



# **Public administration characteristics and performance in EU28: Slovenia**

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**Public administration  
characteristics and performance  
in EU28:  
Slovenia**

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## 1 SIZE OF GOVERNMENT

In terms of total public expenditure, Slovenia is above the EU average (in position 11 of the EU-28) with a 47.80% share of GDP. The local government share is only 18.82%, which indicates a low level of decentralisation, mainly due to a failure to establish regions as an intermediate level between the state and municipalities, as well as due to the small average size of municipalities, leading to a modest scope of competences.

In terms of public sector employment, Slovenia is around the EU average. Some sub-sectors of the public sector are below the average (core public administration, health care), whereas education is above the average.

The size of the core public administration workforce is low both in absolute and relative terms. With a workforce at the level of central government of 18 800 (including CoG offices, ministries, agencies irrespective of their level of autonomy, and public funds, but excluding the police and the army) and an additional 4 900 at the level of municipal administration, Slovenia's public administration represents 6% of total employment (according to EUROSTAT data), which is below the EU-28 average of 6.7%. This makes the country ninth smallest in terms of public administration size.

As thoroughly explained in the framework of Task 2, a policy of gradual and moderate downsizing (the policy of 'minus 1% annually' was launched in 2005 and led to a 20% reduction at the central level of public administration, police and army excluded). Non-replacement as a main tool for meeting targets, rather than redundancy instruments, led to the ageing of the civil service with some negative impact as a result. At the same time, in the wider public sector the number of employees had been increasing until 2012 when, amid economic and financial crisis, the government took measures to overturn this trend (Law on Consolidation of Public Finance) which resulted in gradual downsizing in all sub-sectors of the public sector. This trend stopped again in 2015 and since then the employment figures have been on the rise again.

**Table 1: General government budget data**

SLOVENIA	2010	EU 28 Rank	2015	EU 28 Rank	Δ Value	Δ Rank
<b>Total expenditures (in % GDP)</b>	49.26	12	47.80	11	-1.46	+1
<b>Central government share (%)</b>	62.44	18	65.25	17	+2.81	+1
<b>State government share (%)</b>						
<b>Local government share (%)</b>	19.98		18.82			
<b>Public investment (in % GDP)</b>	4.96	5	4.74	7	-0.22	-2
<b>Debt in % GDP</b>	38.36	18	83.15	7	+44.79	+11
<b>Deficit in % GDP</b>	-5.6	15	-2.7	17	+2.9	-2

**Sources:** AMECO, Eurostat.

**Table 2: Public sector employment\***

SLOVENIA	2005	OECD EU18 rank	2011	OECD EU12 rank	Δ Value
<b>Total public sector employment in % of total labour force</b>	23.80	7	22.80	6	-1.00
	2005	OECD EU21 rank	2011	OECD EU19 rank	Δ Value
<b>General government employment in % of total labour force</b>	14.50	12	16.00	10	+1.50
<b>Central government share of general government employment</b>			2011	OECD EU17 rank	
			58.95	5	

**Sources:** OECD- *Government at a glance*.

\*According to the OECD, public sector employment includes public corporations, while general government employment excludes public corporations.

**Table 3: General government employment in Slovenia**

All employed or self-employed persons in Slovenia <sup>1</sup>	824 485
General government employment in Slovenia <sup>2</sup> (total 1-10)	162 658
Parliament and independent bodies accountable to parliament	871
Public administration at central level	33 087
2.1 Centre of Government	819
2.2 Ministries and agencies accountable to ministries	11 979
2.3 Administrative districts (central, but deconcentrated)	2 141
2.4 Police	7 929
2.5 Army	6 302
2.6 Regulatory and similar agencies with legal personality	914
2.7 Public funds (including pension, health and unemployment insurance) with legal personality	3 003
Municipal administrations	4 883
Judiciary (courts, public prosecutors)	4 656
Total 1-4 (bodies performing public authority)	43 497
Education	59 002
Health care	36 002
Social care	12 137
Culture	6 414
Research	2 484
Other	3 122

Rearranging the figures in line with the agreed methodology brings the following result:

**Table 4: General government employment in Slovenia – EUPACK methodology**

<sup>1</sup> December 2016, source: Statistical office of Slovenia.

<sup>2</sup> Full time equivalent, December 2016, source: OPSI, Open Data of Slovenia (<https://podatki.gov.si/>).

	<b>2016</b>
(1) General government employment	<b>162 658</b>
• share of central government (%)	58% (without primary schools) 76.7% (with primary schools) <sup>3</sup>
• share of state/regional government (%)	0%
• share of local government (%)	42% (with primary schools) 24.3 % (without primary schools)
(2) Public employment in social security roles	13 776 <sup>4</sup>
(3) Public employment in the army	6 302
(4) Public employment in the police	7 929
(5) Public employment in employment services	918
(6) Public employment in schools and day care	51 399
(7) Public employment in universities	7 603
(8) Public employment in hospitals	36 002
(9) Public employment in core public administration (in millions) Calculation: (1) minus (2) - (8) - other government employment other than core public administration	<b>24 610 (without judicial employees)</b> <b>29 266 (judicial employees included)</b>
(10) Core public administration employment in % of general government employment (9) / (1)	<b>15.1% (without judicial employees)</b> <b>18% (judicial employees included)</b>

**Sources:** Statistical office of Slovenia (2016), OPSI, Open Data of Slovenia (<https://podatki.gov.si/>).

## 2. SCOPE AND STRUCTURE OF GOVERNMENT

### 2.1 State system and multi-level governance

Slovenia is a unitary state with one level of local self-government established (municipalities). Constitutional provision for a second level of local self-government has not been implemented yet. Until 2006, the reason was predominantly the constitutionally-determined bottom-up concept of establishing provinces (regions) and a lack of political will at the local level. A common assessment by experts was that the bottom-up approach is the wrong concept and that it could not lead to the creation of regional governments with substantial power. Following change to the top-down concept in 2006, political parties failed to reach agreement on all topics and finally got caught by the financial crisis in 2009. From then on, a second level of local self-government was no longer on the table. A governmental resolution on the development of local self-government until 2020 sets out a step-by-step and bottom-up approach. In a first step, a model of developmental regions (regional developmental associations) is endorsed (Government of Republic of Slovenia, 2016). Local self-government is constitutionally guaranteed (Article 9 of the Constitution) and municipalities and regions are constitutional categories (Articles 138, 139 and 143 of the Constitution).

According to internationally-established indicators of decentralisation, Slovenia falls into the group of centralised states (Rakar & Klun, 2017) – e.g. the share of local

<sup>3</sup> Primary schools are run by municipalities, but the standard programme, including salaries, is financed by the central government.

<sup>4</sup> Pension insurance fund, Health insurance fund, social care institutions.



expenditure in the total public expenditure being around 20%<sup>5</sup> and the share of local taxes in local revenues being around 9% (Table 5). Centralisation is based on the constitutional determination of municipal powers ('local affairs which affect only the residents of the municipality', Article 140 of the Constitution) and is a logical consequence of the absence of a second level of local self-government.

**Table 5: Share of local taxes in local revenues**

Year	2013	2014	2015
Tax revenues	9.5%	8.35%	8.89%

**Source:** Ministry of Finance of the Republic of Slovenia (2017).

The distribution of powers between the local and central levels is based on the unitary structure of the State (Article 4 of the Constitution) and on the constitutional provision regarding municipal powers. In practice, municipalities mainly perform service functions (providing public services), while the central government mainly exercises regulatory functions (legal regulation). Public services are rarely provided by state or municipal organs; in most cases specialised legal entities are established (e.g. public company, public institution, public fund, public agency) or concessions are granted (Pevcin & Rakar, 2018).

DEFENCE				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government				

EXTERNAL AFFAIRS				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government				

INTERNAL AFFAIRS (INCL. POLICE)				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government				x (local police) <sup>6</sup>

JUSTICE (INCL. COURTS AND PRISONS)				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x

<sup>5</sup> According to the Ministry of Finance, the figure is lower (12.96% in 2015). This is due to a different methodology.

<sup>6</sup> With very limited responsibilities in the areas of local traffic and environmental care.

Local government				
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FINANCE/TAX				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x		x <sup>7</sup>
Local government		x		

ECONOMIC AFFAIRS				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x		
Local government				

ENVIRONMENTAL PROTECTION				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government		x	x	x

PUBLIC UTILITIES (WATER, ELECTRICITY, TRANSPORT)				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government		x (water, city transport)	x	x (water, city transport)

SOCIAL WELFARE				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government			x	x

HEALTH				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x (tertiary & secondary level)	x (tertiary & secondary level)
Local government			x (primary level – except	x (primary level)

<sup>7</sup> Tax administration exists only at central level (Financial Authority of Slovenia); this body has local (i.e. deconcentrated) units and implements tax regulations for municipalities too.

			salaries)	
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SCIENCE AND RESEARCH (INCL. UNIVERSITIES)				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x
Local government				

EDUCATION				
Government level:	Legislation	Regulation	Funding	Provision
Central government	x	x	x	x (tertiary level)
Local government			x (primary level – except salaries)	x (primary & secondary level)

The main challenges of the governance system in Slovenia are:

### 1. Administrative capacity of central government:

**a.** Financial crisis-motivated cutbacks in the Slovenian public administration (PA) had an impact on the capacity of public administration. Firstly, fiscal consolidation measures led to basic salary cuts and severe restrictions of performance-related pay. These restrictions practically annihilated the budget for performance-related pay which had been at approximately 4% of the total wage bill economy, making it possible to reward a substantial number of employees with a bonus of 20-36% of their basic salary on an individual basis. Even in 2017, when substantial economic growth is predicted, most of the restrictions concerning performance-related pay are still in place and will remain in place in 2018, too – unless the law is changed.<sup>8</sup> On the other hand, the main weakness of the salary system remains a high degree of automatism in promotions to higher salary brackets (individual increase of basic salary) – a financial burden with little impact on effectiveness and efficiency. A combination of fairly automatic periodic increases of basic salary at the individual level and a serious lack of resources and possibilities to reward over-performers will have to be addressed as soon as possible. It appears that the issue is on the radar of political decision makers, but with no effective follow up.

**b.** Secondly, fiscal consolidation measures adversely affected the area of the training of civil servants. Civil servants make use of cost-free training, organised by the Administrative Academy (AA) and EU projects. Since funds for training are not specifically indicated in the budget and financial plans of administrative bodies (they are 'hidden' in budget items for 'material costs'), there are no specific records. Nevertheless, according to interviews, the amount of funds for training and international activities has

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<sup>8</sup> See Measures Relating to Salaries and Other Labour Costs for 2017 and other Measures in the Public Sector Act of 2016.

been on the rise again since the beginning of 2017. Additionally, the 2012 restriction on employer's funding of civil servants' enrolment on university programmes was abandoned in 2016. Similarly, annual reports of the AA show that in 2015 the share of contracted-out trainings was 45%, in 2014 37% and in 2010 53%.

c. Thirdly, the recent past policy of partial non-replacement of retired civil servants in central administration (2010-2015) has raised the average age of civil servants, reduced the influx of 'fresh blood' and led to long-term negative impacts on PA capacity. For example, an ageing civil service leads to a reduction of the capacity to make efficient use of social media and other new technologies - there is a difference between getting trained to use modern social media and living with them since childhood.

## **2. Administrative capacity of municipalities:**

The core municipal administration employs around 4 900 civil servants. There are important differences between municipalities in size and population (size ratio 1:80; population ratio 1:880). Nevertheless, the constitutional concept of municipalities' functions is singular. Despite the widespread public assumption that municipalities, especially small ones, do not perform their tasks properly, an OECD analysis found that this is not the case. Nevertheless, the OECD found that these tasks could be performed in a less dispersed and more efficient and economical manner (OECD, 2011). One of the possible ways of achieving this aim is through inter-municipal cooperation (IMC). Slovenian legislation sets out the following forms of IMC: the creation of 1) public agencies, public funds, public institutes, public companies and institutions, 2) joint municipal administrative bodies that carry out individual tasks pertaining to municipal administration, 3) joint bodies for exercising the rights of municipalities to found joint public institutes or public companies, 4) joint bodies for legal defence for municipalities and legal entities founded by municipalities appearing before the courts or other state bodies, 5) interest groups for the joint management and execution of individual administrative tasks and for carrying out joint developmental and investment programmes and 5) organisations to represent and exercise local self-government and to coordinate and provide for common interests.<sup>9</sup>

Of all the forms of IMC found in Slovenia, the creation of joint municipal administration (JMA) bodies was revealed to be the most widespread. Although the option of founding bodies of this kind was provided for smaller municipalities in the Local Self-Government Act of 1993, it was not until 1999 that the first such organisation was founded. The reason was a shortcoming of a provision in the law: it did not regulate the question of founding a joint body of this kind, and as such could not be put into practice.<sup>10</sup> Although this shortcoming was addressed in 1997, and the option of founding bodies of this kind was no longer limited to smaller municipalities, this did not have a noticeable impact on the number of JMA bodies. As can be seen in Figure 1 (see Appendix), a breakthrough occurred in 2007. Since then, the number of JMA bodies has grown rapidly, as has the share of municipalities included in one of more of these bodies: at present; more than 90% of Slovenian municipalities belong to a JMA body.

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<sup>9</sup> See Local Self-government Act. For a detailed discussion, see Rakar et al. (2015).

<sup>10</sup> The Constitutional Court of the Republic of Slovenia reached the same conclusion in decision No. U-I-98/95 of 11 July 1996.

Empirical research has shown that the growth in the number of JMA bodies was the result of a change in the law<sup>11</sup> governing the financing of municipalities which enabled co-financing from the state for the operations of these bodies in the amount of 50% of the expenses incurred in the previous year by an individual municipality for the operation of such a body (see Rakar & Grmek, 2011; Mele & Žohar, 2011, p. 105).

That co-financing from the State was a key factor in the founding of new JMA bodies can be seen in the fact that the number of newly-founded bodies began to dip as early as 2010. It is therefore possible to conclude that those bodies founded largely due to financial stimulus from the State were mostly founded between 2007 and 2009. The rising trend of establishing JMA bodies stopped in 2011 (see Appendix, Figure 1). The reasons for this have not been analysed yet. Nevertheless, the government aims to enhance IMC in the form of JMA in the strategy of further development of Slovenian local self-government until 2020 and with the proposed amendments of the Financing Municipalities Act (FMA).<sup>12</sup>

An analysis of the tasks of JMA bodies shows that most of these bodies (58%) are active in the field of administrative tasks (inspection and local police activities, Figure 2, see Appendix). The share of JMA in the field of spatial planning and environment, where municipalities face several challenges, is around 13%, while it is around 60% for local inspection and local police (Rakar & Klun, 2016). The abovementioned proposed amendments of FMA aim at 1) the broadening of the scope of tasks performed by JMA and 2) increasing the number of municipalities involved.

The reasons for the predominance of these types of tasks are of a 1) legal and 2) practical nature: 1) the FMA stipulates that the state will co-finance inspection, local police, financial services, internal audit, spatial planning and public services; 2a) through these bodies, these types of tasks can be handled in a more unbiased and objective manner and 2b) the collected fines represent revenue in the municipal budget.

The founding of JMA bodies could indicate those areas in which municipal mergers and the establishment of a second level of local self-government could occur, as common needs and interests clearly exist between municipalities brought together in a JMA body. At the same time, the political and financial dimensions of both processes need to be taken into account along with the administrative-organisational dimension.<sup>13</sup> The Court of Audit of the Republic of Slovenia (2012) feels that the option of founding JMA bodies, together with co-financing for the operations of these bodies as well as the entire system of financing municipalities, in fact has the opposite effect: in its opinion, these factors are responsible for a lack of interest in mergers among smaller municipalities.

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<sup>11</sup> The Act Amending the Financing Municipalities Act, which was supposed to take effect on 1 January 2006 and which provided for allocations of funds from the State budget, was not practicable as no adequate delegated legislation was issued. It was not until the adoption of a new law on municipal financing, complete with adequate delegated legislation, that the first real steps in this direction were taken. The new law took effect on 25 July 2007.

<sup>12</sup> The National Assembly will decide on adoption in mid-November 2017.

<sup>13</sup> Despite the existence of a constitutional basis since 1991, to date no regions have been founded.

### **3. Fragmentation of municipalities:**

Slovenia has 212 municipalities of which more than 50% have fewer than 5 000 inhabitants. The average municipality has 9 600 inhabitants (twice as many as the EU average). Such organisation is rather fragmented and weak despite several reorganisation attempts since the mid-2000s (Kovač, 2014/2015). Nevertheless, Slovenia is not among the most fragmented countries in the EU (cf. Kuhlmann & Wollmann, 2014).

### **4. Fragmentation of local level of central administration:**

The establishment of today's 58 state local-administrative units in Slovenia took place in 1995. A simple political transfer of jurisdiction took place, taking into account both the employees and the users, and the then number of municipalities. This kind of transformation indeed led to work continuity, but for the most part administrative units are too small for an economical organisation of administrative procedures and, precisely because of this, decentralisation of decision-making and supervisory functions is not possible at this level (Trpin, 1998 and Kovač & Virant, 2011 in: Kovač, 2014/15). Moreover, administrative units were formed in a rather unusual way, i.e. as joint territorial branches of several ministries rather than general decentralised units of the State, such as e.g. administrative districts. Thus, even if the head of the administrative unit is appointed by the government, the administrative unit is subordinated to individual ministries.

Moreover, there are parallel territorial units of departmental state executive agencies within ministries (e.g. territorial branches of inspectorates and police), 62 centres of work, territorial branches of the compulsory social insurance institutes, etc. (Figure 3, see Appendix). The coordination of the system is made even more difficult given the inconsistent organisational structure of public-administration bodies at the territorial level, their dispersion and lack of connection (*ibid.*). Despite all this, regionalisation and related proposed reforms did not take place. Negative impacts of fragmented authority prevail over positive ones in Slovenia. The New Slovenian Public Administration Act (2002) introduced a mandatory integration of all local entities of power or public services into coordination councils under the authority of heads of administrative units. Amendments were also adopted in umbrella laws covering both state and municipal administrative bodies, so that the modern principles of good administration and the schemes from the citizens' charters are pursued by all local authorities. In practice, these did not achieve their full potential, neither in local reorganisation according to users' needs, nor in informal co-operation (Kovač, 2014/15).

### **5. Financial autonomy of municipalities:**

The level of financial autonomy of Slovenian municipalities<sup>14</sup> was 33.9% in 2007 and 27.2% in 2015 (Milunovič, 2017). In contrast, the ratio of own tax resources (so-called principle of tax autonomy) was 8.2% in 2007 and 8.9% in 2015. Nevertheless, Slovenia falls in the group of countries with a low level of fiscal decentralisation (*ibid.*). Given the

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<sup>14</sup> Level of financial autonomy is the ratio between municipality's own resources and total revenues of municipalities (Milunovič, 2017).

situation of public finances in Slovenia as well as development trends in the world towards higher complexity of governance systems (including local governance systems), we cannot expect major shifts in the design of funding models of subnational levels in the direction of providing significantly higher financial autonomy or share of own tax resources. It is more appropriate to gradually upgrade the system of redistribution of existing fiscal resources between the State and municipalities as well as towards ensuring an autonomous disposition of the resources allocated. It is therefore necessary to ensure a continuous dialogue between the State, municipalities and their associations in decision-making processes (*ibid.*).

## 6. Dialogue between central and local level:

The legislation provides a sound framework for inter-institutional dialogue and the legal protection of local self-government (Rakar, 2017), yet municipalities claim that practice does not exploit all of its potential. In recent times, two cases can be put forward, i.e. the preparation of the strategy of further development of local self-government and setting the financial framework for the years 2016 and 2017. As Milunovič (2017) points out, these issues should be resolved through dialogue and not merely through the argument of power of central government.

## 7. Establishing a second level of local self-government:

At present, this is not a viable option due to the lack of political support and the financial situation. Based on past experience with administrative reforms, it is doubtful that this reform could be implemented optimally, i.e. in combination with territorial and functional reorganisation of local and regional levels of central government bodies.

Administrative reforms are drafted and managed by the Ministry of Public Administration, which involves interested parties in the process according to principles and minimal standards of good governance set in the Resolution on Normative Regulation.<sup>15</sup> Despite the fact that the central government level (with its deconcentrated territorial branches) and the local government level are connected, the Ministry of Public Administration prepares two separate strategic documents on their development. Nevertheless, as several topics are common to both administrative systems (e.g. salary system, administrative procedures) strategic documents on the development of PA sets a common basis for both of them and indicates the direction against which the public sector as whole should operate and develop.

State structure (federal - unitary) (coordinated fragmented)	Executive government (consensus intermediate majoritarian)	Minister-mandarin relations (separate - shared) (politicised depoliticised)	Implementation (centralised decentralised)
Unitary	Consensus intermediate	/ Shared Partly politicised	Centralised, but organisationally very deconcentrated

<sup>15</sup> See <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5516> (in Slovene).

## 2.2 Structure of executive government (central government level)

The number of line ministries is determined by law (at present: fourteen)<sup>16</sup> and corresponds with the number of line ministers – the principle ‘one line minister per ministry’ applies. The standard internal structure of ministries is regulated by secondary legislation (governmental decree)<sup>17</sup> and precisely defined by internal acts of ministries accordingly. The structure at the level of the largest policy units / departments (called ‘directorates’) is defined by the decree itself, allowing the Ministry of Public Administration (responsible for proposing the decree and its amendments) to coordinate and influence the basic structure of ministries. Currently, there are 53 policy directorates in 14 ministries.

The ministry is headed by the minister (Figure 4, see Appendix). The Government may appoint one or two deputy ministers (up to four in the Ministry of Finance) following the proposal of a minister. Deputy ministers are political appointees. They are normally recruited from outside, but often senior civil servants are picked for the positions. In this case their civil servant status is ‘frozen’ and after the expiry of their political term they can easily return to the civil service. Deputy ministers act within the framework of the minister’s authorisation. They can deputise for the minister in line with his /her authorisation and guidelines at the parliamentary, government or Council sessions, in interaction with the civil society etc. However, in the government sessions they have no right to vote instead of the ministers (which does not change much in practice, as formal voting rarely takes place in government sessions).

There is no ‘top-of-pyramid’ civil servant in the ministry. The first managerial line consists of general directors of directorates (basic policy units with a low degree of autonomy) and the general secretary (managing the ‘secretariat’, a department unifying all auxiliary / horizontal functions – HRM, IT, finance, public procurement etc.). Certain smaller horizontal units, such as communication, the EU and international affairs, can be excluded from the secretariat and are accountable directly to the minister. This is compulsory for the internal auditing unit (Figure 4 and 5, see Appendix).

Ministerial cabinets are rather small and weak in their capacities, and their role in relation to the civil service depends largely on the personal leadership style of the minister. Quite often, cabinets are staffed by civil servants who keep their civil service tenure and are – after a change of government or minister – shifted to a civil service position elsewhere in the structure of the ministry.

In most cases, the minister (with the assistance of deputy ministers) ensures the coordination of the managerial team through regular ‘collegiums’, attended by DGs, the general secretary and the head of cabinet.

So-called ‘organs/bodies within ministries’ (in a comparative perspective: agencies) may be established to perform functions of implementation of policies, including inspection and administrative service delivery. They have the status of a separate administrative body (organ) with their own management (general director, director or chief inspector).

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<sup>16</sup> Each ministry is led by one minister. Additionally, two ministers without portfolio may be appointed (with the exception of the Minister for Slovenians Abroad, which is obligatory).

<sup>17</sup> Decree on the internal organisation, job classification, posts and titles in public administration and justice bodies. See <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED2954> (in Slovene).



They have no legal personality, but they enjoy managerial autonomy in the areas of financial management and HRM, as well as professional autonomy, all within the framework of legislation, government and ministerial regulation and the state budget (Table 6; cf. Virant, 2011). The head of the body within a ministry is a civil servant, accountable to and reporting to the minister. He or she is appointed by the Government on the proposal of the ministers, following a specific selection procedure by the Civil Service Council which ends with a shortlist being submitted to the minister (see below, 3.2). The minister can issue general guidelines for their work and the ministry exercises control over their work, including deciding on appeal against their administrative acts. If so provided by the governmental decree, some or all of the support in the field of HRM, ICT and finances is provided by the ministry or another body of the central administration. Currently, there are 34 bodies within ministries, including the police, financial administration and large and smaller inspectorates. Even the army enjoys the status of a body within the Ministry of Defence, with specific regulation via a separate law.

One other form of administrative decentralisation is the public agencies.<sup>18</sup> Their level of autonomy is higher than that of bodies within ministries (Table 6). Public agencies were established mainly as regulatory bodies in the areas of financial markets, energy markets, electronic communication markets, insurance markets and protection of competition, but in some other areas as well. The level of agencification has varied from government term to government term and has currently reached a relatively high level. At present, there are 16 public agencies (Kovač, 2012; cf. Rakar, 2004).

Another form of administrative decentralisation is 'public funds', institutions established to manage public funds with a specific purpose. They enjoy a high level of autonomy - the highest level of autonomy is enjoyed by the Health Insurance Fund and Pension Insurance Fund. Altogether there are currently 11 public funds.

There are also two *sui generis* public institutions:

- The Slovenian State Holding (SDH), established to manage state-owned companies, and,
- Company for Managing of Bank Claims (DUTB), established to manage bad loans transferred from the banks to the state (so-called 'bad bank').

**Table 6: Levels of formal autonomy of PA bodies**

Body / organisational unit	Directorate	Body (agency) within ministry	Public agency	Public fund
Elements of autonomy				
Legal personality	No	No	Yes	Yes

<sup>18</sup> These are entities with separate legal personality and are so-called holders of public authorities according to Article 121 of the Constitution and Article 15 of Public Administration Act (PAA-1).

Decision-making	Partly	Yes	Yes	Yes
Organisation	Low	Middle / High	High	High
Finances	Low	Middle / High	High	High
HRM	Low	Middle / High	High	High
Mandate of head of body	Weak	Middle /Strong	Strong	Strong
Influence of government/ministry on management	High	Middle	Low	Low
Influence of government/ministry on performing of tasks <sup>19</sup>	High	Middle	Low	Low

**Source:** Virant (2004).

Central administration is territorially deconcentrated – the first tier consists of so-called administrative units (AU) (operating at a local level; they are further deconcentrated in local offices) and the second tier consists of regional and local branches of bodies within ministries (agencies) (Figure 3, see Appendix). In 2016, the rationalisation of technical operations supporting financial management of the AUs began – the vision is that financial services for all 58 AUs would be performed by only 12 AUs (MPA, 2016). At the moment, nine AUs are in the pilot phase, divided into two clusters.

The level of political decentralisation in Slovenia is low (*supra*, chapter 2.1.1).

### **2.2.1 The Centre of Government capacity for coordination**

Functions of government coordination are distributed between the Centre of Government (CoG), the Ministry of Finance and the Ministry of Public Administration. The Prime Minister, as the key figure of government coordination, is supported by the Prime Minister's Office ('Prime Minister's Cabinet') and ministers without portfolio with a mainly coordinative role<sup>20</sup> (e.g. in the area of strategic planning and cohesion policies), supported by independent government offices as the core of the CoG. These are very flexible organisational instruments since they may be established by a decision of the government. The number of government offices was sharply reduced in 2003 on the basis of functional analysis.<sup>21</sup> However, the CoG is still rather fragmented; at present, there are 12 government offices (including the Prime Minister's Office). They perform roles related to coordination, support for the processes of government and committee decision-making, quality control of materials submitted to government procedures, government communication and protocol. A key role within the Centre of Government is played by the Prime Minister's Office (political support and initiating inter-ministerial cooperation in horizontal matters), the Secretariat General of the Government (compliance

<sup>19</sup> Issuing of secondary legislation excluded.

<sup>20</sup> A good example of this was the position of Minister without portfolio, responsible for the coordination of EU accession, supported by an independent Centre of Government office; from 2011 on, the coordination of EU affairs was transferred from the Centre of Government to the Ministry of Foreign Affairs.

<sup>21</sup> Before the reorganisation, there were 21 government offices.

with standards of quality of regulation and policy making, as well as support for the processes of the Government and its committees) and the Office of Legislation (gatekeeper in the area of legal coherence and standards of law-drafting technique) (cf. SAFEGE Baltija, 2015). Although not part of the CoG,<sup>22</sup> the role of the Ministry of Finance in the decision-making procedures was reinforced in the period of the most intense cutback measures between 2009 and 2014 (Pevcin, 2014). The Ministry of Finance plays a coordinating role in budgetary planning and public financial management, and the Ministry of Public Administration in the civil service system, HR planning and other HR functions, collective bargaining within the public sector, as well as in the areas of e-government and IT infrastructure, the organisation of public administration, the general administrative procedure, the reduction of the administrative burden, public participation and access to public information.

The status of the head of CoG units may be one of a civil servant (e. g. Office of Legislation) or of a political appointee (e.g. Secretariat General of the Government). CoG staff consists of approx. 820 full time equivalent employees (*supra*, Table 3). The CoG participates in the implementation of PA reforms. According to SAFEGE Baltija (2015), the scope of coordination to be implemented by the CoG is considered insufficient in Slovenia.<sup>23</sup>

The institutional capacity for strategic planning in Slovenia is relatively weak. There is limited capacity for planning in the ministries, and there is no central policy-planning unit in the Secretariat General of the Government (Haček et al., 2016).

Slovenia has a strong tradition of departmentalism and collegial cabinets. The Secretariat General of the Government focuses on the legal and technical coherence of draft bills but lacks the capacity and sectoral expertise to evaluate their policy content, especially since the recruitment of expert staff is limited and often subject to political pressures. There has never been an initiative to create capacities for the evaluation of policies and policy proposals in the CoG, which is quite reasonable given the small size of the country and consequently limited human resources. It would be unreasonable to facilitate duplication of policy analysis / evaluation roles.

The Secretariat General has the formal power to check the level of compliance of draft laws and other documents and requests of the proposing ministry against the Rules of Government procedure (i.e. in terms of procedures, form and structure of documents). However, it has no formal veto power and the final decision in cases of disagreement between the Secretariat General and the line ministry is taken by the Prime Minister. The gatekeeping role of the Government Office is of limited importance since most legislative projects are initially discussed at coalition meetings, generally between the presidents of the coalition parties, and subsequently undergo a complex process of inter-ministerial coordination (Haček et al., 2016).

Cabinet committees play an important role in the preparation of cabinet proposals in Slovenia and settle issues prior to the cabinet meeting. There are four standing cabinet

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<sup>22</sup> Cf. SAFEGE Baltija (2015): 'Slovenia includes the PM's Office, the Secretariat-General to the Government, the Ministry of Finance, the Ministry of Public Administration, and to some extent the Ministry of Foreign Affairs, as well as three advisory bodies in the scope of CoG institutions'.

<sup>23</sup> A question was put to the survey participants as to whether they consider the scope of coordination to be implemented by the CoG insufficient, too large or adequate.

committees: the Committee of State Matters and Public Issues, the Committee of National Economy, the Committee for Housing and the Committee of Administrative and Personnel Matters. In addition, temporary committees are established from time to time for particular tasks. A substantial amount of inter-ministerial coordination is performed by civil servants. Senior civil servants and cabinet members are always heavily involved in the coordination of legislation, and Slovenia's tradition of coalition governments means that informal coordination procedures play a significant role in policy coordination (Haček et al., 2016).

### **2.2.2. Budgeting and monitoring mechanisms**

The Slovenian budget system has two special features, which differentiate it from most OECD countries: firstly, Slovenia makes budgets for two consecutive years; and secondly, the Slovenian budget has a very detailed account structure, but still maintains flexibility during execution through a unique legislative device, called the 'Law on Budget Execution' (OECD, 2005).

The Slovenian budget process, while embedded in the general democratic legislative institutions of the country, seems to run its course in a fairly consensual political environment, which is reflected in the reasonably harmonious co-operation with the social partners and the subnational governments (OECD, 2005).

The beginning of budgetary planning in Slovenia dates back to 2001 when the national budget was first presented according to the programme structure. The programme structure of budgets merged the tasks or activities of line ministries into programmes and policies. However, the objectives and results of the programmes, and connections with the provision of public services have not always been clearly established. The next set of reforms (2010–2012) attempted to correct that and change the method of budget preparation so that the purposes, objectives and indicators that form part of the budget documentation are crucial for decision-making on specific budget allocations.<sup>24</sup> Based on an assessment by the European Commission, Slovenia ranks sixth in terms of the quality of medium-term budgetary resources.<sup>25</sup> The aspect of content is often in a subordinate position to the financial aspect.<sup>26</sup> In order to implement the provisions of the Fiscal

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<sup>24</sup> Several budget classifications are used in Slovenia for budget planning, such as institutional classification (shows who uses public finance within the general government sector), economic classification (shows how public finance is used and for which economic purposes), functional classification – COFOG (explains with an international methodology what public finance is used for and for which functions of the State), and classification of expenditure by financial resources (explains the sources of public finance). Programme classification is the basis for the introduction of a result-oriented budget. It states the policies, programmes and sub-programmes in accordance with which the State executes its tasks and programmes, and explains what public finance is used for, and which objectives from strategic and other operational documents are being pursued (it also defines monitoring indicators).

<sup>25</sup> Material of the European Commission – Member States' Competitiveness Report for 2014: The European Commission Annual Report in the light of Article 173 of the Treaty on the functioning of the European Union. The index covers quality with five types of criteria: the existence of a domestic framework, connection with the annual budget, the inclusion of the national parliament in medium-term programme planning, coordination between government levels prior to determining medium-term objectives, and monitoring and implementing mechanisms.

<sup>26</sup> I.e. if financial sources are not available or sufficient, the achievement of goals is not considered an aim.

Pact,<sup>27</sup> Slovenia amended Article 148 of the Constitution of the Republic of Slovenia.<sup>28</sup> This enforced the principle of balanced public finance at the highest level, limiting government borrowing in the long term by preventing the Government from increasing the debt for its operations. The constitutional act also stipulates that an act passed by the National Assembly of the Republic of Slovenia by a two-thirds majority vote of all Members of Parliament regulates the implementation of the constitutional principle and defines extraordinary circumstances under which discrepancies may be permitted, as well as suitable correction mechanisms, and the Medium-Term Budgetary Framework (MTBF) to attain the medium-term objective (MTO). In March 2014, the IMF carried out the review of the strengthening of the public finance framework in Slovenia. The basic recommendation remained that budgetary documents submitted to the National Assembly must show the full picture of public finances – general government sector and all its elements (Strategy, 2015).

In addition to the correct planning of budgets, an important element is the internal supervision of public finance which was systemically introduced by the Public Finance Act of 2002. The established organisational structure of the implementation of internal supervision of public finance is integral. This structure includes all budget users and a central body for supervision and coordination (i.e. body within the Ministry of Finance). Not all budget users have yet suitably established internal supervision of public finance (Strategy, 2015).

According to the Strategy (2015), a programming budget will be introduced as a mechanism to connect the government's strategic plans and priority with the drafting of the state budget. In order to improve the system of planning, monitoring and evaluation at the level of the general government sector, the Strategy provides a list of next steps.<sup>29</sup>

### **2.2.3. Auditing and accountability**

In accordance with the Constitution, the Court of Audit of the Republic of Slovenia (CA) is the Supreme Auditing Institution, responsible for auditing state accounts, the state budget and all public spending in Slovenia. The Constitution further provides that the CA is independent in the performance of its duties and bound by the Constitution and law.

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<sup>27</sup> Treaty on Stability, Coordination and Governance in the Economic and Monetary Union (the so-called Fiscal Pact).

<sup>28</sup> Official Gazette of the Republic of Slovenia, no. 47/13 of 31 May 2013.

<sup>29</sup> These include:

- gradually including all other budget users in the information system for the preparation and implementation of budgets, as it is currently regulated for direct users of the state budget;
- introducing a programming approach for all indirect budget users and ZIPZ (the Pension and Disability Insurance Institute of Slovenia) and ZZZS (Health Insurance Institute of Slovenia) as well;
- defining programme indicators (cause and effect connections);
- determining a system for reporting and a detailed evaluation of individual programmes;
- gradually automating processes of consolidating budgets for reporting purposes;
- establishing a 'budget Supervisor', an online application modelled on the Supervisor application that traces the flow of public funds, which will enable various and additional insights into expenditure, including the programming view;
- upgrading the information system for preparing budgets, including support for monitoring and evaluating objectives of individual programmes with adequate indicators, consistently implementing the programming budget with the view to defining cost centres.

The Court of Audit Act of 2001 (CAA-1) also defines that the acts with which CA exercises its powers of audit cannot be challenged before the courts or other state bodies. The CA cannot be categorised within any of the three branches of power: legislative, executive or judicial. Its independent status is guaranteed in several respects by the Constitution and the law (Court of Audit, 2016). Legal regulation of CA is quite stable as only two Acts (1994 and 2001) and one minor amendment (2012) have been adopted in 25 years. Major changes in 2001 included: the reorganisation of the CA, new method of auditing the State budget and the introduction of the so-called post-audit procedure.

The institution of the Human Rights Ombudsman (Ombudsman) was introduced into the Slovenian constitutional order through the new Constitution (Article 159). In December 1993, the Human Rights Ombudsman Act (HROA) was adopted and the Ombudsman officially started work on 1 January 1995. Legal regulation of the Ombudsman is stable as only one minor amendment has been adopted (2012). The Ombudsman, as provided by law, is an institution formed according to the classical model of the national parliamentary ombudsman with broad powers with regard to the State and other bodies exercising public authority. In 2015, the Ombudsman analysed 3 418 complaints, of which 3 008 were declared admissible. In only 475 cases were the complaints justified. It is important to point out that the principle of good administration had been violated in most of the complaints in which human rights violation was established.

#### **2.2.4. Coordination of administrative reform**

The Ministry of Public Administration is the key driver of the PA reforms. It has been carrying out its responsibilities in the vast majority of PA reform-related issues: civil service and HRM, organisation of public administration, general standards of quality of service delivery, general administrative procedure, cutting red tape, document management, central government IT support, e-government, access to public information, integrity and prevention of corruption, access to public information and better regulation (in cooperation with the Secretariat General of the Government and the Government Office for Legislation). Recently, legislative steps were taken to strengthen the role of the ministry in the area of digitalisation with the aim of centralising the management of government IT, to ensure a whole-of-government approach and to enable savings through the cloud-based provision of IT services to all central government institutions.

### **3 KEY FEATURES OF THE CIVIL SERVICE SYSTEM**

#### **3.1 Status and categories of public employees**

##### **3.3.1. Definition of 'public employee' (or 'public servant') and scope of the civil service**

The definition of 'public employee' or 'public servant' (*javni uslužbenec*) is broad and encompasses all individuals employed in entities which are comparatively referred to as 'general government': organs of state and municipalities and legal entities under public law, except public enterprises. The term 'public employee' thus relates to 162 658 persons as of December 2016 (see table 'Size of general government in Slovenia', *supra*).

There is no term in the legislation that would directly correspond to 'civil service'. However, special legislation establishes a set of rules for public employees in organs of state and municipalities, so for the purposes of this study we will define 'civil service' as the body of employees covered by special legislation regulating employment in state organs and organs of municipalities.

According to this definition of the scope of civil service, there are 39 580 civil servants as of December 2016 (full time equivalent data); this number includes persons employed in ministries, agencies accountable to ministries (without legal personality), the police and the army, Parliament, independent state bodies answerable to the Parliament (Ombudsman, Court of Audit, Constitutional Court etc.), the judiciary (courts and prosecutors' offices) and municipal administrations. This number represents 24.3% of all public servants or 4.8% of all employed and self-employed persons in the country. The number does not include staff employed in other areas of public service, such as education, health care or social care. For employment in these sub-sectors, general labour law applies in principle, with some special elements (see below).

*The Law on Public Servants (2002, applying from 2003)* defines a 'public servant' or 'public employee' as a person employed in organs of state and municipalities and legal entities under public law, except public enterprises. The chapter regulating all public servants or public employees (162-658) is very short (21 articles) and includes only some general principles. In principle, general labour law (including collective bargaining and the system of collective agreements) applies to public servants except if otherwise stipulated by the law. However, the Law on Public Servants stipulates that 'no employer shall provide to public servants a higher level of rights than stipulated by law, secondary legislation and collective agreements'. This is a crucial difference between the public law regime for public servants and the general labour law. Namely, the aim of the general labour law is to protect the 'weaker party', i.e. the employee, and to basically open full contractual freedom, making it possible to grant employees more rights than stipulated in law and collective agreements. On the other hand, public law aims to protect the public interest and limits contractual freedom.

Additional elements of public employment are regulated by sectoral legislation in the areas of health care, education etc. However, the *general principle* is, as indicated, the *application of labour law for public servants for all issues not specifically regulated by public service legislation*.

### **3.3.2. Civil servants**

As indicated above, there is no notion in the legislation that directly corresponds with the notion of 'civil service' and 'civil servants'. However, a special system of HRM is introduced for public servants employed in organs of state and municipalities. For the purposes of this study, we will refer to this category as 'civil servants'.

Civil service in this sense is regulated by the second, much longer part of the Law on Public Servants (articles 22-204: 'Special provisions for public servants in state organs and administration of local communities'). The second part of the Law on Public Servants introduces elements of a civil service system: responsibilities, organisation of HRM, classification of positions, recruitment, selection and appointment, particular rights, duties and restrictions, promotion, transfer to other positions, disciplinary procedures, training and dismissal.

Even for civil servants, general labour law applies for all issues not separately regulated by public law legislation. Civil servants' employment is based on labour law contracts (in 'classical' form, with some special features). Salaries and many other rights are regulated in a collective agreement entered into between the government and trade unions representing civil servants. Even in the core civil service, social dialogue has a powerfully influence in shaping the system.

In later amendments to the Law on Public Servants, additional steps were made in the direction of equalising the regime of the civil service with that of private sector employees. For example, provisions on dismissal and disciplinary procedures were largely repealed or made more similar to the general labour law provisions. However, this must not be interpreted as withdrawing the due protection of civil servants, as general labour law in Slovenia is very protective of employees. General labour law stipulates employment for an indefinite term (with clearly enumerated cases of exceptions) and clearly defines reasons for dismissal and procedural safeguards. In other words, moving the civil service system closer to the general labour law does not in itself open possibilities for the political 'cleansing' of the civil service or threatening the professional integrity of civil servants.

For specific categories of public servants in organs of state (the police, the army, inspections, tax administration, diplomats) sectoral laws establish specific rules for certain issues. The largest differences from the general Law on Public Servants apply to the professional members of the army and the police. In other cases (inspectors), differences apply only to a small number of issues.

### **3.2 Key characteristics of the central government HR system**

Responsibilities for formal decision-making are vested in heads of organs (ministers, directors, chief inspectors etc.). In cases of alleged violation of rights, stipulated in laws or collective agreements, there is a formal right of civil servants to appeal to a government commission before appealing to a Labour Court.

De facto, decision-making in the HRM area is largely delegated to managers at all levels, who are responsible for making decisions concerning civil servants in their respective units, including in selection processes. HRM units are supposed to assist managers at all levels in performing their HRM responsibilities (for instance, representatives of HRM units take part in selection boards).

The strategic centre of government HRM (responsible for both primary and secondary legislation, collective bargaining, the coordination of HRM units and horizontal training system) is the Directorate for Public Sector within the Ministry of Public Administration.

#### **3.2.1. Social dialogue**

Social dialogue is traditionally well developed. The salaries of civil servants are regulated in a collective agreement, a process of bargaining for a collective agreement concerning other rights is under way, while the general collective agreement for public sector and secondary legislation also apply.

The law stipulates that trade unions are to be consulted concerning laws and regulations before submission to the government.



### **3.2.2. Job classification**

All positions are classified into two basic categories: 'positions of officials' and 'positions of auxiliary public servants'. There is a trend of convergence of the status of both categories, but certain important differences remain: appointment to 'grades' and horizontal promotion to higher grades apply only to officials, recruitment and selection procedure is regulated in detail for officials much more, and only officials have to pass a professional exam soon after they enter the service. A government decree establishes a detailed job classification: 110 'typical positions of officials', managerial positions in line with the typical organisational structure of ministries and agencies, 264 'typical positions of auxiliary public servants', army ranks and positions and positions in service abroad.

Organisational plans of ministries and agencies ('act on internal organisation and systematisation of positions') may only apply to typical positions established in the decree (with additional specific descriptions) which introduces order and uniformity to the system. The same basic salary applies to the same type of position.

### **3.2.3. Recruitment**

When a position is vacant, management is first asked to check whether the position can be abolished and the workload redistributed. If this is not the case and if the HRM plan and the budget allow it, the recruitment procedure starts. The system combines elements of both position-based and career-based systems. Legally, it is a position-based system as any vacancy (even the highest positions) is open for public competition. However, the law requires managers to first check the internal labour market and to open the vacancy up to public competition only if the required skills cannot be found within the administration. There are no sanctions for not abiding by this principle, but in practice managers do tend to fill the vacancies through mechanisms of transfer and internal market. Promotion to higher grades (not positions), which includes basic salary increase, is also regulated which brings some career-based flavour into the system.

Internal announcement on the website of the Ministry of Public Administration is an option, but not an obligation. Internal mobility and transfer rules are highly flexible; the civil servant must only meet the formal requirements for the vacancy. The management can decide to announce the vacancy publicly, which is done by publishing a call on the MPA website. The selection procedure is decentralised. The head of the institution appoints a selection board, of which the direct manager is normally a member. The selection board is obliged to define the exact criteria (competencies) for selection in advance. There is flexibility concerning the selection methods; the most commonly used are written tests on general and technical knowledge (first phase in the case of a large number of candidates), a written essay on a specific problem from the respective area (second phase), and an interview (final phase). The decision of the committee must be justified in writing. All candidates have the right to access the documentation of the selection procedure and to appeal to the government committee.

The described procedure applies to the positions of officials. These rules do not apply formally to 'auxiliary positions', but in practice the same approach is normally taken, except for the right to appeal.

The selected candidate is then appointed to a civil service grade and signs an employment contract (labour contract) for an indefinite term. Employment for a fixed

term is limited to situations stipulated by the law (the replacement of a temporarily absent civil servant, time-limited projects etc.). A probationary period is a lawful option and is quite regularly used in practice. Officials must take an exam within one year after their appointment and are dismissed if they fail that exam.

#### **3.2.4. Top management**

Special attention is paid in the legislation to the top managerial positions (secretaries-general and directors-general in ministries, heads of agencies). A special body called the Officials Council was established to deal with recruitment to these positions. The Council is composed of 12 members, four of whom are appointed by the government, two are elected by senior civil servants, two are appointed by trade unions and three are appointed by the President of the Republic from ranks of distinguished experts in the field of public administration and HRM. Currently, the chairman of the Council is the dean of the Faculty of Administration at the University of Ljubljana, a professor of HRM.

The Officials Council does not directly perform the tasks of a selection board; its role is to define general and position-specific competency standards, announce vacant positions and appoint a selection board for each position (selection boards are usually composed of one member of the Officials Council along with internal and external experts). The selection board's mission is to check which candidates meet the competency standards and to propose a shortlist to the Minister or Prime Minister. From the shortlisted candidates, a decision can be made at the Minister's/Prime Minister's discretion.

Civil servants in top managerial positions can be removed within one-year after their appointment or after a new Minister/Prime Minister is sworn-in, at the Minister's/Prime Minister's discretion. They are however entitled to keep their civil service status and be transferred to a high-ranking (although not necessarily managerial) position. This possibility is often used for directors of policy directorates in ministries and heads of Centre of Government offices, but very seldom for heads of implementation agencies and deconcentrated central government agencies (administrative units).

This being said, according to the authors' estimation the political influence in the selection and removal of civil servants in top level positions is at a medium level and does not represent a serious issue given that the first phase of the selection procedure is designed to verify the high-level competency profile of eligible candidates.

#### **3.2.5. Special rights, duties and restrictions**

In basic terms, general labour law, including collective agreements, applies to civil servants. Specific rules include avoiding conflicts of interest in the job and in the performance of other activities, as well as rules of action in cases of orders and guidelines deemed unlawful.

There are no restrictions regarding membership of political parties (except for members of the police and the army due to a provision of the Constitution which has been contested by the trade unions for a long time). Trade union membership is a right of civil servants, and trade unions (even in the police and the army) are traditionally strong. Strikes are allowed (except for the army) but restricted – strikes are not permitted to affect the rights of citizens, which in practice makes it very difficult to strike effectively. Certain parts of the civil service (e.g. the police) sometimes practice a 'white strike',

which is understood as a meticulous implementation of the law causing inconvenience to citizens (e.g. long queues at Schengen border controls) while not depriving them of their rights.

### **3.2.6. Remuneration**

In 2002, the *Law on the Salary System of the Public Sector* was also enacted. Slovenia thus became one of the few countries worldwide introducing a uniform salary system for all public servants. The structure of the salary is as follows:

- basic salary, depending on the type of position;
- allowances, based on special circumstances not included in the job description and evaluation of basic salary (e.g. night shift, Sunday or public holiday shift) and years of service;
- performance-related bonus.

The system started to apply only in June 2008 after five years of collective bargaining.

The salary scale is divided into 65 salary brackets (with a 4% difference between two brackets). Salary brackets for all types of positions (see above, job classification) are defined in a collective agreement, except for top managerial positions (defined by governmental decree) and military ranks and position (also defined by governmental decree). Promotion to higher salary brackets is linked to performance assessment. The strongest criticisms of the current system relates to the fact that a very high percentage of public servants are assessed as over-performing (there is no system of quotas or compulsory distribution in place), so that promotion to higher salary brackets has become more or less automatic. Performance-related bonus can amount to up to 36% of the basic salary, and in exceptional cases (specific projects where a special overload is expected) up to 50%. During the years of economic and financial crisis (from 2009 onwards), the budget for performance-related bonuses was radically restricted and to some extent these restrictions still apply. There is a prospect of a gradual return to the previous budget. The amount of performance-related pay is decided on by the manager. Funds are usually distributed to organisational units by the head of the body; this usually takes place proportionately (with the same percentage of the total wage bill for all organisational units), but sometimes exceptions are made (with a higher percentage for some organisational units).

Allowances are paid to civil servants for years of service (0.33% of the basic salary per annum) and for exceptional circumstances not included in the basic salary (night shifts, public holiday and Sunday shifts, overtime etc.).

The salary system was reviewed by the OECD in 2011; the assessment was fairly positive, with recommendations mainly suggesting the next steps to be taken in the direction of increased flexibility and the enhancement of managerial autonomy.

### **3.2.7. Training and career development**

Horizontal training programmes are developed in the 'Administrative Academy', a unit within the Directorate for Public Sector, part of the Ministry of Public Administration.

Management can and does use training courses provided within the external market as well, but choosing the programmes of the Administrative Academy is recommended. Fees for training courses are charged by the Administrative Academy to the bodies that participating civil servants come from.

An annual interview takes place between the manager and each civil servant, aimed at competency and performance improvements, motivation and career development.

### **3.2.8. Dismissal**

The rules of general labour law apply, adapted to public administration, meaning that dismissal is possible in cases of severe disciplinary violations, underperformance and redundancy. Procedures are not particularly complicated, but general procedural safeguards do exist (the right to be heard, the delivery of a decision in writing together with reasons, and the right to appeal). An employment contract is also terminated in cases of criminal conviction and prison sentences longer than six months (irrespective of whether the crime was committed outside the job).

Redundancy reasons are public administration-specific (fiscal consolidation, the abolishment of tasks of public bodies etc.). Public administration must be seen as a single employer, meaning that in the event of redundancy in one body civil servants must be offered the right to be transferred if there are appropriate vacancies in other bodies.

### **3.2.9. HRM statistics<sup>30</sup>**

Employed for a *fixed term*: 5.4 % (ministries and agencies, police and army excluded); 63.6% (army)

*Gender distribution*: 64.6% female and 35.4% male (ministries and agencies, police and army excluded); 25% female and 75% male (police); 16% female, 84% male (army)

*Gender distribution – political offices* (ministers, state secretaries): female 46.2%, male 53.8%

*Gender distribution – top management* (162 top civil service positions): 46.4% female, 53.6% male

*Disabled*: 3%

#### **Age structure:**

up to 30	6.97%
30-39	29.41%
40-49	37.85%
50-59	23.13%
60 on	2.64%

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<sup>30</sup> Data as of 31 December 2015. Source: annual HRM report, Ministry of Public Administration.

**Years of service:**

0-10	16.3 %
10-20	29.8%
20-30	34.2%
30-40	19.7%

**Levels of education:**

Not completed secondary school	6.7%
Secondary school and equivalent	37.4% <sup>31</sup>
Bachelor's degree or equivalent (Bologna Process definition)	25.2%
Master's degree or equivalent (Bologna Process definition)	24.2%
Doctorate or equivalent	6.5%

*Turnover rate:* 4.12 % (termination of labour contract, irrespective of reason)

*Reasons for termination:* retirement (37.2%), expiry of contract for a fixed term (24.3%), mutual agreement 20.5%, unilateral termination by employer (3.4%), unilateral termination by employee (3.6%), other – death etc. (11%)

<b>HR system</b> (Career vs. position based)	<b>Employment status</b> (civil servant as standard; dual; employee as standard)	<b>Differences between civil servants and public employees</b> (high, medium, low)	<b>Turnover</b> (high, medium, low)
Position-based (with some elements of career-based)	Civil servant as standard	Medium	Medium

<b>Coherence between different government levels</b> (high, medium, low)	<b>Remuneration level vs private sector</b> (much higher, higher, same, lower, much lower)	<b>Formal politicisation through appointments</b> (high, medium, low)	<b>Functional politicisation</b> (high, medium, low)
High	Lower at managerial and senior positions Same at medium positions Higher at lower positions	Medium	Medium

## 4 POLITICAL ADMINISTRATIVE SYSTEM AND POLITICAL ECONOMY

### 4.1 Policy-making, coordination and implementation

Slovenia is a unitary state with a low level of decentralisation. Municipalities are the only level of local government (regions are proposed by the Constitution but a qualified two-thirds majority has not yet been reached for the necessary legislation). Being rather

<sup>31</sup> Data include the police and the army where the percentage of employees with secondary school qualifications is very high.

small in size and rather numerous (212 in a country with a population of two million), the municipalities are relatively weak in financial and functional terms. Less than 20% of the total public expenditure is managed at the local level.

A parliamentary system is in place with an asymmetric bicameral parliament. The National Assembly – with 90 members – exercises legislative power. The State Council (40 members) is indirectly elected and is composed of representatives of employers, employees (trade unions), independent professions, non-commercial activities and local governments. Its main power is to veto legislation enacted by the National Assembly, in which case the legislation goes back to the National Assembly for a second vote and is passed only if an absolute majority (46 out of 90) is reached. There has been continual criticism of the State Council for its corporatism and excessive influence of political parties (contrary to the constitutionally envisaged role), with proposals for either the abolishment of the house or its transformation into a representation of regional interests. A formal proposal for constitutional amendments was filed in 2012, but fell short by a couple of votes in the National Assembly.

A proportional electoral system for the State Assembly is in place, with a 4% threshold and some elements of competition between candidates from the same party list.<sup>32</sup> Two seats are reserved for representatives of the Italian and Hungarian minorities.

Six to eight political parties normally reach the parliamentary threshold. Governments are formed by coalitions of parties. From 1990 (the first democratic elections) to 2011, early elections have taken place only once (1992). The most stable period was from 1992 to 2004, when a centre-left Liberal Democratic coalition was in power for 12 years with a short interruption in 2000. After 2011, a period of political instability was followed by two subsequent early elections in December 2011 and July 2014.

Most of the time (19.5 out of 27 years) from 1990 to 2017, Slovenia was governed by centre-left coalitions, with some exceptions: the first government in 1990 was formed by a coalition of predominantly right-wing parties in the 'Democratic Opposition of Slovenia – DEMOS'; centre-right governments also ruled for a short period in 2000, from 2004 to 2008 and in 2012.

The President of the Republic is directly elected, but the institution is rather weak, with no formal executive power. According to Article 107 of the Constitution, the President of the Republic:

- calls elections of the National Assembly;
- promulgates laws;
- appoints state officials where provided by law;
- appoints and recalls ambassadors and envoys of the Republic, and accepts the letters of credence from foreign diplomatic representatives;
- issues instruments of ratification;

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<sup>32</sup> Candidates on the same party list compete in different electoral districts. After the calculation of the number of seats attributed to a list (based on proportionality), the seats are assigned to candidates on the list who won the best percentage of votes in their respective electoral districts. It is quite a complicated system, not easy to understand for an average voter. However, the bottom line is that it is clearly a proportional system, as seats are distributed among the lists (parties) according to the share of votes they received throughout the country.

- decides on the granting of clemency;
- confers decorations and honorary titles;
- performs other duties determined by this Constitution.

Where required by the National Assembly, the President of the Republic must express his opinion on an individual issue.

The President of the Republic facilitates the process of forming the government after a parliamentary election by proposing the candidate for the Prime Minister after having consulted with the parliamentary parties (leaders of parliamentary groups). He or she also plays an important role by proposing to the National Assembly candidates for the positions of judges of the Constitutional court, Ombudsman, President and Vice-presidents of the Court of Audit, and the Information Commissioner. He or she directly appoints the president and members of the council of the Commission for the Prevention of Corruption and three members of the Civil Service Council.

Executive power is exercised by the Government. The Prime Minister (the head of the Government) is appointed by the National Assembly following a proposal of the President of the Republic (after consultations with parliamentary groups). Ministers are also appointed by the National Assembly following a proposal by the Prime Minister. Legislation is generally proposed by the Government. The Government is accountable to the National Assembly; the latter can hold a 'constructive vote of no confidence' and replace the current Prime Minister with a new one.

Policy changes and reforms are gradual and incremental, and radical reforms are politically almost unachievable. The political economy is highly social, with a progressive income-tax rate and one of the lowest income inequality indexes, not only in the EU but also among OECD countries. Interest intermediation is fairly corporatist, with a strong role for trade unions in periods of centre-left governments and an emphasised role for employers and local government associations in periods of centre-right governments. Direct citizen participation is fairly weak.

Distribution of powers	Coordination quality (high, medium, low)	Fragmentation (high, medium, low)
Parliamentary system – weak separation between legislative and executive	High	Low

Political economy	Interest intermediation	Citizen participation	Policy style
Social - coordinated	Fairly corporatist	Weak	Incrementalism

#### 4.2 Key features of the executive

Three to five political parties form coalition governments, and their political programme, political relations and the process of coordination are regulated by coalition agreements. Chairs of the coalition parties are usually appointed by the Government as Deputy Prime Ministers and they chair government committees. Much effort (particularly in politically

sensitive issues) is invested in coordination between the coalition parties ('coalition coordination') and in coordination between ministries.

The former is framed by the coalition agreement and takes place in different forms:

- Regular meetings of the chairs of coalition parties, who are normally involved in the government work as Prime Minister and Deputy Prime Ministers.
- Discussions of political projects (laws etc.) between the line ministers and the representatives of coalition parliamentary groups; draft laws are normally thoroughly reviewed by coalition MPs and discussed with the Minister before the law has even been submitted to the government procedure.
- Periodic meetings of all ministers and coalition MPs.

Inter-ministerial coordination is embedded in the process of government decision-making. Public consultation is weaker. Traditionally, trade unions have a strong say in decision-making when it comes to social issues and issues related to labour relations. In the periods of centre-right governments this power is to a certain extent shifted to employers' organisations. Tri-partite social dialogue (employers' associations, trade unions, government) is organised in the Economic-social Council. The level and intensity of public participation varies from ministry to ministry and depends to a large extent on the personal attitude of the minister. Stakeholders have a rather easy access to mainstream media to express their discontent with adopted solutions.

The strength of the CoG is medium and is, as indicated above, maintained by efforts to coordinate and to keep a balance in the coalition. It normally weakens with approaching election when coalition parties (informally) start their campaigns.

Policy advice is provided by the civil service (policy directorates), external advice used to be a regularly practiced option, but due to criticisms related to unnecessary spending for work that would have to be done by the bureaucracy and to budgetary restrictions in the period of crisis this practice is in decline.

Sources of policy advice	Administrative autonomy	Patronage & politicisation (formal, functional)	Stability
Mainly civil service	Medium	For the selection of the top level a combination of professional standards and political discretion	Low at high levels in ministries; high at lower levels and at top levels in agencies

### 4.3 Administrative tradition and culture

Until 1918, Slovenia was politically a part of the Habsburg empire (with a short period of Napoleonic rule – so called 'Illyrian Provinces' or 'Provinces Illyriennes' in French) which left an indelible seal of legalistic (*Rechtstaat*) and bureaucratic (procedure-oriented) culture. After 1918, Slovenia was a part of the Kingdom of Yugoslavia, and after the Second World War an autonomous republic of socialist Yugoslavia. The period of the socialist regime influenced public administration by the loss of sense of democratic



pluralism, by political loyalty as the highest virtue, and by excessive bureaucracy and over-regulation.

After democratisation (April 1990) and gaining independence (June 1991), step by step political loyalty gave way to professionalism as the key value; however, elements of patronage and putting loyalty over professionalism remain problematic both in the political and administrative culture to a certain extent, varying from government to government.

On the other hand, over-regulation, bureaucratisation, legalistic culture, process-orientation and a lack of courage to make substantial decisions (as hiding behind legalism and procedural correctness feels more comfortable and safe) remained characteristics of the administrative culture. These issues have been constantly addressed by government initiatives and systematic programmes since 2000 (the 'anti-bureaucratic programme' from 2000 onwards, the 'programme of removal of administrative barriers' from 2004 onwards, and the 'Stop the Bureaucracy' programme from 2013 onwards), but it still remains a challenge. On the basis of these programmes, the culture of user-orientation has developed intensively since 2000, particularly at the level of deconcentrated administrative units and some other agencies (*supra*).

Hofstede national culture dimensions		
Dimension	Value	Average EU28
Power Distance	71	52
Individualism/Collectivism	27	57
Masculinity/Feminity	19	44
Uncertainty Avoidance	88	70
Long-term Orientation	49	57
Indulgence/Self-restraint	48	44

**Sources:** Geert Hofstede's national culture dimensions, <https://geert-hofstede.com/national-culture.html>.<sup>33</sup>

According to Hofstede's national cultures dimensions, Slovenia strongly deviates from the EU-28 average in the following dimensions: Power Distance, Individualism/Collectivism and Masculinity/Femininity. Since the relationship between national and administrative culture is not clear enough to assume that these features apply to Slovenian public administration as well, the authors can only provide some personal observations. The high hierarchical score (Power Distance) should be viewed with caution, since teamwork is an established working method in Slovenian public administration. With a score of 27, Slovenia is considered a collectivistic society – and as already mentioned, this is reflected in teamwork within public administration as well. Slovenia scores 19 for the dimension of Masculinity/Femininity and is thus considered a feminine society. The authors can confirm that in Slovenian public administration civil servants value equality, and standing out from the crowd is not admirable.

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<sup>33</sup> Interpretation: Power Distance (high value = higher acceptance of hierarchy and unequal distribution of power); Individualism (high value = stronger individualist culture); Masculinity (high value = higher masculinity of society); Long-term Orientation (high value = stronger long-term orientation); Indulgence (high value = indulgence)

Administrative culture	Welfare state	Public sector openness
Rechtsstaat (state based on justice and integrity)	Predominantly social democratic (low level of income inequality, progressive income-tax rate, public health and education)	Medium to open

Key PA values	Managerial vs Procedural	Red tape (regulatory density)	Discretion/autonomy
Legality  User-orientation (partly)	Procedural	Medium	Low to medium

## 5 GOVERNMENT CAPACITY AND PERFORMANCE

### 5.1. Transparency and accountability

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Access to government information (1-10)	8.00	8	9.00	3	+1.00	+5
	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Transparency of government (0-100)	52.86	12	46.86	20	-6.00	-8
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Voice and accountability (-2.5,+2.5)	1.04	16	0.95	22	-0.09	-6
Control of corruption (-2.5,+2.5)	0.85	17	0.73	16	-0.12	+1
TI perception of corruption (0-100)	64.00	13	60.00	17	-4.00	-4
	Value 2010	EU28 rank	Value 2014	EU28 rank	Δ Value	Δ Rank
Gallup perception of corruption (%)	69.00	14	82.00	20	+13.00	-6

**Sources:** Bertelsmann Stiftung, European Commission, World Bank Group, Transparency International, Gallup World Poll.

**Note:** The ranking of the Gallup perception of corruption is based on 27 countries, and on the 2009 values for Estonia and Latvia.

Slovenia's ranking in terms of access to government information is very high (3/28) and has increased since the last measurement in 2014 (+5). The legal basis for access to government information was provided by the new Constitution of 1991, but the law on access to government information (the Public Information Access Act, PIAA) wasn't adopted until 2003. In the same year, the Public-Sector Salary System Act (PSSSA) made public salaries transparent in accordance with the provisions of the PIAA. The 2005 amendments to the PIAA (PIAA-A) were highly important from the point of view of ensuring greater transparency with regard to public funds. It determined that the information on the use of public funds should always be publicly available. The 2014 amendments to the PIAA (PIAA-C) broadened the circle of liable bodies on the

companies owned by the State, municipalities and other bodies governed by public law.<sup>34</sup> The 2014 amendment of PIAA (PIAA-D) widened the scope of transparency to operation of business banks in the case of so-called 'bad loans'. Nevertheless, the Constitutional Court ruled that this regulation disproportionately interfered with human rights on free economic initiative.<sup>35</sup>

A strategic framework for opening up public sector data was created with the Public Administration Development Strategy 2020 (adopted in 2015). The latest amendment (PIAA-E) was focused on the implementation of changes in the EU Directive 2013/37/EU on the re-use of public sector information. The Ministry of Public Administration prepared an action plan for the opening of data/registers and the development of an open-data portal (result: <https://podatki.gov.si/>) and developed [the Manual on Opening of PSI](#). The manual is intended for civil servants who work with data and databases. Consequently, Slovenia made substantive progress on the EC comparative analysis on open data – from 'followers' to 'fast trackers' (Figure 6, see Appendix).<sup>36</sup> Accordingly, the DEVI rating (e-government) has improved. At the same time, numerous accompanying activities are taking place, one of them is the Open Data Festival, in which the Ministry of Public Administration cooperates with faculties and students at the University of Ljubljana in data analysis and visualisation. The Ministry is also in the process of upgrading its national open data portal (OPSI portal), which will be based on an open source platform (CKAN) and will be interoperable with the EU Open Data Portal (MPA, 2017).<sup>37</sup>

In addition to the regulatory framework, transparency of the public sector in Slovenia is ensured by several online applications, e.g. [Public Sector Authorities Register](#), [TZIJZ](#), [ERAR](#) (formerly known as SUPERVIZOR)<sup>38</sup> and [STATIST](#)<sup>39</sup> (MPA, 2017). The Slovenian government publishes all transactions proactively and on a daily basis on the web, including those transactions of 100% state-owned and municipal-owned companies. The same applies to public procurement contracts.<sup>40</sup> Transparency in the financing of election and referendum campaigns is ensured by the application of Agency of the Republic of Slovenia for Public Legal Records and Related Services (AJPES) which adequately addressed the recommendation of the Group of States against Corruption (GRECO).

Additionally, the contribution of the Information Commissioner should be pointed out – the reasonings of its decisions are more than just case-oriented: they provide clear explanations of basic legal concepts and provisions and therefore serve as a textbook for public sector bodies.<sup>41</sup> This contributes to a better understanding of legislation and potentially prevents future violations.

The Public Administration Development Strategy 2015-2020 stresses the importance of openness and transparency for the public trust in the government, which is very low in Slovenia – according to Gallup (2016) it is the lowest in the OECD countries (less than 20% in 2014/2015). Despite its poor level of trust in government, Slovenia is ranked second in the Global Right to Information Rating (<https://www.rti-rating.org/>) (Mabillard & Pasquier, 2016/17).

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<sup>34</sup> Constitutional Court overruled claims of its unconstitutionality (decision U-I-52/16, available at <http://odlocitve.us-rs.si/si/odlocitev/US31079> in Slovene).

<sup>35</sup> Decisions No. U-I-201/14 and No. U-I-202/14 of 19. 2. 2015 (available in Slovene at <http://odlocitve.us-rs.si/si/odlocitev/US30609?q=U-I-202%2F14>).

<sup>36</sup> See [http://www.mju.gov.si/en/media\\_room/news/browse/2/article/12447/8093/](http://www.mju.gov.si/en/media_room/news/browse/2/article/12447/8093/).

<sup>37</sup> More at [http://www.mju.gov.si/en/media\\_room/news/article/1328/8165/](http://www.mju.gov.si/en/media_room/news/article/1328/8165/).

<sup>38</sup> In 2013, this application won the UN public service award (see <https://publicadministration.un.org/en/2013unpsa>).

<sup>39</sup> STATIST provides a comprehensive and updated publication of all public procurement contracts awarded from 2013 and insight into the use of public finances as well as user-friendly analytics – there is information (metadata) on all public procurements published in open formats and can be freely downloaded and re-used.

<sup>40</sup> See <https://www.enarocanje.si/objavaPogodb/>.

<sup>41</sup> See <https://www.ip-rs.si/en/freedom-of-information/decisions/slovenian-decisions/> (in English).

Successful implementation of the regulatory framework of openness and transparency depends on the sound cooperation between public institutions,<sup>42</sup> media, NGOs and the general public. NGOs provide feedback on the implementation of the Resolution on Normative Regulation via the web portal (so-called Counter of violations).<sup>43</sup> A feedback loop therefore exists.

Empirical research showed that the management of the so-called administrative units (supra) was fully or highly aware of the importance of the concept of good administration and instructed the officials to act accordingly in as many as 73% of the cases (29 out of 40 heads) and at least partially aware in the remaining percentage. However, when asked about more tangible elements of good and open administration, the result proved to be rather abstract - this points to their rather limited or formal understanding of principles of good administration (Kovač, 2016). Other research showed mixed results - improvement at regulatory level and lack of implementation in practice (Krašovec & Keržan, 2014).

On the other hand, Slovenia dropped in the EU-compared rankings for transparency (-8), perception of corruption (-6) and accountability (-4) and is now near the bottom of the EU ranking. Nevertheless, TI rankings in general show progress: 2012 (37), 2013 (43), 2014 (39), 2015 (35) and 2016 (31). At operational level, tensions between members of the Commission for the Prevention of Corruption (CPC) should be mentioned, which have been made public by the mainstream media and have undoubtedly affected its operational capability. According to Transparency International Slovenia (TIS) in Slovenia 'significant weaknesses in the system of public procurement, in the field of local self-government and transparency in adopting key decisions in the country' still exist (TIS, 2016).

Indicators, based on perception of corruption, are internationally accepted, and can be considered more or less accurate indicators of actual corruption. The authors agree with the CPC, that the difference between the officially established corruption and its perception on the part of citizens is extremely high. In any case, it is not as low as shown by official statistics, in particular law enforcement authorities, nor as high as shown in polls. The answer to the question of how much corruption there is in Slovenia is therefore somewhere in between (CPC, 2017).

The government is aware of the negative effects of corruption. In 2014, the government adopted the Programme of Government Measures for Combating Corruption (hereafter referred to as 'Programme'), by which it responded to 15 key proposals for the improvements in relation to the limitation of the risk of corruption put forward by the Commission for the Prevention of Corruption (CPC) as a key stakeholder in this field.<sup>44</sup> In 2015, the new programme for the period 2015-2016 was adopted, and according to the government, measures have been implemented to a large extent.<sup>45</sup> Accordingly, corruption, transparency and participation are addressed in the Public Administration Development Strategy 2015-2020 and its action plan.

In the Slovenian public administration, social media (e.g. Facebook, Twitter) is mainly used for one-way interaction, which is also the case in Romania (Urs, 2016), Lithuania (Sinkienė & Bryer, 2016), Egypt (Abdelsalam et al., 2013) and several other countries. Slovenia is at stage one of the social media adoption process in public administration organisations according to the model set out by Mergel and Bretschneider (2013). In the first stage, social media are used informally within individual departments by those who

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<sup>42</sup> E.g. Information Commissioner, the Commission for the Prevention of Corruption, the Agency of the Republic of Slovenia for Public Legal Records and Related Services, the Public Payments Administration of the Republic of Slovenia (MPA, 2017).

<sup>43</sup> See <http://www.stevec-krsitev.si/>.

<sup>44</sup> See [http://www.mju.gov.si/nc/en/media\\_room/news/article/1328/5855/](http://www.mju.gov.si/nc/en/media_room/news/article/1328/5855/) (in English).

<sup>45</sup> For a list of measures taken and intermediate reports, see [http://www.mju.gov.si/en/media\\_room/news/article/12447/8182/](http://www.mju.gov.si/en/media_room/news/article/12447/8182/) (in English).

have been using social media before for private purposes (Jukić & Rakar, 2017; Jukić & Merlak, 2016).

## 5.2. Civil service system and HRM

Indicator	Value 2012	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Impartiality (1-7)	4.00	24	2.91	17	-1.09	+7
	Value 2012	EU26 rank	Value 2015	EU26 rank	Δ Value	Δ Rank
Professionalism (1-7)	3.34	26	3.97	16	+0.63	+10
Closedness (1-7)	5.39	12	5.04	13	-0.35	-1

**Sources:** *Quality of Government Institute (Gothenburg).*

According to the survey by the Quality of Government Institute in Gothenburg, Slovenia's public administration has significantly improved in terms of impartiality and professionalism since 2012 and ranks slightly below the EU-28 average. Competence, ability and engagement are hindered by shortcomings in the remuneration policies: a system of rather automatic increases of basic salary and insufficient, almost non-existent resources for performance-related pay as a result of austerity for fiscal consolidation. The culture of income equality is also reflected in the salary system, leading to a situation in which lower and medium-level positions are quite attractive for the labour market, whereas senior-level positions, including managerial positions, are less attractive compared to the private sector.

Merit-based recruitment prevails, particularly at the level of lower and medium positions, although patronage and politicisation of recruitment have not been fully eliminated. For the top managerial positions, a combination of a merit-based selection procedure and political discretion is in place; the procedure guarantees a satisfactory competency level of selected candidates, however the final selection among the shortlisted candidates is with the minister. This leads to a large number of changes at the top managerial level of ministries (general directors and general secretaries), but much less at the top managerial positions in agencies and (deconcentrated) administrative units. In ministries, the practice of replacement of top management in combination with political instability in the period 2011-2014 brought along instability and discontinuity.

Regardless of the indicated weaknesses, public administration has sufficient capacity to cope with the policy development and policy implementation challenges. The civil service of Slovenia is a solidly functioning machinery, capable of acting (but only provided that there is adequate political leadership and guidance by an effective government with a vision and strategy) as a factor of progress, improvement and competitiveness. Slovenia's setbacks in global competitiveness rankings are a result of political ineffectiveness rather than the low capacity of the public administration.

## 5.3. Service delivery and digitalisation

Indicator	Value 2013	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
E-government users (%)	20.73	15	18.26	19	-2.47	-4
Pre-filled forms (%)	45.86	16	43.29	15	-2.57	+1
Online service completion (%)	68.14	18	84.00	16	+15.86	+2
	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Online services (0-1)	0.40	21	0.85	10	+0.45	+11
	Value 2013	EU27 rank				
Barriers to public sector innovation (%)	33.57	10				
			Value 2015	EU28 rank		
Services to businesses (%)			39.50	17		
	Value 2011	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Ease of Doing business (0-100)	67.48	20	76.14	16	+8.66	+4

**Sources:** *European Commission Digital Economy and Society Index, UN e-government Index, EU Scoreboard Public innovation, Eurobarometer no. 417, World Bank Group ease of doing business.*

The quality of services delivered by public administration is at a medium to high level. A solid back-office infrastructure of e-government, a particularly high level of digitalisation of all key registries (central registry of population, business registry, property registries etc.) enables the real-time exchange of data and almost full respect of the 'once-only' principle. The most frequent services for citizens (applications for personal documents, registration of residence, car registration, and property registration) are delivered in an efficient way. Most of the agencies delivering services (particularly deconcentrated administrative units) regularly measure user satisfaction, which shows very good results. Availability of online services is high (rank 10 in the EU-28), but usage is below average (rank 19). This may be due to the fact that an average citizen has little interaction with public administration and that services 'at the counter' are of a fairly good quality. Payment of income tax for citizens is administration-free, as the Financial Administration informs the taxpayer of his/her annual income and tax, and there is no obligation to submit a tax declaration.

The main areas of improvement to reach the best performing public administrations in Government to Citizens (G2C) interactions are the removal of administrative barriers and speeding up the decision-making on appeal in some administrative areas (particularly for taxes).

The situation is different with regard to services for businesses. Not only are all frequently-needed/high-impact services for operating businesses available online, they are widely used and some of them even obligatory (they can only be performed electronically). Starting a business is an extremely simple, almost optimal procedure that takes on average only 15 to 30 minutes of active time, without any obligation to fill in forms and without charges. It is unclear why the World Bank Doing Business report downgraded Slovenia in this aspect from 15 (in Doing business 2015) to 49 (2017). The author's opinion is that the report is methodologically not correct. It may take three days to receive the papers, but effectively not more than 30 minutes of active time is needed to complete the administrative procedure at a one-stop shop 'VEM' (vse na enem mestu, literally meaning 'all in one place').

All transactions with public administration concerning any changes in the registration of business, taxes and the registration of employees for social insurances are also available online and widely used (some of them can only be arranged electronically). Services are available through two main portals: the business portal 'VEM' managed by the Ministry of Public Administration and the portal e-Taxes managed by the Financial Administration. The record shows that in 2016 more than 862 000 transactions were carried out through the e-VEM portal.

On the other hand, businesses complain about uncertainty and the unpredictability of decisions of the Financial Administration in dubious and controversial issues, and about the long time needed for the Ministry of Finance to decide on an appeal. One critical aspect of ease of doing business in the area of public administration is permits and licences, along with overall government regulation of economic activities. This is connected with the political choice - a fairly non-liberal attitude towards state intervention in free market.

In the World Bank Doing Business report 2017, Slovenia holds the overall position 30,<sup>46</sup> which is in the EU average (position 16 among EU Member States). One critically poorly

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<sup>46</sup> In the 2018 report, Slovenia dropped to 37 (World Bank Group, 2017).



assessed element (position 80) is that of construction permits. In paying taxes, Slovenia ranks 24 globally. The main weaknesses are still in areas other than public administration (getting credit: 133, enforcing contracts: 119), so if it was only for public administration, Slovenia would probably hold a much better position. As indicated, the area for improvement connected with public administration is construction permits.

A major general weakness not shown in the Doing Business report, but often indicated in other global surveys, is the 'burden of government regulation' (a very low position - 116 – in the World Economic Forum Global Competitiveness Report 2016-2017), which includes a far above-average number of regulated economic activities and bureaucratised licensing procedures.

#### 5.4. Organisation and management of government

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
<b>Strategic planning capacity (1-10)</b>	3.00	24	3.00	24	0.00	0
<b>Interministerial coordination (1-10)</b>	5.50	21	5.67	18	+0.17	+3
<b>SGI Implementation capacity (1-10)</b>	4.71	23	4.71	24	0.00	-1
	Value 2012	EU26 rank	Value 2015	EU27 rank	Δ Value	Δ Rank
<b>QOG Implementation capacity (1-7)</b>	4.00	25	5.63	4	+1.63	+21

**Sources:** Bertelsmann Stiftung, Quality of Government Institute (Gothenburg).

Slovenia ranks very low in most of the selected indicators/surveys, with the exemption of a drastic jump in the QoG ranking (+21). According to the outcomes of the interview with senior civil servants, these observations are justified.

The existence and clarity of political direction and guidelines vary from government to government and even from ministry to ministry in the same government term but are on average critically low. As indicated above, political instability from 2010 to 2014 had a negative impact on government / administration capacity and performance. After 2014, political stability was restored, but it appears that the price of it was a low level of ambition and reform activities on the part of the government.

All this has a negative impact on performance of ministries in particular, and less of an impact on implementation agencies.

The senior civil servants interviewed affirmed that political directions are not clear (or clear enough) and that fairly frequent changes in leading positions result in a lack of knowledge on special policies and functioning of PA in general.

A satisfactory level of professionalism is ensured in managing resources, staff and programmes.

However, public administration faces several challenges. Relatively frequent changes in top managerial positions in ministries (directors-general and secretaries-general) additionally contribute to lower capacity and performance in the area of policy analysis and development. On the other hand, more stability and continuity are provided for the implementation agencies (including administrative units and other service-delivering agencies), so their capacity and performance is significantly higher compared to ministries.

An additional challenge is the relatively low level of motivation due to a remuneration policy based on the culture of income equality and on automatic increases in basic salary, but a very low budget available for performance-related pay. In addition, reorganisations are fairly frequent, particularly after changes of government (which have been frequent in recent years).

The practice of the inter-ministerial coordination of decisions is well developed, and a culture of inter-institutional cooperation in cross-cutting projects has been developed and works in practice. Recent examples show that the necessary political leadership is often missing when inter-ministerial dissents and conflicts need to be resolved.

## 5.5. Policy-making, coordination and regulation

Indicator	Value 2014	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
<b>Societal consultation (1-10)</b>	4.00	21	5.00	17	+1.00	+4
<b>Use of evidence based instruments (1-10)</b>	3.00	23	3.00	25	0.00	-2
	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
<b>Regulatory quality (-2.5,+2.5)</b>	0.75	23	0.62	24	-0.13	-1
<b>Rule of law (-2.5,+2.5)</b>	0.98	17	0.95	18	-0.03	-1

**Sources:** Bertelsmann Stiftung, World Bank Group.

Slovenia ranks very low in most of the selected indicators/surveys. According to the outcomes of the interviews with senior civil servants, these observations are justified.

In practice, Regulatory Impact Assessment (RIA) quality is very uneven, and there are no official statistics regarding implemented RIAs. As fast-track legislation is exempt from RIA, RIAs were not performed for at least a third of all new measures passed in the period under review. In early 2015, a project for training regulatory drafters, external stakeholders and decision makers was carried out that aimed to increase transparency and the involvement of civil society in the preparation of regulations (Haček et al., 2016; OECD, 2015). Additionally, the OECD performed Regulatory Policy Review in 2016 and together with the Ministry of Public Administration and the EU organised several workshops for policy-makers in late 2016 and 2017.<sup>47</sup>

The RIA process in Slovenia suffers from a number of weaknesses. Firstly, public participation fails to meet the legal standards. Secondly, the conducted RIAs are only rarely made public. Thirdly, quality control is limited. Supervision of RIA is divided among several agencies; however, supervising agencies largely check for formal correctness, without addressing substantive quality. Slovenia's RIA guidelines provide for relatively far-reaching sustainability checks. However, the specification of assessment criteria and the set of indicators to be used suffers from gaps, and the actual quality of RIA is very uneven. In some cases, there are only vague assessments; in others, comprehensive analytical work is done.<sup>48</sup> Slovenia has a strong tradition of corporatism and of government consultation with interest groups more generally (Haček et al., 2016).

Nevertheless, the law-making procedure is in principle transparent (see Figure 7, Appendix) and the Commission for the Prevention of Corruption runs a register of lobbyists.<sup>49</sup>

Drivers of legislative reforms/amendments are in most cases the coalition agreement, reports of control institutions<sup>50</sup> and feedback from implementation practice. Once the coalition agreement and government programme have defined certain projects, full responsibility for drafting bills rests with the line ministries (Haček et al., 2016).

<sup>47</sup> E.g. ex-ante impact assessment as a basis for drafting regulations (March 2017) and stakeholder consultations (March 2017).

<sup>48</sup> E.g. health care reform.

<sup>49</sup> See <https://www.kpk-rs.si/en/lobbying/register-of-lobbyists> (in English).

<sup>50</sup> E.g. Court of Audit, Constitutional Court, inspections.



All regulations adopted in the Republic of Slovenia are brought together in one place, i.e. the [Register of Regulations of the Republic of Slovenia](#). To improve legislation and the uniform system for the drafting of regulations, a system of inter-ministerial coordination of regulations was introduced in 2010 (IPP – IT support for drafting regulations). Consultations with stakeholders regarding the drafting of regulations are carried out at the prescribed single point ([E-Democracy](#)) by publishing proposed regulations for 30 to 60 days. In practice, this standard is not met since there is a trend of adopting legislation according to the so-called urgent procedure (Government of the Republic of Slovenia, 2014).<sup>51</sup> In practice, there is little response from the general public, while ministries respond to the comments. Nevertheless, there is no analysis on acceptance rate of public comments.

Based on annual analyses prepared by the Ministry of Public Administration and discussed by the Government, it can be established that the public is not sufficiently involved in the drafting of laws and regulations, since there is not tradition of a participatory political culture in Slovenia and this culture is at too low a level. The findings arising from the monitoring of the Resolution on Normative Regulation in 2012 and 2013 by fields show that most frequently only administrative consequences are reviewed, which shows that this field has been important for a few years and subject to systematic review (Strategy, 2015).

Based on the Strategy (2015), a two-year action plan (2016-2017) includes important measures for achieving a better quality of regulation. The first part of the measures is focused on full RIA (ex ante impact assessment, evidence-based law-making procedure) and the second part on implementation and evaluation. Measures include progress within IT tools, new legislative procedures act and guidelines and also the training of civil servants. The leader of this project is the Minister of Public Administration.

In November 2016, the Ministry of Public Administration launched a new OECD<sup>52</sup> project aimed at improving the law-making procedure in the first stage (drafting new or amended regulation) and in the second stage – the implementation and evaluation procedure. The project, which includes two pilot cases, ends in November 2017.

At the governmental level, a new law-making procedure with SME<sup>53</sup> IT tool (with guidelines) was adopted.<sup>54</sup> Special attention is paid to new regulation goals and indicators for better implementation and evaluation procedure. More than a hundred civil servants are now qualified for the drafting (implementing and evaluating) of new or amended regulations in accordance with the new methodology.

In order to achieve more efficient and coordinated activities of inspectorates, the Inspectorate Council was established (IC). It is true that the level of respect for the law is not directly related to the number of inspection controls, but these controls are necessary anyway. Their implementation needs requires certain conditions to be satisfied, both material and human resources, and in particular clear, understandable and harmonised regulation. At least the last condition has not been fulfilled, since laws and regulations change frequently. In 2014 and 2015, the IC prepared the strategic

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<sup>51</sup> In 2011, 61% of proposed laws and regulations were published according to the standard, while in 2013 this figure was only 32% (Government of the Republic of Slovenia, 2014).

<sup>52</sup> Regulatory Policy Committee.

<sup>53</sup> Ex ante impact assessment on small and medium-sized enterprises.

<sup>54</sup> In June 2016, the so-called SME test was introduced, which means an ex ante impact assessment of the economy, particularly focusing on small and medium-sized enterprises. The project is an integral part of a wider project called MOPED, which makes the publication of all working documents on the portal of e-Democracy compulsory. The SME-test is provided to prevent the occurrence of new administrative burdens. Departments are committed to provide SME tests for review and consent to the Ministry of Economic Development and Technology ([http://www.mgrt.gov.si/si/konkurencnost/kljucna\\_podrocja/poslovno\\_okolje\\_in\\_administrativne\\_ovire/](http://www.mgrt.gov.si/si/konkurencnost/kljucna_podrocja/poslovno_okolje_in_administrativne_ovire/)).

directions and priorities of inspectorates for the next year. Each year, the IC adopts an annual report.<sup>55</sup>

## 5.6. Overall government performance

Indicator	Value 2010	EU28 rank	Value 2016	EU28 rank	Δ Value	Δ Rank
Trust in government (%)	27.00	16	16.00	23	-11.00	-7
	Value 2011	EU27 rank				
Improvement of PA over last 5 years (%)	6.00	17				
Indicator	Value 2010	EU28 rank	Value 2015	EU28 rank	Δ Value	Δ Rank
Public sector performance (1-7)	4.42	16	3.74	20	-0.68	-4
Government effectiveness (-2.5,+2.5)	1.03	15	0.97	19	-0.06	-4

**Sources:** Eurobarometer 85, Eurobarometer 370, World Bank Group, World Economic Forum.

These results show that in the case of Slovenia assessments in recent years have always been low when based on opinion surveys. From 2010, a combination of financial and economic crisis, political instability and public disenchantment after the crisis revealed all the long-time hidden problematic issues of the economy and society and created an atmosphere of distrust in politics and institutions.

After years of successful linear development from 1991, and achievement of the main strategic goals (democratisation, independence, EU membership), when Slovenia constantly figured as the most successful among the new member states, the inability to properly address the challenge of the crisis came as a shock to Slovenian society. The response was a dramatic decline of trust in politics, government and institutions.

Quite often, objective indicators show a better situation than perception-based surveys. Generally, in surveys based on objective data and evidence-based assessments, Slovenia's position is regularly around the EU-28 average, slightly below or above. In perception-based surveys, this position is usually lower, particularly regarding trust in government and institutions.

The major shortcoming in public administration that shows in all surveys and reports, both fact-based and perception-based is the burden of government regulation for businesses.

<sup>55</sup> See

[http://www.mju.gov.si/si/o\\_ministrstvu/inspekcijski\\_svet/letna\\_porocila\\_inspekcijskega\\_sveta/](http://www.mju.gov.si/si/o_ministrstvu/inspekcijski_svet/letna_porocila_inspekcijskega_sveta/).

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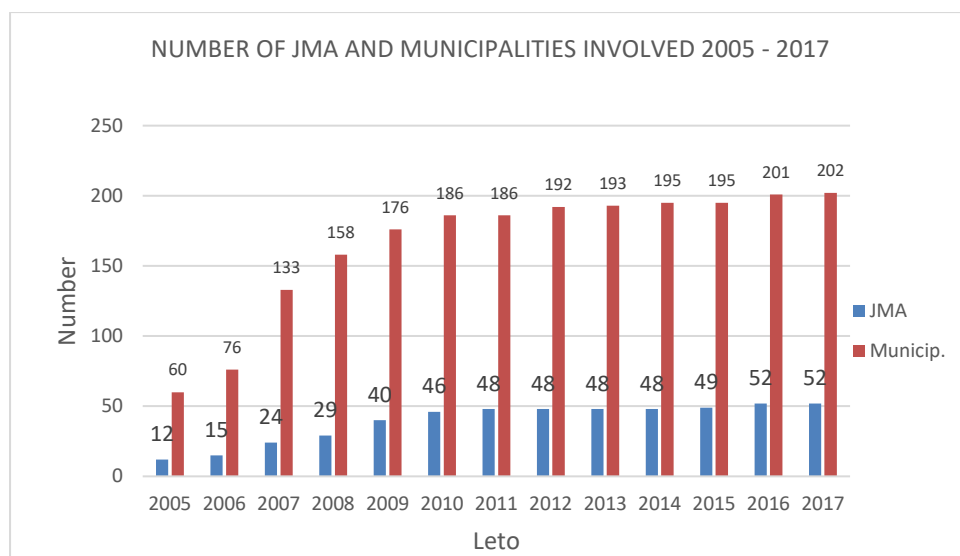
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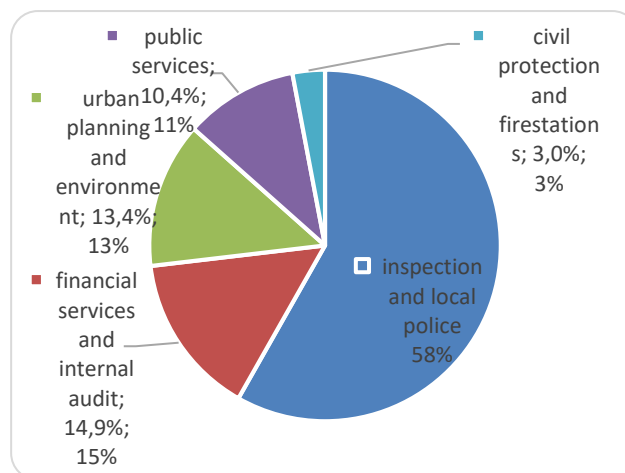
## APPENDIX

**Figure 1: Number of JMA bodies founded and municipalities involved in the period 2005 - 2017**



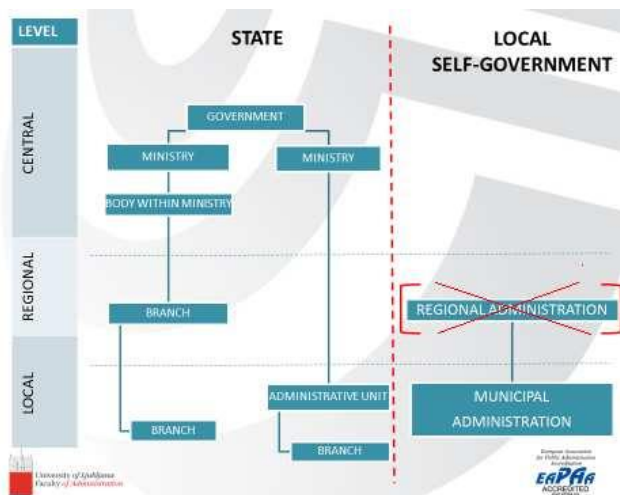
Source: Ministry of Public Administration (2017)

**Figure 2: Share of JMA body tasks**



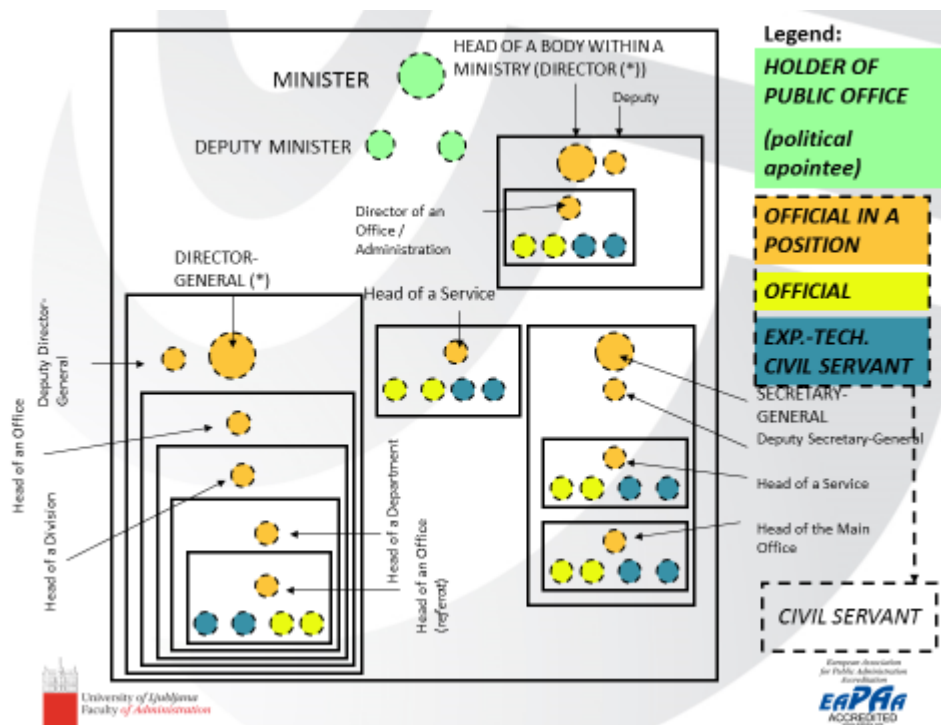
Source: Ministry of the Interior of the Republic of Slovenia (2014); own calculations.

**Figure 3: Territorial organisation of PA**



Source: own.

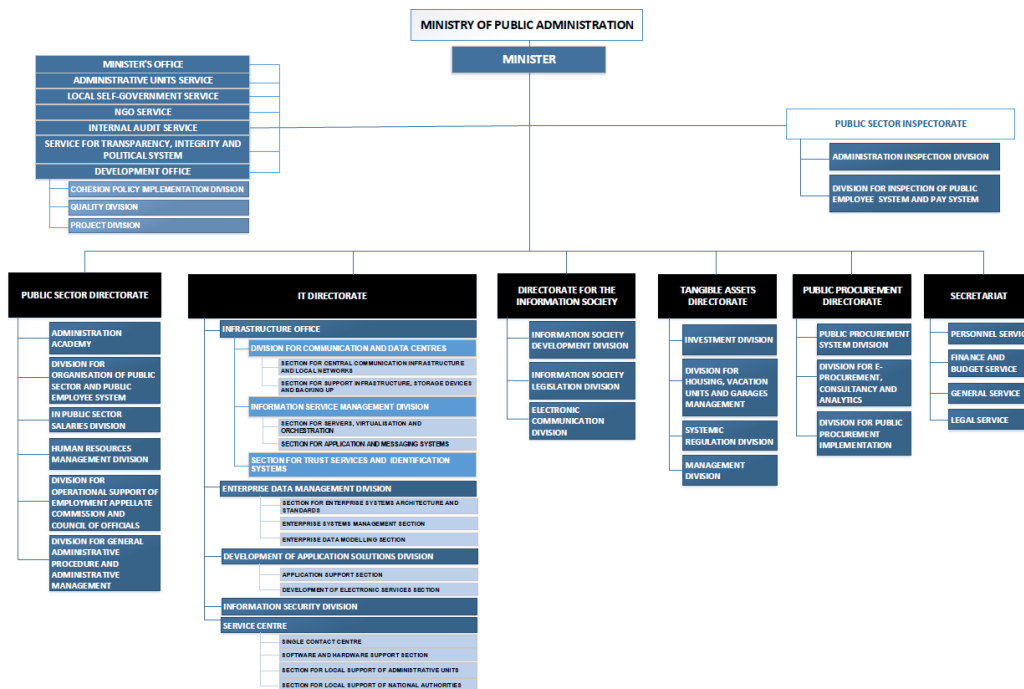
**Figure 4: Leadership and internal organisation of a ministry**



Source: Rakar & Tičar (2017).



**Figure 5: Internal organisation of Ministry of PA**



Source: [http://www.mju.gov.si/en/about\\_the\\_ministry/organization/](http://www.mju.gov.si/en/about_the_ministry/organization/) (2017)

**Figure 6: EC open data survey**

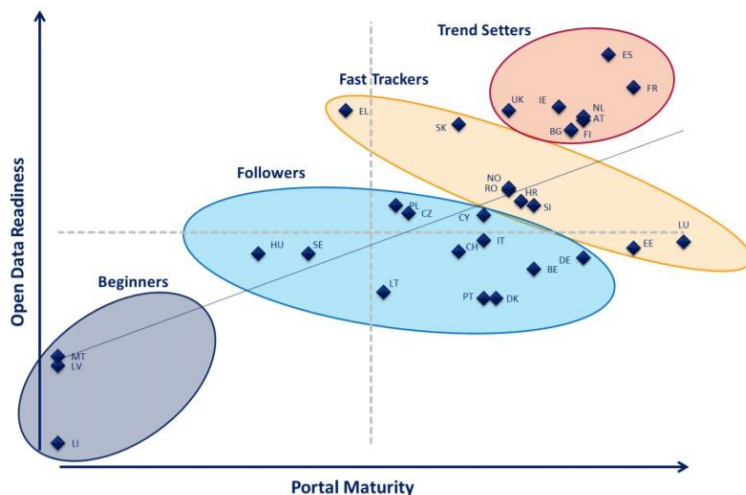
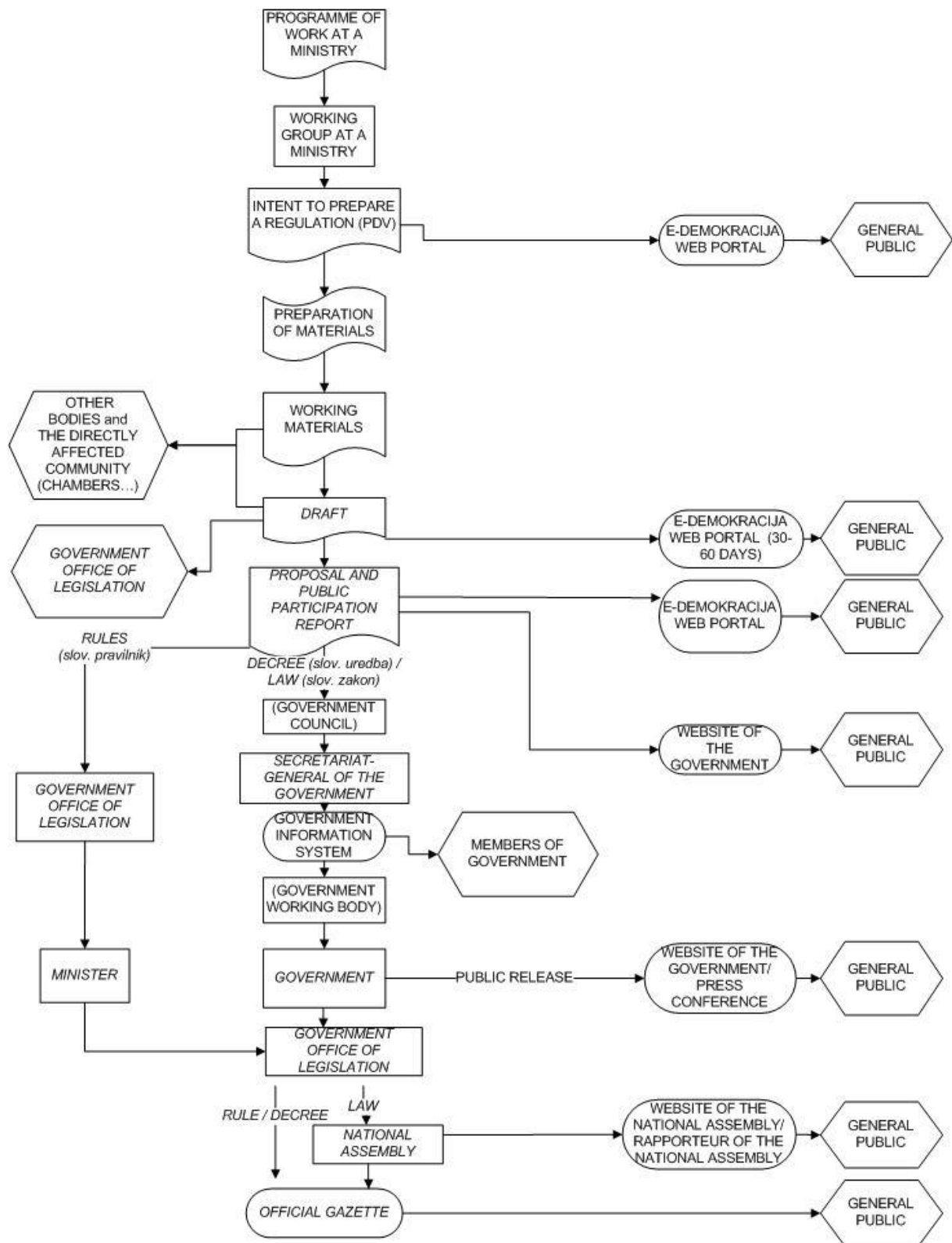


Figure 3 - EU28+ Open Data Maturity clusters

Source:

[http://www.mju.gov.si/si/novinarsko\\_sredisce/novica/archive/2016/10/browse/2/select\\_sporocilo\\_za\\_javnost/article/12447/7744/](http://www.mju.gov.si/si/novinarsko_sredisce/novica/archive/2016/10/browse/2/select_sporocilo_za_javnost/article/12447/7744/)

**Figure 7: Transparency of law-making procedure in Slovenia**



Source: Rakar & Tičar (2017).

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