

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

ACT ON DEVELOPMENT COOPERATION AND HUMANITARIAN AID OF THE REPUBLIC OF SLOVENIA

Article 1 (Content of the Act)

The Act regulates the development cooperation of the Republic of Slovenia (hereinafter: development cooperation) and humanitarian aid of the Republic of Slovenia (hereinafter: humanitarian aid).

Article 2 (Objectives and principles of the Act)

(1) The objectives of development cooperation shall be to contribute to the eradication of poverty and reduction of inequality and promote sustainable development in partner countries.

(2) The objectives of humanitarian aid shall be to save lives, prevent and alleviate human suffering, preserve human dignity, reduce crisis risk and vulnerability, engage in preventive action and increase crisis resilience, and build response capacity.

(3) The objectives stated in the preceding paragraphs shall be attained by taking into consideration internationally recognised principles of development cooperation and humanitarian aid.

Article 3 (Definitions)

For the purposes of this Act:

- a) "Development cooperation" shall mean the activities of implementing partners in all the areas contributing to the eradication of poverty, reduction of inequality and promotion of sustainable development in partner countries, and shall include Official Development Assistance, along with awareness raising activities, and other official flows and private flows mobilised by the official ones;
- b) "Humanitarian aid" shall mean the response measures and activities implemented on the basis of needs identified during natural and man-made disasters or armed conflict, or during other emergencies in a partner country, whenever necessary if the authorities and local actors are unable or unwilling to respond. Hereinafter, the term "development cooperation" shall be used to mean both development cooperation and humanitarian aid;
- c) "Bilateral development cooperation" shall mean development cooperation between a donor country or several donor countries and a partner country, as well as other forms of aid as

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

defined by the Development Assistance Committee (hereinafter: DAC) of the Organisation for Economic Co-operation and Development (hereinafter: OECD). It shall be implemented between countries, in the partner country and the donor country, or through international organisations and institutions, international financial institutions and international funds or other institutions, when purpose and target country or region are defined;

- d) "Multilateral development cooperation" shall mean development cooperation implemented through the European Union, other international organisations and institutions, international financial institutions and international funds, particularly with contributions, membership fees and capital subscriptions;
- e) "Partner country" shall mean a country or territory included in the OECD DAC List of ODA Recipients to which the Republic of Slovenia allocates its Official Development Assistance and other official flows;
- f) "Financing institution" shall mean a budget user that concludes with the implementing partner a funding contract as referred to in Article 13 of this Act;
- g) "Budget user" shall mean an indirect or direct user of the state or municipal budget that has earmarked funds for development cooperation in their financial plan;
- h) "Programme" shall mean a comprehensive set of projects with a common special objective implemented during a predetermined period;
- i) "Project" shall mean a set of activities designed to achieve clearly defined objectives providing the basis for assessment whether a project meets the predefined conditions and criteria. The duration of a project shall be predetermined, with the fixed start and end dates.

Article 4 (Resolution on Development Cooperation)

(1) The key strategic document on development cooperation is the Resolution on Development Cooperation (hereinafter: Resolution).

(2) The Resolution is based on the objectives stipulated by this Act, and is consistent with the development cooperation orientations of the international community in the field of to which the Republic of Slovenia is committed. It includes priorities and orientations for planning and implementing development cooperation.

(3) The Resolution shall be adopted by the National Assembly on the proposal of the Government.

Article 5 (Other strategic documents on development cooperation)

On the basis of the Resolution, the Government may adopt other strategic documents on development cooperation.

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

Article 6 (Framework Programme)

(1) The Framework Programme of Development Cooperation specifies the funds earmarked and planned for development cooperation and their proposed multiannual allocation.

(2) For the purpose of preparing the Framework Programme, budget users – shall submit to the National Coordinator data on the funds earmarked in the adopted financial plans and on the funds planned for the coming years, by the date of the annual publication of the state budget in the Official Gazette of the Republic of Slovenia at the latest.

(3) The Framework Programme of Development Cooperation shall be adopted by the Government on the proposal of the National Coordinator for Development Cooperation (hereinafter: National Coordinator).

Article 7 (National Coordinator)

The National Coordinator shall be the ministry responsible for foreign affairs. The National Coordinator shall plan, coordinate and implement development cooperation by carrying out the following tasks:

- Policy-making on development cooperation;
- Ensuring that the objectives and principles of development cooperation are taken into account in the planning and implementation of policies of the Republic of Slovenia that might have an impact on partner countries;
- Drafting strategic documents on development cooperation;
- Drafting and coordinating framework programmes of development cooperation;
- Raising public awareness of the importance of development cooperation;
- Preparing reports;
- Planning and coordinating the evaluation of development cooperation;
- Enabling the participation of stakeholders in policy-making on development cooperation;
- Facilitating networking, cooperation and consultation with all stakeholders in the field of development cooperation, also within the Expert Council for Development Cooperation;
- Ensuring the transparency of the planning and implementation of development cooperation;
- Heading the Permanent Coordination Group for development cooperation;
- Other tasks referred to in this Act.

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

Article 8 (Implementation of development cooperation)

The Republic of Slovenia shall implement bilateral and multilateral development cooperation in accordance with the priorities and orientations determined in the Resolution. The means of development cooperation implementation shall be defined by a Government decree.

Article 9 (Implementing partners)

- (1) Development cooperation may be implemented by:
- State bodies or self-governing local communities;
 - Legal persons of public or private law or sole traders;
 - International organisations or other entities listed in Article 3, points c) and d), of this Act.

(2) The implementing partners referred to in the second and third indents of the preceding paragraph shall be allocated funds in accordance with Article 11 of this Act.

(3) The rights and obligations of public employees arising from their participation in development cooperation projects shall be regulated in the decree referred to in Article 8 of this Act, unless otherwise provided by law.

Article 10 (Strategic partnership)

(1) A strategic partnership shall be a partnership established on the basis of an agreement to achieve particular long-term objectives of development cooperation between a budget user and a strategic partner (hereinafter: partner) selected through a public call for proposals, the latter being a legal person of private law or a sole trader. The partner shall possess the expert knowledge and capacity to implement development cooperation. The public call for proposals shall be made in accordance with Article 11, paragraph (2), of this Act. A budget user may conclude multilateral strategic partnership agreements with more than one partner.

- (2) Mandatory elements of the strategic partnership agreement shall be:
- Names and addresses of the budget user and partner;
 - Area or purpose of the strategic partnership;
 - Manner of supervising the strategic partnership's implementation;
 - Anti-corruption provision in accordance with the act governing integrity and prevention of corruption;
 - A provision stipulating that the strategic partnership agreement is valid for a maximum duration of five years;

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

- Other elements arising from internal acts and guidelines of budget users on mandatory content of contracts.

(3) Strategic partnership agreements shall require partners to:

- Report on any circumstance that might slow down or prevent the implementation of the strategic partnership for the area or purpose for which the strategic partnership agreement has been concluded;
- Submit periodic reports on the implementation of the strategic partnership;
- Keep records and supporting documents of the cooperation for the entire duration of the strategic partnership;
- Allow the budget user to verify at all times the accounts as well as the supporting and other documents on the implementation of the strategic partnership, and provide the necessary information related to the partnership;
- Raise the profile of development cooperation;
- Respect the objectives and commitments of development cooperation at both national and international levels.

(4) The strategic partnership agreement must also contain provisions for withdrawal from the strategic partnership and for the termination of funding under the existing funding contracts concluded between the budget user and the partner, as well as for the partner's obligation to return the funds allocated under the existing funding contracts, plus default interest, or to repay the loan early if:

- The partner incorrectly or falsely reports on circumstances and facts relevant to implementing the strategic partnership or allocating funds, or on circumstances and facts related to the use of the funds under any funding contract concluded between the budget user and the partner during the strategic partnership;
- The partner severely violates the strategic partnership agreement or has severely violated any funding contract concluded between the budget user and the partner during the strategic partnership;
- The strategic partnership cannot be implemented in the area or for the purpose for which it has been established;
- The partner fails to respond to the budget user's calls to comply with the requirements in paragraph (3) of this Article or paragraph (2) of Article 14 of this Act.

(5) When concluding a direct arrangement as referred to in Article 11 of this Act on funding a particular programme or project to be implemented by the partner, the conditions and criteria referred to in paragraph (4) of Article 11 of this Act shall be taken into consideration.

(6) Budget users may conclude strategic partnership agreements with international organisations and institutions, whereby the provisions of this Article shall be applied *mutatis mutandis*.

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

Article 11 **(Allocation of funds for bilateral development cooperation)**

- (1) Funds for implementing bilateral development cooperation shall be allocated by:
- Public calls for proposals and public calls for applications ;
 - Direct arrangements as referred to in paragraph (3) of this Article;
 - Contributions through international organisations, funds and other organisations entitled to implement development cooperation in accordance with the conditions laid down by the OECD DAC, whereby the purpose and target country shall be defined;
 - Direct contributions to partner countries in the form of budget support;
 - Other procedures envisaged by the laws regulating the allocation of subsidies, loans, scholarships, etc. in the Republic of Slovenia.

(2) In public calls for proposals under this Act, the provisions of the act regulating public finance and its implementing regulations shall be applied. Public calls for applications shall apply to the co-funding of projects, which have not been completed on the date of the public call for applications and were selected through public calls for proposals or any other similar procedure by a participating foreign financing institution outside the Republic of Slovenia. Public calls for applications shall be further regulated by the Government decree referred to in Article 8 of this Act.

- (3) Direct arrangements may be concluded in the form of funding contracts with:
- Public foundations and institutes referred to in Article 12 of this Act for development cooperation;
 - Partners referred to in Article 10 of this Act.

(4) The funds for implementing bilateral development cooperation under this Act shall be allocated in accordance with the conditions and criteria for funding or co-funding the programmes or projects determined by the Government decree referred to in Article 8 of this Act.

Article 12 **(Public foundations and institutes in the field of development cooperation)**

(1) The ministry which has earmarked funds for development cooperation in its financial plan (hereinafter: ministry) may conclude, with a public foundation founded or co-founded by the Republic of Slovenia (hereinafter: public foundation) on the basis of a work programme adopted for development cooperation (hereinafter: work programme), a direct arrangement on funding or co-funding the operation and work programme of the public foundation, provided that the public foundation has been established for the public benefit or for charitable purposes in the field of development cooperation.

(2) The public foundation shall prepare a draft work programme based on the thematic orientations prepared by the ministry. If the thematic orientations are prepared by more than one ministry, they must be coordinated. The public foundation shall be obliged to

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

coordinate the work programme with the ministry in the area funded or co-funded by the ministry. Before the public foundation adopts the work programme, the ministry must coordinate it with the National Coordinator.

(3) The public foundation shall be allocated funds in accordance with the regulations in force and the conditions set out in the funding or co-funding contract.

(4) A state or other body may second its employee to the public foundation, whereby the provisions of the act governing the secondment of persons to international civilian missions and international organisations shall apply *mutatis mutandis*.

(5) The provisions of this Article shall apply *mutatis mutandis* to institutes founded or co-founded by the Republic of Slovenia for the public benefit or for charitable purposes in the field of development cooperation.

Article 13 (Funding contract)

(1) The financing institution shall conclude a funding contract with the implementing partner. The financing institution may conclude a multilateral contract with more than one implementing partner. The mandatory elements of the contract shall be:

- Names and addresses of the financing institution and the implementing partner;
- Purpose for which funds are allocated;
- Amount of funds allocated;
- Foreseen roadmap for the use of funds;
- Manner of supervision of the eligible use of funds;
- Anti-corruption provision in accordance with the act governing integrity and prevention of corruption;
- Provision that the financing institution may reduce the scope of funding if the funds in the budget earmarked for the purpose are reduced;
- Provision that the programme or project is to be completed by the expiry of the programme or project period;
- Other elements arising from the internal acts and guidelines of financing institutions on the mandatory content of contracts.

- (2) Under the funding contract the implementing partner shall be required to:
- Use the allocated funds exclusively for the purpose defined in the contract, or otherwise return the allocated funds plus default interest to the budget;
 - Use the funds in accordance with the principles of economy and efficiency;
 - Report on any criteria that might slow down or prevent the implementation of the project for which funds have been allocated;
 - Submit reports on the project's implementation;
 - Keep the records and supporting documents needed for an audit of the use of funds;

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

- Allow the financing institution to verify at all times the accounts and other documents concerning the implementation of the project and to carry out checks in situ, and provide all the necessary information related to the project;
- Raise the profile of Slovenia's development cooperation;
- Respect the objectives and commitments of development cooperation at both national and international levels.

(3) The funding contract shall also contain provisions on withdrawal from the funding contract and termination of funding, and for the implementing partner's obligation to return the allocated funds plus default interest, or to repay the loan early if:

- The implementing partner incorrectly or falsely reports on circumstances and facts relevant to the allocation of funds, or on circumstances and facts related to the use of funds;
- The implementing partner severely violates the funding contract;
- The budget user withdraws from the strategic partnership agreement on the basis of which the funding contract has been concluded;
- The project cannot be implemented. If a project becomes unfeasible after it has been launched, and the fault is not the implementing partner, the unused funds must be returned or re-allocated to other projects upon the prior consent of the financing institution;
- European Union bodies require the repayment of funds when the funding of the project is not compliant with European Union regulations.

(4) The implementing partner may not concede, transfer, pledge or dispose in any other way of funds obtained through a funding contract in any manner contrary to the contract.

Article 14 (Advance payment)

(1) With regard to the public calls for proposals as per the first indent of paragraph (1) of Article 11 of this Act and the direct arrangements as per the second indent thereof, the financing institution may provide for an advance payment of up to 80% of the planned contractual obligations for bilateral development cooperation in a particular financial year.

(2) With regard to advance payments, the financing institution and the implementing partner shall agree in the funding contract that the implementing partner commits to return the allocated funds plus default interest if it is later established that the payment was undue.

Article 15 (Reporting)

(1) Budget users and other legal persons of public or private law that provide funds for development cooperation in accordance with this Act shall submit within agreed

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

timeframes, at least once annually, to the National Coordinator data on the amounts extended by activity.

(2) The National Coordinator shall submit an annual report to the Government on the programmes and projects, as well as on the use of funds for development cooperation in the preceding year, and an annual assessment of the attainment of development cooperation objectives. The Government shall inform the National Assembly of the report.

Article 16 (Evaluation)

In order to improve the development cooperation policies, programmes and projects, the National Coordinator shall plan and coordinate the evaluation of development cooperation in accordance with the evaluation policy of Slovenia's development cooperation adopted by the Government, and the evaluation guidelines of Slovenia's development cooperation adopted by the minister responsible for foreign affairs.

TRANSITIONAL AND FINAL PROVISIONS

Article 17 (Validity of public authority)

The public authority for implementing development cooperation granted prior to the entry into force of this Act shall cease to be valid within six months of its entry into force.

Article 18 (Deadlines for passing the decree)

The Government shall pass the decree referred to in Article 8 of this Act within six months of its entry into force.

Article 19 (Termination and extension of validity)

(1) As of the date of entry into force of this Act, the International Development Cooperation of the Republic of Slovenia Act (Official Gazette of the Republic of Slovenia No. 70/06) shall cease to apply, while its Articles 9 and 10 shall be applied *mutatis mutandis* until the entry into force of the decree referred to in the preceding Article.

(2) The Resolution on Development Cooperation and Humanitarian Assistance of the Republic of Slovenia (Official Gazette of the Republic of Slovenia No. 54/17) shall continue to apply until the Resolution referred to in Article 4 of this Act is adopted.

Disclaimer:

The unofficial text of the Decree on implementing development cooperation and humanitarian assistance of the Republic of Slovenia below is provided for information only for which the Ministry of Foreign Affairs of the Republic of Slovenia shall not be held liable for any loss or damage incurred thereby and shall not be held otherwise liable.

Article 20
(Entry into force)

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.

No. 002-01/18-4/13
Ljubljana, 17 April 2018
EPA 2623-VII

National Assembly of the Republic
of Slovenia

Dr Milan Brglez
President