ACT
AMENDING THE POLITICAL PARTIES ACT (ZPOLS-E)

Article 1

In Article 1 of the Political Parties Act (Official Gazette of the Republic of Slovenia, no. 100/05 – official consolidated version in 103/07) the word “and” is replaced with a comma and the words “for the local community bodies” is replaced with “for the bodies of local self-governing communities (referred to hereinafter as: local community bodies) and for the European Parliament.”

Article 2

In Article 6 (3) the words “within a Party” are replaced with “as a constituent part of a Party”.

Article 3

In Article 10 (1) the words “issuing a regulation on the Register and on the Incorporation Statement Form from Article 5 of this Act” is deleted, and a new sentence is added at the end of the paragraph, as follows: “The Minister responsible for internal affairs, shall issue a rule, determining the content, form and method of keeping the Register, as well as the form of the Incorporation Statement from Article 5 of this Act.”.

In paragraph 4, the words “with the exception of the information on the personal identification number - EMŠO” are inserted before the words “shall be public.”.

In paragraph 6, the words “the information about personal identification number – EMŠO, entered in the Registry book, and for” is inserted after the word “for.”

Article 4

In Article 17 (3), point 3 is amended as follows: “3 if it is established that the Party has not participated in at least one election for the National Assembly, local community bodies or the European Parliament on two successive occasions.”

Article 5

In Article 18 (2) the word “second” is replaced with the word “third.”

Article 6

In Article 19 (2), point 4, the words “for the European Parliament” are added at the end of the text before the semicolon.

Article 7
Article 21 shall be amended as follows:

**“Article 21**

A Party can acquire funds from:

1. membership fees;
2. contributions by private citizens;
3. property income;
4. budget.

Apart from the funds from Articles 23 and 26 of this Act, a Party may also acquire up to 50% of its funds from the state budget – these are funds intended for the training of the deputies, administrative and expert assistance for the work of deputy groups and the organisation of deputy offices (hereinafter referred to as: the earmarked funds). The Party acquires the earmarked funds from the deputy groups and from deputies who were elected to the National Assembly from the same-name candidate lists. In order to obtain the earmarked funds, the Party and the National Assembly of the Republic of Slovenia shall sign a contract. A proposal for the signing of the contract shall be put forward by the head of the deputy group or/and a deputy. The contract is signed following the negotiating procedure without prior notice, as stipulated by the act regulating public procurement.

The annual income from Paragraph 1, Point 3 of this Article shall not exceed 20% of the total annual income of the Party.

The surplus of income from Paragraph 1, Point 3 of this Article over the share of income from the previous paragraph shall be donated for humanitarian purposes, as prescribed by the act regulating humanitarian organisations, within 30 days after the adoption of the financial statement on the business operations of the Party for the previous year.

A youth organisation from Article 6 (3) of this Act, having the status of an organisation in the public interest in the youth sector, may acquire public funds for the co-financing of programmes in the youth sector in line with the regulations governing public interest in the youth sector.

A women’s organisation having the status of an organisation in public interest in the field of gender equality may acquire public funds for the co-financing of projects and programmes in line with the regulations governing public interest in gender equality.

It is prohibited for a Party to acquire funds from the contributions of foreign legal entities and natural persons, and foreign sole entrepreneurs and self-employed individuals, from the revenues of another party from abroad or any other acquisition of funds for the party from abroad.

The prohibition from the previous paragraph shall not apply to the membership fees or contributions that the Party acquires from its members.”.

**Article 8**
Article 22 is amended as follows:

“Article 22

Natural persons may contribute their contributions to the Party. A natural person's contribution in cash in the year covered by the annual report of the party, may amount to a maximum of 50 EUR, while any higher amounts must be transferred by a bank, savings-bank or any other legal entity performing payment services in line with the regulations governing such services (hereinafter referred to as: payment services providers). When contributing an amount in cash, a natural person shall inform the party not only about the donated amount, but also about his or her name, surname, personal identification number and address of the natural person.

A contribution for a Party, pursuant to this Act, can also denote any gift or other non-monetary contribution, a service performed for the party free of charge, incurrence of liabilities of the Party, or performing services or selling products to the Party under conditions that are more favourable than for other users.

Work performed for a Party by a natural person who is not bound to issue an invoice, shall not be considered a contribution to a Party.

A Party and a natural person performing a service for a Party or selling goods to the Party, shall sign an appropriate contract in writing.

The total contribution of an individual natural person from this Article in the reported year should not exceed the amount of ten average gross monthly salary payments in the Republic of Slovenia, as determined by the Statistical Office of the Republic of Slovenia for the preceding year (hereinafter referred to as: the average gross monthly salary).

Parties may only take out loans from banks and loan facilities under the same conditions as other legal entities. A Party may also acquire a loan from a natural person, provided that the loan agreement is concluded in writing. The amount of any loan given by a natural person shall not exceed ten average gross monthly salary payments per year. The loans thus obtained shall not be deemed as party financing pursuant to this Act.

If the total contributions of a natural person from this Article in the reported year exceed the amount of the average gross monthly salary, the annual report shall state the name and address of the natural person, and the total annual amount contributed to the Party by this natural person.

The annual report of the Party shall also contain data on the amount, interest rate and maturity periods of all the individual loans given to the Party by a bank or a loan facility, including the name/title, place of establishment, business address and registration number of the bank or loan facility which gave the loan to the Party, regardless of the amount.
For the loans obtained by the Party from the natural person, the annual report of
the Party shall contain data allowing the identification of the creditor (name,
surname, tax number and address of the natural person), and information on the
amount, interest rate and maturity period for each individual loan.

Upon the payment of contributions to the Party, payment service providers operating
pursuant to the regulations governing payment services are bound to inform the
Party not only of the amount, but also of data allowing the identification of the person
who contributed to the Party (name, surname, tax number and address of a natural
person or self-employed person, and the name/title, registration number, place of
establishment and business address of a legal entity or sole-entrepreneur), as well
as other information accompanying the payment transaction. The Party shall donate
any contribution obtained in breach of this Act for humanitarian purposes, as set
forth in the act regulating humanitarian organisations within 30 days of its receipt.”

**Article 9**

In Article 23 (3) the number “10” is replaced with the number “25,” while the number
“90” is replaced with the number “75.”

Paragraph 4 shall be amended as follows:

“The funds for financing political parties shall be determined in the budget of the
Republic of Slovenia and shall not exceed 0.017% of the gross national product
stated for the year preceding the year of adopting the budget. The amount of funds
belonging to an individual Party shall be determined by the National Assembly
financial plan.”

**Article 10**

Article 24 is amended as follows:

“**Article 24**

Pursuant to this act and in line with accounting regulations and standards, a party
shall provide an annual report on its operations for the preceding business year. The
report shall include information on:

- all the revenue per category and their amounts (membership fees, contributions
made by natural persons, property income, revenues from gifts, revenues from other
non-monetary, revenues from the Budget of the Republic of Slovenia, revenues from
the budget of a self-governing local community (hereinafter referred to as the budget
of the local community, revenues from Article 21(2) of this Act, extraordinary revenue
and transferred surplus of revenue),
- all of the expenditure of the Party per individual items, broken down in line with accounting regulations,

- all of the individual contributions made by natural persons, if the total annual amount of the contributions for the reported year exceed the amount of the average gross monthly salary, including the reporting of data from Article 22(6) of this Act,

- all the loans given to the Party by a bank, savings bank or natural person, including the data from Article 22(7) of this Act,

- the costs of election and referendum, broken down as stipulated by the act governing election and referendum campaign,

- all the individual contributions which the Party received in breach of this Act, and their amounts, including the name/title, place of establishment and business address of the legal entity or sole entrepreneur, and/or the personal name and address of the self-employed individual or natural person who has made a contribution to the Party,

- all the surplus revenue of the Party from Article 21 (4) and all the contributions given to the Party in breach of this Act, and the transfer of these funds for humanitarian purposes,

- the assets of the Party and a separate record of all the changes in the assets, including the sources of funding to increase the assets, if this increase exceeds the total amount of five average gross monthly salaries;

- in which other legal entities the Party holds at least 50% of the equity, or has a dominating influence on decision-making and management of the legal entity, whereby the annual report of the Party shall be accompanied by the annual reports of those legal entities.

If the party has the organisations from Article 21 (5 or 6) incorporated in its structure, than the annual report for the preceding business year should include separate reports about the revenues and expenditures of those organisations.

The annual report for the preceding business year, which equals the calendar year, shall be submitted by the Party by March 31 of the running year, in case of a change of status or dissolution within the two months following the change or dissolution, for the purpose of publication and gathering of national statistical data, to the Agency of the Republic of Slovenia for Public Legal Records and Related Services (hereinafter referred to as AJPES) through the AJPES web portal.

AJPES shall publish the Parties’ annual reports on its web page.

The Minister in charge of internal affairs shall issue an executive act with more detailed prescriptions as to the content and method of submission of the Parties' annual reports. The executive act may also include special features with regard to the use of accounting standards.”

Article 11
After Article 24, new Articles 24.a, 24.b and 24.c are added, as follows:

(Article 24a)

Based on the published and publicly accessible reports from Article 24 (3), the Court of Audit of the Republic of Slovenia (hereinafter referred to as: the Court of Audit) shall verify whether the annual report is structured in compliance with Article 24 of this act.

The Court of Audit may require that the annual report be completed, if the annual report is not structured in compliance with Article 24, and shall set the deadline of not less than 15 days and not more than 30 days by which the Party shall complete the annual report and re-submit it to AJPES.

Should a party fail to submit the annual report for the preceding business year to AJPES within the deadline from Article 24 (3), or fail to complete the annual report within the deadline from the previous paragraph of this Article, the Court of Audit shall issue a decision on the suspension of funding from the national budget and budgets of the local communities, until the Party meets its obligations. No appeal is possible against such a decision by the Court of Audit it is, however, possible to trigger a judicial review of administrative decisions.

(Article 24b)

The audit of business operations of those parties receiving funds from the national budget or local communities' budgets, which have received or were eligible to receive more than 10,000.00 EUR of such funds, shall be performed by the Court of Audit.

In an individual year, the Court of Audit shall perform the audit of regularity of business operations for at least one third of Parties from the previous sentence of this paragraph in such a way that the audit will eventually take place for all these Parties within a period of four years.

The Court of Audit may also audit the regularity of business operations of a Party upon the proposal of the Commission for the Prevention of Corruption, or any other supervisory body which, when performing its duties, identifies irregularities, or if during the review from the previous Article, doubts arise as to the veracity of data in the annual report, or if any other irregularities are identified.

When auditing the business operations of Parties, the Court of Audit shall act in line with its authorisations and following a procedure prescribed by this Act and the act governing the competencies of the Court of Audit. The audited Party, state authorities, local community bodies, AJPES, banks and savings banks where the Party has opened an account, and providers of goods and services to the Party are obliged to submit to the Court of Audit, free of charge, documents necessary for the audit, and add clarifications and allow access to their business ledgers and records.
Should the Court of Audit identify a risk that the annual report of the Party does not contain all the required data, or that the data is not presented in the correct manner, the Court of Audit may request further clarifications, data or documents necessary to carry out the audit, including from other stakeholders.

For the purpose of the audit, the Court of Audit shall collect personal data which allow identification (full name, personal identification number – EMŠO, citizenship and address of the natural person or self-employed person), directly from the persons from the previous paragraph and from the personal database of the ministry responsible for internal affairs.

When the audit report of the Court of Audit is final, it shall be published on the Court of Audit’s web page.

The Court of Audit shall submit the final audit report to the National Assembly.

**Article 24c**

If the Court decides that that the Party is liable for an offence in relation to Article 28 (1), points 6, 7, 9 or 10 of this Act, then the Party shall be denied funds from the national budget or local communities' budgets for a period of one year.

If the Court decides that that the Party is liable for an offence in relation to Article 28, paragraphs 4, 5 or 8, then the Party should be denied 50% of the funds from the national budget or local communities' budgets for the period of six months.

The temporary withdrawal or temporary reduction of funds from paragraphs 1 and 2 of this Article shall take effect in the month following the month in which the decision on the offence has become final.

**Article 12**

Article 25 shall be amended as follows:

```
“Article 25

State authorities, local community bodies, entities governed by public and private law, sole entrepreneurs and self-employed persons may not finance Parties, unless otherwise stipulated by the law.”
```

**Article 13**

Article 26 shall be amended as follows:

```
“Article 26

Pursuant to this Act, local communities may finance Parties.
```
The competent municipal body shall determine, by way of a decision on the financing of Parties, that a Party that was represented by its own candidates in the preceding election for the municipal council shall receive funds from the local community budget, in the amount proportionate to the number of votes received at this election.

If the election is carried out according to the majority voting system, the number of votes received by the Party within each constituency shall be divided by the number of members of the local community councils elected within the respective constituency.

A party is eligible for funds from the local community budget provided it has received at least 50% of the votes necessary for the election of one member of the local community council – this figure is obtained if the number of valid votes is divided by the number of seats in the municipal council. The amount of funds for financing political parties shall be determined in the local community budget for each individual fiscal year. The amount of these funds shall not exceed 0.6% of funds determined by the local community according to the regulations defining the financing of municipalities and ensuring the implementation of constitutional and legal duties for this year."

**Article 14**

Article 27 shall be amended as follows:

**“Article 27**

Supervision of the implementation of the provisions of this Act, which defines any violation of such provisions under this Act as an offense, shall be conducted by the inspectorate responsible for internal affairs, except for the implementation of the provisions in Articles 21, 22, 24 (1 and 2), 24a, 24b (2) and 25 of this Act, which shall be supervised by the Court of Audit, and the implementation of Article 24 (3) which shall be supervised by AJPES.

The Court of Audit shall carry out supervision within its competencies as defined by this Act, and the act regulating the competencies of the Court of Audit.

Inspection bodies and other state authorities and public authorities which, when carrying out their tasks, identify violations of the provisions of this Act from paragraph 1 of this Article, shall submit to the offence authority a motion to instigate an offence procedure.”

**Article 15**

Article 28 shall be amended as follows:

**“Article 28**

A fine of 6,000 to 30,000 EUR shall be imposed on a Party which:
1. operates in the sense of Article 1 of this Act and has its registered office abroad (Article 3, paragraph 1),

2. operates in or incorporates its own organisation units into companies, institutions and other organisations and state bodies (Article 3, paragraph 2),

3. operates as a military or an armed association (Article 3, paragraph 3),

4. does not assign its excess income for humanitarian purposes within 30 days upon adopting the financial report on its operations for the preceding year (Article 21, paragraph 4),

5. draws funds, receives contributions or any other assets from prohibited sources without assigning them for humanitarian purposes within 30 days from the receipt of those funds (Article 21, paragraph 7, and Article 25 in relation to Article 22, paragraph 9),

6. receives contributions contrary to Article 22 (1) of this Act;

7. fails to sign a written contract with a natural person who performs services or sells goods to the Party (Article 22, paragraph 3),

8. within one year receives from the same natural person contributions, exceeding the amount of 10 average gross monthly salary payments, and fails to assign the surplus for humanitarian purposes within 30 days from the receipt of those funds (Article 22, paragraphs 4 and 9),

9. does not acquire a loan under the conditions laid in Article 22 (5) of this Act,

10. fails to include in the annual report of the Party the data from Article 22 (6 and 7) of this Act,

11. fails to fulfil its obligations from Article 24 (3) and Article 24a (2) of this Act,

12. fails to submit, upon request by the Court of Audit, the clarifications, data or documents necessary to carry out the audit, and does not give access to its business ledgers and records (Article 24b, paragraph 2).

A fine of 1,500 to 4,000 EUR shall be imposed on the person responsible from the Party if an offence from the previous paragraph has been committed."

**Article 16**

After Article 28a, new Articles 28b and 28.c are added, as follows:

"**Article 28b**

A fine of 1,500 to 15,000 EUR shall be imposed on a Party which:
1. accepts membership in the Party of a minor who is not at least 15 years old, without the consent of their legal representative (Article 6, paragraph 3),

2. contrary to the provision of Article 7 of this Act, accepts membership in the Party of a foreign citizen,

3. for the purposes of legal transactions does not use only its own registered name, abbreviated name, abbreviation of the name or symbol (Article 8, paragraph3)

4. during election campaign and candidacy procedures, does not use only its registered name, its abbreviation of the name and symbol (Article 8, paragraph 6),

5. does not file a timely application for entry in the Register with respect to changes in status related to Article 14 (2) of this Act, or does not file in due time an application for entry of amendments related to Article 15 in the Register.

A fine of 350 to 1,500 EUR shall be also imposed on the person responsible from the Party that has committed an offence from the previous paragraph.

**Article 28c**

A fine of 600 to 1,200 EUR shall be imposed on a natural person who:

1. gives to the Party a contribution in cash, exceeding the amount set in Article 22 (1) of this Act, or fails to report data from Article 22 (1) of this Act when making a contribution to the Party in cash,

2. fails to sign a written contract from Article 22 (3 and 5) of this Act,

3. gives to the Party a contribution exceeding the amount set in Article 22 (4) of this Act.

A fine from the previous paragraph shall also be imposed on a natural person from Article 24b (2) of this Act who, upon request from the Court of Audit, fails to submit clarifications, data or documents necessary to carry out the audit, or does not allow access to its business ledgers or records (Article 24b, paragraph 2)."

**Article 17**

Article 29 shall be amended as follows:

**“Article 29**

A fine of 6,000 to 30,000 EUR shall be imposed on a legal entity, sole entrepreneur or self-employed who:

1. gives a loan to a Party in breach of the provision of Article 22 (5) of this Act,

2. upon request from the Court of Audit, fails to submit clarifications, data or
documents necessary to carry out the audit, or does not allow access to its business ledgers or records (Article 24b, paragraph 2).”

3. gives a contribution to the Party (Article 25).

A fine of 1,500 to 4,000 EUR shall also be imposed on the person responsible at the legal entity, or a sole entrepreneur or self-employed person, who commits an offence from the previous paragraph.

A fine from the previous paragraph shall also be imposed on the person responsible from a state authority, or a local community body, that has committed an offence from points 2 or 3 of Paragraph 1 of this Article, Article 24b (2) and Article 25.”.

**Article 18**

After Article 29, a new Article 29a is added, as follows:

“**Article 29a**

A fine of 1,500 do 15,000 EUR is imposed on a provider of payment services carrying out payment transactions which fails to report data, upon the transfer of contributions to the Party, to allow the identification of a person who contributed the amount (Article 22, paragraph 8).

A fine of 350 to 1,500 EUR shall be imposed on the person responsible at the provider of payment services that committed the offence from the previous paragraph.”

**Article 19**

After Article 31.a, a new Article 31.b is added, as follows:

“**Article 31b**

The inspectorate responsible for internal affairs and AJPES may impose fines for the offences pursuant to this Act within the limits prescribe by this Act, whereby fines for offences may be imposed following a fast-track procedure in the amounts which are higher than the lowest prescribed fine.”.

**TRANSITIONAL AND FINAL PROVISIONS**

**Article 20**

The minister responsible for internal affairs shall issue an executive act from Article 24 (5) within 6 months of the enactment of this Act.

**Article 21**
The submission of a Party's annual report via the AJPES web portal from Article 24 (3) shall be made possible by March 1, 2015 at the latest.

Until such submission of annual reports via the AJPES web portal from the previous paragraph is made possible, the annual reports shall be drafted in line with the Political Parties Act (Official Gazette of the Republic of Slovenia, no. 100/05 – official consolidated version in 103/07) and the Rules on the content and form of the annual report and summary annual report of political parties (Official Gazette of the Republic of Slovenia, no. 2/01), and they are submitted to AJPES following the method prescribed by the Instruction on the submission of annual reports of non-for-profit organisations – legal entities governed by private law (Official Gazette of the Republic of Slovenia, no. 7/08, 8/09 in 109/10).

The Minister responsible for internal affairs shall publish a date in the Official Gazette from which the annual reports of political parties should be submitted via the AJPES web portal.

**Article 22**

Provision of Article 24c of this Act shall become applicable on the day of entry into force of the amendments of the Act related to offences, with the sanction of loss of funds from the national budget or local community budgets, and with the sanction of a reduction in the funds that the party is eligible to receive from the state budget or local community budget.

**Article 23**

The provisions of the act governing the offences notwithstanding, until the enactment of the amendments of the Act related to offences, the jurisdiction on adjudicating in cases of offences related to political parties, offences mentioned in Article 27 (1) where the competence lies with the Court of Audit, shall be vested in the Court. The indictment shall be filed by the Court of Audit, while the competent court to adjudicate about the offence is the Local Court of Ljubljana.

**Article 24**

This act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia, and shall become applicable on January 1, 2014. Until this Act becomes applicable, the provisions of the Political Parties Act (Official Gazette of the Republic of Slovenia, no. 100/05 – official consolidated version and 103/07) shall apply *mutatis mutandis*.

No. 000-02/13-13/31
Completed at Ljubljana, the 21st day of November 2013
EPA 1344-VI