

European Rule of Law Mechanism: input from Slovenia

2023 Rule of Law Report

Introduction

Respect for core EU values of democracy, free media, human rights, and the rule of law is a priority for Slovenia. The Government's determination to restore citizens' trust in the functioning of national, as well as EU institutions, is also reflected in the following contribution to the 2023 European Commission Annual Rule of Law Report Questionnaire.

Upon the release of the 2022 Annual Rule of Law Report, the Government assessed it provided objective findings that were critical but at the same time gave a realistic picture of the situation and developments in the overviewed period. Slovenia welcomed the inclusion of Commission recommendations in the report, and committed itself to a thorough response. The Government sent a strong signal of the rule of law presenting an important political priority, discussing it at its working session for the first time.

The following document represents the contribution of Slovenia to the fourth Annual Rule of Law Report. It addresses, under the established four pillars, the feedback and progress achieved, including new developments across the institutional framework with regard to the issues raised in the respective country chapter of the 2022 Rule of Law Report. In addition, it takes into account other significant developments in the same period, falling under the scope of implemented, newly adopted, envisaged or recently drafted legislation, policy plans, as well as developments related to the judiciary and various independent authorities.

In its current form, the contribution mainly covers developments between July and December 2022. It should be noted that the established reporting period is suitable for presenting progress with regard to legislative acts and proposals, and other measures. However, it is difficult to obtain statistical data, since the relevant authorities' reporting obligations are usually not due until May. The statistics that were promptly received included a number of specialised aspects and are enclosed comprehensively in three separate Annexes to Slovenia's input.

To the largest possible extent, the contributions are focused on progress regarding legal framework and its implementation in practice. These refer to challenges, on-going work, positive developments and best practices, with special emphasis on addressing Commission's recommendations. Their recent introduction provides, among other, a welcome assistance to Member States in identifying outstanding longer-term challenges, requiring a more systematic approach towards addressing and resolving them.

The Commission's annual Rule of Law Reports have become an indispensable tool that provide Member States and the EU institutions with a valuable insight into European rule of law landscape and give them an opportunity to learn about, and from each other, thus reinforcing the respect for common values. Slovenia has supported the mechanism since its inception. The Government is glad to see that both the Council and the European Parliament have already acknowledged Slovenia's strengthened commitment to the rule of law.

Slovenia welcomes the Commission's efforts, and expects the continuation of its close cooperation with Member States throughout the process. It remains available for providing any and all additional clarifications, as required.

REPLIES TO THE EUROPEAN COMMISSION'S QUESTIONNAIRE

I. Justice System

1. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the justice system (if applicable)

In follow-up to two Constitutional Court decisions of 2021 concerning the unconstitutional encroachments on judiciary and state prosecution, the draft *Parliamentary Inquiries Act* was prepared in 2022, and is currently discussed by a working group of interested parties. The relevant Members of the Parliament are expected to submit the draft into legislative procedure upon conclusion of deliberations. The National Assembly President, who is also the Head of the Working Group, convened the first meeting in early November 2022. The deadline for the submission of proposals and comments by the group members, to be discussed at the next meeting, was 15 December 2022.

Immediately upon its formation in June 2022, the Government appointed 13 state prosecutors on the proposal of the Minister of Justice, thus resolving the blocking of appointments by the previous government and addressing significant staff shortage in the ranks of the prosecution service. Ten more prosecutors have been appointed since (23 total).

In September 2022, the Government accepted the Supreme State Prosecutor's Office proposal to increase the Joint Personnel Plan for State Prosecutor's Office (hereinafter referred to as SPO) for 2023 and 2024 by 92 new employments. In the State Budget for 2023, an increase of financial resources is foreseen, amounting to €3.5 million. This boosting is aimed at empowering the SPO and the State Prosecutorial Council (hereinafter referred to as SPC) to accomplish their tasks in a smooth, high-quality manner, quickly and transparently. Namely, the lack of state prosecutors has already seriously affected their work and contributed to the worsening of their working conditions.

A. Independence

2. Appointment and selection of judges, prosecutors and court presidents (incl. judicial review)

Based on the report of the Judicial Council for 2021, the Judicial Council has achieved a fundamental long-term goal of shortening the tendering procedures for judicial posts. The average time required for each tender procedure, from the publication of tender in the Official Gazette of the Republic of Slovenia (hereinafter referred to as Official Gazette) to the final selection decision was 22 days shorter compared to previous data.

The data for 2022 is not yet available.

The legislative procedure for the adoption of amendments to the *State Prosecution Service Act* (ZDT-1F) was terminated in October 2022. The Parliament adopted a decision that the above-mentioned proposal was not suitable for further consideration since it would allow for impermissible political recruitment, interfere with the constitutionally guaranteed position of state prosecutors, and diminish the role of the SPC as an independent and professional body.

In view of the reported difficulties in attracting and retaining judges, the 2021 Judicial Council annual report shows an increase in tenders for vacant judicial positions. The increase follows a significant rise in the number of retired judges. In 2021, the Judicial Council completed 33 tenders for judges' positions, 38 % more than in 2020. Moreover, the number of registered

candidates was second highest in the last five years (see Annex). The 2022 Judicial Council annual report will be available by end of May 2023.

3. *Irremovability of judges; including transfers (incl. as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (incl. judicial review)*

Relating to the irremovability of judges, a request for the review of constitutionality of Article 71 of the *Courts Act*¹ (Official Gazette, No. 45/08, with subsequent changes and amendments), submitted by the Judicial Council, was accepted for consideration by the Constitutional Court in 2021 (case no. U-I-82/21). The decision is pending.

The same year, a request was filed for the review of constitutionality of Article 64(1)(1) of the *Courts Act* in relation to the removal of court presidents from office when they do not address cases of judicial administration in accordance with the rules or criteria for the quality of the work of the courts, or do not perform their respective duties in time. The request was accepted for consideration by the Constitutional Court (case no. U-I-211/21). The decision is pending.

4. *Promotion of judges and prosecutors (incl. judicial review)*

No new developments.

5. *Allocation of cases in courts*

No new developments.

6. *Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)*

For the implementation of the Constitutional Court decision (No. U-I-445/18-13) regarding disciplinary procedure against judges and ensuring smooth and efficient management of disciplinary procedures, amendments to the *Judicial Council Act*² (Official Gazette, No. 23/17, with subsequent changes and amendments) were announced in 2022. The Constitutional Court in its decision effectively prevented the Judicial Council from simultaneously initiating disciplinary proceedings against judges while one of its members presides over each panel of the disciplinary court. According to the Constitutional Court, such an arrangement did not provide a guarantee for impartial decision-making in disciplinary proceedings against judges.

7. *Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (incl. judicial review)*

No new developments.

¹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO332>

² <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7156>

8. *Remuneration/bonuses/rewards for judges and prosecutors, including observed changes (significant and targeted increase or decrease over the past year), transparency on the system and access to the information*

In 2022, the long-lasting issue of salary disparities in the judiciary was brought to the attention of the Ministry of Public Administration, responsible for the salary system in the public sector. At the same time, the request for constitutionality review of the *Public Sector Salary System Act*³ (Official Gazette, No. 108/09, with subsequent changes and amendments) submitted by the Judicial Council is still pending. In October 2022, Judicial Council supplemented the request with an additional review of the *Fiscal Balance Act*⁴ (Official Gazette, No. 40/12, with subsequent changes and amendments) in the part stipulating reimbursement of expenses.

In September 2022, *Agreement on measures in the field of salaries and other labour costs in the public sector for the years 2022 and 2023* was initialled between the Government and the representatives of public sector trade unions. The agreement stipulates harmonization of salary classes' values, adjusting them by 4.5 %. For the implementation of the aforementioned agreement, which includes the ranking of officials (judges, prosecutors, members of parliament, ministers) one salary higher than before, the *Public Sector Salary System Act* was amended. In addition, the amendment provides an equal reimbursement of work-related expenses (transportation, lunch, jubilee award) for officials and civil servants.

Nevertheless, the Government acknowledges that the current classification of officials, as well as the ratio between the salaries of civil servants and officials, require reassessment. It is also necessary to examine the evaluation system of the work of all officials. Any interventions in the public sector salary system affect other salary groups, including specific groups of officials. The elimination of disparities between official ranks is foreseen as part of the upcoming public sector salary system reform. The abovementioned Agreement stipulates that by 30 June 2023 at the latest, amendments to the *Public Sector Salary System Act*, or a new act, will be drafted. The latter applies both, to state prosecutors, as well as judges.

In January 2023, the Government decided to pay a gross monthly allowance of €600 to all judges and prosecutors. With this temporary measure, it shows its serious intention to put an end to the pay anomalies in the judicial pay system, thus ensuring greater material independence for judges and prosecutors.

9. *Independence/autonomy of the prosecution service*

Following a civil initiative, amendments to the *State Prosecutor's Office Act*⁵ (Official Gazette, No. 7/86, with subsequent changes and amendments) were incorporated into the *Act to reduce inequalities and harmful political interventions and to ensure respect for the rule of law*⁶ adopted in July (Official Gazette, No. 105/22). The adopted amendments to Article 169 of the *State Prosecutor's Office Act* enable the state prosecutor to decide independently on whether to initiate criminal proceedings, and how to conduct the prosecution after the filing of an indictment. This must be their conscientious decision, made upon best professional judgment.

³ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3328>

⁴ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6388>

⁵ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO104>

⁶ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8584>

The amendments are not a novelty as such normative regulation had already existed previously, imposing essentially similar tasks to head state prosecutors. Prior to its amendment, Article 169 stipulated preliminary submission of a draft act on the dismissal of a criminal complaint for previewing it to head state prosecutors in cases where the *Criminal Code*⁷ (Official Gazette, No. 50/12, with subsequent changes and amendments) prescribes imprisonment of three or eight years for a criminal offence. The main goal of this provision was to provide additional tools and instruments to head state prosecutors for ensuring prosecution's uniformity and strengthen the quality of judicial system, as well as its public reputation. Even though the amendments to Article 169 were included in the Act reducing inequalities and harmful political interventions, independence and autonomy of the prosecution were never questionable. The independence of state prosecutors within the executive branch of power is the constitutional cornerstone protecting prosecution from possible interference in its decisions or operation.

10. Independence of the Bar (chamber/association of lawyers) and of lawyers

No new developments.

11. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

According to the 2022 Eurobarometer survey⁸, trust in the independence of the judiciary has been gradually increasing. The percentage of people who have confidence in the independence of judiciary has grown from 30 % to more than 40 % in recent years. Trust in the judiciary is also improving among companies.

Similarly, the results of 2021 survey of the Supreme Court on public satisfaction with the court operations show that trust in judiciary has substantially increased among the general public. The survey⁹ is conducted systematically every two years; the next is scheduled at the end of 2023.

In the framework of technical assistance by the European Commission (DG Reform), the project "Activities to strengthen the rule of law: equality before the law and equal treatment (Supporting mechanisms for deciding on sanctions in criminal proceedings)" was completed in October 2022. The project combined two activities aimed at strengthening public confidence in the work of the prosecution service. The first concerns the criminal sanctions proposals and the identification of tools to make sanctioning more uniform. The implementation of the recommendations will boost public confidence in the public prosecution service and in the rule of law. In addition, the communication strategy of the SPO and its prosecutors was reviewed, leading to proposals to upgrade communication with the public. Much-needed public speaking workshops took place to empower state prosecutors as surveys have shown that SPO is mostly publicly exposed through media (TV). A special strategy was developed, with recommendations for internal activities that can be used to present the work of the SPO to the public (e.g. open days at courts, presentations in schools, etc.). The latter includes animated

⁷ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5050>

⁸ Eurobarometers FL503 and FL 504, implemented in January 2022 for the 2022 EU Justice Scoreboard

⁹ https://www.sodisce.si/mma_bin.php?static_id=20220912143218

video production presenting the work of the SPO to be published on the website and sent to other institutions with an invitation to disseminate the video.

B. Quality of justice

12. Accessibility of courts (e.g. court/legal fees, legal aid, language)

In January 2022, the *Act Amending the Court Fees Act* (Official Gazette, No. 204/21)¹⁰ entered into force, facilitating access to courts in reference to court fees. The Act established various tax exemptions, e.g. for children who have reached the age of 15 and are capable of understanding the context and legal consequences of their actions, and for their guardians in personal status and family relations proceedings. According to the new law, plaintiffs in individual labour and social disputes who are employed and insured do not pay fees. A new general tax exemption is determined for organizations who, within public service, perform the tasks of protection, rescue and assistance under the *Act regulating protection against natural and other disasters*¹¹ (Official Gazette, No. 51/06, with subsequent changes and amendments). Another important novelty is the reduction of the court fee by 20 % for electronic application to initiate a proceeding.

13. Resources of the judiciary (human/financial/material)

For the purpose of the State Budget preparation, the Ministry of Justice may prepare a summary proposal for joint personnel plans of judicial authorities, based on the proposals by the Supreme Court, the Supreme State Prosecutor's Office, the State Attorney's Office, and the Judicial Council.

In 2022, the Supreme Court, the Supreme State Prosecutor's Office and the Judicial Council proposed respective increase in the 2023 and 2024 joint personnel plans, requesting 126 new employments. The Supreme State Prosecutor's Office proposed 92 additional employments, 32 positions of state prosecutors in 2023, and 60 positions of state prosecutors' staff (30 civil servants in 2023 and 30 additional civil servants in 2024). These proposals were approved by the Parliament, through the adoption of the respective State Budget.

The 2023 budget allocations for judicial stakeholders increased by approximately 9 % (see Annex).

14. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

In 2022, the Judicial Training Centre of the Ministry of Justice continued its work, in line with the annual work programme devised by the Expert Council of representatives of judicial authorities (Judicial Council, Association of Judges, Association of State Prosecutors, and law faculties). Throughout the year, the Centre, along with representatives of main target groups, prepared individual training programmes, based on proposals and needs of judicial authorities, considering legislative changes, as well as recommendations and commitments in government

¹⁰ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2021-01-4152/zakon-o-spremembah-in-dopolnitvah-zakona-o-sodnih-taksah-zst-1d>

¹¹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO364>

action programmes, international resolutions, and reports. The annual programme refers to various legal areas and is available at the Centre's website¹². More than 8000 participants from judiciary and beyond were included in 65 training courses. The Centre regularly cooperates with EJTN, ERA, EIPA, and other related international organizations.

Since March 2022, the training is organised in person. However, due to the success resulting from the inclusion of foreign lecturers, online editions of some courses are still available. In 2022, the focus of courses was on the post-Covid situation; economic and other consequences of Russia's attack on Ukraine; and violence against women and domestic violence.

Together with different services of the Ministry of Justice, the Centre set out to improve the situation of children in court proceedings, either as victims or witnesses, through a presentation of the Children's House – Barnhaus. In addition, a special four-day program was developed for juvenile offenders.

Workshops on confiscation of assets of illicit origin were well received, and will continue in 2023. During 2022, trainings on money laundering; abuse of financial market; financing of terrorism; human trafficking; and the rule of law were also organised. The training was open not only to judiciary employees (judges, state prosecutors, state attorneys, administrative staff), but also to lawyers, administrators in insolvency proceedings, notaries, social work centres' staff, and criminal experts.

Education and training courses are also carried out within the Supreme Court's project "Improving the Quality of Justice"¹³. With the implementation of Judgecraft, newly appointed judges have the opportunity to be mentored by their more experienced peers. Various other specialist materials (e.g. handbooks on civil procedure; and criminal procedure; for new judges; and writing quality civil decisions) are continuously published on internet, reaching 1.350 downloads by December 2022.

In 2022, the training of public prosecutors and prosecution personnel by the Judicial Training Centre was provided in cooperation with the Training and Expert Supervision Department of the Supreme State Public Prosecutor's Office and the Association of State Prosecutors. Individual training courses were also delivered by the SPO itself. In addition, training of public prosecutors and prosecution personnel abroad was organised by the European Network of Judicial Training Centres in cooperation with the Centre.

15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

A specialised web page eSodstvo¹⁴ (eCourts) enables electronic communication in enforcement of civil cases (elzvršba), land registry cases (eZK), insolvency cases (eINS), and in family matters. Civil enforcement on the basis of an authentic document is a computerised procedure where claims can be filed online, with the support of a specific legislative framework,

¹² <https://cip.gov.si/media/2684/program-dela-centra-za-izobra%C5%BEevanje-v-pravosodju-za-let-2022.pdf>

¹³ <https://evlozisce.sodisce.si/>

¹⁴ <https://evlozisce.sodisce.si/esodstvo/index.html>

without the need for simultaneous submission of cases in paper form. It is integrated into the Case Management System (CMS). In 2021, 99.9 % of those claims were filed electronically, with no limit to the value of the disputed amount. The statistics for 2022 is expected to be available by end of May 2023.

The possibility to electronically submit all kinds of documents is provided to enforcement agents, notaries, lawyers, bankruptcy agents, as well as clients and other participants in court proceedings via the courts' web portal eSodstvo (a digital certificate is required). The Supreme Court encourages all of them to submit their documents electronically.

The laws prescribe that certain types of documents must be submitted to court in electronic form only (i.e. in the land registry and insolvency cases, court registry cases and in family matters for social work centres). In criminal, administrative, as well as in civil and commercial litigious cases, efforts are currently taking place to upgrade the computerised CMS to allow electronic communication (see below - eVa) by the end of 2023.

Full transition to e-business in administrative, civil and commercial matters for all courts and participants in court proceedings is planned for the end of 2023. In criminal cases, e-business between courts and prosecutors' offices is foreseen for mid-2023; for other participants in criminal proceedings by the end of 2023.

The Archeia information system (previously: eHramba) has already been used by the Supreme Court, part of "Effective Justice" project, since 2021. The system was certified in 2022, after it had been connected to the court administration CMS and test connected to the PUND¹⁵ electronic registry (case management in civil proceedings). In 2022, it was connected to the CMS in enforcement cases as well. This enables centralised, long-term storage of digital content (e.g. electronic documents) received or generated by the judiciary, in a uniform and legally compliant manner. The material in the electronic form will be retained in accordance with determined archiving deadlines. Controlled selection, serving, exclusion, and destruction of documents is supported in compliance with regulations.

As part of the development of new functionalities of the PUND information system, which provides case management in civil proceedings, a new horizontal solution was introduced – the eVa application for a uniform validation of incoming submissions. It is planned to be used also by other court information systems. Through the eVa application, incoming submissions are directed to the target case management system. As a horizontal solution, the eVa application enables the processing of the entirety of incoming submissions at the level of court districts, management of certain proceedings of several courts or districts, and optimization of court applications management at all specialised courts with regard to staffing, as well as spatial and other organisational resources. The use of the eVa application in all civil cases for all courts is planned in 2023.

In 2022, a central information solution was developed for recording and managing financial obligations in all court cases and in all courts. Currently, information support is provided for

¹⁵ <https://podatki.gov.si/dataset/elektronski-vpisniki-pund>

dealing with obligations imposed or ordered to be paid in criminal proceedings (fine, property benefit, costs of criminal proceedings and court fees).¹⁶

Within “Effective Justice” framework, the data warehouse was expanded in 2022 with additional data and new content based exclusively on external source records. The quality of data in the data warehouse is improved and the system for business intelligence is being upgraded in accordance with innovations in information systems for managing court cases, additional content and court performance indicators. The data warehouse and the system for business intelligence ensure official reporting to competent institutions. They enable courts management, from monitoring court operations to in-depth analyses, and research. Its results serve as the information basis for adopting management, business and strategic decisions at all levels of judiciary.

Based on the *Rules on Announcements of Sales in the Online Search Engine and Online Public Auctions in Enforcement Proceedings*¹⁷ (Official Gazette, No. 195/20), the Supreme Court introduced the e-Dražbe¹⁸ as a security-supported website where all auctions in Slovenian courts are published. A broader circle of interested buyers now have simple, prompt and free-of-charge access to data about items on sale. Publication of all real estate, movable property and rights being sold in enforcement proceedings, insolvency-related proceedings, compulsory wind-up proceedings, non-contentious, criminal and minor offence proceedings, irrespective of the sales method, includes a web (electronic) sale of real estate in enforcement proceedings. Interested buyers can access data and image material about the items on sale, and data about the sale. They can also apply for the web auction of real estate in enforcement proceedings in one place. The application has been continuously upgraded in 2022, in accordance with the requirements of its users.

The e-ZK and e-Su systems continued to be upgraded in 2022.

Furthermore, the eSpis application for viewing and studying electronic court cases is currently being tested, pending application in insolvency and civil procedures.

Supreme State Prosecutor's Office reports no changes in the reporting period. All projects covered in last year's report are still ongoing. The sole exception is the EXEC II project which was completed in 2022. It was co-funded by the European Commission (eEDES) and enables electronic exchange of European Investigation Orders and requests for international legal assistance.

16. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

¹⁶ Extending from the creation of the obligation with the issuance or finality of the decision until its conclusion, in the form of financial or non-financial closure.

¹⁷ <http://pisrs.si/Pis.web/pregledPredpisa?id=PRAV14094>

¹⁸ <https://sodnedrazbe.si/>

Since September 2022, a completely renewed website¹⁹ is available (see Annex), with data on the functioning and organization of Slovenian courts. It provides information on received, resolved and unresolved cases, duration of proceedings, and the timeline of pending cases. In addition, the number of judges and court staff, and the organization of courts are available. Ten-year data is updated every month.

The website was renovated through the Procedural Justice Project (within Effective Justice), financed by the European cohesion policy funds. An English version of the website will be online in 2023.

On the European Day of Justice, the Supreme Court published the first part of an online animated series on court procedures²⁰. In informative videos, the viewer is introduced to inheritance, family, civil enforcement, litigious, and criminal procedures in court. The animations provide basic information to the general public. To ensure legal and technical accuracy, the scripts were double checked with judges and other legal practitioners. The animations direct users to seek additional information at the informative webpage Going to Court in Slovenia²¹. The series will comprise 15 animated movies and will be published in its entirety in 2023. Additionally, these animations will serve as useful tools for teachers at schools and other educational facilities, contributing to the debate on importance of judicial system in the lives of pupils and students, and promote active citizenship.

17. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases.

No new developments.

C. Efficiency of the justice system

18. Length of proceedings

Supreme Court states that the duration of procedures in the first 11 months of 2022 remained at similar level as in 2021, both for important and other cases (8.5 and 0.6 months respectively). In the said period, the courts received and resolved 1 % less cases than in the same period last year. The number of pending cases decreased by 7.2 %.

Detailed data on the functioning of courts in the first 11 months of 2022 is presented in a separate attachment.

Statistical data of the Supreme State Prosecutor's Office shows that the rate of case management is above 100 %, meaning that in 2022 state prosecutors solved more cases than they received. Despite recent appointments of public prosecutors, not all the posts foreseen in the *Order on the number of positions for state prosecutors*²² (Official Gazette, No. 76/11, with subsequent changes and amendments) have been filled.

¹⁹ <https://poslovanje-sodstva.sodisce.si/>

²⁰ <https://www.youtube.com/user/SupremeCourtSLO/videos>

²¹ <https://nasodiscu.si/en>

²² <http://www.pisrs.si/Pis.web/pregledPredpisa?id=PRAV10640>

An amendment to the *Decree on the cooperation of the state prosecutorial service, Police and other competent state bodies and institutions in detection and prosecution of perpetrators of criminal offences and operation of specialised and joint investigation teams* (Official Gazette, No 28/2021) was issued in June 2022. It abolished obligatory formal instructions by the public prosecutor and restored the presumption of directing the work of the police in pre-trial proceedings from the moment when the public prosecutor gives written instructions in a specific case.

Other legislative developments relate to the act amending the *Administrative Dispute Act*²³ (Official Gazette, No. 105/06, with subsequent changes and amendments) (ZUS-1C) that should be adopted in early 2023. The purpose of amendments is to prevent backlogs and speed-up the procedure before Administrative Court. Normative solutions will allow more efficient administrative litigation decision-making, while minimising changes in the judicial system capacity and maintaining the same standard of legal security. As the court can no longer guarantee smooth and timely processing of cases by organisational measures alone, minimum changes are required promptly.

The abovementioned draft Act addresses speeding-up of proceedings. The main solution is that most (usually simpler) cases could be dealt with by a single judge, which will result in faster resolution and control of the case. Legally important and complex cases will still be decided by chambers of three, but decisions may be taken sooner as the panels will no longer decide on other, simpler cases. This will ensure effective judicial protection for the parties to administrative disputes, while also allowing, e. g. strategically important projects in the field of environment and spatial planning to be timely decided.

The amendment also introduces a number of procedural solutions allowing the court to require the parties to be more diligent in the preparation of the material, to concentrate the trial.

Changes are also foreseen for related appeal proceedings at the Supreme Court. In order to speed up the procedure, the Supreme Court is introducing the trial by single judge under ZUS-1C. An appeal will be decided by the Supreme Court if a single judge ruled on the case at first instance. However, it is envisaged that the single judge may, by order, refer the case to a three-judge chamber for decision, if they consider the case complex regarding questions of law or fact. The same applies when an appeal is expected to resolve an important question of law, especially one on which there is no or no uniform case law.

The amendment includes procedural solutions towards a faster and more concentrated trial in administrative litigation by rationalising the procedure. It applies the principle of concentration of the main hearing, introducing the possibility for the court to order a party to limit the number and volume of pleadings. Moreover, it allows the court to set a time limit within which the party must prepare a limited written summary of the substantive issues raised in the pleadings.

In order to protect (especially weaker) parties, taking into account that the decision in the administrative procedure takes effect and is enforceable when it becomes final, the provision governing conditions for issuing an interim order is also being amended. The latter will ensure

²³ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4732>

greater flexibility to the Administrative Court and enable it to regulate the interim situation as quickly as possible, or prevent or remedy the interference with the rights of an individual.

Finally, measures and activities were introduced to speed up proceedings for the regularisation of family relationships or for the protection of the best interests of the child. In October 2022, the Ministry of Justice established a special inter-ministerial working group for the implementation of the "Improving the situation in the field of forensic expertise in family matters and thus the position of children in court proceedings" project. It brings together representatives of the Supreme Court and lower courts; representatives of the Expert Council for Forensic Expertise, Court Appraisal and Court Interpretation; the Chamber of Clinical Psychologists; the Human Rights Ombudsman; the Community of Social Work Centres; the Ministry of Labour, Family, Social Affairs and Equal Opportunities; and the Association for Nonviolent Communication. The most pressing problem facing judges in proceedings for protecting best interests of the child is the shortage of forensic experts in clinical psychology and paedopsychiatrists. It is also the main reason why court proceedings that involve the opinion of an expert witness tend to stall. At the same time, the Government sees an opportunity to regulate the area with the help of the European Commission and the Council of Europe. Therefore, the Ministry of Justice has applied for a Technical Assistance project, for which the applications are currently being invited.

Other – please specify

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II. Anti-corruption framework

Where previous specific reports, published in the framework of the review under the UN Convention against Corruption, of GRECO, and of the OECD address the issues below, please make a reference to the points you wish to bring to the Commission's attention in these documents, indicating any relevant updates, changes or measures introduced that have occurred since these documents were published.

19. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the anti-corruption framework (if applicable)

The UN Convention against Corruption Second Cycle review of Slovenia is on-going. After the country visit in April 2018 the executive summary of the review was adopted in December 2019. The Secretariat shared the draft report with the Commission for the Prevention of Corruption (hereinafter referred to as the CPC) on 6 October 2022, requesting the CPC for its verification/approval by 15 December 2022. The report is expected to be approved at the beginning of 2023.

Slovenia is currently in review process of Slovenia's Phase 4 Country Monitoring Report under the OECD Anti-Bribery Convention. A two-year written follow-up report is expected in March 2023. Whistleblower protection was improved by providing additional financial and human resources to the SPO, the Commission for the Prevention of Corruption, and improving independence of SPO, as well as the Police, including the National Bureau of Investigation.

In GRECO's Fifth Evaluation Round, Slovenia was evaluated regarding prevention of corruption and promotion of integrity in central governments (top executive functions) and law enforcement agencies. In October 2022, a draft Second Compliance Report was received, recognising several recommendations having been met. The report is not yet final and additional information on new developments was provided.

In 2022, the CPC started the procedure for the comprehensive update of the *Resolution on the Prevention of Corruption* (Official Gazette, No. 85/04), in partnership with the Ministry of

Public Administration and the Ministry of Justice, as well as other stakeholders. The current activities are focused on all subjects covered by line ministries, as well as issues of common concern of civil society. The work on the Resolution is organised by special working groups. Representatives from public sector and civil society are currently engaged in drafting an action plan for the implementation of the resolution. In line with the plan, the draft resolution text will be available in the first half of 2023.

In the meantime, the Government began the process of preparation of the new Programme of the Government of the Republic of Slovenia for strengthening the integrity and transparency of the public sector for the period 2022 – 2026, led by the Ministry of Public Administration. It is a Government action plan for enhancing the integrity and transparency of the public sector. This third Program is currently in a draft stage, after previous two were successfully implemented. All public sector stakeholders took part in the drafting, including the Commission for the Prevention of Corruption.

In the second half of 2022, the Government addressed legislative provisions which, through the *Criminal Procedure Act*²⁴ (Official Gazette, No. 176/21, with subsequent changes and amendments) and related regulation, had previously subordinated, or sought to subordinate, the work of the public prosecution to that of the Police.

The 2022 Rule of Law Report concerns regarding the independent functioning of the anti-corruption police, including the National Bureau of Investigation (NBI), were addressed by the *Act to reduce inequalities and harmful political interventions and to ensure respect for the rule of law* adopted in July (Official Gazette, No. 105/22)²⁵. With its entry into force in August 2022, Articles 21 and 22 of the *Organisation and Work of the Police Act*²⁶ (Official Gazette, No. 15/13, with subsequent changes and amendments) were amended. The autonomous status of the NBI, the transparency of procedure for taking over investigations, and the procedure for the appointment and dismissal of the NBI's Director, were re-established, thus ensuring efficient and professional functioning of special police bodies in the prosecution of crimes.

The statute of limitations for prosecution of criminal offences is determined by the *Criminal Code* (KZ-1). the statute of limitations for criminal prosecution in the Slovenian substantive criminal law is set among the longest in European countries, as previously reported. This also applies to the timeframe for successfully prosecuting corruption offences.

Furthermore, suspects of criminal offences cannot avoid criminal prosecution by hiding. The third paragraph of Article 91 of the KZ-1 stipulates that the statute of limitations for criminal prosecution does not apply during the time when, according to the law, the prosecution may not start or continue, or when the perpetrator is unavailable to state authorities. For example, according to the prescribed punishments for corruption criminal offences, prosecution expires twenty years after the commission of the criminal offence²⁷.

²⁴ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO362>

²⁵ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8584>

²⁶ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-2603?sop=2022-01-2603>

²⁷ *Rule of Law Report on Slovenia from 2022 referred to the Annual report of the State Prosecutor's Office for 2021, that mentions difficulties prosecuting corruption (specifically corruption in healthcare) due to short statute of limitations (10 years).*

The *Law on Amendments to the Criminal Code*²⁸ (Official Gazette, No 27/17) increased penalties for most criminal offences of corruption. It extended the statute of limitation for these criminal offences to 20 years. Supreme State Prosecutor's Office takes note of this in its report for 2021, while pointing out that the amendment cannot be applied to criminal offences committed before entering into force of the KZ-1C in 2015. Therefore, the statute of limitations for prosecution only doubled in duration for criminal offences committed after its entry into force. Changing the statute of limitations for prior criminal offences would constitute impermissible retroactivity.

Additional prolonging of the statute of limitations for criminal prosecution would, in Slovenia's estimate, be contrary to the purpose of the statute of limitations in criminal law. Namely, the punishment imposed for a criminal offence after a long period of time no longer has a special preventive effect. At the same time, possibilities of proving a criminal offence become more difficult over time, as some facts are increasingly difficult to prove, and others may no longer be possible to prove at all. In the opposite case, miscarriages of justice could occur and legal security could consequently be endangered.

Additionally, recent positive development took place in one of high-profile corruption cases. In TEŠ6 case, the defendant, US company General Electrics, who took over the French company Alstom that was involved in construction of Block 6 of Thermal Power Station in Šoštanj, pleaded guilty in criminal proceedings. Under the agreement, the General Electrics will pay a €23 million penalty. The criminal procedure is currently still ongoing, including proceedings against multiple individuals. The case is being prosecuted by the Specialized State Prosecutor's Office and tried by the Celje District Court.

The anticorruption framework will soon be expanded. The Ministry of Justice prepared a new draft *Whistleblower Protection Act* that was already approved in Government deliberation and sent to the Parliament for adoption. The draft act transposes the EU Directive on protection of persons who report breaches of Union law. Unlike the Directive, it foresees protection for all persons reporting any breach of legislation in Slovenia, thus providing a higher standard of protection.

The CPC is an independent state authority responsible for its own staffing procedures and may decide, at its own discretion, on how to spend the funds (subject to public finance legislation). CPC funding is increased regularly. Its budget in 2022 was €2.405.629; €2.162.769 in 2021; €1.887.070 in 2020; €1.773.602 in 2019. The CPC was granted five additional staff in 2022 and currently employs 47 staff (Chief Commissioner, 2 Deputy Commissioners and 44 public servants).

Specialised Public Prosecutor's Office (SDT), which is responsible for the prosecution of corruption offences reports that it faced problems in human resources and personnel, however, key technical resources and working conditions (financial resources, office space, official

The Annual Report further explains that the problem exists only for older cases, where the criminal offences were committed before the Criminal Code was amended (KZ-1C; 2015). Due to prohibition of retroactive validity of regulations, it is impossible to expand statute of limitations retroactively for older cases.

²⁸ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7390>

vehicles) were adequately provided for in 2022. Plans to modernise and upgrade office electronic equipment and purchase courtroom electronic equipment (hardware and software for the electronic taking of evidence) remain on the agenda.

Regarding cooperation with national authorities, the SDT reports improvements in cooperation with the NBI (increase in the quality and quantity of work, more intensive cooperation with the competent state prosecutors on specific cases and greater responsiveness to the state prosecutors' instructions) in 2022.

Improvements are also reported in cooperation with the Office of Money Laundering Prevention, with a perceived increase in the intensity of the authority's crime detection efforts and in its responsiveness.

In 2022, cooperation continued between the European Anti-Fraud Office (OLAF) and the Supreme State Prosecutor's Office, which has representatives in the Inter-Ministerial Working Group on Cooperation with OLAF (hereinafter: IWG). In 2022, the IWG met twice at the Budget Control Office of the Ministry of Finance. At the meeting in June 2022, the representative of the Supreme State Prosecutor's Office presented a contribution on the treatment of the offence against the European Union under Article 229 of the Criminal Code in 2021 (at the level of all public prosecutors' offices) and on the problems related to the prosecution of this offence.

The November 2022 meeting was also attended by two European Delegated Prosecutors, who presented the work of the European Public Prosecutor's Office (EPPO), and by various national authorities (Police, Commission for the Prevention of Corruption, Ministry of Justice, Ministry of the Interior, Office for Recovery and Resilience, Office for Money Laundering Prevention, Financial Office, etc.). They called for even greater attention to possible suspicions of criminal offences being committed in cases where the EPPO is responsible for investigation, prosecution, and the filing of criminal charges wherever such offences are suspected.

A. *The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)*

20. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.

No changes with regard to the list of relevant authorities in charge of prevention detection, investigation and prosecution of corruption.

Concerning human and financial resources available for the prosecution to support effective detection, investigation, and prosecution of corruption, the Minister of Justice initiated the procedure for amending the *Order on the number of state prosecutor posts*. The draft proposal changes the structure of posts depending on the number of cases and the workload of individual state prosecutors' offices, considering both number of cases, as well as their complexity. It also refers to the structure of state prosecutors' posts at the Specialised State Prosecutor's Office, in which the number of posts of district state prosecutor is increased by four. At the 97th regular session in December 2022, the State Prosecutorial Council gave a positive opinion to the draft proposal. Pursuant to the provision of Article 141 of the *State Prosecutor's Office Act*, the Government must give consent to the draft proposal. According to the opinion of the Ministry of Justice, there are no obstacles for the draft proposal to be accepted by the end of 2022 or early in 2023.

In September 2022, the Ministry of the Interior and the CPC signed an *Agreement on cooperation in the field of prevention of corruption*²⁹ with the aim of mutual exchange of information and professional assistance (training, as well as temporary exchange of experts to develop and transfer good practices).

21. Safeguards for the functional independence of the authorities tasked with the prevention and detection of corruption.

Regarding safeguards for the functional independence of authorities tasked with the prevention and detection of corruption, the CPC refers to the information provided in answers in previous years.

In June 2022, the Government adopted the *Decree amending the Decree on the cooperation of the state prosecutorial service, Police and other competent state bodies and institutions in detection and prosecution of perpetrators of criminal offences and operation of specialised and joint investigation teams* (Official Gazette, No 87/22). It regulates cooperation between the Police and the Prosecutor's Office, and with its amendments, the Decree re-introduced the power of the State Prosecutor to instruct the police orally in pre-trial procedures. It thus eliminated the obligation of written guidance (introduced in legislation in 2021), which unnecessarily prolonged the procedure and negatively affected the cooperation between relevant authorities in the pre-trial criminal proceedings. The State Prosecutor has again been empowered to effectively lead the proceedings.

In addition, the *Police Tasks and Powers Act*³⁰ (Official Gazette, No. 15/13, with subsequent changes and amendments) (ZNPPol) will also be amended to ensure efficient performance of fundamental legal duties of the Police, and to regulate its oversight mechanism. Primarily, the aim is to restrict and regulate the use of coercive means against crowds, and to prevent any political intervention in decision-making. The objectivity and impartiality of the commission assessing the legality of application of coercive measures will be strengthened. The proposal for the amendment of the ZNPPol is due to be submitted to the Government for consideration in the second half of 2023.

22. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

See answer 19.

B. Prevention

²⁹ <https://www.kpk-rs.si/blog/2022/09/28/s-prenovljenim-sporazumom-za-se-ucinkovitejse-sodelovanje-na-podrocju-preprecevanja-korupcije-in-krepitev-integritete/>

³⁰ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO6314>

23. *Measures to enhance integrity in the public sector and their application (including as regards incompatibility rules, revolving doors, codes of conduct, ethics training). Please provide figures on their application.*

The CPC is the central body responsible for enhancing integrity in the public sector and application of rules on incompatibility of public office, revolving doors, codes of conduct, ethics training etc. It reports³¹:

- 629 reports on breaches of integrity and corruption (646 finalized cases);
- 51 minor offence procedures initiated (21 conflict of interest; 11 incompatibility of public office; 8 anti-corruption clause; 4 limitation of business activities; 3 asset declarations; 2 limitation of acceptance of gifts; 1 breach of procedural rules; 1 refusal to provide the requested documentation);
- 4.526 received lobbying reports;
- 5.727 new individuals were enrolled into asset declaration system;
- 4.170 new asset declarations were submitted (additionally to the newly enrolled);
- 1.137 changes in assets were submitted;
- 91 cases were referred to the Police or the SPO; 203 cases were referred to inspectorates and other supervisory bodies;
- 60 recommendations regarding the incompatibility of public office, public procurement, transparency of public office, autonomy and professionalism of supervisory bodies, limitation of business activities, disposal of real property in public sector, etc.;
- 60 trainings on various anti-corruption topics for over 3.000 participants.

In 2022, Judicial Training Centre (at the Ministry of Justice) continued with extremely successful workshops on ethics and integrity of judges, and added workshops on ethics and integrity for state prosecutors.

In several cases the Administrative Court ruled in line with the CPC's findings in investigations into integrity breaches by public officials, establishing the adequacy and effectiveness of new procedural rules introduced by the amendments to the *Integrity and Prevention of Corruption Act – IPCA*³² (Official Gazette, No.69/11, with subsequent changes and amendments).

The *Act Amending the Slovenian Sovereign Holding Act*³³ (ZSDH-1A) (Official Gazette, No. 140/22), which entered into force in November 2022, boosted the CPC powers in dealing with integrity breaches and conflicts of interest. The amended Act stipulates that persons, who violate the principle of integrity, as defined by IPCA, can no longer hold positions at Slovenian Sovereign Holding supervisory boards or boards of companies managed by the Holding. In addition, after 10 years, the CPC can again deal with suspected violations of the conflict of interests of managers and members of management, management and supervisory bodies in these companies.

Moreover, the CPC conducts regular training for officials, civil servants and employees of state-owned companies, focused on the comprehensive overviews of the integrity, conflict of interest

³¹ *Annual report for 2021* (<https://www.kpk-rs.si/kpk/wp-content/uploads/2022/05/LP2021.pdf>).

³² <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5523>

³³ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-3442?sop=2022-01-3442>

and lobbying legislation. In 2022, the CPC organised or participated in 55 training sessions, workshops and round tables on integrity and related issues. The relevant training for civil servants is also organised by the Administration Academy at the Ministry of Public Administration. In 2022, the Academy provided 33 trainings for 936 participants (see Annex).

In November 2022, the CPC in cooperation with various integrity authorities from 10 EU Member States established the European Network for Public Ethics. The aim is to promote the culture of public integrity and the harmonisation of standards, guidelines and laws in the European Union by mutual exchange, identification of best practices and comparison of legislation. In autumn 2023, the CPC will host the next plenary meeting of the network.

24. General transparency of public decision-making, including rules on lobbying and their enforcement, asset disclosure rules and enforcement, gifts policy, transparency of political party financing)

Regarding the general transparency of public decision-making, the CPC refers to the information provided in answers in previous years.

In March, May and September 2022, the CPC issued a series of documents (official systemic explanations) clarifying the legal and practical aspects of lobbying³⁴; the declaration and supervision of assets³⁵; as well as prohibitions and restrictions on gifts in public sector³⁶ respectively.

Lobbying is regulated in the *Integrity and Prevention of Corruption Act*. Rules include obligatory registration of professional lobbyists and public register³⁷, obligation to report on lobbying activities, including reports of professional lobbyists, interest organizations employing non-professional lobbyists and lobbied persons. Reports of lobbied persons are published online³⁸.

Asset disclosure is regulated in the *Integrity and Prevention of Corruption Act*. Persons bound by the Act for asset disclosures (hereinafter: liable persons) are: professional officials, members of the State Council, non-professional mayors and deputy mayors, officials in positions, managers and members of supervisory bodies in public companies and companies wherein the state or local community has a majority stake or dominant influence, persons responsible for public procurement, officials of the National Audit Commission for the Audit of Public Procurement Procedures (hereinafter: the National Audit Commission) and Slovenian citizens holding office in the institutions and other bodies of the EU and other international institutions, to which they have been appointed or elected upon referral or proposal by the Government or the Parliament; whose duty to declare their assets is not otherwise regulated by the acts of an institution or other EU body or an international institution, for which they perform their duties. Liable persons need to report their assets at the start of the function, at

³⁴ <https://www.kpk-rs.si/kpk/wp-content/uploads/2022/07/Sistemska-pojasnilo-o-lobiranju.pdf>

³⁵ <https://www.kpk-rs.si/kpk/wp-content/uploads/2022/06/Sistemska-pojasnilo-o-nadzoru-nad-premozenjskim-stanjem-2022.pdf>

³⁶ <https://www.kpk-rs.si/kpk/wp-content/uploads/2022/11/Sistemska-pojasnilo-o-prepovedih-in-omejitvah-v-zvezi-s-sprejemanjem-daril-v-javnem-sektorju.pdf>

³⁷ <https://www.kpk-rs.si/delo-komisije/instituti/lobiranje/register-lobistov/>

³⁸ <https://erar.si/lobiranje/>

the end of the function and one year after the end of the function. During their term, they need to report on changes in assets.

The CPC supervises the asset declaration system and, if a case so requires, may request additional documentation, explanations or conduct an interview with the office holder. In case the office holder fails to explain asset declaration mismatches in a satisfactory manner, the CPC may send its report to other institutions with the powers to check the business of an individual (e.g., the Financial Administration, the Police, the SPO etc.) and notify the institution where the office holder performs their function.

Political party financing is regulated with *Election and Referendum Campaign Act*³⁹ (Official Gazette, No. 41/07, with subsequent changes and amendments).

25. Rules and measures to prevent conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)

Regarding the general transparency of public decision-making, the CPC refers to the information provided in answers in previous years.

In May 2022, the CPC issued a document (official systemic explanation) clarifying the legal and practical aspects of the conflict of interests⁴⁰, with emphasis on prevention.

The conflict of interest is regulated by the IPCA, which prohibits conflict of interest for all officials, and defines on how to proceed in relevant cases. The provisions apply to all officials, unless their exclusion is regulated by other acts. The relevant information was provided in the last year's response.

Public servants are excluded from the conflict of interest provisions of the IPCA, their conduct is supervised according to the procedures in Article 100 of the *Public Employees Act*⁴¹ (Official Gazette, No. 65/08, with subsequent changes and amendments).

The *Integrity and Prevention of Corruption Act* regulates in Article 37 an obligation to avoid conflict of interest and the rules on how to proceed when a conflict appears. It applies to any "official person", defined as "holders of public office, officials in managerial positions and other public employees, employees of the Bank of Slovenia, managers, and members of the management and supervisory boards of public sector entities".

26. Measures in place to ensure whistleblower protection and encourage reporting of corruption.

Regarding whistleblower protection and reporting of corruption, the CPC refers to the information provided in answers in previous years.

³⁹ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4749>

⁴⁰ https://www.kpk-rs.si/kpk/wp-content/uploads/2022/05/Sistemska_pojasnilo_o_nasprotju_int.pdf

⁴¹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3177>

In 2022, the CPC received one (1) request for whistle-blower protection and helped establish a causal link between the initial report and the retaliatory measures suffered by the whistle-blower.

The existing regulation on whistleblower protection will be largely replaced by the new Whistleblower Protection Act, which has been submitted to the legislative procedure. Aiming to protect the public interest, the act sets out the methods and procedures for reporting and dealing with breaches of regulations of which individuals become aware in work-related context, and for protecting individuals who report or publicly disclose information about the breach. The act also defines the powers of CPC, and the safeguards and support measures to prevent or eliminate retaliation. The act transposes the relevant EU Directive (2019/1937) but is more ambitious as it comprises a wider range of safeguards.

The general debate on the draft act was held at the Parliament in November 2022 when the majority decided that the draft was suitable for consideration. After the discussion at the Parliamentary Committee on Justice, the general debate will continue at the next Parliament plenary session starting on 23 January 2023.

27. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other), and, where applicable, list measures to prevent and address corruption committed by organised crime groups (e.g. to infiltrate the public sector)

Regarding sectors with high-risks of corruption, the CPC refers to the information provided in answers in previous years.

In 2022, the CPC in its investigations identified high risk of corruption or conflict of interest primarily in public procurement (healthcare sector and COVID-19 pandemic related contracts) and corporate management (appointment and dismissal of management and supervisory boards in SOEs). Irregularities have also been detected in local government decision-making, spatial planning and environmental matters.

Despite high level of transparency of the public procurement system, as recognised by the OECD, the *Register of Public Procurement Contracts* at the Ministry of Public Administration was upgraded to provide information on public spending, as part of the *Public Procurement Portal*⁴². The Register was upgraded in cooperation with the Public Payments Administration, to enable monthly publication of payments for concluded contracts, starting from January 1, 2023.

In its continuous efforts to improve the public procurement system, the Ministry of Public Administration is actively involved in the pilot project on the professionalization in public procurement. In September 2022, the competency model⁴³ was established with the aim of creating (uniform) structures of knowledge and skills, and identifying competences and

⁴² <https://www.enarocanje.si/>

⁴³ <https://ejn.gov.si/direktorat/profesionalizacija/kompetencni.html>

personal characteristics required of an individual working in the field of public procurement. On this basis, the necessary skills or competences for each job position, as well as existing gaps in organisations, can be identified. The training programme for staff involved in public procurement procedures is organised within the framework of the Public Procurement Academy⁴⁴ within the Administrative Academy of the Ministry of Public Administration, in modules for different job profiles. It is open to all interested stakeholders from January 2023. Both projects, the competency model and the Public Procurement Academy, are ongoing under the Recovery and Resilience Plan.

In 2022, the Government submitted amendments to the *Public Procurement Act* to the Parliament for adoption. In its proposal, the Government addresses non-transparent procurement procedures with the objective to improve competitiveness on the market. The amendments deal with potential corruption risks by providing for the introduction of an ex-ante notice to the safeguards of public interest in the procurement procedure (i.e. CPC, Court of Audit, and the Competition Protection Agency). The provisions state that the contracting authorities must list and explain in detail their reasons for the use of negotiated procedure without prior publication of tenders. Violations of this obligation will constitute a minor offense. Proposed measures are expected to contribute to achieving the Recovery and Resilience Plan target of reducing the number of negotiated procedures without prior publication to 14 % (according to the Single Market Scoreboard methodology). The proposal establishes uniform obligation to inform all participating parties of the use of negotiated procedure, even in cases in low-value procurements not covered under the *Public Procurement Act* (estimated value below 40.000€ for procurement of goods and services; 80.000€ for procurement of works).

In its last “Assessment of the State of Corruption”⁴⁵ the Commission for the Prevention of Corruption highlighted “public procurement” and “corporate management” as two high-risk areas.

Specialised Public Prosecutor's Office (SDT) reports that the health sector remains at high risk of corruption in 2022, as does the energy sector, especially in the areas of public procurement and the drawing of EU funds.

28. Any other relevant measures to prevent corruption in public and private sector

In July 2022, the CPC issued official documents (official systemic explanations) clarifying the obligation to include the anti-corruption clause in relevant contracts of public sector entities⁴⁶, and the obligation to disclose information on the ownership structure of economic entities doing business with the public sector⁴⁷.

⁴⁴ <https://ua.gov.si/aktivnosti?Tag=459&category=4ba2e20b-2e80-ed11-9c90-005056818ee6>

⁴⁵ See: pp. 16-19 at: https://www.kpk-rs.si/kpk/wp-content/uploads/2022/05/Ocena_stanja_2021.pdf

⁴⁶ https://www.kpk-rs.si/kpk/wp-content/uploads/2022/07/sistemska-pojasnilo-protikorupcijska-klavzula_oblikovanje.pdf

⁴⁷ https://www.kpk-rs.si/kpk/wp-content/uploads/2022/07/sistemska-pojasnilo-lasntiska-struktura_oblikovanje.pdf

In October 2022, the CPC completed its *Analysis of the assessment of corruption risks in recruitment procedures during the change of Governments of the Republic of Slovenia, elected after November 2013*⁴⁸. The analysis identified potential systemic corruption risks in employment of officials and persons of trust (political appointees) after the expiry of their mandate, potentially leading to the undermining of impartial management of public tenders; unprofessional and unlawful performance of duties in public interest; privileges for certain companies; clientelism; as well as increased likelihood of conflict of interests. In its recommendations to the Government, the CPC highlighted the need for the establishment of a legal framework for a "cooling-off period" after the end of the term of office for officials and persons employed in a position of trust, leading to strengthened integrity, accountability and transparency in the public sector.

Following the completion of the pilot project on strengthening the integrity of children in primary schools in the 2021/22 school year, the relevant activities of the CPC and the Institute of Education continue in the 2022/23 school year.

C. Repressive measures

29. Criminalisation, including the level of sanctions available by law, of corruption and related offences, including foreign bribery.

Listed below are the maximum sanctions for basic forms of relevant criminal offences:

- Abuse of position or trust in business activity (Article 240) – up to 5 years imprisonment;
- Unauthorized acceptance of gifts (Article 241) – up to 6 years imprisonment and a fine;
- Making unauthorized gifts (Article 242) – up to 6 years imprisonment and a fine;
- Abuse of office or official rights (Article 257) – up to 2 years imprisonment;
- Defraud of public funds (Article 257.a) – up to 5 years imprisonment and a fine;
- Non-conscientious performance of work (Article 258) – up to 3 years imprisonment;
- Acceptance of bribes (Article 261) – up to 8 years imprisonment and a fine;
- Giving bribes (Article 262) – up to 6 years imprisonment and a fine;
- Accepting proceeds for unlawful intermediation (Article 263) – up to 4 years imprisonment and a fine;
- Giving of gifts for unlawful intervention (Article 264) – up to 4 years imprisonment and a fine.

Most of these criminal offenses also include qualifying forms (harsher punishments) - in relation to protected values as determined in elements of these criminal offences.

Foreign bribery is included in Articles 242 and 262 for active bribery and Articles 241 and 261 for passive bribery through definition of the term "official" which is defined in Article 99 and includes foreign officials.

30. Data on investigation and application of sanctions for corruption offences, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.

⁴⁸ <https://www.kpk-rs.si/blog/2022/10/19/analiza-zaposlovanj-v-casu-menjav-vlad-izpostavila-stevilna-potencialna-korupcijska-tveganja/>

Available data (for the period from 1 January 2022 to 23 November 2022) shows that, in 2022, the trend from 2021 and 2022, when the number of (corruption) cases⁴⁹ in which prosecutors filed indictments decreased significantly compared to 2019, will continue. Compared to 2020 and 2021, it remains at a comparable level, with 24 cases filed in the same period.

The statistics on corruption offences for 2022 are not yet complete.

Also see Annex I.

31. Potential obstacles to investigation and prosecution as well as to the effectiveness of criminal sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, cross-border cooperation, pardoning)

No new developments.

32. Information on effectiveness of non-criminal measures and of sanctions (e.g. recovery measures and administrative sanctions) on both public and private offenders.

No new developments.

Other – please specify

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III. Media freedom and pluralism

33. Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding media freedom and pluralism (if applicable)

In July 2022, the newly appointed Government proposed an amendment to the law regulating the public service media (Radiotelevizija Slovenija – RTV Slovenija) that was later adopted by the Parliament. Subsequently, the law was confirmed at the November 2022 referendum. This was a clear message that the solution, introducing independent and non-political appointment of RTV Slovenija bodies, and its operation, also enjoyed broad public support as a justified step towards the actual freedom and independence of media.

The new law provides for a new governance structure that will reduce political influence on public service media. It stipulates appointment of the Council upon proposal by employees and the independent bodies (and not political bodies). The members of the Council have to perform their work independently and objectively, acting solely in public interest. Appointment procedures are currently underway. The management structure changed as well, evolving from general director to collective management with four members. The law provides detailed procedures for appointment and dismissal of the management, as well as Council members, programme directors and editors-in-chief. With the entry into force of the new Act on 27

⁴⁹ Corruption cases include offences under Articles 241, 242, 261, 262, 263 and 264 of the KZ-1.

December 2022, the General Director and programme directors have become acting directors. The following day, a petition for a constitutional review was submitted, pending decision.

In December 2022, two political parties submitted requests for the judicial review of the amended law before the Constitutional Court.

The Ministry of Culture is currently involved in the process of deliberating the draft *European Media Freedom Act* that will, in the form of regulation, define common rules on EU internal market regarding media service providers and the right of media freedom and pluralism. Slovenia welcomes the intent of the Commission to establish a new regulation on media services (European Media Freedom Act). Taking into account the existing 2021 Recommendation on ensuring the protection, safety and empowerment of journalists and other media professionals in the European Union and the proposed new EU legislation, the Government is looking into further improvements of the national legislation.

With the respect to the issue of protection of journalists, especially concerning online attacks on them, the legal system is adequate to resolve these conflicts, and works in practice. Two recent cases where journalists won defamation lawsuits against a Prime Minister, during his term in office, prove legal remedies in court proceedings are effective in protecting journalists. As regards legislation, the *Criminal Procedure Act* (Official Gazette, No. 2/23) determines provisions on protection of journalists' sources, while in the Criminal Code, justifications for journalists' critical publications are stated, including the justification to disclose official secrets in public interest. Furthermore, the Constitutional Court has again (as previously in 1999) reassessed provisions of legislation on criminal offences against honour and reputation, finding them constitutionally compliant, as well as European Convention on Human Rights compliant (Decision of 18 March 2021).

A. Media authorities and bodies

34. Measures taken to ensure the independence, enforcement powers and adequacy of resources (financial, human and technical) of media regulatory authorities and bodies

No new developments.

35. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

The new *Electronic Communications Act*⁵⁰ (Official Gazette, No. 130/22), adopted in September 2022 fully reflects European Commission comments and introduces new rules on the dismissal procedure for the head of the National Regulation Authority (AKOS).

36. Existence and functions of media councils or other self-regulatory bodies

No new developments.

⁵⁰ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-3081?sop=2022-01-3081>

B. Safeguards against government or political interference and transparency and concentration of media ownership

37. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

No new developments.

*38. Safeguards against state / political interference, in particular:
- safeguards to ensure editorial independence of media (private and public)*

No new developments.

- specific safeguards for independence of heads of management and members of the governing boards of public service media (e.g. related to appointment, dismissal) safeguards for their operational independence (e.g. related to reporting obligations and the allocation of resources) and safeguards for plurality of information and opinions

Following a lengthy legislative procedure, the amendments to the *Radio Television Slovenia Act*⁵¹ (Official Gazette, No. 163/22) were adopted in July and confirmed by referendum in November 2022. The amendments primarily address the issues of management and supervision of the public service media as well as its editorial independence. The adopted provisions significantly limit direct influence of politics on the operation of RTV Slovenia and restore its autonomy. The new provisions provide for the appointment of the Council of RTV Slovenia on the proposal of employees and representative independent bodies, and define their independent and objective work as being solely in the public interest. In addition, the amendments regulate the managerial structure of RTV Slovenia by introducing a collective four-member management body. Detailed procedures for the appointment and dismissal of the four-member body, as well as of the Council members, programme directors and editors-in-chief are stipulated.

- information on specific legal provisions and procedures applying to media service providers, including as regards granting/renewal/termination of licences, company operation, capital entry requirements, concentration, and corporate governance

No new developments.

39. Transparency of media ownership and public availability of media ownership information, including on direct, indirect and beneficial owners as well as any rules regulating the matter

No new developments.

⁵¹ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-4192?sop=2022-01-4192>

C. Framework for journalists' protection, transparency and access to documents

40. Rules and practices guaranteeing journalist's independence and safety, including as regards protection of journalistic sources and communications

See also above (part on the protection of journalist via criminal legislation).

41. Law enforcement capacity, including during protests and demonstrations, to ensure journalists' safety and to investigate attacks on journalists

No new developments.

42. Access to information and public documents (incl. transparency authorities where they exist, procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities, possible obstacles related to the classification of information)

In 2022, the amendments to the *Access to Public Information Act*⁵² (Official Gazette, No. 141/22) were adopted, completing the full transposition of the EU Open Data Directive. The implementation of the Act facilitates the re-use of high value datasets via API and bulk download. In addition, the *Government Decree on the provision and re-use of public information*⁵³ was amended in November 2022 (Official Gazette, No. 146/22), listing the datasets that are of particularly high value for the society and/or economy.

In December, the Government submitted to the Parliament for adoption the draft *Act on the Ratification of the Council of Europe Convention on Access to Official Documents*. It is expected to be adopted in 2023. With the ratification of the Convention, Slovenia will mark the 20th anniversary of the adoption of the first *Act on Access to Public Information*.

43. Lawsuits (incl. SLAPPs - strategic lawsuits against public participation) and convictions against journalists (incl. defamation cases) and measures taken to safeguard against manifestly unfounded and abusive lawsuits

Slovenia supports the Commission in its endeavours to improve protection of journalists and human rights defenders from SLAPPs and welcomes the proposal of the directive and acts constructively in the negotiations. For better implementation of all new elements from the proposal, Slovenia is considering preparation of a separate procedural law just for SLAPP cases.

Other – please specify

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⁵² <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7087>

⁵³ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=URED6941>

IV. Other institutional issues related to checks and balances

44. *Please provide information on measures taken to follow-up on the recommendations received in the 2022 Report regarding the system of checks and balances (if applicable)*

The Government pays utmost attention to the role of independent bodies (i.e. the National Council, the Constitutional Court, the Human Rights Ombudsman, and the Court of Audit) in upholding the principles of the rule of law. It is fully committed to the implementation of the Constitutional Court decision on their budgetary autonomy. To this end, the Government has drafted the amendments to the *Public Finance Act*⁵⁴ (Official Gazette, No. 11/11, with subsequent changes and amendments), which were submitted to the Parliament for adoption in December 2022. In line with the amended Act, the budgetary allocations proposed by independent bodies will be fully taken into account in the drawing-up of the State budget. The Act foresees that in case of serious deviations from the proposed amounts due to deteriorating economic situation, the Ministry is obliged to inform the bodies of the foreseen cuts.

A. *The process for preparing and enacting laws*

45. *Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process*

State Public Prosecutor's Office reports that during the reporting period, the inclusion and facilitation of the participation of the Public Prosecutor's Office in the process of amendments and additions to legislative material in the areas relevant for the performance of the tasks and competences of the Public Prosecutor's Office is in line with the *Resolution on Legislative Regulation*⁵⁵ (Official Gazette No. 95/09), as during the reporting period the Public Prosecutor's Office was enabled to participate in legislative procedures in a timely manner, with a reasonable amount of time for the review of material and the drafting of an appropriate response.

On the initiative of its Human Rights Council⁵⁶, the Ombudsman proposed that the Government include a mandatory explanation of the compliance of the draft laws and regulations with human rights standards as part of the process of preparing draft laws⁵⁷. The Ombudsman expects this recommendation to be implemented in the context of the ongoing revision of the methodology and manual for drafters of regulations.

⁵⁴ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1227>

⁵⁵ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5516>

⁵⁶ See: <https://www.varuh-rs.si/en/about-us/organisational-units-and-hro-council/human-rights-ombudsman-council/>

⁵⁷ See recommendation 1/2021 in Ombudsman's Annual Report for 2021, available at https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2021/Summary_of_the_Work_of_the_Human_Rights_Ombudsman_of_the_Republic_of_Slovenia_for_2021.pdf.

In 2022, the Advocate of the Principle of Equality (hereinafter referred to as Advocate) was repeatedly consulted in the drafting of legislation and national policy documents, but often had less than the 30 days to respond. Such practice hindered the in-depth analysis of the draft documents and made it difficult to prepare adequate recommendations. The follow-up to Advocate recommendations is often lacking.

For the promotion of cooperation between lawmakers and key stakeholders in the legislative drafting process, the Ministry of Public Administration organised for civil servants in total 4 sets of training sessions with approximately 60 participants in 2022. In addition, a follow-up workshop was organised for participants of previous sessions, aimed at further strengthening cooperation with the interested public. Such trainings will continue in the coming years.

In order to improve the process of legislative planning, preparation, adoption, and impact assessment, the Government adopted the *2019-2022 Better Regulation Action Plan*. The objective is to reduce the regulatory burden by involving the professional and interested public in the drafting of legislation; facilitate assessment of legislative impact within different layers of society; and the ex-ante and ex-post evaluation of the objectives achieved, resulting in better legislation.

Measures envisaged in the plan include:

- use of the MOPED system⁵⁸ (IT support tool in drafting legislation) to standardise work with normative material and to provide relevant e-support;
- set-up of specific legislative evaluation targets, indicators and deadlines;
- improvement of the stakeholder consultation process;
- enhanced ex-ante inter-ministerial coordination;
- application of advanced information links between the legislative and executive branches of government;
- systemic implementation of ex-post evaluations;
- systemic and continuous civil servants training.

The Ministry of Public Administration is currently developing the methodology to be used in legislative impact assessment and testing its possible application in the MOPED. The draft paper on the proposed methodology is expected to be submitted to the Government for approval in January 2023.

Also see Annex – National Assembly Input, points 2.1 – 2.9

46. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

In 2022, 28 % of laws were adopted by the regular procedure, 35 % by the urgent procedure, and 25 % by the shortened procedure.

⁵⁸ <https://www.gov.si/teme/informatizacija-zakonodajnih-postopkov/>

Adopted laws by type of legislative procedure (in 2022)

ADOPTED LAWS	8th Mandate	9th Mandate	Total 2022	%
Constitutional amendment	0	0	0	0
Regular procedure	18	15	33	28
Urgent procedure	9	32	41	35
Shortened procedure	16	13	29	25
Ratification	9	5	14	12
TOTAL	52	65	117	100

(Annex – National Assembly Input, point 3)

47. Regime for constitutional review of laws

Number of cases in the framework of procedures to review the constitutionality and legality of regulations sent to the National Assembly by the Constitutional Court

CASE TYPE	No. in 2022
Cases sent to the National Assembly by the Constitutional Court	76
Cases sent to the National Assembly to obtain a reply or explanation	48
Cases closed in the National Assembly:	84
- solved at the Constitutional Court*	65
- replies or explanations sent to the Constitutional Court by the National Assembly	19

Key:

*By a decision/ruling, the Constitutional Court:

- abrogated the provisions of articles/laws,
- found conformity or inconformity,
- rejected a petition or request,
- dismissed a petition or request,
- suspended the procedure.

Types of Constitutional Court decisions concerning petitions and requests for the National Assembly to provide a reply or explanation

CONSTITUTIONAL COURT DECISION	No. of cases in 2022
Inconformity with the Constitution	13
Abrogation	7

(National Assembly Legislative and Legal Service, Annex – National Assembly Input, point 4)

48. COVID-19: provide update on significant developments with regard to emergency regimes/measures in the context of the COVID-19 pandemic

- *judicial review (including constitutional review) of emergency regimes and measures in the context of COVID-19 pandemic*

In the period from March 2020 to May 2022, there was a judicial review of anti-COVID measures adopted by the Government. This was mostly applied in concrete cases of minor offence (misdemeanour) proceedings. The Constitutional Court, after the end of 2020, had an abundant case law on these measures and overturned them as contrary to the Constitution several times. For example, see Decision of the Constitutional Court, No. U-I-180/21, 14 April 2022 on the systemic overturning of several Government's anti-COVID legal acts/measures.

Constitutional Court decisions adopted in 2022 in proceedings for assessing the constitutionality and legality of regulations adopted by the National Assembly or Government to curb the COVID-19 pandemic:

U-I-793/21-13, U-I-822/21-12; 17 February 2022

Upon a petition submitted by V.B., the Constitutional Court assessed points 2 and 3 of paragraph one of Article 39 of the *Communicable Diseases Act*⁵⁹ (Official Gazette No. 142/20, with subsequent changes and amendments) (ZNB) and found that it was not inconsistent with the Constitution. Upon a petition submitted by L.J., the Constitutional Court examined the constitutionality and legality of paragraph two of Section 3.1 of the Decree determining special measures under Article 83a of the *Courts Act* to prevent the recurrence and spread of infections with the infectious disease COVID-19, and found that it was not inconsistent with the Constitution.

U-I-25/22; 17 March 2022

Upon a petition by the voters, the Constitutional Court examined the constitutionality and legality of Article 48 of the *Act on Additional Measures to Curb, Mitigate, Control, Remedy and Eliminate the Consequences of COVID-19*⁶⁰ (Official Gazette No. 206/21, with subsequent changes and amendments) since, according to the petitioners, it was not an urgent measure to eliminate the consequences of the infectious disease COVID-19; the inclusion of the contested provision in the Act prevented voters from submitting a request for a legislative referendum. The Constitutional Court ruled that Article 48 of this Act should be abrogated.

U-I-180/21; 14 April 2022

On the initiative of the Information Commissioner (IC), the Constitutional Court reviewed two Government ordinances, namely:

- *Ordinance on the method of determining compliance with the requirements of recovery, vaccination and negative test result in relation to the infectious disease COVID-19*⁶¹ (Official Gazette No. 126/21, with subsequent changes and amendments) and decided to abrogate it. The abrogation takes effect one year after the publication of the decision in the Official Gazette;
- *Ordinance on temporary measures to prevent and control infections with the infectious disease COVID-19*⁶² (Official Gazette No. 22/29, with subsequent changes and amendments)

⁵⁹ <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO433>

⁶⁰ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2021-01-4283?sop=2021-01-4283>

⁶¹ <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2021-01-2672/odlok-onačinu-ugotavljanja-izpolnjevanja-pogojev-prebolevnosti-cepljenosti-in-testiranja-v-zvezi-z-nalezljivo-boleznijo-covid-19>

⁶² <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2022-01-0445/odlok-ozacasnih-ukrepih-za-preprecevanje-in-obvladovanje-okuzb-z-nalezljivo-boleznijo-covid-19>

and decided to abrogate it in the part specifying the processing of personal data⁶³. The abrogation takes effect one year after the publication of the decision in the Official Gazette.

- oversight (incl. ex-post reporting/investigation) by Parliament of emergency regimes and measures in the context of COVID-19 pandemic

See Annex – National Assembly Input, point 5.2

- processes related to lessons learned/crisis preparedness in terms of the functioning of checks and balances

See Annex – National Assembly Input, point 5.4

B. Independent authorities

49. Independence, resources, capacity and powers of national human rights institutions ('NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

In line with the Constitutional Court decision concerning the budgetary autonomy of independent bodies, the budget allocations for 2022 and 2023 follow the budget proposals submitted by the institutions themselves. The budget allocations are sufficient for the institutions to meet the statutory duties and responsibilities, and enable them to function fully and efficiently.

In 2022, the budget of the Advocate of the Principle of Equality amounts to €1.471.492, it employs 27 staff.

50. Statistics/reports concerning the follow-up of recommendations by National Human Rights Institutions, ombudsman institutions, equality bodies and supreme audit institutions in the past two years.

In 2022, the Advocate of the Principle of Equality issued 40 recommendations, either in reference to the legislative public consultations processes or *ad hoc*, in reference to draft legislation and policy papers; discriminatory practices; and for the promotion of equality. The Advocate regularly stressed due diligence in assessing aspects of equality in proposed measures and policies, as an inherent duty of any policy-making authority preparing draft legislative acts under the national antidiscrimination legislation. Some of the legislative proposals reviewed by the Advocate lacked equality impact assessment. In the upcoming annual report, more information on the Advocate's work and its cases, as well as on compliance with recommendations, will be presented in detail.

⁶³ *An implementing regulation governing the processing of personal data is inconsistent with Article 38(2) of the Constitution if it is not based on a statutory basis specifying which data may be collected and processed, and for what purpose.*

In 2022, the Ombudsman issued 86 new recommendations in its Annual Report for 2021⁶⁴. Vast majority of recommendations is based on concrete initiatives of individuals. In addition, the Ombudsman acting in the capacity of National Prevention Mechanism (NPM) issued another 501 recommendations to various institutions⁶⁵. At several occasions, the Ombudsman has expressed his concerns about the poor and slow implementation of his recommendations by the authorities, including at the Plenary Session of the Parliament on 27 October 2022.

In 2022, the Ombudsman highlighted approximately 150 most relevant past recommendations that remain either unrealized or partly realized. The Ombudsman also regularly calls that relevant authorities in Slovenia secure timely implementation of regional court and Constitutional Court judgments as well as of recommendations from international, regional and national human rights bodies.

C. Accessibility and judicial review of administrative decisions

51. Transparency of administrative decisions and sanctions (incl. their publication and rules on collection of related data)

No new developments.

52. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures, and any applicable specific rules or derogations from the general regime of judicial review).*

For related developments, see answer to question no. 18.

53. Follow-up by the public administration and State institutions to final (national/supranational) court decisions, as well as available remedies in case of non- implementation

As regards execution of the judgments of the European Court of Human Rights against Slovenia, all implemented or planned measures concerning final judgments are being communicated promptly to the Department of the Council of Europe for the execution of the ECtHR judgments. Please see *HUDOC EXEC*⁶⁶ or the Government webpage in Slovenian⁶⁷.

⁶⁴ See recommendation 1/2021 in Ombudsman's Annual Report for 2021, available at https://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2021/Summary_of_the_Work_of_the_Human_Rights_Ombudsman_of_the_Republic_of_Slovenia_for_2021.pdf

⁶⁵ See NPM Report for 2021, available at: https://www.varuh-rs.si/fileadmin/user_upload/pdf/DPM/Letna_porocila_DPM/Slovenian_Ombudsman_NPM_Report_2021.pdf.

⁶⁶ [https://hudoc.exec.coe.int/eng#{%22EXECDocumentTypeCollection%22:\[%22CEC%22\]}](https://hudoc.exec.coe.int/eng#{%22EXECDocumentTypeCollection%22:[%22CEC%22]})

⁶⁷ <https://www.gov.si/teme/obveznost-izvrsevanja-sodb-evropskega-sodisca-zaclovekove-pravice/>

(Non)pecuniary damages and costs of expenses (imposed by judgments) are being paid by the State Attorney's Office in due time.

D. The enabling framework for civil society

54. Measures regarding the framework for civil society organisations and human rights defenders (e.g. legal framework and its application in practice incl. registration and dissolution rules)

No new developments with regard to the legislative framework for civil society organisations and human rights defenders.

In view of the COVID-19 pandemic, the CSOs were given a one-month extension on the deadline for submitting their annual reports, including on volunteering, to the Agency for Public Legal Records and Related Services (AJ PES).

In the first half of 2022, CSOs continued to face unpredictable circumstances and were not included in legislative processes. The new government recognises CSOs as vital partners in policy-making processes and adopted (July 2022) the first report on the implementation of the *Strategy on Development of Non-Governmental Organisations and Volunteering for the 2018-2023 period*⁶⁸. According to the report, most measures are duly implemented. Some delays may be attributed to the Covid-19 pandemic.

55. Rules and practices having an impact on the effective operation and safety of civil society organisations and human rights defenders. This includes measures for protection from attacks – verbal, physical or on-line –, intimidation, legal threats incl. SLAPPs, negative narratives or smear campaigns, measures capable of affecting the public perception of civil society organisations, etc. It also includes measures to monitor threats or attacks and dedicated support services.

In response to funding cuts, operational barriers and negative public narrative on CSOs and HR defenders in the previous period, the new Government in the second half of 2022 took measures to ensure effective operation and safety of these organisations. These measures include withdrawal of approval for lawsuits related to claims for reimbursement of the costs of police protection in case of unorganised protests in 2020 and 2022 by the Ministry of the Interior in June 2022; and the adoption by the Government in November 2022 of the amendment to the Criminal Code introducing stricter penalties in cases of victim discrimination or personal circumstances as a crime motive.

56. Organisation of financial support for civil society organisations and human rights defenders (r. g. framework to ensure access to funding, and for financial viability, taxation/incentive/donation systems, measures to ensure a fair distribution of funding)

In 2022, the Government, in agreement with donors, launched activities to reallocate available funds to the Active Citizen Fund (amounting to €500,000) in line with its commitment to support

⁶⁸ https://www.uradni-list.si/files/RS_-2018-037-01905-OB~P001-0000.PDF

their activities more effectively. The funds were allocated to the NGOs working in the field of human rights, democracy and the rule of law, and distributed through a public call for proposals open to all relevant NGOs. The disbursement period ends in April 2024.

As a rule, NGO projects and programmes are funded by the State, mostly through public tenders and public calls for proposals. NGOs based in Slovenia have access to different public funding mechanisms:

- calls for proposals by line ministries/agencies (respective budgets);
- calls for proposals by the Ministry of Public Administration (NGO development budgetary fund);
- calls for projects by the Foundation for Funding Disability and Humanitarian Organizations, as well as Slovenian Foundation for Sport (taxation of the winnings of the conventional games of chance).

To be eligible, NGOs must fulfil the criteria set by the legislation and the call for proposal.

The budgetary fund for the development of NGOs was established with the *Non-Governmental Organizations Act*⁶⁹ (Official Gazette, No. 21/18). The Fund provides resources in line with the priorities of the *Strategy for developing non-governmental organisations and volunteering for 2018-2023 period*. The Strategy is implemented through bi- or multi-annual targeted calls for proposals.

In 2022, two calls for co-financing were published: a) professionalization of voluntary organisations by promotion of employment (wage subsidies); b) match funding for EU projects with the co-financing of non-reimbursable costs for projects/organizations receiving EU or EFTA grants. Projects eligible for co-financing will be selected in the first quarter of 2023. The Ministry of Public Administration continued providing financial support for the horizontal NGO network, regional NGO focal points and NGO volunteer network.

57. Rules and practices on the participation of civil society organisations and human rights defenders to the decision-making process (e.g. measures related to dialogue between authorities and civil society, participation of civil society in policy development and decision-making, consultation, dialogues, etc.)

The umbrella document governing public consultation remains the *Resolution on Legislative Regulation*. According to this document, the minimum requirement for the duration of public consultation on a new policy is set to 30 or 60 days. The efforts of the new Government to boost cooperation with CSOs and encourage their involvement in the legislative process led to the appointment of contact persons for NGOs at line ministries. Their contact details are published at the gov.si webpage. In addition, the Government will adopt guidelines for cooperation with NGOs.

E. Initiatives to foster a rule of law culture

⁶⁹ <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7129>

58. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, contributions from civil society, etc.)

In its coordinative role, the Ministry of European and Foreign Affairs monitors developments regarding the rule of law on international, EU, as well as national levels. Within the European Rule of Law Mechanism, it oversaw coordination with the line ministries, other responsible authorities, autonomous institutions and independent shareholders for the country-specific Rule of Law Dialogue in the General Affairs Council on 13 December 2022. The first opportunity for Slovenia to participate among the five countries discussed proved a highly positive, useful and welcome exercise. It provides a solid basis for further rule of law debates within, as well as beyond Slovenia.

On 17 and 18 November 2022, European Economic and Social Committee's Fundamental Rights and Rule of Law Group carried-out a country visit to Slovenia, which included meeting in the Ministry by the delegation and representatives of the line ministries. This represents a continuation of a good practice that will hopefully strengthen and continue in the coming years.

Other – please specify

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