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Regulation on the limitations and obligations of public servants regarding the acceptance of gifts

● Regulation on the limitations and obligations of public servants regarding the acceptance of gifts (Official Gazette of RS, no. 58/03)

Address Eng. Decree on the Limitations and Duties imposed upon public servants with Respect to receiving gifts

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On the basis of the fifth paragraph of Article 11 of the Law on Civil Servants (Official Gazette of RS, no. 56/02), the Government of the Republic of Slovenia

REGULATION the limitations and obligations of public servants regarding the acceptance of gifts

I. GENERAL PROVISIONS

Article 1 (Subject matter)

This Regulation provides for restrictions and duties of public officials who perform public functions regarding the acceptance of gifts in connection with the provision of services, possession of these gifts, the manner of keeping such a list of gifts received and other implementation issues relating to the restrictions and obligations for the state administration bodies, Judicial authorities, local community administrations and public entities.

2. Article (Concepts)

The terms used in this Regulation shall have the following meanings:

1. Gift considered things, rights and services that can be financially evaluated,
2. The protocol gifts are gifts to be handed to public officials or officials of other countries and international organizations during visits, tours and other occasions, and other gifts given in similar circumstances
3. gifts of small value gifts whose value does not exceed SIT 15,000, or the total value of each calendar year does not exceed 30,000 SIT if they are received from the same person,
4. The gifts of negligible value as gifts of small value, the value of which does not exceed 5,000 SIT,
5. The value of the gift market price of gifts or the difference between the market price and the price paid gifts
6. The authority is a state authority or local community administration.

II. RESTRICTIONS accepting gifts

3. Article (Prohibition of receiving gifts)

(1) A civil servant who performs public functions (hereinafter: civil servant) may not accept gifts in connection with the provision of services, except for protocol gifts of small value and occasional gifts of small value.

(2) Civil servants shall not accept gifts in connection with their employment, nor gifts of negligible value:

- if release or the acceptance of such gifts constituted a criminal offense,
- if this is forbidden in accordance with the law or regulations issued pursuant thereto, or
- if as a gift to deliver cash or securities.

(3) The gift of the preceding paragraph may not become the property of the body or bodies governed by public law.

(4) The provisions of the first, second and third paragraphs of this Article shall apply also to the spouse of a civil servant, a person with whom he lives a civil servant in a consensual union, and their children, parents and people who live with them in the same household if it is a gift in connection with the performance of public service staff.

(5) For the gift in relation to the provision of services is not considered a gift symbolic significance, which is traditionally extradited to certain events (eg. The cultural events).

Article 4

(Notification)

The authority or public entity shall be properly published in their official premises and other premises in which it operates with the customers, which are restrictions regarding the acceptance of gifts by public servants and what is the procedure in case of their extradition.

III. TREATMENT IN CASE OF RETURN GIFTS**5. Article****(Conduct of a civil servant in the case of gifts)**

(1) If a donor wishes to give a gift to a public official in connection with the provision of services, but it is not a gift of negligible value, a civil servant must fill in a special form on which shall be entered:

- the name and address of the donor,
- if the gift delivering on behalf of the body or legal person, an indication of that authority or of the legal person,
- a description of the gift,
- the estimated value of gifts,
- the reason for handing over gifts and the circumstances under which the gift is given,
- the date of delivery of gifts,
- signature of the public servant.

(2) In the event that the civil servant finds that it is not a gift of minor value, this should be regulated and the consequences immediately inform the donor.

(3) If in the case referred to in the preceding paragraph, the gift giver insists, or if receiving gifts can not be avoided, the public official or other person referred to in the fourth paragraph of Article 3 of this Regulation gift is obliged to give the employer of the civil servant or the authority or person employer It is authorized to dispose of it or donor refer directly to the head.

(4) In accordance with the second and the previous paragraph of this Article, the civil servant is obliged to act in the case if found to be from the same person received many gifts of negligible value, their value in a calendar year exceeds 30.000 SIT.

(5) In the case of protocol gifts are not subject to the provisions of the second, third and fourth paragraphs of this article. If it is not a protocol gift of minor value, should a civil servant protocol gift give the employer or the employer's authority or person authorized to dispose of it.

Article 6**(Conduct of a civil servant in cases of insufficient or incorrect information on the gift)**

(1) If a donor to a public official does not give data from the first, second, fourth and fifth indents of the first paragraph of the preceding Article and the information is clearly untrue, a civil servant must refuse to accept such gifts.

(2) If a civil servant doubts the veracity of the data obtained from the donor, the information should check if this is possible. If you doubt the veracity of the declared value of gifts, to determine what is the normal market price of such gifts.

(3) In the event that a public employee is subsequently established that the information in the first paragraph of this article is untrue, but it is not a gift of minor value, it should be handled in accordance with the third paragraph of the preceding Article.

Article 7**(Dealing with the receipt of gifts by mail or in any other indirect way)**

(1) If a public official gifts received by mail or in any other indirect way, must fill out in the first paragraph of Article 5 of this Regulation on the basis of data which can be established on the basis of the very gifts or other circumstances.

(2) If it is not possible to identify the data from the first, second, fourth or fifth indent of Article 5 of this Regulation, the civil servant is obliged to act in accordance with the third paragraph of Article 5 of this Regulation.

Article 8**(A gift in the form of services)**

In the event that a public official gift offered in connection with the provision of services in the form of services, but it is not a gift of small value, a civil servant of such services may not be accepted.

IV. KEEPING gift list**Article 9****(List of gifts)**

(1) The list of gifts in connection with the work performed, presented to public officials (hereinafter: the list of gifts), the following data is recorded:

- the name and address of the donor,
- if the gift was delivered on behalf of the body or legal person, an indication of that authority or of the legal person,
- gift
- the value of gifts,
- the reason for handing over gifts and the circumstances under which the gift was given,
- the date of delivery of gifts,
- the name of the public servant to whom the gift delivered,
- whether the gift become the property of the public employee or employer,
- the total value of gifts received by a civil servant from the same person in a calendar year.

(2) Data from the previous paragraph to the list of gifts can also be included on the form that you submitted when entering a public employee, taking into account any amendments and supplements to such information in accordance with Article 6 of this Regulation.

(3) A civil servant is obliged to submit a registration form to the list of gifts within five days of the receipt of gifts.

(4) Every public official has the right to inspect the list of gifts for the data relating to him.

(5) The submission of the form in accordance with the third paragraph of the civil servant at his request, handed over a written confirmation.

Article 10
(Keeping a list of gifts)

(1) In any authority or public entity shall designate one or more persons who are responsible for the proper conduct of the gifts.

(2) A person referred to in the preceding paragraph shall be determined by the authority or management body governed by public law of civil servants.

(3) If a person referred to in the first paragraph of this article questioning the truthfulness of the information entered in the list of gifts is bound to the extent possible to determine whether the information provided is true. If it finds that the data from the form are false or that it is not a gift of minor value must notify the public servant and the head of the authority or management body governed by public law.

(4) If the person referred to in the first paragraph of this Article finds that a violation has occurred in the transmission of data to the list of gifts or other provisions of this Regulation in relation to the handling of received gifts, it is it obliged to inform the competent authority of the person or public entities.

Article 11
(Exemption from the registration of gifts in a list)

The gift list does not include gifts of negligible value.

Article 12
(Disposal of gifts that become the property of the employer)

(1) In the event that the gift in relation to the provision of services became the property of the employer, the employer must also use the gift in accordance with the purpose of its establishment or to carry out the activities for which it was established.

(2) If the use of gifts in accordance with the preceding paragraph is not possible, the gift must be sold in accordance with regulations.

(3) protocol gifts can remain owned by the authority, notwithstanding the first and second paragraphs of this article.

Article 13
(Supervision)

(1) The principal is obliged to provide supervision over the implementation of this Regulation in the body it leads.

(2) Supervision of the implementation of this Regulation inspected for the civil servants, as well as other inspection and administrative bodies that oversee the operation of public servants in administrative authorities and other public entities.

V. FINAL PROVISIONS

Article 14

This Regulation shall enter into force on the day following its publication in the Official Gazette of the Republic of Slovenia, and begins with the date of application of the Law on Civil Servants.

No. 940-05 / 2003-2
Ljubljana, 12 June 2003.
EVA 2003-1711-0014

The Government of the Republic of Slovenia
mag. Anton Rop
President