

SLOVENIA		
COMPETITION FRAMEWORK		
Competition Law	The Prevention of the Restriction of Competition Act, Official gazette RS, nos. 36/08 and 40/09, ("Competition Act") entered into force on April 26, 2008. The Competition Act was amended in 2009, published in the Official Gazette of the Republic of Slovenia no. 40/2009 and entered into force on 13 June 2009.	
Competition Authority	The Competition Protection Office of the Republic of Slovenia ("Competition Protection Office") started functioning on October 21, 1994. <b>Website:</b> <a href="http://www.varstvo-konkurence.si/en/">http://www.varstvo-konkurence.si/en/</a>	
STATUS OF THE COMPETITION AUTHORITY		
<b>Accountability</b>		
Does the Competition Authority have obligations before the executive?	No	X Obligations to report to the executive on on-going investigations upon request.
		X The decisions of the Competition Authority may be vetoed by a ministry or by the executive branch.
		X The Competition Authority has to report on an annual basis to the executive.
		<b>Other obligations/comments:</b> Pursuant to the provisions of the Competition Act reporting is not obligatory. Annual reports were not produced since 2006 due to the very limited human and financial resources available to the Competition Protection Office.
Does the Competition Authority have obligations before the legislature?	No	X Obligation to publish an annual report on its activities.
		X Obligation to stand before parliament and to respond to congressmen on an annual basis.
		X Its activities are monitored by an independent auditor or by oversight committees.
		<b>Other obligations/comments:</b> In 2006, pursuant to legislation, the Competition Protection Office drafted the annual report on implementing ZDIJZ in the previous year (2005) and submitted it to the Ministry of the Economy.
Does the Competition Authority have obligations before the judiciary?	Yes	√ Decisions of the Competition Authority are subject to judicial review. <i>See</i> Competition Act, Part IV, article 12(3) and Chapter 4, article 54.
<b>Independence</b>		
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	<i>See</i> Competition Act, Part IV, article 13.
Does the executive have powers to decide on specific cases based on public interest?	No	
Does the executive retain decision-making powers over the Competition Authority?	No	
Is the Competition Authority obliged to publish its reasoned decisions to ensure transparency?	Yes	<i>See</i> Competition Act, articles 22(6) and 71(2).
Is there a provision of the national budget allocated by law to the Competition Authority to ensure its proper functioning?	Yes	<b>Fiscal year budget for 2012:</b> EUR 625.479. The Competition Protection Office receives its funding from the Ministry of Economy.
Are the criteria for appointment and removal of the head/board members clear and transparent?	No	
GOVERNANCE OF THE COMPETITION AUTHORITY		
Is the Competition Authority governed by a single chairman or by a collegiate body?	Chairman	<i>See</i> Competition Act, Part IV, article 13(2).
Does a minister appoint the heads?	Yes	The chairman is appointed by the Government, on the proposal of the Minister of Economy (Civil Servants Act, article 82).
Do representatives of more than one government branch appoint the heads?	No	
Is there a fixed period during which removal is prohibited?	No	
Is the tenure of the heads renewable?	Yes	Five-year tenure renewable only once.
Are the heads required to have certain minimum qualifications (degree in law or economics, age, experience)?	Yes	<i>See</i> Provisions in the Government Decree.
ARCHITECTURE		
Is the Competition Authority a stand-alone agency with an independent physical location or is it part	Stand-alone agency	Kotnikova 28 SI-1000 Ljubljana Slovenia. <i>See</i> Competition Act, Part IV, article 13(1).

of a bigger entity such as a minister?			
<b>POLICY-MAKING AGENTS -DIVERSIFICATION-</b>			
How many agencies are responsible for competition enforcement?	One agency		<i>See</i> Competition Act, Part II, article 5.
Do sector regulators have competition policy enforcement mandate?	No		
Have the Competition Authority and other agencies signed protocols or memoranda of understanding?	Telecommunications Regulator	Yes	
	Energy Regulator	Yes	
	Transport Regulator	No	
	Other	No	
<b>POLICY DUTIES</b>			
Does the Competition Authority have exclusive mandate on competition or multiple mandates?	Exclusive competition mandate	X	Concurrent consumer protection mandate.
		X	Concurrent IP mandate.
		Other mandates: Non.	
<b>PORTFOLIO INSTRUMENTS</b>			
<b>Law Enforcement</b>			
Does the Competition Authority have powers to investigate cartels?	Yes		<i>See</i> Competition Act, Part II, article 6.
Does the Competition Authority have powers to conduct dawn raids at premises?	Yes		<i>See</i> Competition Act, article 29.
Can the Competition Authority investigate <i>ex officio</i> cases?	Yes		<i>See</i> Competition Act, Part II, “Restrictive Practices,” <i>specifically</i> article 9; <i>see also</i> Part V, Chapter 2, subchapter 1, article 23.
Does the Competition Authority have powers to accept leniency applications?	Yes		A leniency programme was enabled by the 2009 amendment of the Competition Act and implemented by the Decree that entered into force on January 1, 2010.
Does the Competition Authority have powers to seek criminal punishment?	Yes		<i>See</i> Competition Act, Part VIII, “Penalty Provisions,” <i>specifically</i> article 73 and article 76.
<b>Advocacy</b>			
Can the Competition Authority issue opinions on draft legislation?	Yes		<i>See</i> Competition Act, article 72(1)(2). The opinions are not binding.
Is the executive and/or the legislature obliged to request the opinion of the Competition Authority when drafting legislation that may impact competition?	No		
<b>Rulemaking</b>			
Can the Competition Authority issue guidelines or other type of secondary legislation?	No	X	Guidelines on the calculation of fines.
		X	Guidelines on merger control.
		X	Guidelines on the economic analysis of abuse of dominance cases.
<b>Research &amp; Reporting</b>			
Can the Competition Authority carry out market studies?	Yes		<i>See</i> Competition Act, Part V, Chapter 2, subchapter 2, article 26(1)(3)(4).
Can the Competition Authority report to the legislature on the results of market studies?	Yes		
<b>DECISION-MAKING FUNCTIONS</b>			
<b>Aggregated Functions</b>			
Does the Competition Authority make the decision to investigate and to prosecute cases?	Yes		
Does the Competition Authority make guilty findings?	Yes		
Does the Competition Authority impose punishments?	Yes		
Is there a single body that carries out the investigation and the guilty findings within the Competition Authority?	Yes		<i>See</i> Competition Act, Part V, Chapter 1, article 15(1) and article 50.
Can the Competition Authority’s decisions be appealed to a court?	Yes		
<b>Disaggregated Functions—Prosecutorial Model</b>			
Are there different authorities that make the	No		



decision to investigate and to prosecute cases?		
Are disputes presented for decision to a separate entity/tribunal?	No	