizacijo javnega sektorja, pri katerem zavezanec opravlja funkcijo ali delo, oziroma organ, pristojen za izvolitev ali imenovanje zavezanca.

(2) Organ ali organizacija javnega sektorja, pri katerem zavezanec opravlja funkcijo, na katero je bil imenovan, ali delo, oziroma organ, pristojen za izvolitev ali imenovanje zavezanca, mora na podlagi obvestila komisije iz prejšnjega odstavka, v skladu z ustavo in zakonom začeti postopek za prenehanje mandata, za razrešitev ali za uveljavljanje druge oblike odgovornosti zavezanca in v roku treh mesecev od prejema obvestila o tem obvesti komisijo.

(3) Državno tožilstvo, ki prejme zadevo iz prvega odstavka tega člena, obvesti komisijo o odločitvah in ukrepih po zaključku postopka.

46. člen

(javnost podatkov za določen krog zavezancev)

(1) Z namenom krepitve transparentnosti in zaupanja javnosti v nosilce javnih funkcij so podatki o spremembah premoženjskega stanja

Article 45

(Measures in the event of a disproportionate increase in assets)

(1) If, based on the notification of the competent body, the person with obligations in the procedure referred to in Article 44a of this Act fails to explain the manner of increase in assets, the origin of assets or the difference between actual and declared assets or fails to do so convincingly, credibly and clearly, the Commission shall immediately refer the matter with all the collected data to the State Prosecutor's Office to examine the possibility of taking action according to the Act governing the seizure of assets of illegal origin or to the competent tax body to examine the possibility of taking action according to tax regulations. The Commission may also, if it establishes based on the notification of the competent body that this would not jeopardise the interests of proceedings before other competent bodies, notify the public sector body or organisation 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.

(2) The public sector body or organisation in which the person with obligations holds office to which they were appointed or performs work or the body responsible for their election or appointment must, on the basis of the notification referred to in the preceding paragraph, in accordance with the Constitution and the relevant Act, initiate a procedure for the termination of the term of office or dismissal or other ways of holding the person with obligations accountable, notifying the Commission thereof within three months from receiving the notification.

(3) The State Prosecutor's Office that receives the matter referred to in paragraph one of this Article shall notify the Commission of its decisions and measures after the procedure has concluded.

Article 46

(Public availability of data for a particular group of persons with obligations)

(1) In order to strengthen transparency and public trust in the holders of public office, the data on asset changes of National Assembly

poslancev državnega zbora, predsednika državnega sveta, predsednika republike, predsednika vlade, ministrov, državnih sekretarjev, poklicnih in nepoklicnih županov in podžupanov, članov sveta Banke Slovenije, funkcionarjev samostojnih in neodvisnih državnih organov, ki opravljajo naloge predstojnika organa ali njegovega namestnika ter sodnikov ustavnega sodišča javno dostopni na spletnih straneh komisije ves čas trajanja njihovega mandata in še eno leto po prenehanju opravljanja funkcije.

(2) Javna objava iz prejšnjega odstavka zajema podatke, ki jih je zavezanec posredoval prek elektronskega obrazca iz drugega odstavka 43. člena tega zakona. Komisija lahko ob objavi obrazca objavi tudi svoje ugotovitve o pravilnosti, popolnosti in pravočasnosti poročanja iz prvega odstavka 44.a člena tega zakona.

(3) Komisija podatke javno objavi najkasneje 30 dni po prejeti prijavi spremembe premoženjskega stanja.

(4) Podatki o premoženjskem stanju in spremembah premoženjskega stanja drugih zavezancev niso informacija javnega značaja.

(5) Podrobnejšo metodologijo za javno objavo podatkov komisija določi s poslovnikom.

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 izrazito izpostavljeno tveganjem za

deputies, the President of the National Council, the President of the Republic, the Prime Minister, ministries, state secretaries, professional and non-professional mayors and deputy mayors, members of the Governing Board of the Bank of Slovenia, holders of public office in independent and autonomous state bodies performing the duties of supervisors or their deputies and Constitutional Court judges shall be publicly available on the Commission's website for the entire duration of their term and another year after the termination of office.

(2) The publication referred to in the preceding paragraph shall encompass the data submitted by the person with obligations via the electronic form referred to in paragraph two of Article 43 of this Act. In addition to the form, the Commission may also publish its findings on the accuracy, completeness and timeliness of the declaration referred to in paragraph one of Article 44a of this Act.

(3) The Commission shall publish the data within no later than 30 days after receiving the asset declaration changes.

(4) The data on assets and changes thereto of other persons with obligations shall not be considered information of a public nature.

(5) A detailed methodology for the publication of data shall be laid down by the Commission in its Rules of Procedure.

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

korupcijo ali drugim oblikam protipravnega ravnanja, lahko komisija izda 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 izdelava, 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

the public interest and disposal of public assets, it may issue a decision 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, 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

ob uporabi določbe drugega odstavka 47. člena tega zakona, izdela 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

provision of paragraph one of Article 47 of this Act, the Commission may carry out an integrity assessment 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

komisija daje predloge za sprejem in spremembo predpisov ter usmeritve 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.

paragraph, the Commission may make proposals for the adoption of and 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.

54. člen
(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 lobist)

(1) Lobiranje lahko opravljajo samo registrirani lobisti, razen

Article 54
(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

izjem, določenih v četrtem odstavku 58. člena tega zakona.

(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)

lobbyists, with the exception of the persons listed in paragraph four of Article 58 of this Act.

(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 in the register)

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

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

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.

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 obnovev 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

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

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 the entry data)

(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

ne posreduje podatkov, se njegova vloga za vpis v register zavrže.

62. člen (izbris iz registra)

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 naklepne 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.

(3) Komisiji o lobiranju pisno, prek elektronskega obrazca, dostopnega na spletnih straneh komisije, sproti ali najkasneje do 31. januarja tekočega leta za preteklo leto poroča tudi interesna organizacija, za katero lobira oseba iz četrtega odstavka 58. člena tega

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)

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 they have 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 they no longer meet the criteria for entry into the register;
- if they state in writing that they no longer wish 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 their 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.

(3) The interest group for which the person referred to in paragraph four of Article 58 of this Act lobbies shall also report to the Commission on lobbying using the electronic form available on the Commission's website, either regularly or by 31 January of the current year

zakona. Poročilo vsebuje ime in priimek lobista ter podatke iz četrte, pete in šeste alineje 64. člena tega zakona.

(4) Ne glede na določbe prejšnjega odstavka neprofitna interesna organizacija zasebnega sektorja, ki nima zaposlenih, o lobiranju ne poroča.

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 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.

for the previous year at the latest. The report shall contain the lobbyist's name and surname and the information referred to in indents four, five and six of Article 64 of this Act.

(4) Notwithstanding the provisions of the preceding paragraph, a non-profit private sector interest group without employees shall not report on lobbying.

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 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;
- 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.

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.

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)

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. 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 lobbied person 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 they have 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) Lobist se pri izvajanju lobiranja lahko sestaja z lobirancem ali mu posreduje pisne in ustne informacije ter gradivo v zadevah, v katerih lobira za interesne organizacije. Pri tem mora navesti podatke iz drugega odstavka tega člena in prvega odstavka 69. člena tega zakona.

(2) Lobiranec o vsakem stiku z lobistom, ki ima namen lobirati, sestavi zapis, v katerem navede naslednje podatke: osebno ime lobista, podatek, ali se je identificiral v skladu z določbami tega zakona, področje lobiranja, namen in cilj, ime interesne organizacije ali druge organizacije, za katero lobira, morebitne priloge ter datum in kraj obiska lobista. Lobiranec zapis posreduje v roku osmih dni v vednost svojemu nadrejenemu in komisiji. Obveznost izdelave zapisa za lobirance velja tudi v primeru stikov iz tretjega odstavka 69. člena tega zakona. Komisija zapise hrani za dobo petih let.

(3) Ne glede na prejšnji odstavek lobiranec ne sestavi zapisa v primeru poskusa vzpostavitve stika v pisni obliki, ki ne vsebuje vseh podatkov iz prvega odstavka 69. člena tega zakona, ter če ta dopis nemudoma in brez nadaljnjih stikov s pošiljateljem evidentira v zbirki dokumentarnega gradiva.

(4) Ne glede na drugi odstavek tega člena v primeru elektronskega sporočila, naslovljenega na več predstavnikov istega organa, o takem sporočilu poroča le prvo naslovljeni lobiranec ter o tem obvesti tudi ostale naslovnike.

(5) Komisija lahko od lobiranca zahteva, da v osmih dneh dopolni zapis lobiranja, če ugotovi, da je zapis glede predpisanih podatkov pomanjkljiv.

(6) Sporočanje zapisov o stiku z lobistom se izvede prek elektronskega obrazca, dostopnega na spletnih straneh komisije.

69. člen

(1) In carrying out lobbying activities, a lobbyist may meet the persons lobbied or submit to them any verbal or written information and material on matters in which the lobbyist carries out lobbying activities for interest groups. In so doing, they must provide the data referred to in paragraph two of this Article and paragraph one of Article 69 of this Act.

(2) At every contact with the lobbyist who intends to carry out lobbying activities, the person lobbied shall make a record containing the following data: the lobbyist's personal name, information on whether the lobbyist has identified himself or herself in accordance with the provisions of this Act, the area of lobbying, the purpose and aim, the name of the interest group or any other organisation for which the lobbyist is lobbying, any enclosures and the date and place of the lobbyist's visit. The person lobbied shall forward a copy of the record to their superior and the Commission within eight days. The obligation of persons lobbied to keep a record shall also apply in the event of contact referred to in paragraph three of Article 69 of this Act. The Commission shall keep lobbying records for a period of five years.

(3) Notwithstanding the preceding paragraph, the person lobbied shall not keep a record if an attempt at contact was made in writing and does not contain all the data referred to in paragraph one of Article 69 of this Act and if this letter is immediately and without any further contact with the sender entered in the documentary records archive.

(4) Notwithstanding paragraph two of this Article, in case of an email addressed to several representatives of the same body, only the first addressee lobbied shall report such a message and notify the other addressees thereof.

(5) The Commission may require the person lobbied to supplement the record of lobbying within eight days if it establishes that the record is missing any prescribed data.

(6) Records of contact with lobbyists shall be submitted by means of an electronic form, which is available on the Commission's website.

Article 69

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

(The lobbyist's duty of identification)

(1) A lobbyist shall show to the persons lobbied their 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 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) 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 prijaviteljo 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 prijavitelj oseba da pisno ali ustno na zapisnik pred komisijo.

(3) Resničnost podatkov iz prijave in izjave lobista ali prijavitelje 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 mesecev in ne daljši od 24 mesecev,
- izbris iz registra.

(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 the 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 they have given false information in the report:

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

(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.

75.a člen

(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 the operation of the public sector, preventing corruption and conflicts of interest, supervising assets and the acceptance of gifts, and keeping the record of lobbyists.

Article 75a

(pridobivanje, uporaba, obdelava in povezovanje podatkov o denarnih tokovih subjektov javnega sektorja)

(1) Za namen izvajanja sedme alineje prvega odstavka 12. člena tega zakona ter izvajanja ukrepov in metod za krepitev integritete in preprečevanje korupcije lahko komisija brezplačno in kadar je to mogoče, avtomatizirano pridobiva, uporablja, obdeluje in povezuje podatke iz naslednjih evidenc:

1. zbirke finančnih transakcij s podatki iz plačilnih nalogov v breme transakcijskih računov subjektov javnega sektorja, ki jih upravlja Uprava Republike Slovenije za javna plačila,
2. analitične računovodske evidence subjektov javnega sektorja v zvezi z obveznostmi in plačilnimi transakcijami subjektov javnega sektorja, ki jih upravljajo Ministrstvo za finance in ostali subjekti javnega sektorja,
3. evidenco prejetih e-računov, kot jih predpisuje zakon, ki ureja opravljanje plačilnih storitev za proračunske uporabnike,
4. poslovni register, sodni register, register transakcijskih računov, register dejanskih lastnikov in zbirka letnih poročil poslovnih subjektov, ki jih vodi oziroma objavlja Agencija Republike Slovenije za javnopravne evidence in storitve (v nadaljnjem besedilu: Ajpes),
5. zbirka objav v postopkih zaradi insolventnosti, ki jo vodi Vrhovno sodišče Republike Slovenije in jo na svojih spletnih straneh objavlja Ajpes,
6. centralne registre centralnih depotnih družb, kot jih določa zakon, ki ureja nematerializirane vrednostne papirje,
7. portala javnih naročil, ki ga upravlja ministrstvo, pristojno za javna naročila,
8. evidence gotovinskih transakcij in nakazil v tvegane države, ki jo upravlja Urad Republike Slovenije za preprečevanje pranja denarja,
9. evidence stvarnega premoženja subjektov javnega sektorja, kot jih določa zakon, ki ureja stvarno premoženje države in samoupravnih lokalnih skupnosti in jih upravljajo Ministrstvo za javno upravo, lokalne skupnosti in drugi subjekti javnega sektorja,
10. evidence trga nepremičnin, ki jo upravlja Geodetska uprava Republike Slovenije v delu, ki se nanaša na posle, v katerih v kakršnikoli vlogi nastopa Republika Slovenija ali lokalna skupnost, ter v delu, ki se nanaša na posle, v katerih kot kupec ali prodajalec nastopa subjekt javnega sektorja,

(Obtaining, using, processing and linking data on the cash flows of public sector entities)

(1) For the purpose of indent seven of paragraph one of Article 12 of this Act and the implementation of measures and methods to strengthen integrity and prevent corruption, the Commission may, free of charge and when possible, automatically obtain, use, process and link data from the following records:

1. records of financial transactions with data from payment orders debited against the current accounts of public sector entities managed by the Public Payments Administration of the Republic of Slovenia,
2. analytical accounting records of public sector entities concerning the obligations and payment transactions of public sector entities managed by the Ministry of Finance and other public sector entities,
3. records of received e-invoices as prescribed by the Act governing the provision of payment services for budget users,
4. the business register, the register of companies, the current account register, the register of actual owners and the database of annual reports of business entities managed or published by the Agency of the Republic of Slovenia for Public Legal Records and Related Services (hereinafter: AJPES),
5. the database of publications with regard to insolvency proceedings managed by the Supreme Court of the Republic of Slovenia and published on the AJPES website,
6. central registers of central securities depositories as prescribed by the Act governing book-entry securities,
7. the public procurement portal managed by the ministry responsible for public procurement,
8. records of cash transactions and transfers to high-risk countries managed by the Office of the Republic of Slovenia for Money Laundering Prevention,
9. records of the tangible assets of public sector entities as prescribed by the Act governing the physical assets of the state and self-governing local communities and managed by the Ministry of Public Administration, local communities and other public sector entities,
10. the property sales register managed by the Surveying and Mapping Authority of the Republic of Slovenia in the part pertaining to transactions involving the Republic of Slovenia or a local community in any role and the part pertaining to transactions involving a public sector entity as the buyer or seller,

11. druge evidence, ki ne vsebujejo osebnih podatkov ali katerih javnost predpisujejo posebni predpisi, če z njimi ni predpisana posebna ureditev njihovega dostopa ali uporabe.

(2) Iz evidence iz prve točke prejšnjega odstavka komisija od upravljavcev zbirk pridobiva naslednje podatke:

- datum plačila, znesek in šifra valute,
- račun obremenitve, naziv nalogodajalca, naslov nalogodajalca, kraj nalogodajalca,
- model reference obremenitve in referenca obremenitve,
- namen transakcije vključno z osebnimi podatki in koda namena,
- račun odobritve vključno z osebnimi podatki,
- naziv prejemnika vključno z osebnimi podatki, kraj prejemnika in država prejemnika,
- model reference odobritve in referenca odobritve vključno z osebnimi podatki,
- identifikator e-računa.

(3) Iz evidence iz druge točke prvega odstavka tega člena in v zvezi z njo, komisija od upravljavcev zbirk pridobiva naslednje podatke:

- vsakokrat veljavnem kontnem načrtu,
- datumu poslovnega dogodka in knjižbe,
- oznaki knjigovodske listine, ki je bila podlaga za knjižbo,
- znesku in kontu, vključno z analitičnimi podkonti, na katerega je bil knjižen dogodek (tako na debetni kot na kreditni strani),
- opisu poslovnega dogodka, vključno z osebnimi podatki,
- namen nakazila iz šifranta, kadar ta obstaja.

(4) Iz evidence iz tretje točke prvega odstavka tega člena komisija pridobiva naslednje podatke:

- iz ovojnice e-računa in e-račun, kot ju določa zakon, ki ureja opravljanje plačilnih storitev za proračunske uporabnike, vključno z osebnimi podatki,
- identifikator in status e-računa.

(5) Iz evidence iz četrte točke prvega odstavka tega člena

11. other records not containing personal data or whose public availability is prescribed by special regulations, unless a special regime is prescribed for accessing or using such data.

(2) From the records referred to in point 1 of the preceding paragraph, the Commission shall obtain the following data from the controllers:

- the payment date, the amount and the currency code,
- the debited account, the payer's name, the payer's address, the payer's city,
- the debit reference model and the debit reference,
- the purpose of the transaction, including personal data and the purpose code,
- the credited account, including personal data,
- the name of the payee, including personal data, the city of the payee and the country of the payee,
- the credit reference model and the credit reference, including personal data,
- the e-invoice identifier.

(3) From the records referred to in point 2 of paragraph one of this Article and with regard thereto, the Commission shall obtain the following data from the controllers:

- the current chart of accounts,
- the date of the business event and the date of the accounting entry,
- the reference of the accounting document that was the basis of the entry,
- the relevant amount and account, including analytical subaccounts under which the event was entered (both on the debit and the credit side),
- a description of the business event, including personal data,
- the purpose of the transfer from the code table, where applicable.

(4) From the records referred to in point 3 of paragraph one of this Article, the Commission shall obtain the following data:

- data from the e-invoice envelope and the e-invoice, as prescribed by the Act governing the provision of payment services for budget users, including personal data,
- the invoice identifier and status.

(5) From the records referred to in point 4 of paragraph one of

komisija pridobiva naslednje podatke:

- podatke o osebah povezanih s posameznim poslovnim subjektom: osebno ime, davčna in matična številka ustanoviteljev, sedanjih in nekdanjih družbenikov ter njihov poslovni delež; osebno ime in davčna in matična številka članov nadzornih in poslovodnih organov ali drugih zastopnikov ter njihov položaj v poslovnem subjektu, datum podelitve pooblastila oziroma datum izvolitve ali njihovega imenovanja ter datum prenehanja pooblastila;
- podatke o dejanskih lastnikih: osebno ime in naslov ter državljanstvo, višina lastniškega deleža ali navedba drugega načina nadzora;
- podatke o imenu in priimku, davčni številki ter transakcijskem računu fizičnih oseb, imetnikov transakcijskih računov, ki so prejemniki transakcij iz 1. točke prvega odstavka tega člena, kadar je iz kode namena transakcije razvidno, da se izplačilo nanaša na donatorske, sponzorske, svetovalne pogodbe in druge avtorske ali druge intelektualne storitve ter enake podatke o fizičnih osebah, ki so imetniki transakcijskih računov, ki so prejemniki transakcij, ki presegajo mesečno bruto plačo predsednika republike,
- druge podatke v zvezi s poslovnimi subjekti, pri katerih ne gre za osebne podatke.

(6) Iz evidence iz pete točke prvega odstavka tega člena, komisija pridobiva podatke, ki jih na svojih spletnih straneh objavlja Ajpes.

(7) Iz evidence iz šeste točke prvega odstavka tega člena, komisija pridobiva naslednje podatke:

- osebno ime in davčno številko (pri fizičnih osebah) oziroma naziv ali firmo, davčno številko, matično številko in naslov (pri poslovnih subjektih) imetnikov vrednostnih papirjev in število posameznih vrednostnih papirjev,
- oznake vrednostnih papirjev, število izdanih vrednostnih papirjev ter druge podatke o vrednostnih papirjih iz centralnega registra nematerializiranih vrednostnih papirjev.

(8) Iz portala javnih naročil iz sedme točke prvega odstavka tega člena komisija pridobiva podatke iz obvestil, ki jih javni naročniki objavijo v zvezi z izvajanjem postopkov javnega naročanja, koncesij in javno zasebnih partnerstev, o sklenjenih pogodbah, vključno s spletnimi

this Article, the Commission shall obtain the following data:

- data on persons associated with a particular business entity: the personal names, tax and registration numbers of the founders, the current and former company members and their business interests; the personal names and tax and registration numbers of the members of supervisory and management bodies or other representatives and their positions in the business entity, the date of authorisation conferral or the date of election or other appointment and the date of termination of the authorisation;
- data on the actual owners: their personal names, addresses and citizenships, their ownership stakes or an indication of other type of control;
- the names and surnames, tax numbers and current accounts of natural persons, current account holders, who are the payees in transactions referred to in point 1 of paragraph one of this Article, when the transaction code of purpose indicates that the payment refers to donation, sponsorship or advisory contracts or other copyright or other intellectual services, and the same data for natural persons, current account holders, who are the payees in transactions exceeding the monthly gross salary of the President of the Republic;
- other data concerning the business entities, other than personal data.

(6) From the records referred to in point 5 of paragraph one of this Article, the Commission shall obtain the data published on the Ajpes website.

(7) From the records referred to in point 6 of paragraph one of this Article, the Commission shall obtain the following data:

- the personal names and tax numbers (for natural persons) or the registered names, tax and registration numbers and addresses (for business entities) of security holders and the number of specific securities,
- security references, the number of issued securities and other data on securities from the central register of book-entry securities.

(8) From the public procurement portal referred to in point 7 of paragraph one of this Article, the Commission shall obtain data from notifications published by public contracting authorities with regard to the conduct of public procurement procedures, concessions and public-private

povezavami na vsebino pogodb.

(9) Iz evidence iz osme točke prvega odstavka tega člena komisija pridobiva podatke o gotovinskih transakcijah in nakazilih v tvegane države, ki se javno objavljajo na podlagi zakona, ki ureja preprečevanje pranja denarja in financiranja terorizma.

(10) Iz evidenc iz devete točke prvega odstavka tega člena komisija pridobiva naslednje podatke:

- parcelna številka in šifra katastrske občine,
- številka stavbe in številka dela stavbe ter šifra katastrske občine,

- lastnik, vključno z osebnimi podatki,
- upravljavec, vključno z osebnimi podatki,
- lastniški delež,
- zaznamba javnega dobra,
- stvarne pravice,
- površina parcele,
- površina dela stavbe,
- naslov stavbe ali dela stavbe in
- vrsta rabe dela stavbe.

(11) Iz evidenc iz desete točke prvega odstavka tega člena komisija pridobiva naslednje podatke:

- osebno ime, naslov pogodbene stranke, ki je fizična oseba, ali ime oziroma firma, sedež in matična številka pogodbene stranke, ki je pravna oseba, ter država sedeža ter pravnoorganizacijska oblika pogodbenih strank,
- datum sklenitve pravnega posla, za najemne pravne posle pa tudi datum začetka in prenehanja najema,
- vrsta pravnega posla,
- vrsta nepremičnine, za najemne posle pa tudi vrsta in velikost oddane površine,
- identifikacijska oznaka parcel, stavb in delov stavb,
- podatki o nepremičninah, ki so predmet pravnih poslov,
- cena ali najemnina in
- druge podatke, ki vplivajo na ceno ali najemnino.

(12) Iz evidenc iz enajste točke prvega odstavka tega člena lahko komisija pridobiva podatke, če je za podatke z zakonom

partnerships and concluded contracts, including links to the content of such contracts.

(9) From the records referred to in point 8 of paragraph one of this Article, the Commission shall obtain data on cash transactions and transfers to high-risk countries published on the basis of the Act governing the prevention of money laundering and terrorist financing.

(10) From the records referred to in point 9 of paragraph one of this Article, the Commission shall obtain the following data:

- the plot number and the cadastral municipality code,
- the building number and the part of building number and the cadastral municipality code,
- the owner, including personal data,
- the controller, including personal data,
- the ownership share,
- any note of public good,
- property rights,
- the plot area,
- the part of building area,
- the address of the building or part of building and
- the type of use of part of building.

(11) From the records referred to in point 10 of paragraph one of this Article, the Commission shall obtain the following data:

- the personal name and address of the contracting party who is a natural person or the company name, registered office and registration number of the contacting party that is a legal person, and the state of establishment and legal form of organisation of the contracting parties,
- the date of the legal transaction and, for lease transactions, the date of the commencement and termination of the lease,
- the type of legal transaction,
- the type of property and, for lease transactions, the type and size of the leased property,
- identification marks of plots, buildings or parts of buildings,
- data on the properties which are the subject of legal transactions,
- the price or the rental price of the properties; and
- other data affecting the price or rental price of the properties.

(12) From the records referred to in point 11 of paragraph one of this Article, the Commission may obtain the data if an Act designates such

predpisana javnost in ni predpisana posebna ureditev za dostop ali uporabo teh podatkov.

(13) Kadar komisija pridobi podatke o pravni oziroma fizični osebi iz že obstoječih zbirk osebnih podatkov, o tem ni dolžna obvestiti tistega, na katerega se podatki nanašajo. Pravica dostopa posameznika do lastnih osebnih podatkov se uveljavlja neposredno pri upravljavcu evidence iz prvega odstavka tega člena. Upravljalci zbirk podatkov so komisiji na njeno zaprosilo dolžni posredovati podatke, ki jih ta potrebuje za izvrševanje nalog po tem zakonu. O načinu posredovanja in sporočanju sprememb v že posredovanih podatkih, še zlasti glede sprememb podatkov, ki se po naslednjem členu javno objavljajo, podatkov komisija s posameznimi upravljavci podatkov sklene dogovor.

(14) Določbe tega člena se ne uporabljajo za podatke, varovane z določbami zakona, ki ureja tajne podatke.

(15) Kot povezovalni znak se pri fizičnih osebah uporablja davčna številka, EMŠO ali transakcijski račun, pri poslovnih subjektih davčna številka, matična številka ali transakcijski račun, pri proračunskih uporabnikih šifra proračunskega uporabnika, davčna številka, matična številka ali transakcijski račun, pri e-računih identifikator e-računa, pri nepremičninah pa identifikacijska oznaka nepremičnine. Komisija lahko za povezovanje zbirk uporablja tudi druge identifikatorje, ki jih vsebujejo posamezne evidence.

(16) Komisija lahko podatke iz tega člena pridobiva neposredno od upravljavcev evidenc iz prvega odstavka tega člena tudi za obdobje zadnjih 10 let.

75.b člen

(objava podatkov o denarnih tokovih subjektov javnega sektorja)

(1) Komisija zaradi zagotavljanja transparentnosti porabe javnih sredstev in finančnih sredstev poslovnih subjektov javnega sektorja zaradi krepitve integritete in omejevanja korupcijskih tveganj, ter nadzora javnosti nad smotrnostjo porabe javnih sredstev, na spletni strani objavi podatke iz prejšnjega člena, pod pogoji, določenimi v tem členu.

data as public and if no special regime is prescribed for accessing or using such data.

(13) When the Commission obtains data on a legal or natural person from existing personal data records, it shall not be obliged to inform the data subject thereof. The individual's right to access their own personal data shall be exercised directly with the controller of the filing system referred to in paragraph one of this Article. At the Commission's request, the controllers shall be obliged to provide the data it needs to perform the tasks under this Act. The Commission shall reach an agreement with specific controllers about the manner of providing and reporting changes to previously provided data, particularly any changes to data published under the following Article.

(14) The provisions of this Article shall not apply to data protected under the provisions of the Act governing confidential data.

(15) Natural persons shall be identified by their tax number, EMŠO or current account, business entities shall be defined by their tax number, registration number or current account, budget users shall be identified by the budget user code, their tax number, registration number or current account, e-invoices shall be identified by the e-invoice identifier, and properties shall be identified by the property identification mark. In linking databases, the Commission may also use other identifiers contained in specific filing systems.

(16) The Commission may obtain the data referred to in this Article directly from the controllers of filing systems referred to in paragraph one of this Article for the past 10 years.

Article 75b

(Publication of data on the cash flows of public sector entities)

(1) In order to ensure the transparency of the use of public funding and financial assets of public sector business entities, to strengthen integrity and limit corruption risks and ensure public oversight of the prudent use of public funding, the Commission shall publish the data referred to in the preceding Article on its website under the conditions provided in this Article.

(2) V celoti se objavijo podatki iz četrtega, šestega, osmega, devetega in dvanajstega odstavka prejšnjega člena.

(3) Ne objavijo se podatki iz drugega odstavka prejšnjega člena o transakcijskem računu, naslovu prejemnika in davčni številki prejemnika, ki je fizična oseba. Prav tako se ne objavijo podatki o osebnem imenu prejemnika ter podatki o namenu transakcije, razen kadar je iz kode namena razvidno, da se izplačilo nanaša na donatorske, sponzorske, svetovalne pogodbe in druge avtorske ali druge intelektualne storitve ter na transakcije, ki presegajo mesečno bruto plačo predsednika republike.

(4) Ne objavijo se podatki iz tretjega odstavka prejšnjega člena o besedilnem opisu poslovnega dogodka, razen kadar je iz kode namena transakcije, na katero se knjižba nanaša, razvidno, da se poslovni dogodek nanaša na donatorske, sponzorske, svetovalne pogodbe in druge avtorske ali druge intelektualne storitve ter na transakcije, ki presegajo mesečno bruto plačo predsednika republike.

(5) Objavijo se le podatki iz petega odstavka prejšnjega člena, ki jih Ajpes objavlja na podlagi zakona in na način oziroma z omejitvami, ki jih določa zakon.

(6) Ne objavijo se podatki iz sedmega odstavka prejšnjega člena o davčni številki fizičnih oseb, prav tako pa se ne objavijo podatki o osebnem imenu tistih fizičnih oseb, katerih delež imetništva vrednostnih papirjev posameznega subjekta ne presega pet odstotkov.

(7) Za spletno objavo in omogočanje spletnega iskanja po osebnih podatkih posameznega družbenika, ustanovitelja, zastopnika, nadzornika, imetnika ali dejanskega lastnika veljajo omejitve, kot so določene v zakonu, ki ureja sodni register, zakonu, ki ureja poslovni register, in zakonu o preprečevanju pranja denarja in financiranja terorizma.

(8) Ne objavijo se osebni podatki iz desetega odstavka prejšnjega člena o fizičnih osebah.

(2) The data referred to in paragraphs four, six, eight, nine and twelve of the preceding Article shall be published in full.

(3) The data referred to in paragraph two of the preceding Article pertaining to the current account, address and tax number of a payee who is a natural person shall not be published. Furthermore, the data pertaining to the payee's personal name and the purpose of the transaction shall not be published, unless the code of purpose indicates that the payment refers to donation, sponsorship or advisory contracts or other copyright or other intellectual services and transactions exceeding the monthly gross salary of the President of the Republic.

(4) The data referred to in paragraph three of the preceding Article pertaining to the description of the business event shall not be published, unless the code of purpose of the transaction to which the entry refers indicates that the business event pertains to donation, sponsorship or advisory contracts or other copyright or other intellectual services and transactions exceeding the monthly gross salary of the President of the Republic.

(5) The data referred to in paragraph five of the preceding Article shall only be published if they are published by Ajpes in accordance with an Act and in the manner or with restrictions prescribed by the relevant Act.

(6) Furthermore, the data referred to in paragraph seven of the preceding Article pertaining to the tax numbers of natural persons shall not be published; the same shall apply to the personal names of natural persons whose ownership shares in the securities of a specific entity do not exceed five percent.

(7) The online publication of and search for the personal data of a specific company member, founder, representative, supervisory board member, holder or actual owner shall be subject to the limitations prescribed by the Act governing the register of companies, the Act governing the business register and the Act governing the prevention of money laundering and terrorist financing.

(8) The personal data referred to in paragraph ten of the preceding Article pertaining to natural persons shall not be published.

(9) Ne objavijo se osebni podatki iz enajstega odstavka prejšnjega člena o fizičnih osebah.

(10) Objavijo se podatki iz evidence premoženjskega stanja iz drugega odstavka 46. člena tega zakona, evidence zapisov o stikih z lobisti iz drugega odstavka 68. člena tega zakona in evidence poslovnih subjektov iz 35. člena tega zakona.

(11) Komisija podatke, ki jih objavlja po tem členu, redno posodablja in objavlja. V primeru ugotovljene napake v objavljenih podatkih, ki jih vodi komisija, se skupaj s popravljenim podatkom objavi uradni zaznamek o popravku.

(12) Oseba z upravičenim pravnim interesom lahko zahteva odpravo napake v objavljenih podatkih, ki jih vodi komisija. Komisija o odpravi napake odloči z odločbo, skladno z zakonom, ki ureja splošni upravni postopek. Če komisija zahtevku v celoti ugotovi, o tem napravi uradni zaznamek. Če komisija zahtevek zavrne, lahko ta oseba zahteva, da se ob objavljenih spornih podatkih, na primeren način objavi njeno pojasnilo o spornih podatkih, odločbo komisije in druge relevantne dokumente. Zoper odločbo komisije ni dovoljena pritožba.

(13) Komisija hrani in zagotavlja dostopnost podatkov deset let od njihove objave. Podatke iz evidence transakcij, ki so starejši od deset let, komisija preda Arhivu Republike Slovenije in odstrani s svoje spletne strani. Podatki, ki jih objavlja komisija, morajo biti dostopni tudi v strojno berljivi obliki, skupaj z meta podatki, ki definirajo njihovo strukturo in omogočajo enostavno ponovno uporabo. Podatki, ki se objavljajo na spletnih straneh, razen podatkov iz petega, šestega in devetega odstavka tega člena, se objavijo tudi v Nacionalnem portalu odprtih podatkov.

(14) Ne glede na določbe zakona, ki ureja dostop do informacij javnega značaja, so podatki iz prejšnjega člena na podlagi zahteve za ponovno uporabo prosilcem dostopni samo pri upravljavcu evidence iz prvega odstavka prejšnjega člena.

(9) The personal data referred to in paragraph eleven of the preceding Article pertaining to natural persons shall not be published.

(10) The data from the records of assets referred to in paragraph two of Article 46 of this Act, the records of contacts with lobbyists referred to in paragraph two of Article 68 of this Act and the records of business entities referred to in Article 35 of this Act shall be published.

(11) The Commission shall update and publish the data made publicly available under this Article on a regular basis. If a mistake is discovered in the published data kept by the Commission, a correction of such data and an official note of this correction shall be published.

(12) A person with a justified legal interest may request the correction of a mistake in the published data kept by the Commission. The Commission shall issue a decision on the correction in accordance with the Act governing the general administrative procedure. If the Commission grants the request in full, it shall make an official note of this. If the request is rejected, the person may request that their explanation about the challenged data, the Commission's decision and other relevant documents be published alongside the challenged data. No appeal shall be allowed against the Commission's decision.

(13) The Commission shall store and ensure the accessibility of data for ten years from its publication. The data from transaction records older than 10 years shall be handed over to the Archives of the Republic of Slovenia and removed from the Commission's website. The data published by the Commission shall also be available in a machine-readable form, together with the metadata defining their structure and enabling simple reuse. The data published on the website, except for the data referred to in paragraphs five, six and nine of this Article, shall also be published on the national open data portal.

(14) Notwithstanding the provisions of the Act governing access to public information, the data referred to in the preceding Article shall be available for reuse to applicants upon their request only from the controller of the filing system referred to in paragraph one of the preceding Article.

76. člen
(evidence podatkov in rok hranjenja)

(1) Komisija podatke, informacije in dokumentacijo, pridobljeno na podlagi tega zakona, hrani deset let. Z dokumentacijo se ravna v skladu s predpisi, ki urejajo varstvo dokumentarnega gradiva.

(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 in drugih državnih organov na področju preprečevanja korupcije,
- evidenco funkcionarjev, uradnikov na položaju, poslovodnih oseb in 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 z osmo alinejo prvega odstavka 12. člena tega zakona (osebno ime osumljene, oবাদene, 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 documents obtained pursuant to this Act for a period of ten years. The documents shall be treated in accordance with regulations governing the protection of documents.

(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 of the reported person 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 and persons responsible for public procurement referred to in Article 4 of this Act (personal name, EMŠO, tax ID, office or position, and address of permanent residence) for the purposes of establishing persons with obligations and their identities, verifying data and decision-making under this Act,
- a record of cases involving international corruption in accordance with indent eight of paragraph one of Article 12 of this Act (personal name of the suspected, accused, charged or convicted person, 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 their 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 their family members has been secured under the Act governing witness protection) for the purposes of implementing the protection of persons who report acts of corruption, monitoring the effectiveness of the

- 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 šestega odstavka 30. člena tega zakona (naziv organa, ki je prejel darilo, osebno ime obdarovanca in njegova funkcija, položaj oziroma delovno mesto, vrsta 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 (osebno ime funkcionarja, EMŠO, naslov stalnega bivališča, organ ali organizacija javnega sektorja, kjer funkcionar opravlja funkcijo, datum nastopa in prenehanja omejitve, naziv, sedež, matična in davčna številka poslovnega subjekta, način udeležbe funkcionarja ali njegovih družinskih članov v poslovnem subjektu),
- evidenco uradnih oseb in oseb iz drugega odstavka 40. člena tega zakona, ki jih subjekt javnega sektorja imenuje kot zunanje člane, glede katerih je komisija po petem odstavku 38. člena in drugem odstavku 39. člena tega zakona ugotavljala obstoj nasprotja interesov (osebno ime, funkcija, položaj, delovno mesto oziroma podatki o članstvu, naslov stalnega prebivališča, vsebina odločitve komisije) za namene ugotavljanja in odločanja o nasprotju interesov ter sodelovanja s pristojnimi organi,
- 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 is requesting the 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 six of Article 30 of this Act (name of the body that accepted a gift, personal name of the person who was given the gift and their office, position or post, and the type of 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 (personal name of the official person, EMŠO, address of permanent residence, public sector body or organisation in which they hold office, the start and end dates of the restriction, the name, registered office, registration and tax ID number of the business entity, the manner of participation of the public office holder or their family members in the business entity),
- a record of the official persons and persons referred to in paragraph two of Article 40 of this Act appointed as external members by a public sector entity, with regard to whom the Commission has established the existence of a conflict of interest under paragraph five of Article 38 and paragraph two of Article 39 of this Act (personal name, office, position or post or membership data, address of permanent residence, content of the Commission's decision) for the purpose of establishing and deciding on conflicts of interest, and cooperating with the competent bodies,

- evidenco zavezancev iz prvega odstavka 41. člena tega zakona, ki vsebuje podatke iz prvega in drugega odstavka 42. člena tega zakona, 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 44.a člena tega zakona (osebno ime, funkcija oziroma položaj zavezancev iz prvega odstavka 41. člena tega zakona, seznam obvestil po prvem odstavku 45. člena tega zakona, seznam obvestil iz drugega odstavka 45. člena tega zakona, seznam sprejetih odločitev po šestem odstavku 44.a člena tega zakona in seznam ukrepov po sedmem odstavku 44.a člena tega zakona) za namene ugotavljanja premoženjskega stanja zavezancev, za odločanje o kršitvah in 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 in usposabljanja oseb, odgovornih za načrt integritete,
- evidenco funkcionarjev, zoper katere je komisija predlagala uveljavljanje odgovornosti zaradi neizvajanja ukrepov iz resolucije (tretji odstavek 53. člena tega zakona), 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 nad 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 nad lobiranjem,
- evidenco lobističnih stikov iz 68. člena tega zakona (ime in priimek položaj ali funkcija lobiranca, naziv organa, politične stranke,
- a record of persons with obligations referred to in paragraph one of Article 41 containing the data referred to in paragraphs one and two of Article 42 of this Act, with data on assets kept separately, for the purposes of determining the persons with obligations and their identities, 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 44a of this Act (the personal names, offices or positions of persons with obligations referred to in paragraph one of Article 41 of this Act, the list of notifications referred to in paragraph one of Article 45 of this Act, the list of notifications referred to in paragraph two of Article 45 of this Act, the list of decisions taken referred to in paragraph six of Article 44a of this Act, and the list of measures taken referred to in paragraph seven of Article 44a 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 an 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 of this Act), which contains 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 the 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 the legality of and establishing, deciding on and supervising lobbying activities,
- a record of lobbying contacts referred to in Article 68 of this Act (the name and surname, position or office of the person lobbied, the name

poslanske skupine ali institucije, datum stika, področje in interesna organizacija, za katero je lobist lobiral, namen in cilj lobiranja, ime in priimek in davčna številka lobista, vpisanega v registru lobistov v Republiki Sloveniji, zakonitega zastopnika ali izvoljenega predstavnika interesne organizacije) za namene izvajanja nadzora nad lobiranjem in krepite transparentnosti vplivov na odločanje v javnem sektorju; evidenca, ki jo komisija vodi v elektronski obliki, je javno dostopna,

- 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.

(3) Podatki iz evidence lobističnih stikov predstavljajo javno dostopne informacije javnega značaja, ki jih komisija objavlja na svojih spletnih straneh, ob pogoju navedbe vira je dovoljena njihova brezplačna in neomejena ponovna uporaba.

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 šestega odstavka 15.a člena tega zakona brez opravičljivih razlogov ne odzove na razgovor na seji komisije ali v nasprotju z določbo druge alineje tretjega odstavka 15.b člena tega zakona ne odgovarja na vprašanja komisije iz njene pristojnosti, razen v primerih iz tretje alineje tretjega odstavka 15.b člena tega zakona,
- v nasprotju z določbo drugega odstavka 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

of the body, political party, deputy group or institution, date of contact, area and interest group on behalf of which the lobbyist lobbied, the purpose and aim of lobbying, the name and surname and tax ID number of the lobbyist entered in the register of lobbyists in the Republic of Slovenia, the legal representative or elected representative of the interest group) for the purposes of supervising lobbying and strengthening the transparency of influences on decision-making in the public sector; the record kept by the Commission in electronic form shall be publicly available,

- 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.

(3) The data from the record of lobbying contacts shall represent available information of a public nature published by the Commission on its website; provided that the source is indicated, the data shall be available for free and unlimited reuse.

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 six of Article 15a of this Act, failing to respond to an interview at a session of the Commission without a valid reason or, in contravention of the provision of indent two of paragraph three of Article 15b of this Act, failing to respond to the questions posed by the Commission within its remit, with the exception of the cases referred to in indent three of paragraph three of Article 15b of this Act,
- in contravention of the provision of paragraph two of Article 16a of this Act, disclosing or publishing data or information which they have obtained or become familiar with during the course of or in connection with the performance of their work for the Commission, or

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 v zvezi z opravljanjem svoje funkcije ali javne službe ali v zvezi s svojim položajem,
- v nasprotju z določbo šestega odstavka 35. člena tega zakona organu ali organizaciji javnega sektorja, v katerem opravlja funkcijo, pisno ne sporoči podatkov,
- v nasprotju z določbo prvega odstavka 36. člena tega zakona v roku dveh let po prenehanju funkcije v razmerju do organa ali organizacije javnega sektorja, v katerem je opravljal svojo funkcijo, nastopi kot predstavnik pravne osebe, ki s tem organom ima ali vzpostavlja poslovne stike,
- se v nasprotju z določbo prvega odstavka 38. člena tega zakona ne izloči iz postopka obravnave in odločanja v zadevi, in pisno ne obvesti nadrejenega oziroma predstojnika, ali v nasprotju z določbo petega odstavka 38. člena tega zakona ne obvesti komisije,
- 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,
- v nasprotju z določbo prvega odstavka 43. člena tega zakona komisiji ne sporoči sprememb podatkov,
- v nasprotju z določbo tretjega odstavka 56. člena tega zakona opravlja dejanja lobiranja še pred potekom dveh let, odkar mu je prenehala funkcija,

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 have reasonably believed that their information is true;
- in contravention of the provision of paragraph two of Article 26, failing to inform the Commission that they are 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 them by the Commission's decision,
- in contravention of the provisions of Article 30 of this Act, accepting a gift in connection with the discharge of their office duties or public service or in connection with their position,
- in contravention of the provision of paragraph six of Article 35 of this Act, failing to communicate data to the public sector body or organisation in which they hold office,
- 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 public sector body or organisation within two years of the termination of their term of office at the latter,
- in contravention of the provision of paragraph one of Article 38 of this Act, failing to exclude themselves from the consideration of and decision on the matter and notifying their superior or the person in charge thereof in writing or, in contravention of the provision of paragraph five of Article 38 of this Act, failing to notify the Commission,
- in contravention of the provisions of paragraphs two and three of Article 41 of this Act, failing to communicate information on their 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,
- in contravention of the provision of paragraph one of Article 43 of this Act, failing to communicate data changes to the Commission,
- in contravention of the provision of paragraph three of Article 56 of this Act, carrying out lobbying activities before two years have elapsed from the date of termination of their office,

- opravlja dejanja lobiranja, čeprav ni vpisan v register lobistov skladno s prvim odstavkom 58. člena in ni izvzet iz obveznosti registracije na podlagi četrtega odstavka 58. člena tega zakona,
- kot lobiranec v skladu z določbo drugega odstavka 68. člena tega zakona ne posreduje komisiji zapisa o lobiranju,
- v nasprotju z določbo petega odstavka 68. člena tega zakona v osmih dneh ne dopolni zapisa lobiranja,
- 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,
- v nasprotju z določbo tretjega odstavka 70. člena tega zakona pri lobiranju ravna proti predpisom, ki določajo prepoved sprejemanja daril v zvezi z opravljanjem funkcije ali javnimi nalogami lobirancev,
- kot lobiranec v roku iz prvega odstavka 71. člena tega zakona ne prijavi komisiji lobista, ki ravna v nasprotju s 70. členom tega zakona ali ni vpisan v register lobistov v skladu z 58. členom tega zakona.

(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,
- v nasprotju z določbo prvega odstavka 29. člena tega zakona ne preneha opravljati nezdružljive funkcije, članstva ali dejavnosti v roku, ki ga določi komisija,
- 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 javnega sektorja, če:

- v nasprotju z določbo drugega in petega odstavka 14. člena tega zakona v pogodbo, ki jo sklene organ ali organizacija javnega

- 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 their capacity as a lobbied person, failing to provide the Commission with a record of lobbying under paragraph two of Article 68 of this Act,
- in contravention of the provision of paragraph five of Article 68 of this Act, failing to supplement the record of lobbying within eight days,
- in contravention of the provision of Article 69 of this Act, in their 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 contravention of the provision of paragraph three of Article 70 of this Act, failing to comply with 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,
- in their capacity as a lobbied person, failing to report to the Commission, within the time limit referred to in paragraph one of 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 have reasonably believed that their 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,
- in contravention of the provision of paragraph one of Article 29 of this Act, failing to cease to hold an incompatible office, perform an incompatible activity or revoke their membership within the time limit prescribed by the Commission,
- carries 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 offence of:

- in contravention the provisions of paragraphs two and five of Article 14 of this Act, failing to include the content referred to in paragraph one of

sektorja, ne vključi vsebine iz prvega odstavka 14. člena tega zakona,

- 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,
- komisiji v nasprotju z določbo četrtega odstavka 14. člena tega zakona ne posreduje zahtevanih pogodb in dokumentov,
- 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, lokalne skupnosti, nosilca javnih pooblastil in pravne osebe javnega ali zasebnega prava ter samostojni podjetnik posameznik ali posameznik, ki samostojno opravlja dejavnost, 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 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.

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

Article 14 of this Act in a contract concluded by a 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,
- in contravention of the provision of paragraph four of Article 14 of this Act, failing to provide the Commission with the requested contracts and documents,
- in contravention with the provision of paragraph six of Article 14 of this Act, failing to obtain a statement or data on the participation of natural and legal persons in the ownership of the bidder, including the participation of silent partners, and on economic operators which are considered to be affiliated with the bidder according to the provisions of the Act governing companies, or, in contravention of the provision of paragraph six of Article 14 of this Act, failing to provide the Commission with this statement upon request.

(4) A responsible person of a state body or local community body, holder of public authority, legal person governed by public or private law, or sole trader or self-employed person 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 such data and documents to the Commission.

(6) A responsible person of a state body, local community body, holder of 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 of this Act, 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) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, lokalne skupnosti, nosilca javnih pooblastil ali druge pravne osebe javnega ali zasebnega prava, ki v nasprotju z določbo prvega odstavka 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, 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, lokalne skupnosti, nosilca javnih pooblastil ali druge pravne osebe javnega prava, ki v nasprotju s četrtnim odstavkom 25. člena tega zakona brez utemeljenega razloga ne premesti javnega uslužbenca na drugo enakovredno mesto, ali javnega uslužbenca ne premesti v roku iz šestega odstavka 25. člena tega zakona.

(10) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba subjekta javnega sektorja, ki v nasprotju šestim odstavkom 30. člena tega zakona komisiji ne posreduje seznama prejetih daril.

(11) 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 četrtnim odstavkom 35. člena tega zakona.

(12) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa ali organizacije javnega sektorja, v katerem je bivši funkcionar opravljal svojo funkcijo, če v nasprotju z določbo drugega odstavka 36. člena tega zakona posluje z bivšim funkcionarjem kot fizično osebo ali njegovim poslovnim subjektom.

(13) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa ali organizacije javnega sektorja, pri katerem je funkcionar opravljal svojo funkcijo, če v nasprotju z določbo tretjega

(7) A responsible person of a state body, local community, holder of 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, in contravention of the provision of paragraph one of Article 25 of this Act, acting in a manner that has adverse consequences for the reporting person or exposing the reporting person to retaliatory measures.

(8) A responsible person of a state body, local community body, holder of 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, in contravention of the provision of paragraph one of Article 25 of this Act, failing to immediately cease imposing retaliatory measures.

(9) A responsible person of a state body, local community, holder of 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 to another equivalent position without justification in contravention of paragraph four of Article 25 of this Act within the time limit from paragraph six of Article 25 of this Act.

(10) 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 paragraph six of Article 30 of this Act, failing to submit a list of the gifts received by the Commission.

(11) A responsible person of a public sector body or organisation 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.

(12) A responsible person of a public sector body or organisation in which the former official held office shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of the provision of paragraph two of Article 36 of this Act, doing business with the former official as a natural person or their business entity.

(13) A responsible person of a public sector body or organisation in which the official held office shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of the provision of

odstavka 36. člena tega zakona komisije ne obvesti o ravnanju funkcionarja iz prvega odstavka 36. člena tega zakona.

(14) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa ali organizacije javnega sektorja, če v nasprotju z drugim odstavkom 38. člena tega zakona uradne osebe ne izloči iz postopka obravnave in odločanja v zadevi ali komisiji v skladu s četrtem odstavkom 38. člena tega zakona ne posreduje sprejete odločitve, iz katere izhaja, da lahko uradna oseba nadaljuje z delom v zadevi.

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

(16) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba zavezanca za izdelavo načrtov integritete, ki ravna v nasprotju s prvim ali z drugim odstavkom 47. člena tega zakona, ali če po ugotovitvah komisije po drugem odstavku 48. člena tega zakona ne uresničuje načrta integritete.

(17) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba državnega organa, lokalne skupnosti ali 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, šestnajstega in sedemnajstega odstavka 77. člena tega zakona kaznuje nosilec javnih pooblastil ali druga pravna oseba javnega ali zasebnega prava.

paragraph three of Article 36 of this Act, failing to notify the Commission of conduct by the official referred to in paragraph one of Article 36 of this Act.

(14) A responsible person of a public sector body or organisation shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of paragraph two of Article 38 of this Act, failing to exclude the official person from the consideration of and decision on the matter or failing to submit to the Commission, pursuant to paragraph four of Article 38 of this Act, the decision reached, indicating that the official person may continue work on the matter.

(15) A responsible person of a public sector body or organisation or contracting authority shall be fined from EUR 400 to EUR 4,000 for the minor offence of, in contravention of paragraph four of Article 41 of this Act, failing to submit a list of persons with obligations to the Commission.

(16) A responsible person of an entity obliged to draw up integrity plans shall be fined from EUR 400 to EUR 4,000 for the minor offence of acting in contravention of paragraph one or two of Article 47 of this Act or, following the Commission's conclusions pursuant to paragraph two of Article 48 of this Act, failing to implement the integrity plan.

(17) 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, in contravention of paragraph one of Article 53 of this Act, failing to report to the Commission on activities undertaken to implement these measures.

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, sixteen and seventeen of Article 77 of this Act.

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, če v nasprotju z določbo tretjega odstavka 63. člena tega zakona komisiji ne posreduje pisnega poročila.

(3) 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

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, in contravention of the provision of paragraph three of Article 63 of this Act, failing to provide the Commission with a written report.

(3) 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 – Dec. of the CC; hereinafter: the Prevention of Corruption Act), the

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 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

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 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

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 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.

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 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.

86. člen
(roki za opravo dejanj)

(1) Zavezanci iz 41. člena tega zakona, ki še niso prijavili 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 dveh let po uveljavitvi tega zakona.

(5) Z globo od 400 do 4.000 eurov se kaznuje za prekršek odgovorna oseba organa oziroma organizacije iz prvega in drugega odstavka 47. člena zakona, ki v nasprotju s 47. členom zakona v roku iz prejšnjega odstavka ne oblikuje in sprejme načrta integritete.

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

Article 86
(Time limits for actions)

(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 reports 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 by no later than two years after the entry into force of this Act.

(5) A fine of between EUR 400 and EUR 4,000 shall be imposed on a responsible person of a body or organisation referred to in paragraphs one and two of Article 47 which, in contravention of Article 47 of this Act, fails to draw up and adopt the integrity plan within the time limit specified in the preceding paragraph.

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

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.

(2) Poslovnik komisije iz 11. člena tega zakona sprejme komisija v roku 60 dni od uveljavitve tega zakona.

(3) Pravilnik 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 nezdržljivosti 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 nezdržljivosti 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

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) 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 (Expiration 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

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months following the publication in the Official Gazette of the Republic of Slovenia.