STRUCTURE AND OPERATION
OF LOCAL AND REGIONAL
DEMOCRACY

Slovenia
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OF LOCAL AND REGIONAL
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Slovenia

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For further information, please contact:
Directorate of Democratic Institutions
DG of Democracy and Political Affairs
Council of Europe
F-67075 Strasbourg Cedex
Tel.: +33 (0)3 88 41 24 14
Fax: +33 (0)3 88 41 27 84
e-mail: siobhan.montgomery@coe.int

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1. LEGAL BASIS

1.1. Constitutional provisions relating to local/regional authorities

The Constitution of the Republic of Slovenia provides that the autonomy of local government in Slovenia is guaranteed (Article 9).

In section five, entitled Self-government, the Constitution provides that the Slovene people shall exercise local government powers and functions through self-governing municipalities and other local government organisations (Article 138). A municipality may comprise a single community or a number of communities whose inhabitants are bound together by common needs and interests. A municipality may be established by statute following a vote in favour of its establishment at a referendum conducted to ascertain the will of the people in the area affected (Article 139).

The range of duties and functions performed by a municipality include such local matters affecting only the people of that municipality, as the municipality may independently determine. The State may, by statute, vest such duties and functions as fall within its jurisdiction in municipalities and wider self-governing local-government bodies, subject to their prior consent, and to the provision of the necessary means for the performance of such duties and functions (Article 140).

A town or city may attain the status of an urban municipality in accordance with such procedures and under such conditions as may be prescribed by statute. Specific duties and functions relating to urban development may be vested by the State in urban municipalities by statute (Article 141).

With regard to municipal financing, the Constitution provides that the municipality shall raise its own revenue. Those municipalities which, due to a poor level of economic development, are unable to meet all expenditures required of them in the performance of their duties shall be eligible to receive additional financial assistance from the State (Article 142).

The Constitution also provides for the establishment of wider self-governing local government bodies: regions, which are established by law (Article 143). The lawful performance by local government bodies of their duties and functions is supervised by state authorities (Article 144).

There are other articles from other sections of the Constitution relating to local self-government which concern:

- the financing of the state and local government bodies (Article 146), taxes (Article 147);
- budgets (Article 148);
- the duties of the public administration (Article 121);
- the composition of the National Council (Article 96);
- the protection of the natural and cultural heritage (Article 73);
- the special rights of the autochthonous Italian and Hungarian Ethnic Communities in Slovenia (Article 64);
- the status and special rights of Roma communities (Article 65);
- the Office of the Auditor General (Article 150);
- the conformity of legislative measures (Article 153);
- the validity of legislative measures and their proclamation (Article 154);
- disputes concerning administrative matters (Article 157);
- the Office of the Ombudsman (Article 159), and
- the jurisdiction of the Constitutional Court (Article 160).
1.2. Main legislative texts concerning local/regional authorities

- **Act on Local Self-Government**
  (official consolidated text OCF2, Official Gazette of the RS, No 94/07);
- **Act on Local Elections**
  (official consolidated text OCF3, Official Gazette of the RS, No 94/07);
- **Act on the Procedure for the Establishment of Municipalities and for Determining their Territory**
  (Official Gazette of the RS, No. 44/96);
- **Act on the Establishment of Municipalities and on Determining their Territory**
  (Official Gazette of the RS, Nos. 60/94, 69/94 – corrigendum, 69/94, 56/98, 75/98 – corrigendum, 67/98 – Constitutional Court decision and corrigendum 73/98, 67/98 – Constitutional Court decision, 72/98 – Constitutional Court decision, 75/98, 52/02, 27/06 and 61/06);
- **Act on the Financing of Municipalities**
  (official consolidated text OCF1, Official Gazette of the RS, Nos. 32/06);
- **Act on Public Finances**
  (Official Gazette of the RS, Nos.79/99, 124/00, 79/01, 30/02 and 56/02);
- **Act on Election Campaign**
  (Official Gazette of the RS, Nos. 64/94, 17/97 and 103/06);
- **Act on Political Parties**
  (Official Gazette of the RS, Nos. 64/94, 13/98 – Constitutional Court decision, 24/97 – Constitutional Court decision, 70/2000, 51/02 and 94/02 – Constitutional Court decision);
- **Act on State Administration**
  (Official Gazette of the RS, No. 52/02, 110/02, 56/03 and 113/05 official consolidated text OCF4);
- **Act on Public Sector Salary System**
  (Official Gazette of the RS, No. 56/02, 72/03, 115/03 - official consolidated text OCF1, 126/03, 20/04 – official consolidated text OCF2, 70/04, 24/05 – official consolidated text OCF3, 53/05, 70/05 – official consolidated text OCF4, 14/06 and 32/06 – official consolidated text OCF5);
- **Act on Civil Servants**
  (Official Gazette of the RS, No. 56/02, 23/05, 35/05 official consolidated text OCF1, 113/05 and 68/06).

2. STRUCTURE OF LOCAL/REGIONAL AUTHORITIES

2.1. Main subdivisions

The basic self-governing local communities are the municipalities. The municipalities are established and their territory is determined by statute. Before municipalities were established, preliminary referendums were carried out, on which the inhabitants of individual settlements or groups of settlements sharing common interests expressed their preliminary opinion.
The Constitution defines two-tier local self-government, which means that regions should be established as wider self-governing local communities at the level between the state and the municipalities. However, this has not happened so far, since Article 143 of the Constitution was changed in June 2006. The adopted modification enables the establishment of regions as wider self-governing local communities at the regional level and thus the enforcement of regional self-government and decentralisation of state tasks.

The criteria applied in the establishment of new municipalities are specified in Articles 13, 13a, 14, and 15 of the Act on Local Self-Government. According to this act, the area in which a municipality is established must fulfil or guarantee the following conditions:

- primary education,
- primary citizen’s health care,
- provision of municipal services,
- postal services,
- library, and
- premises for local community administration.

A municipality must have at least 5 000 inhabitants. Exceptionally, a municipality may have less than 5 000 inhabitants due to geographic, border location, nationality, historical or economic reasons but not less than 2 000 inhabitants.

An urban municipality is a compact settlement or group of settlements linked in a unified spatial organism, with the surroundings of the town linked by the population’s daily commuting. A town may acquire the status of an urban municipality if it has at least 20 000 inhabitants and at least 15 000 jobs, of which at least half must be in tertiary and quaternary activities, and if it is the geographic, economic, and cultural centre of its gravitational area. An urban municipality is founded by an act passed by the National Assembly. The act determines the territory and name of the urban municipality (Article 16).

### 2.2. Statistical data

Slovenia measures 20 273 square km and has 2 003 358 inhabitants (figures at 31 December 2005). Since the local elections in October 2006 there are 210 municipalities of which eleven are urban municipalities (Celje, Koper, Kranj, Ljubljana, Maribor, Murska Sobota, Nova Gorica, Novo Mesto, Ptuj, Slovenj Gradec and Velenje).

In 1952 the total number of municipalities was 380.

<table>
<thead>
<tr>
<th>Municipalities surface and population indicators</th>
<th>Municipalities</th>
<th>Surface (sq.km.)</th>
<th>Municipalities</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Largest</strong></td>
<td>Koševje</td>
<td>555</td>
<td>Ljubljana</td>
<td>267 592</td>
</tr>
<tr>
<td><strong>Smallest</strong></td>
<td>Odranci</td>
<td>7</td>
<td>Hodoš</td>
<td>348</td>
</tr>
<tr>
<td><strong>Average</strong></td>
<td></td>
<td></td>
<td></td>
<td>10 352</td>
</tr>
</tbody>
</table>
Municipalities according to population

<table>
<thead>
<tr>
<th>Inhabitants</th>
<th>Number</th>
<th>Percentage of the total number %</th>
</tr>
</thead>
<tbody>
<tr>
<td>Under 1 000</td>
<td>6</td>
<td>2.86</td>
</tr>
<tr>
<td>Between 1 000 and 5 000</td>
<td>105</td>
<td>50.00</td>
</tr>
<tr>
<td>Between 5 000 and 10 000</td>
<td>47</td>
<td>22.38</td>
</tr>
<tr>
<td>Between 10 000 and 20 000</td>
<td>34</td>
<td>16.19</td>
</tr>
<tr>
<td>Between 20 000 and 50 000</td>
<td>15</td>
<td>7.14</td>
</tr>
<tr>
<td>Between 50 000 and 100 000</td>
<td>1</td>
<td>0.48</td>
</tr>
<tr>
<td>Between 100 000 and 500 000</td>
<td>2</td>
<td>0.95</td>
</tr>
</tbody>
</table>

2.3. Regulations governing changes in structures and boundaries

The Act on Local Self-Government stipulates that municipal councils, in areas where changes concerning the territorial structure are proposed, must participate in the preliminary procedure for the establishment of new municipalities. Referendums of a consultative nature are held on the proposals for territorial changes. On the basis of preliminary procedures and the referendum, the National Assembly passes the Act on the Establishment of Municipalities and on Determining their Territory.

2.4. General units of state administration at local/regional level and their relationship with local/regional authorities

In Slovenia, administrative units are special units of state administration and there are 58 of them. Each of these has its own field of operation, competence, functions, and leadership, and they cover the territory of one or more municipalities.

In their relation towards self-governing local communities, administrative units do not directly supervise the lawfulness of their bodies’ work, although they must notify the competent ministries if it comes to light that the bodies of the self-governing local communities are acting unlawfully while performing tasks that are within their competence. Furthermore, an individual administrative unit must notify the competent ministry if it finds out that a local self-government community is acting inappropriately or unprofessionally while performing tasks that are within the state’s competence.

The head of an administrative unit is the co-ordinator of the advisory council that is established in the territory of the administrative unit (the territory is determined by a government decree) in order to deal with questions concerning the organisation, efficiency and quality of work and to have a co-ordinated action of all the bodies of public administration in this territory. Apart from the head of the administrative unit, the members of the advisory council also include the mayors of all the municipalities from this territory and directors of municipal administrations, as well as the heads of state authorities’ units that are not part of the administrative unit (tax offices, offices of the Surveying and Mapping Authority).
3. **ORGANS OF EACH CATEGORY OF LOCAL OR REGIONAL AUTHORITIES**

As the act on the regions is still under preparation, the following information concerns solely the municipalities and results from the provisions of the Constitution and the Act on Local Self-Government.

Pursuant to the Act on Local Self-Government, a Slovene municipality has three bodies: a municipal (town) council, a mayor and a supervisory committee. In a municipality's administration, the crucial roles are played by the first two bodies, whereas the supervisory committee is the body supervising public expenditure in the municipality.

3.1 **Deliberative body**

The decision-making body of a municipality is the municipal council. It passes the municipal general acts and budget and supervises the mayor and municipal administration with regard to the implementation of the decisions of the municipal council.

The municipal council is composed of seven to forty-five members, depending on the number of inhabitants in the municipality, elected by the citizens on free, direct, secret and general elections every four years. Voters in municipal elections must be at least 18 years old, have full civil rights and be permanent residents in the municipality concerned. Adult foreigners with permanent residence in the Republic of Slovenia also have a right to vote for members of municipal councils. Citizens from European Union member states with permanent residence in the Republic of Slovenia also have the right to vote and stand as candidates in the municipal council elections.

In ethnically mixed areas inhabited by the Italian and Hungarian ethnic communities and areas autochthonously inhabited by the Roma community, each area has at least one representative in the municipal council and the members of ethnic communities have a right to vote. Minority ethnic groups are guaranteed the right to representation by the Constitution and the Act on Local Self-Government.

The members of municipal councils are elected according to the majority or proportional systems, depending on the number of the members of the municipal council. The majority system applies where the municipal council has up to twelve members while the proportional system applies where it has more than twelve members. Nevertheless, the number of the ethnic minority representatives and Roma community representatives does not affect the voting system that applies in municipal council elections, members of which are elected according to the general right to vote.

Minority community representatives are elected according to the “special right to vote” that applies to the representatives of minorities and the Roma community; in any case, they are elected according to the majority system.

In elections according to the majority system, voting is conducted for individual candidates. The municipality is divided into constituencies, unless the municipal council has less than seven members. Citizens vote for a maximum number of candidates, equal to the number of members of the municipal council being elected in the constituency. The candidates who receive the highest number of votes are elected.
In elections according to the proportional system, voting is conducted for lists of candidates. The municipality may be facultatively divided in constituencies and citizens may only vote for one list of candidates. In addition, they may give a preferential vote to only one candidate from the list. Preferential votes are taken into account if at least one quarter of the voters for an individual list have cast a preferential vote. The candidates on the list for whom a preferential vote has been cast by at least ten percent of voters are elected, in order of the highest number of preferential votes. If these conditions are not met, candidates are elected according to the order of the list. Seat allocation varies depending on whether the elections are held in constituencies or in the entire municipality as a single constituency.

In the case of various constituencies, the allocation of seats to a particular list results from dividing the number of votes received by the list by the ratio between the total number of votes cast for all the lists and the number of members of the municipal council elected. A particular list is allocated as many seats as the number of votes received by the list can be divided by the ratio. In the case of a single constituency, seats are allocated according to the d'Hondt system.

After amending the Act on Local Elections in July 2005 all the candidate lists must follow the gender equality criteria. The Act on Local Elections requires that every list has a minimum of 40 % candidates from each gender. Further, on the first half of the list, every second candidate must be a different gender. The transitional provisions of the Act on Local Elections provide, however, for a transitional period in which the percentage of each gender on the list must be 20% at the local elections in 2006 and 30 % at the local elections in 2010, while on the first half of the list every third candidate has to be of a different gender.

Local elections are conducted by the municipal election commission as a special municipal body, appointed by the municipal council for a term of four years.

The municipal council includes a commission for mandate issues, elections and appointments, a board for the protection of consumers of public goods and other permanent and occasional committees and commissions which operate as advisory working bodies. The members of the committees and commissions are appointed by the municipal council from among its members and other citizens.

The Act on Local Self-Government stipulates that a local community may organise lower organisational forms: village, locality or quarter communities. These lower organisational forms may have directly elected councils or special deliberative bodies appointed by the municipal council from among their inhabitants. The latter should on the one hand mean a deconcentration of the decision-making process and on the other hand a possibility of a more direct influence of local community inhabitants on the administration of issues which concern them most.
3.2. Executive body

The mayor is the executive body and political head of a municipality. He/she represents the municipality and the municipal council and also convokes and conducts its sessions. Furthermore, the mayor directs and supervises the operation of the municipal administration, which is directly headed by the municipality’s secretary - the head of the municipal administration. The mayor proposes general acts and the budget to the municipal council for approval and is responsible for the implementation of the decisions taken by the municipal council. The mayor also takes care of publishing the statutes, decrees and other general acts of the municipality. He/she may withhold the implementation of a certain decision of the municipal council if he/she considers it to be unlawful or in contradiction with the statutes or other general acts of the municipality.

On the basis of the Act on Civil Servants and the Act on the Organisation and Field of Operation of the Municipal Administration, the mayor determines the job structure in the municipal administration and appoints and employs municipal administration staff.

The mayor is elected directly by voters who are permanent residents of the municipality. Every citizen (with permanent residence in the municipality) has the right to vote for the mayor or to be elected mayor if the citizen has the right to vote in the elections for the municipal council. Foreigners with permanent residence in the Republic of Slovenia only have the right to vote for the mayor but cannot act as candidates or be elected mayor.

The provisions of the voting law which apply to the elections to the municipal council also apply to the election of the mayor, with the exception of the provisions concerning proportional representation and the special rights of ethnic minorities. The candidate who acquires the highest number of votes is elected, in accordance with the simple majority principle.

The mayor has the same status as the municipal council and in the framework of his/her competences is responsible for ensuring that legality is respected. For this purpose, the mayor is entitled to prevent the adoption of municipal acts by the council if he/she considers them unconstitutional or illegal. In such cases, the mayor will issue a warning to the council. If the latter does not heed this warning, the mayor will request judicial review of the conformity of the act in question with the Constitution.

The competences of both municipal bodies are determined by statute. The mayor’s responsibility to implement the decisions of the municipal council is political in nature.

The mayor has no special authorisation defined by law for the performance of state functions. However, it is possible for a ministry to authorise the mayor to perform certain administrative duties on behalf of the state, for example civil marriage.

3.3. Head of the administration

The municipal or town administration is composed of one or more departments of municipal administration, established on the basis of the mayor’s proposal by a general act of the municipal council, which also determines their composition and sphere of work. In accordance with the relevant acts and other regulations, the town administrative bodies independently perform administrative, professional-technical, organisational, developmental and other tasks.
Among other things, the Act on Local Self-Government lays down the town administration’s tasks in the area of public services, the organisational forms of their implementation, and their relations to the providers of public services. In accordance with the Act, the town administration supervises the legality of public companies’ work and the implementation of public services’ activities. Pursuant to the act, public utilities are defined by the specific acts in the field of energy business, traffic and connections, municipal and water management, management of other natural resources, and environmental protection, as well as by other acts regulating economic infrastructure. By virtue of a specific field act it may be stipulated that a certain service is to be performed as an obligatory public utility.

The head of the local administration is the municipal secretary or, if this is stipulated in the municipal act, the director of municipal administration. He/she is a municipal civil servant, responsible for the management of local staff. Pursuant to the Act on Civil Servants and the Act on Local Self-Government, he/she is appointed and discharged by the mayor.

3.4. Division of powers

As noted above, the municipal council is the highest decision making body on all matters concerning the rights and duties of the municipality.

The mayor for his/her part is the legal representative of the municipality. He/she has the legislative initiative concerning the municipal budget and all the other acts to be adopted by the municipal council and is responsible for their implementation. Finally, the mayor directs and supervises the municipal administration.

The municipal council and the mayor have the same status and neither of them can therefore request the resignation of the other.

Other bodies include the supervisory board and the election commission, both appointed and dismissed by the municipal council. The supervisory board monitors the management of municipal assets, the efficiency and expediency of budgetary allocations and all financial operations involving the use of municipal funds.

The municipal election commission is responsible for the lawfulness of the elections to the municipal council and for the mayor. In this capacity it approves the candidacies put forward for election, determines polling stations, appoints election boards, assesses the results of elections, etc.

3.5. Legal provisions concerning the internal structure of the municipal administration

As noted above, the structure and operation of the municipal administration are established by the municipal council, upon the proposal of the mayor. However, in organising the administration, notably in determining jobs, the municipal council and the mayor are obliged to observe the law and government regulations governing, in accordance with the principles of organisation and work of public administration bodies, the civil service system and determining uniform objectives for the operation of public administration bodies.
4. DIRECT CITIZEN PARTICIPATION IN DECISION-MAKING

4.1. Local/regional referendums

Article 44 of the Act on Local Self-Government makes provision for direct forms of citizens’ participation, including a citizens’ assembly, municipal referendums and popular initiatives.

The Act on Local Self-Government governs two types of local referendum: a referendum subsequent to adopted municipal regulations that are not yet in force, except on the budget or a regulation determining local taxes or fees, and a consultative referendum on any issue within the municipal competence. The initiative for a referendum on a municipal regulation may be taken by the members of the municipal council, by the mayor or by five per cent of the municipality’s voters. If a referendum is requested by the members of the municipal council or the mayor, calling it is optional, but if it is requested by the voters, it is obligatory. The municipal council may call a consultative referendum on individual issues of special interest within the municipal competence to ascertain public opinion. The municipal bodies are not bound by the results of a consultative referendum.

The Act on the Procedure for the Establishment of Municipalities and on Determining their Territory provides further details concerning the conditions for conducting municipal referendums in the event of setting up a municipality or altering its territory. According to the latter, the National Assembly determines the territory in which the referendum is held, and the decision to establish a new municipality or alter its territory is determined by statute on the basis of a single favourable majority in a municipal referendum.

4.2. Citizens’ assembly

According to the Act on Local Self-Government, a citizens’ assembly may be convened for the entire municipality or for an individual part thereof by the mayor at his/her own initiative, at the Council’s initiative or at the request of five percent of the voters in the municipality, unless otherwise provided by the municipal statutes (Article 45).

4.3. Popular initiatives

The Act on Local Self-Government provides for popular initiatives concerning the adoption or revocation of municipal acts and decisions. Such initiatives should be put forward by at least five percent of the municipal voters and the municipal body to which the initiative is addressed is obliged to decide on the initiative in the period determined by the statute of the municipality and, in any event, within three months (Article 48).
5. **STATUS OF THE LOCAL ELECTED REPRESENTATIVES**

5.1. **Status and term of election**

Every Slovenian citizen who is 18 years old on the date of the election, a permanent resident in the municipality concerned and enjoys full civil rights is entitled to stand as a candidate in local elections and be elected member of the municipal council for a four-year term. Adult foreigners with permanent residence in the municipality’s territory also have an active right to vote in elections of members of municipal councils and mayors. Adult foreigners with citizenship of a European Union member state can vote and stand as a candidate for municipality council and vote for Mayor in the municipality of their residence.

The Act on Local Self-Government identifies the functions which are incompatible with the status of elected representative (member of the municipal council, mayor or deputy mayor). In particular, this status is not compatible with managerial posts in state administration involving legal control of local authority action. The Act on the Prevention of Corruption stipulates the incompatibility of a function in the bodies of self-governing local communities with performing gainful activities or functions in public enterprises, institutions, agencies and funds founded by the municipality in cases when such a body or an individual official within his/her function performs supervision of their work and operation.

Incompatibility nevertheless depends on the precise exercise of functions, which is why a full-time or vocational member of the National Assembly may only perform non-vocational functions in the municipality.

According to the statute, resignation by an elected representative is possible, although the cases for resignation are not defined.

Once the term of office of vocational representatives is completed, persons unable to return to their former organisation or employer are entitled to a maximum of three months’ special allowance. This may be extended to nine months if during this period the beneficiary reaches retirement.

The financing of electoral campaigns is regulated by the Act on Election Campaign. This act sets out the duty of electoral campaign organisers to open a special temporary account for financing the electoral campaign of individual candidates or a list of candidates. It also determines the possible sources and the permissible amounts for financing electoral campaigns. The Act on Election Campaign also regulates matters concerning the election campaign in the public media and other forms of communication, the organisation of election rallies. It also allows the municipality to reimburse the organisers of an electoral campaign, on the basis of their reports, a part of the resources spent, by a special act of the municipal council. The financing of electoral campaigns is supervised by the Court of Audit of the Republic of Slovenia. The costs of local elections are otherwise covered by the municipalities.

The financing of political parties is governed by the Act on Political Parties. A political party whose candidates have been elected to the municipal council has, if this is decided by the municipal council, a right to an allocation of funds from the municipal budget, related to the number of votes received.
5.2. **Duties and responsibilities of the local elected representatives**

The duties and responsibilities of the local elected representatives are directly connected with the competences of the municipal body concerned, as stated above.

In the case of representative and executive functions in state authorities, local elected officials have to observe the provisions of the Act on the Prevention of Corruption, which stipulates the incompatibility of performing their functions with work managing public enterprises, public institutions, agencies and other organisations, if their duties include supervising how these bodies operate. The act also prohibits receiving gifts and other advantages, defines the transfer of data on individual senior officials’ property and income and defines the limitations regarding profitable activities for private purposes. Vocational and non-vocational senior officials are therefore required, within one month after assuming and resigning from their position, to supply information about the state of their assets to a special state commission for the prevention of corruption. In the event that the commission finds that a senior official has undertaken profitable activities in contravention of the above-mentioned Act or if it discovers that the senior official's assets have considerably increased, the commission notifies the body competent for elections and appointments, which institutes the procedure for terminating the mandate and for subsequent dismissal, in accordance with the statute.

5.3. **Working conditions of the elected representatives**

The working conditions of the elected representatives are the same as those of other employees in the municipality. All municipalities are guaranteed at least minimum working conditions, i.e. premises and equipment.

Attendance at official meetings is part of the functions of the elected representatives. Given the responsibilities and duties of the representatives, their work cannot be performed in "fixed" occupations. Moreover, vocational elected representatives are entitled to regular annual leave.

As regards the remuneration of the elected representatives, vocational representatives' (the mayor) salaries are determined by the Act on Public Sector Salary System and the Ordinance of the National Assembly on the classification of functions into remuneration classes.

On the basis of the Act on Local Self-Government and pursuant to a special internal regulation adopted by the municipal council, non-vocational representatives are entitled to allowance and compensation for lost income, according to the work performed, and to the refund of expenses related to the post.

Remuneration of full-time or vocational elected representatives is subject to taxation, health insurance and pension-scheme deductions. Remuneration of non-vocational representatives is likewise subject to taxation but not to deductions.

Continuous training is provided for local elected representatives by means of conferences, seminars and study visits abroad, conducted by academic and governmental institutions.
6. **DISTRIBUTION OF POWERS BETWEEN THE VARIOUS CATEGORIES OF LOCAL AND REGIONAL AUTHORITIES**

Currently, the distribution of powers between the different levels of government is defined by the Constitution and by the Act on Local Self-Government.

6.1. **General principles**

According to the Constitution, citizens exercise local self-government by means of municipalities and other local government organisations, i.e. the regions.

The basic constitutional provisions on the basis of which the competences of self-governing local communities are defined are Article 140, which defines the general competence of municipalities in all local public matters affecting the inhabitants in those municipalities and the possibility of the state vesting individual tasks from its competence in municipalities, and Article 143, which defines how to determine regional tasks. Furthermore, Article 141 of the Constitution defines urban municipalities, which, in addition to the duties performed by all municipalities, also perform duties and functions related to the development of a given town or city.

In addition, municipalities may set up communities or join together to regulate and perform functions of common interest, as established by law.

In conformity with the Act on Self-Government, local communities co-operate among themselves according to the principles of free will and solidarity, may collect funds for that purpose and designate common bodies, organisations and services for the administration of common matters.

Article 143 of the Constitution provides that regions are wider self-governing local communities. On the one hand, regions can perform tasks within their own competence only, such as local matters of widespread concern and regional matters stipulated by law. On the other hand, regions can also perform transferred tasks and (tasks vested in them by the state by virtue of a special act. Pursuant to the adopted modifications of Article 143, regions would be established by an act on the basis of preliminary discussion and opinions by the municipalities.

6.2. **Competences of local and regional authorities**

The acts regulating individual matters of public administration are based on the provision of Article 21 of the Act on Local Self-Government, which defines the duties and functions of municipalities. Those acts separate, in individual areas, public administration matters within the competence of state authorities from matters within the competence of municipalities or urban municipalities.

Nevertheless, the municipalities’ competences defined by statute are only a part of their original tasks. On the basis of the general constitutional provision, a municipality also determines by statute other tasks it will perform for the benefit of its inhabitants. In addition to the duties performed by all municipalities, urban municipalities also perform tasks in the field of urban public transport, urban environment protection and housing, including the keeping of housing registers, regulation and supervision of rent contracts, management, authorisation for the performance of certain activities in apartments, monitoring the level of rents and inspection.
A special Act on Regions is being drafted, which will define the work areas (tasks and competences) of the regions. The Act on Regions will set out the basis for dividing the competences of state authorities, regions and municipalities and urban municipalities, in accordance with the subsidiarity principle. The entry into force of this act is planned for 2007.

In the last five years, in-depth studies of the tasks and competences of the ministries and other authorities have been undertaken, in order to define those tasks and competences that have regional significance and whose performance by regions would be reasonable. At the same time, the competences of the municipalities were studied again, taking into account their administrative and economic capacities, and tasks they perform for the benefit of inhabitants from other municipalities, in order to identify tasks that could be more adequately performed by regions. In accordance with the programme, the regions’ competences would include:

1) **Regional development and economy** – regional structural policies and plans for sustainable development of the entire regional territory; definition of areas with special developmental needs; setting up regional development agencies; tourist associations at regional level and performing other tasks related to development and promotion of tourism in a region; setting up funds for small business development; adopting measures to boost small business in a region.

2) **Environment, space and energy** – regional programme for protecting the environment; spatial legislation to enable spatial planning of regional importance; local energy concepts; local public services for waste management and waste disposal and drinking water from primary water networks; regional housing schemes.

3) **Traffic** – traffic network development strategy in a region; regional traffic development programmes; public passenger transport services and special passenger transport in a region; traffic regime on regional roads and surfaces for stationary traffic; public services for maintenance of regional roads and surfaces for stationary traffic important for a region; safety at sporting events and tourist civilian airports (except meteorology for air traffic); building civilian airports of regional importance; inland water-borne traffic; legislative measures for prevention of drowning; licences for ski slopes, supervision of the operation of ski slopes.

4) **Agriculture, forestry and food** – structural agricultural regional policy and measures.

5) **Education, science and sport** – setting up public vocational schools; vocational colleges/higher vocational schools and student housing facilities; educational programmes and education-related tasks which are important for a particular region; setting up high schools; co-founding public higher education institutions and other institutions – university members’ or students’ residences; development of sport in a region.
6) **Health** – regional development health service strategies; health care schemes; implementation of health care programmes at regional level; setting up regional health institutions; health care crisis centres for natural or other disasters; regional council of public health services; measures for public health services at primary level and for pharmaceutical activities; and measures to preserve the environment.

7) **Work, family and social welfare** – social development in a region; social prevention and community drives; supplementary social schemes; home care network; regional networks of social welfare centres; nursing homes for older people; special welfare care and nursing facilities for adults; work and nursing centres; crisis centres and other facilities for vulnerable groups (shelters for women, the homeless, the battered, centres for the disabled, shelters and therapy communities for drug addicts and permanently ill people) and other family welfare activity centres; regional action plans for the prevention of use of illicit drugs and the treatment of drug users; treatment programmes and social rehabilitation.

8) **Culture** – setting up public cultural institutions of regional importance (regional archives, museums and galleries, theatres, restoration centres, institutions for managing historical heritage and monuments, etc.); special tasks for central regional libraries, programmes and projects for sustainable development of culture; revitalisation of monuments and other regional heritage.

9) **Defence** – special fire safety measures for built-up areas and natural environments such as raising the alert in case of increased fire hazard in a region; public fire drills and other forms of training; security, rescue and assistance teams in case of natural disaster and other catastrophes affecting one or more municipalities; damage assessment in case of natural and other disaster; assistance for disasters.

10) **Foreign affairs** – various forms of transfrontier co-operation.

11) **Internal affairs** – prevention and education in road traffic matters; issuing permits for: public rallies, citizenship permits – except in cases of naturalisation; – citizenship permits for temporary residence and decrees for terminating residence, passports and group passports, identity cards, firearms certificates; registration and termination of permanent or temporary residence; registration of place of residence; administration for name changes; registry office tasks; maintaining birth/marriage registers in conformity with the act; administrative tasks relating to parking licences, driving licences and car licences.

The table at the end of this chapter presents an overview of the present distribution of powers between the state and local authorities.
6.3. Participation of local/regional authorities in national economic and spatial planning

In accordance with the European Charter of Local Self-Government, which on the basis of Article 8 of the Constitution became part of the Slovenian legislation with ratification in the National Assembly in March 1997 and is directly applicable, self-governing local communities have the right to be asked for their opinion in all matters regulated and implemented by state authorities within their competence.

Spatial planning is within the competence of municipalities, except in matters concerning the setting up of infrastructures of national significance such as motorways and other state roads, railways, waste-burning facilities, etc. However, in such cases, the municipalities that are affected by the spatial planning are invited to spatial conferences to participate in discussions before the plan is drafted and prior to its adoption.

Economic development is within the competence of both the municipalities and the state. Since regions have not yet been established, regional development planning is, as a rule, within the municipal competence, while state competence only applies when municipalities do not perform tasks within this competence. Within regional development planning, municipalities in the territory of the statistical region may make decisions regarding the drafting and adoption of a regional development plan and establish a regional development agency or authorise an existing organisation to perform those tasks.

Under the Act on Local-Government, if an act or regulation on the position, competences or financing of local self-government only concerns a particular municipality, then state authorities and other bodies that draft acts and implementing regulations are obliged to ensure adequate participation of the municipality association or individual municipality in question as early as in the drafting phase of competences, before submitting them to the competent body for discussion and adoption.

In addition to the mandatory participation of associations in the drafting of laws, the National Assembly must also consult the local and regional authorities concerned, prior to the adoption of any acts affecting the interests of municipalities and/or the regions. The latter may require the Constitutional Court to consider the conformity of these acts with the Constitution and legislation in force.
6.4. Tasks delegated to local/regional authorities acting as agents of the central authority

Under Article 140 of the Constitution the state may, by law, delegate to a municipality the implementation of individual competences, but has to provide appropriate means for the performance of these duties. Reasons for why this Article has not yet been applied are to be found in the following facts: until June 2006 municipalities had to give their prior consent; territorial reform of local self-government in Slovenia had not been finalised, when the last 17 municipalities were established in 2006; the functional reform of local self-government introduced one type of municipality with the exception of urban municipalities, and that this reform has resulted in the appearance of municipalities with very different administrative capacities. An additional important reason can also be found in the fact that the new Act on State Administration¹ in 2002 replaced the previous act introduced and kept the administrative units respectively. Administrative units are territorial offices of state administration, subordinated to a given ministry, with their own area of operation and tasks. Their basic responsibility is to decide on administrative matters at first instance, while the competent ministry or ministerial body or organisation is competent for ruling on appeals against decisions taken by administrative units.

Administrative units whose duties fall within a certain ministry’s competence are supervised by that ministry when carrying them out. However, the operation, management and work organisation of the administrative units are within the competence of the Ministry of the Public Administration in its capacity as ministry competent for administration.

The competence of the administrative units may cover one or more local authorities and there are fifty-eight administrative units in total. Administrative units are organised as bodies of general competence. At local level, some ministries are organised according to their function. Such authorities (tax offices, surveying and mapping authorities, etc.) belong to the competent ministries and there are 12 to 14 of them, depending on the requirements of functional territorialisation.

For the purpose of co-operation between the administrative unit, other territorial bodies of the ministries and local communities, a co-ordination advisory council is created for each administrative unit territory, pursuant to the Act on State Administration. The basic tasks of co-ordination advisory councils are to co-ordinate the work performed by public administration bodies in this territory, to ensure open administration, to provide information concerning the administrative services, to remove administrative obstacles and to ensure the quality of administrative services. The members of such an advisory council are the head of the administrative unit, heads of other territorial bodies of the state administration, the mayors and directors of municipal administrations.

¹ Official Gazette of the Republic of Slovenia, No. 52/02, 110/02, 56/03 and 113/05 official consolidated text OCF4
The competences of local and regional authorities

<table>
<thead>
<tr>
<th>Function</th>
<th>Competent authority</th>
<th>Type of competence</th>
<th>Exercise of the competence</th>
<th>Remarks</th>
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## The competences of local and regional authorities

**SLOVENIA**

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<th>Function</th>
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<th>Exercise of the competence</th>
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<td>Theatres &amp; concerts</td>
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<td>Museums &amp; libraries</td>
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<td>Parks &amp; open spaces</td>
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## The competences of local and regional authorities

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<td>Traffic, transport**</td>
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<td>Water supply</td>
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<td>Agriculture, forests, fishing</td>
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<td>Electricity</td>
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<td>Economic promotion</td>
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<td>Trade &amp; industry</td>
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<td>Tourism</td>
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<td>Other economic services</td>
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<tr>
<td>Other functions</td>
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</table>

* (*) where several intermediate levels exist, the competent local government is indicated
  
* (**) the competence refers to the infrastructure (I) or to the management (M)
  
* (***) for any remarks see last page in this country’s table

*** The municipalities supervise the implementation of their regulations and within this framework determine, detect and punish the violators for their offences. To this purpose, they can organise inspections, municipal supervision services and municipal traffic warden services (prosecution of traffic offences)
7. **COOPERATION AND OTHER TYPES OF LINKAGE BETWEEN LOCAL/REGIONAL AUTHORITIES**

According to the provisions of the Act on Local Self-Government, local authorities are called upon to co-operate among themselves on the basis of free will and solidarity. For this purpose, they may collect funds and designate common bodies, organisations and services for the performance of common duties. They may also form communities or joint bodies for the performance of tasks of common interest. The manner of integration and the status of these communities are determined by a founding act, which is adopted by the municipal councils of the member municipalities on the basis of and in accordance with the provisions of the Act on Local Self-Government.

Local authorities are entitled to co-operate with foreign local authorities and international associations of local and regional authorities, within the framework of their competences. Cross-border and interterritorial cooperation of local communities is legally based on the Convention of the Council of Europe, which has been ratified by Slovenia and since 2003 has been part of its internal legislation.

8. **FINANCE**

Article 142 of the Slovenian Constitution stipulates that municipalities must raise their own revenue. Financially disadvantaged municipalities, unable to fully perform their duties, are eligible to receive additional financial assistance from the state in accordance with the principles and criteria prescribed by the law. Relying on the constitutional provision, the Act on Local Self-Government stipulates that local matters of public interest are to be financed by the municipality's own resources, state budget and loans. A municipality's own resources include taxes and other contributions, and revenue from its assets.

In 1998, amendments to the Act on Financing of Municipalities established a new system of municipal financing. The essence of these changes lies in the introduction of the new basis for financing those tasks performed by municipalities according to the Constitution and the statute.

The new system is based on the principles of the European Charter of Local Self-Government (Article 9) and on the Constitution. According to this system, the financial resources of local authorities must be proportional to the tasks defined by the Constitution and prescribed by statute. At least part of their financial resources must come from local taxes and contributions, with the amounts or limits determined by local authorities themselves in accordance with the statute. In order to protect financially disadvantaged local authorities, it is necessary to introduce procedures of financial equalisation.

The Act amending the Act on Financing of Municipalities (Ur. I. RS, at. 56/98) abolished the system of financing expenditure based on the criteria for allocating expenditures predetermined by line ministries in co-operation with municipalities and which had a major impact on the so-called financial equalisation of municipalities or additional resources from the state budget. A system of appropriate expenditure, i.e. an appropriate amount of resources, has been introduced so as to allow a municipality to carry out its constitutional and legal responsibilities.
Another step towards harmonisation of Slovene legislation with the European Charter of Local Self-government was the adoption of the Act on Financing of Municipalities (official consolidated text OCF1, Official Gazette of the RS, No. 32/06) in spring 2006. The main goal of the Act was to ensure citizens an equality of services provided by the municipality irrespective of the citizen’s financial status, contribution to public finance or place of residence. Due to the fact that sources of funds are asymmetrically located, the main principle was equality and solidarity brought into the legislation on the basis of an autonomous financial circle according to the principle of financing through payments of services. In other words: revenues of local authorities must be in proportion to the services delivered by local authorities.

The share of the municipalities’ public expenditure of Slovenia’s GDP is shown in the table below (in million SIT):

<table>
<thead>
<tr>
<th></th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
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<tr>
<td>GDP Slovenia</td>
<td>4 740 122</td>
<td>5 275 827</td>
<td>5 670 640</td>
<td>6 194 499</td>
<td>6 571 200</td>
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<tr>
<td>Local self-government</td>
<td>242 514</td>
<td>273 522</td>
<td>290 806</td>
<td>310 819</td>
<td>328 806</td>
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<tr>
<td>Percentage</td>
<td>5.12</td>
<td>5.18</td>
<td>5.13</td>
<td>5.02</td>
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8.1 Local taxes

The basic principle of the Act on Financing Municipalities is that a municipality is financed through its own revenue. The municipalities which cover the cost of the appropriate expenditure with their own revenue are not entitled to financial equalisation. The Act differentiates between two kinds of municipality revenues (Articles 6 to 8 of the Act):

Revenue under Article 6 and Article 8 consists of:

– real estate tax;
– tax on water vehicles;
– taxes on real estate business transactions; inheritance and gift taxes;
– taxes on profits from lotteries and games of chance;
– special tax on the use of slot machines outside casinos.

Municipalities do not exert any influence on the tax rates, as they are determined by an act and are assigned to municipalities by the state.

The revenue under Article 7 consists of:

– voluntary contributions;
– fees;
– fines;
– concession rates;
– administrative revenue;
– revenue defined by other acts.
8.2. Financial transfers

The Act specifies that all resources which allow the municipality to perform its constitutional and legal responsibilities represent the scope of resources for financing of matters of local public interest.

The appropriate expenditure per inhabitant is defined by the Slovenian National Assembly when the state budget is passed for a set fiscal year. This expenditure is determined as an average amount of resources per inhabitant of Slovenia.

Local interest tasks can be grouped in the following way:

- the work of municipal administration and bodies;
- matters of local public interest in the area of elementary education, culture, sports, social care, primary health care and other social services;
- public commercial services of local interest financed through a municipal budget (public utilities, road works, housing construction, physical planning, environmental protection, and other similar activities);
- fire safety matters and protection against natural and other disasters;
- other matters of local public interest (mortuary services, tourism, agriculture, business – particularly small businesses).

Appropriate expenditure does not include funds for urgent investments in the public utilities and other public infrastructure.

The appropriate scope of resources (appropriate expenditure) for the financing of previously stated tasks is determined on the basis of a mathematical equation in which the appropriate scope of resources per capita is defined by the Act.

The correction factors taken into consideration are:

- ratio between the per capita length of local roads in an individual municipality and the per capita length of local roads in Slovenia;
- ratio between the per capita surface area of an individual municipality and the per capita surface area of Slovenia;
- ratio between the share of population under the age of 15 in the entire population of an individual municipality and the average share for municipalities in Slovenia;
- ratio between the share of persons under the age of 65 in the entire population of an individual municipality and the average share for municipalities in Slovenia and
- number of inhabitants of the municipality.

The above-mentioned equation is used by each municipality to calculate its appropriate expenditure.
8.3. Financial equalisation

Equalisation is provided for in Article 142 of the Constitution and in Article 15 of the Act on the Financing of Municipalities. According to this, municipalities that are unable to cover expenditures required for carrying out their tasks with their own resources due to a poor economic level are entitled to receive additional financial assistance from the state. The Slovenian equalisation system is based on the concept of “appropriate expenditure”, as is described in the previous point. In 2003, 164 municipalities out of 193 made use of this possibility and by 2005 there were already 173 out of 193 municipalities.

Financial equalisation is the balance between the volume of resources for appropriate expenditure and the volume of municipalities’ own resources. Those municipalities whose own resources exceed the calculated appropriate expenditure are not entitled to financial equalisation and may freely dispose of such surplus resources.

8.4. Co-financing of investments

Municipalities are also entitled to state co-financing of municipal investments (elementary schools, kindergartens, road construction, infrastructure for public utilities). The state share of co-financing depends upon the economic standing of a municipality, so that municipalities with smaller revenue receive a larger share of investment funds.

The decision on co-financing is made by the Government of the Republic of Slovenia and the National Assembly. One of the components of the state budget is the development programmes plan, which also includes investments at local level that are co-funded from the state budget.
Municipalities are further entitled to additional financing according to regional development plans in the range of 3% of the appropriate annual expenditure and cohesion funds. When two or more municipalities decide to perform their tasks through a joint administration unit they are entitled to cover 50% of costs from the national budget.

8.5. Loans

The Act on the Financing of Municipalities makes provision for the access of local authorities to capital markets. Pursuant to the Act, local communities may incur debts and issue guarantees. Local communities – municipalities may only incur debts inside the state; at the moment there is no statutory basis for taking on debts abroad. They may incur debts for investments approved by the Municipal Council. When adopting the yearly budget, a municipality must, by way of an ordinance, define the total amount of possible debts and issued guarantees of the public sector at the municipal level. Taking on debts is subject to the approval of the Ministry of Finance. The approval represents a component part of a loan agreement.
A municipality may not incur debts exceeding 20% of the achieved revenue of the municipality in the year prior to the year of borrowing; the repayment of principal and interest in a particular year of repayment must not exceed 5% of the realised revenue. In the case that debts are incurred for financing residential buildings, the supply of water and the discharge and treatment of sewage, the repayment of the principal and interest in a particular year of repayment must not exceed 3% of the achieved revenue.

Local communities – municipalities may grant guarantees for loans in public utilities and public institutions founded by the municipalities. The given guarantees fall into the amount of possible debts of the municipality.

The funds granted by foreign organisations or banks, including European Union funds, are considered part of the overall balance of state public expenditure and are accessible to municipalities on the basis of tenders carried out by individual ministries or other authorised institutions (public agencies, public funds).

8.6. **Financial control of local authorities**

Local authorities dispose freely of their revenues and the proper use of municipal funds is assessed only by the supervisory committee of the local authority and the Court of Auditors at national level.

The state therefore does not exercise overall economic control of the local authorities’ operation, but nevertheless supervises the expediency in the use by municipalities of the funds allocated by the state by means of the Office of Budgetary Inspection of the Ministry of Finance. In addition, municipal expenditure and revenues are included in the overall financial year balance-sheet.

9. **CONTROL OF LOCAL AUTHORITIES**

The Constitution provides for the state control of the legality of local authority action. The precise conditions of this control are defined in the Act on Local Self-Government and the Act on State Administration.

State supervision of local authority action is carried out by the government and the ministries. The ministries supervise the legality of local authority action within their own field of competence.

The system set up for supervision of local authority action is based on acknowledgement of the principle of local self-government. Therefore, state supervision varies depending on whether it refers to competences in the field of local government competences or in the field of competences delegated by the state to local authorities.
9.1. Control in the field of local authorities' own competences

In the field of local authorities' own competences, there is no general administrative control of local authority action and supervision only concerns legality. Supervisory bodies are only entitled to draw the attention of a local authority to any act passed in breach of the Constitution or the statute and to suggest appropriate solutions. If the local authority does not comply, the supervisory authority will request the government to bring the matter before the Constitutional Court.

Thus, supervisory bodies have no power to invalidate, amend or replace the decisions taken by local authorities. This can only be done by the Constitutional Court in case of general acts or by administrative courts in case of individual acts.

However, in certain specific cases defined by law, the supervisory authority, i.e. the competent ministry, may be authorised to temporarily perform the duties which a local authority failed to carry out resulting in the breakdown of regular provision of services (for example water supply, community activities, etc.).

9.2. Supervision in the field of delegated competences

The Act on State Administration defines, on the basis of Article 140, Paragraph 2 of the Constitution, supervision of the implementation of tasks from the state competence that can be delegated, by law, to municipal bodies, subject to their consent and to the provision of the resources by the state.

Supervision concerns not only legality but also expediency of local authority action. Supervisory bodies are competent to decide on complaints filed against municipal acts. Moreover, in order to ensure expediency, the supervisory bodies are entitled to give instructions by means of decrees ordering mandatory implementation of delegated competences and other measures. If a local authority fails to comply with the decree, the supervisory authority will advise the government to institute the procedure for revoking the delegation of competences. Local authorities for their part may bring the matter before the administrative courts.

Since municipalities do not yet implement delegated tasks, the provisions of the Act on State Administration are not implemented.

9.3. Remedies for the protection of local authorities

The Act on Local Self-Government governs legal protection of local self-government. On the basis of this law a municipality or a region can file a request for the assessment of the constitutionality and legality of the state regulations which it believes to interfere with its constitutional position. Moreover, it can also, in an administrative dispute, contest concrete administrative acts and measures by which the state authorities implement the supervision of legality.
In proceedings concerning individual or organisations' rights and duties, local authorities can stand as injured parties before state authorities and courts, if their rights or interests are directly affected by the acts in question.

9.4. Financial control of local authority action

Local authority action is the subject of financial control by supervisory boards, which are special independent municipal bodies whose members are appointed by the municipal council from among the citizens who possess adequate knowledge. These boards are responsible for supervising management of municipal assets, ensuring appropriate use of budgetary funds with regard had to purpose and efficiency, and overseeing any financial operations including the use of budgetary funds by local authorities.

By supervision is meant legality and expediency or conformity with the specified budget objectives. For this purpose, the supervisory board exercises accounts supervision.

At the request of any municipal body, auditing is carried out by independent and professional auditors.

The Court of Audit is the highest auditing body in the area of public finances. It may intervene at the request of a local authority or a state authority. Otherwise, it operates on the basis of its own work programme, which also includes regular auditing of municipalities.

10. REMEDIES FOR INDIVIDUALS AGAINST DECISIONS OF LOCAL/REGIONAL AUTHORITIES

An individual has the right to appeal against local authority decisions pertaining to his/her right or legal benefit in a standard complaint procedure that ends with the mayor’s decision concerning the complaint or in an administrative dispute before the Administrative Court. In case of a violation of human rights and basic freedoms by individual acts, provided that all legal remedies have been exhausted, every Slovenian national has the right to file a constitutional complaint with the Constitutional Court.

Pursuant to the Act on the Constitutional Court, anyone that demonstrates his/her legal interest has the right to initiate proceedings for evaluating the constitutionality or legality of a legal act of a state or local authority. The Constitutional Court accepts the action if it establishes that the cause is founded.
11. LOCAL/REGIONAL ADMINISTRATIVE PERSONNEL

The municipal council is responsible for establishing the administrative structure of the local authorities, including its financial implications.

In this framework, the mayor is competent for issuing the act required to implement the council's decision on administrative structure of the local authority, including the system of jobs in the municipal administration in accordance with the Act on Civil Servants, which governs the position of persons employed in public administration, and the Act on Labour Relations, which is applied unless the Act on Civil Servants defines otherwise. For more detailed implementation of the act, a number of government decrees have been adopted, some of which are applied directly for municipalities while some are applied mutatis mutandis.

Elected representatives in municipalities are: the mayor, deputy mayor and the members of the municipal council. For municipal senior officials, the Act on Elected Representatives in State Authorities (labour law provisions) is still in force. Moreover, the Act on Local Self-Government also contains a number of provisions regulating the status of municipal elected representatives.

The salary system for civil servants and elected representatives is governed by the Act on the Public Sector Salary System, for whose implementation the implementing regulations are in the process of being adopted, as well as the collective agreement for the public sector, which is in the process of being harmonised with the trade union partners. The Act, which has been in application since 1 July 2004, also regulates the salary system of municipal elected representatives, although their salaries are defined in greater detail by the ordinance which classifies functions according to their salary bracket. This ordinance will therefore govern the salary brackets for the municipal mayors and their deputies.

As is the case for state administration, the municipal administration also employs civil servants, namely:

– as officials
– as high-ranking officials
– in professional technical positions.

A civil servant is any person who has a working relationship in the public sector, except for professional elected representatives. Officials are civil servants performing public tasks and more demanding accompanying managerial operations that require the knowledge of the public tasks of an authority. Professional technical civil servants perform professional-technical and similar tasks. Officials in high-ranking positions carry out tasks related to giving authorisations for management, co-ordination and organisation of work in an authority. All official and professional-technical work positions are defined – including a description of the tasks and conditions required – in the government decree.

In local authority administrations, the positions of high-ranking officials are the director of the municipal administration (the highest official work position – a five-year mandate) and the heads of the organisational units (they are defined by municipalities themselves in their acts on the classification of positions).
The appointment and entering into employment of employees in the municipal administrations are decided upon by the mayor or, upon his authorisation, the director of municipal administration. According to the Act on Civil Servants, the mayor is the superior who exercises the rights and duties of the employer. The mayor, as the superior, defines the act on the classification of positions, as well as the staff plan setting out the envisaged number of employees for the current year. The municipal council indirectly affects employment through the personnel plan, which is allocated part of the budget adopted by the municipal council.

Recruitment of officials is by public tender (a precisely defined and demanding procedure, regulated in detail by a government decree), whereas for professional technical civil servants jobs are advertised in accordance with the Act on Labour Relations (and not the Act on Civil Servants), and is a less complex procedure.

In 193 municipalities – municipal administrations – there are currently (March 2006) 4 184 civil servants employed (excluding the elected representatives). In view of the tasks performed by municipalities, an approximate assessment is that about two thirds have official positions and one third professional-technical positions. The number of civil servants only includes employees in the municipality administration. The number excludes employees in local public services such as kindergartens, schools, public health centres, public libraries, water supply organisations etc. There is no data on employed civil servants after 17 new municipalities were established in autumn 2006.

12. REFORMS ENVISAGED OR IN PROGRESS

We conclude that the new system of local government is now well established in Slovenia although a number of issues still need to be addressed. Following analysis of local self-government in the Republic of Slovenia and its comparison with other European experiences and trends, it would be reasonable to continue the reform in the following areas:

– constitutional changes, particularly to Article 143, adopted in June 2006 will enable regions to be established as a secondary level of local self-government; the necessary laws (Law on Regions, Law on Regional Elections, Law on Procedure for Establishing Regions, Law on Financing Regions) are under preparation. In accordance with the subsidiarity principle, the regional legislation should divide tasks between the state and local self-governments (municipalities), and by taking into consideration the principle of connexity, transfer certain state tasks to the control of the regions and municipalities. It is still not yet decided whether the establishment of regions would require the abolition of the present two-tier administrative system in which national and local administrative systems coexist on the same territory. In a one-tier administrative system, regions would implement those tasks that exceed the capacities of (too) small municipalities, and in the process of decentralisation the state would transfer to them (as well as to the municipalities) a number of the administrative tasks so far performed exclusively by the state;
– the new Act on the Financing of Municipalities which will give more fiscal autonomy to municipalities and will enable municipalities to distribute revenues more evenly, is currently being prepared;
– the new Act on Local Security Force is under preparation: it will enable local security forces (i.e. local police) to carry out the new task of maintaining public order, in addition to local traffic control.