

## **8 PRILOGA: Input from the National Assembly of the Republic of Slovenia for the 2023 Rule of Law Report**

The annual Rule of Law Report lies at the centre of the European Rule of Law Mechanism, an annual cycle to promote the rule of law in all Member States and prevent problems from emerging or deepening further.

The (2023) Rule of Law Report covers the same pillars as previous reports (the justice system, the anti-corruption framework, media freedom and pluralism, and other institutional issues related to the system of checks and balances).

Following a request from the Ministry of Foreign and European Affairs, the National Assembly Services prepared replies concerning selected parts of the questionnaire that serves as the basis for the Annual (National) Rule of Law Report for 2023. In our Input, we report on the developments and topical issues in 2023 (particularly in the second half of the year), i.e., by the date of submitting this Input, from the perspective of the National Assembly. Where comparative data for 2022 is provided, please note that 2022 was the year in which parliamentary elections were held.<sup>24</sup>

This year's Input is shorter than the previous ones, as a comprehensive overview of National Assembly's competences, tasks and activities has already been provided in previous reference reports.<sup>25</sup>

This Input – available in Slovenian and English – has been prepared by the Research and Documentation Division in cooperation with other National Assembly Services.

### **1. Question 44**

#### **Information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances**

##### **1.1 Recommendation to Slovenia to take forward the process to ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence**

The President of the National Assembly Urška Klakočar Zupančič sent a letter to the Ministry of Justice (20 June 2023) concerning the competence of the Ministry of Justice – deriving from the powers set out in the State Administration Act – to implement the decisions of the Constitutional Court of the Republic of Slovenia<sup>26</sup> (hereinafter: the

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<sup>24</sup> The ninth parliamentary term (2022–) began with the first session of the newly elected National Assembly held on 13 May 2022. The 15<sup>th</sup> Government of the Republic of Slovenia, led by Robert Golob, was appointed on 1 June 2022.

<sup>25</sup> Reference reports:

– Input by the National Assembly to the Commission's 2022 Rule of Law Report – the Rule of Law Situation in Slovenia. [https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki\\_RN/2022/Odziv\\_Drzavnega\\_zbora\\_na\\_Porocilo\\_Evropske\\_komisije\\_o\\_stanju\\_pravne\\_drzave\\_za\\_leto\\_2022\\_%E2%80%933\\_Poglavje\\_o\\_stanju\\_pravne\\_drzave\\_v\\_Sloveniji.pdf](https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2022/Odziv_Drzavnega_zbora_na_Porocilo_Evropske_komisije_o_stanju_pravne_drzave_za_leto_2022_%E2%80%933_Poglavje_o_stanju_pravne_drzave_v_Sloveniji.pdf).

– Fourth (National) Annual Report on the Rule of Law Situation in Slovenia for the 2023 Rule of Law Report (Input from the National Assembly of the Republic of Slovenia). [https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki\\_RN/2023/Cetrto\\_%28nacionalno%29.pdf](https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2023/Cetrto_%28nacionalno%29.pdf).

<sup>26</sup> Decision U-I-246/19 (<https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-246-19-z-dne-7-1-2021/>) and Decision U-I-214/19, Up-1011/19 (<https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-214-19-up-1011-19-z-dne-8-7-2021/>).

Constitutional Court) in relation to the Parliamentary Inquiries Act. This relates to the establishment of a new type of judicial protection, the regulation of the independent position of judges and state prosecutors, and the procedure of judicial protection before the Constitutional Court.

On 8 January 2024, the National Assembly held a working meeting with the Ministry of Justice (at the level of expert services) to discuss the implementation of Constitutional Court's decisions (U-I-246/19 and U-I-214/19, Up-1011/19). They agreed that the procedure of drafting regulations aimed to ensure that the rules on parliamentary inquiries include adequate safeguards for the independence of judges and state prosecutors would continue. Particular emphasis was placed on the internal supervision in the National Assembly, which can ensure the constitutional conformity of parliamentary inquiries and the independence of judges and prosecutors. Internal supervision was highlighted also by the Constitutional Court in Decision U-I-246/19, Point 86, in which it concurred with the National Assembly that the opinion of the Legislative and Legal Service of the National Assembly on the admissibility of initiating a parliamentary inquiry can entail "an important guarantee of statutory and constitutional conformity" of parliamentary inquiries. It was further agreed at the meeting that the procedure for ordering a parliamentary inquiry in the National Assembly must ensure that the legal opinion on the admissibility of ordering a parliamentary inquiry is taken into account and/or that the proposer delivers its position on the inadmissibility of ordering a parliamentary inquiry, thus ensuring the adversarial nature of the procedure. At the initiative of the Ministry of Justice, the question of the competent authority to decide on the constitutional conformity of the procedure for ordering a parliamentary inquiry and the independence of judges and prosecutors was raised. The National Assembly's expert view was that, given the legal nature of the dispute and the position of the Constitutional Court in its decisions regarding parliamentary inquiries, the competent authority was the Constitutional Court. The National Assembly specifically stressed that effective judicial protection must be guaranteed. The timeframe for the continuation of the procedure of drafting regulations aimed to implement the decisions of the Constitutional Court was presented and further cooperation between the National Assembly and the Ministry of Justice was agreed.

### **1.2 Recommendation to Slovenia to ensure that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence**

In October 2023, the Ministry of Justice put out for public debate the draft Courts Act, the draft Judicial Service Act and the draft Judicial Council Act. The drafts have not yet been submitted to the National Assembly.

The Constitutional Commission is considering the draft Constitutional Act amending Articles 129, 130, 131, 132 and 134 of the Constitution of the Republic of Slovenia, which relates to the appointment of judges.

The third resumption of the 1<sup>st</sup> meeting of the Constitutional Commission intended to consider the draft Constitutional Act (EPA 299-IX)<sup>27</sup> was scheduled for 31 May 2023. The main objective of the proposed constitutional amendments is that, while respecting the constitutional principle of the separation of powers, the procedures for the selection and appointment of judges will ensure the consistent implementation of the constitutional

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<sup>27</sup> [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=57C82C0441019D3EC1258A77004B0062&db=re\\_akt&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=57C82C0441019D3EC1258A77004B0062&db=re_akt&mandat=IX).

principle of the independence of judges, as set out in Article 125 of the Constitution. The proposal, inter alia, abolishes the election and appointment of judges by the National Assembly and introduces the appointment of judges to a permanent term of office by the President of the Republic on the proposal of the Judicial Council. The Expert Group dealing with the appointment of judges prepared (28 June 2023) a Supplementary Opinion on possible amendments to Article 131 of the Constitution containing its Position on the draft Constitutional Act. In this regard, the Expert Group drew up a draft Position on the draft Constitutional Act which, in relation to Article 131 of the Constitution, included the proposal to amend Article 131 in terms of the number of members of the Judicial Council, the manner of their election, the duration of their term and the election of the President of the Judicial Council, as well as a provision stating that the conditions and procedure for the election of members of the Judicial Council shall be determined by law (the supplementary proposal concerning the amendments to Article 131 was adopted during the fifth resumption of the 1<sup>st</sup> meeting of the Constitutional Commission (29 September 2023) and at the 13<sup>th</sup> session of the National Assembly (18 October 2023)).

After the debate held during the fifth resumption of its 1<sup>st</sup> meeting, the Constitutional Commission voted on the draft Position of the Constitutional Commission on the draft Constitutional Act, adopting it by the required two-thirds majority of the members present and proposing to the National Assembly to vote on the draft Position once the debate on the draft Constitutional Act has been concluded. According to Section II of the Position, in the preparation of the draft Constitutional Act amending Articles 129, 130, 131, 132 and 134 of the Constitution, consideration should also be given to all other aspects relevant to the appointment of judges (Articles 129, 130, 131, 132 and 134 of the Constitution) that are important for their implementation and regulation at the level of the Constitution and law.

The Judicial Council submitted (12 October 2023) its views on the procedure for amending the Constitution and the conclusions adopted at the fifth resumption of the 1<sup>st</sup> meeting of the Constitutional Commission. The Expert Group specialised in the election of judges submitted to the Constitutional Commission its opinion on the position of the Judicial Council (14 October 2023), in which it refuted the views of the Judicial Council. In its reply, it specifically stressed that, in preparing the proposal, it had taken into account the standard explicitly recommended by the Consultative Council of European Judges (CCJE) in its Opinions No 10 and No 24 on anti-deadlock mechanisms, as explicitly defined by the Venice Commission in its Compilation of opinions and reports relating to qualified majorities and anti-deadlock mechanisms (18 July 2023).

At its 13<sup>th</sup> session, the National Assembly adopted the Decision to initiate the procedure for amending Articles 129, 130, 132 and 134 of the Constitution of the Republic of Slovenia with the required two-thirds majority of the deputies present. With the same two-thirds majority, it adopted the Position on the draft Constitutional Act amending Articles 129, 130, 131, 132 and 134 of the Constitution of the Republic of Slovenia.

The Expert Group submitted to the Constitutional Commission (6 November 2023) the draft text of the draft Constitutional Act amending Articles 129, 130, 131, 132 and 134 of the Constitution of the Republic of Slovenia, which it had prepared based on the adopted Position on the draft Constitutional Act amending Articles 129, 130, 131, 132 and 134 of the Constitution of the Republic of Slovenia. The draft text contains Section I, which follows the adopted Position, and Section II, the provisions of which provide for the transition to the new regime set out in the five Articles of the Constitutional Act. Section II, paragraph seven, explicitly provides that the Judicial Council Act and the Judicial Service Act must be brought into line with the Constitutional Act within one year of its entry into force. Due to the complexity of the topic that the Judicial Service Act and the Judicial Council Act need to regulate to be brought into line with the Constitutional Act,

and due to the stricter majority required for the adoption of the Judicial Council Act (a two-thirds majority of votes of the deputies present), the Constitutional Act sets a time limit of one year for the National Assembly to bring the two laws into line therewith. This means that the Government will have to take into account the provisions of the constitutional amendments when drawing up the draft Acts.

The Constitutional Commission considered the draft Constitutional Act amending Articles 129, 130, 131, 132 and 134 of the Constitution of the Republic of Slovenia at its 1<sup>st</sup> emergency meeting (1 December 2023). After the debate, the meeting was adjourned. The resumption of the meeting has not yet been scheduled.

### **1.3 Recommendation to Slovenia to take measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system**

The deadline for the implementation of the Constitutional Court's decision<sup>28</sup> on the inconsistency of the Public Sector Salary System Act expired on 3 January 2024. Following this decision, the courts, individual judges, the Judicial Council and the Slovenian Association of Judges drew the attention of the Government of the Republic of Slovenia (hereinafter: the Government) and the National Assembly to the importance of implementing the decision by the set deadline. A systemic regulation of public sector salaries is being prepared by the Government and coordinated with all stakeholders. The public sector salary system applies to the entire public sector composed of budget users (e.g., state bodies and self-governing local authorities, public agencies, public funds, etc.). Following the Government's proposal (once tabled), the draft Act on the public sector salary system will be considered by the National Assembly.

The Government submitted into legislative procedure the draft Temporary Allowance for Judges and State Prosecutors Act, EPA 573-IX,<sup>29</sup> but the legislative procedure was terminated (2 February 2023). The Government withdrew the draft from the legislative procedure.

### **1.4 Recommendation to Slovenia to adopt the new anti-corruption strategy and action plan with concrete measures and a timeframe for their implementation and step up efforts to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases**

The National Assembly adopted (27 January 2023) the Whistleblower Protection Act<sup>30</sup> (Official Gazette of RS No. 16/23). The National Assembly has also adopted an internal act – Guidelines on the Establishment of an Internal Reporting Route under the Whistleblower Protection Act – and a trustee has been appointed. The latter has not received any reports in 2023. In accordance with Article 9 of the Act, the National Assembly will report to the Commission for the Prevention of Corruption by 1 March 2024.

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<sup>28</sup> Decision U-I-772/21-37. <https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-772-21-z-dne-1-6-2023/>

<sup>29</sup> [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=C1257A70003EE6A1C125894A004BBA4E&db=kon\\_zak&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=C1257A70003EE6A1C125894A004BBA4E&db=kon_zak&mandat=IX).

<sup>30</sup> <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-0301?sop=2023-01-0301>.

The National Assembly adopted (16 November 2023) the Recommendation to the Government of the Republic of Slovenia on the Fight against Corruption in the Republic of Slovenia<sup>31</sup> (Official Gazette of RS, No. 117/23). In the Recommendation, the National Assembly asked the Government – in view of increasing corruption – to conduct a thorough analysis of the laws and implementing regulations governing corruption prevention, integrity, transparency, and criminal law and, if necessary, make proposals for legislative amendments. It also suggested that a proposal for a renewed resolution<sup>32</sup> on the prevention of corruption in the Republic of Slovenia be submitted as soon as possible. Its preparation is coordinated by the Commission for the Prevention of Corruption, in accordance with the Integrity and Prevention of Corruption Act. The Ministry of Justice submitted (12 December 2023) the draft of renewed resolution into government procedure.

### **1.5 Recommendation to Slovenia to take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, particularly online, taking into account European standards on the protection of journalists**

In the procedure for the examination of the petition filed by Peter Gregorčič, Ljubljana, and others in relation to the Act on RTV Slovenia (ZRTVS-1B), the Constitutional Court, at its session of 16 February 2023, decided that, pending a final decision, the management, operation and control of RTVS is considered consistent with the transitional provisions of paragraphs two, three and four of Article 22 and with Article 26 of the draft Act, and that the procedures for the appointment of new members of RTV Council under the new Act may proceed. At the same time, the Constitutional Court suspended the final entry into force of the new regulation under paragraphs one, two, four and five of Article 23, Article 24 and Article 25 of ZRTVS-1B. In the procedure for the examination of the petition filed by Peter Gregorčič, Ljubljana, and others, the Constitutional Court, at its session of 26 May 2023, decided that the Constitutional Court Decision U-I-479/22 of 16 February 2023 (whereby the Constitutional Court suspended the implementation of paragraphs one, two, four and five of Article 23 and Articles 24 and 25 of the ZRTVS-1B pending a final decision) would cease to have effect. On 26 May 2023, Peter Gregorčič and Matej Avbelj lodged an appeal with the European Court of Human Rights. On 5 October 2023, the European Court of Human Rights declared the appeal inadmissible. On 15 November 2023, the petition for the constitutional review of ZRTVS-1B was back on the agenda of the Constitutional Court.

In the procedure for the examination of the petition filed by Viljem (Vili) Kovačič, Ljubljana, the Constitutional Court decided, on 7 February 2023, that the petition for the initiation of the procedure of constitutional review of ZRTVS-1B would be dismissed.

In November 2023, the new management of RTV Slovenia withdrew the petition for constitutional review of the Act amending the Radiotelevizija Slovenija Act (Official Gazette of RS, No. 163/22).

On 6 December 2023, the National Council decided to submit to the Constitutional Court a draft Request for the initiation of a procedure for constitutional review of Articles 1 to 27, with the exception of Article 26, of ZRTVS-1B.

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<sup>31</sup> <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-3411/priporocilo-vladi-republike-slovenije-v-zvezi-z-bojem-proti-korupciji-v-republiki-sloveniji>.

<sup>32</sup> As explained in the reference report, the National Assembly is responsible for adopting resolutions on national programmes, while resolutions can only be proposed by the Government.

The Ministry of Culture put out (12 December 2023) for public debate the draft Media Act, which aims to increase transparency of media ownership and financing. The public debate runs until the end of January 2024.

At its 5<sup>th</sup> regular meeting of 15 September 2023, the Committee on Culture discussed the 2023 Report on the Rule of Law Situation in Slovenia in the fields of media, journalism, and democracy.

At its 17<sup>th</sup> emergency meeting held on 15 March 2023 and dealing with suspected irregularities and inaccuracies in the operations of RTV Slovenia in 2022, it adopted the following decision:

1. Pursuant to Article 25 of the Court of Audit Act, the Committee on Culture proposes to the Court of Audit of the Republic of Slovenia that, in view of the publicly expressed suspicions of irregularities and inaccuracies in the operations of RTV Slovenia in 2022, an audit be carried out on the correctness and regularity, and in particular the correctness and legality, of the 2022 Annual Report of RTV Slovenia, the amendment of the Accounting Rules of 6 June 2012, the implementation of the commitments under Article 17 of the Slovenian Film Centre Act or the earmarked deferred revenue from RTV contributions for Slovenian film production, the implementation of the measures under Annexes 12 and 13 to the Collective Agreement of RTV Slovenia, and the determination of severance payments under Article 7 of Annex 14 to the Collective Agreement of RTV Slovenia.

At its 21<sup>st</sup> emergency meeting of 6 December 2023, when considering the financial situation of RTV Slovenia, it adopted the following decisions:

1. The Committee on Culture took note of the financial situation of RTV Slovenia in 2023 and of government measures to mitigate the financial deficit in the form of funding for programmes for national communities in 2023 and 2024.
2. The Committee on Culture supports the efforts of the Ministry of Culture to develop, in dialogue with the management of RTV Slovenia, additional measures to ensure the economic stability and independence of RTV Slovenia.

## **2. Question 45**

**Framework, policy and use of impact assessments and evidence based policy-making, stakeholders/public consultations<sup>33</sup> (including consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process both in the preparatory and the parliamentary phase.**

In October 2023, the Ministry of Justice put out for public debate the draft Courts Act, draft Judicial Service Act, and draft Judicial Council Act. The draft acts have not yet been submitted to the National Assembly. The National Assembly also received some opinions

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<sup>33</sup> Including consultations with social partners.

from stakeholders (e.g. the Advocate of the Principle of Equality, the Slovenian Association of Journalists, etc.) on the above-mentioned drafts.

## **2.1 Code of Ethics**

In 2023, no proposal to review a possible breach of the Code of Ethics<sup>34</sup> was considered. One petition had been submitted to the Council of the President of the National Assembly but was later withdrawn and was therefore not considered by the Council.

## **2.2 Impact assessment**

As explained in reference reports, the National Assembly does not carry out regulatory impact assessments.

## **2.3 Openness of National Assembly's work**

In 2023, the openness of National Assembly's work was ensured and ran smoothly. Its legislative work was marked by the August floods, which have gone down in the history of the country as the worst natural disaster ever. On 3 and 4 August 2023, Slovenia was hit by heavy rainfall, some of it record-breaking, which caused devastating flooding and – partly due to the previous waterlogging of the ground – triggered numerous landslides. Only 30 out of 212 Slovenian municipalities did not report to have been damaged by the flooding.

In 2023, live TV broadcast of plenary sessions and working bodies' meetings ran smoothly.

**Table 1: Data on plenary sessions in 2023**

<b>NUMBER OF PLENARY SESSIONS</b>	<b>Total</b>
Regular sessions	10
Extraordinary sessions	29
Total	39
Sessions closed to the public	1

Source: Report on National Assembly's Work.

## **2.4 Cooperation with civil society, professional public**

The activities of the National Assembly are described in more detail in the reference reports. In 2023, work ran smoothly. On 13–15 March 2023, the National Assembly hosted an expert meeting on Changing Policies, Transforming Institutions: the National Assembly as a Gender-Sensitive Parliament. The meeting was organised by the OSCE Office for Democratic Institutions and Human Rights in cooperation with the National Assembly.

- Participants at committee meetings

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<sup>34</sup> <https://www.dz-rs.si/wps/portal/Home/odz/pristojnosti/eticniKodeksZaPoslankelInPoslance>.



In 2023, the number of participants at committee meetings was 1,444<sup>35</sup> (899 in 2022).

- Taking note of civil society proposals, initiatives and questions

In 2023, parliamentary bodies took note of 336<sup>36</sup> proposals, initiatives or questions from civil society (237 in 2022).

- Number of opinions from local authorities received by the parent working body

In 2023, 48<sup>37</sup> opinions from local authorities on draft laws were received by the parent working bodies (157 in 2022).

- Public hearings

In 2023, 4 public hearings were held (1 in 2022).

- Research papers produced by the Research Section

In 2023, 76 research papers were produced (97 in 2022).

## **2.5 Petitions**

In 2023, the Commission for Petitions, Human Rights and Equal Opportunities received 81 petitions (compared to 99 in 2022). 78 petitions were resolved (92 in 2022), and 3 petitions are still pending (7 in 2022).

## **2.6 Legislative initiative and referendum**

Following the proposals submitted by at least 5,000 voters (popular initiative), eight legislative procedures were initiated in 2023. One law was adopted, four were not adopted, while for three laws the legislative procedure has not yet been completed. (The National Assembly also discussed three draft laws that had been submitted in 2022. Two were adopted, one was not.) The procedure to amend the Constitution was launched based on at least 30,000 voters' signatures.

No legislative referendum was held in 2023.

## **2.7 Other activities relevant in terms of openness of National Assembly's work**

The activities of the National Assembly are described in more detail in the reference reports. In 2023, work ran smoothly

## **2.8 Transparency, openness of National Assembly's work**

The activities of the National Assembly are described in more detail in the reference reports. In 2023, work ran smoothly. On 23 October 2023, the National Assembly hosted the presentation of the Regional Openness Index, organised by Today is a New Day Institute in cooperation with the National Assembly. In addition to Slovenian parliamentary representatives, members and representatives of parliaments from Bosnia

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<sup>35</sup> Data on the Committee on Agriculture, Forestry and Food relating to the second half of 2023 is not included.

<sup>36</sup> See footnote 10.

<sup>37</sup> See footnote 10.



and Herzegovina and Croatia took part in the exchange of knowledge and good practices.<sup>38</sup>

## 2.9 Public information campaigns on rule of law issues

The activities of the National Assembly are described in more detail in the reference reports. In 2023, no such activity was carried out. The topic in question often featured in public speeches by political representatives of the National Assembly.

### 3 Question 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)**

The procedure for adopting laws is described in the reference reports.

In 2023, 30% of all laws were adopted through regular procedure, 28% through emergency procedure, 25% through fast-track procedure, while ratifications of international treaties accounted for 17% of the total.

**Table 2: Number of adopted laws by type of legislative procedure, 2023**

ADOPTED LAWS	Total	%
Constitutional amendment	0	0
Regular procedure	31	30
Emergency procedure	29	28
Fast-track procedure	26	25
Ratification of an international treaty	18	17
TOTAL	104	100

Source: Report on National Assembly's Work.

### 4 Question 47

#### **Rules and application of states of emergency (or analogous regimes), including judicial review and parliamentary oversight**

As mentioned in the reply under Question 2.3, the last third of 2023 was marked by August floods. To remedy the consequences thereof, the National Assembly adopted (at Government's proposal) the following acts:

- Act Amending the Natural Disaster Recovery Act (ZOPNN-F)<sup>39</sup> at its session of 9 August 2023.

<sup>38</sup> <https://www.dz-rs.si/wps/portal/Home/is/sporocilaZaJavnost/sporociloZaJavnost/6c666bf1-46cd-4b74-b3fe-79fab6e9e2a6>

<sup>39</sup> Zakon o spremembah in dopolnitvah Zakona o odpravi posledic naravnih nesreč (ZOPNN). <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3734>.

- Act amending the Act on the Implementation of the Budgets of the Republic of Slovenia for 2023 and 2024 (ZIPRS2324-B)<sup>40</sup> at the session of 31 August 2023.
- Supplementary Budget of the Republic of Slovenia for 2023 II at the session of 31 August 2023.<sup>41</sup>
- Act Determining Intervention Measures for Recovery from the Floods and Landslides of August 2023 (ZIUOPZP)<sup>42</sup> at its session of 31 August 2023.
- Act amending the Act Determining Intervention Measures for Recovery from the Floods and Landslides of August 2023 (ZIUOPZP-A)<sup>43</sup> at its session of 10 November 2023.
- Act on Reconstruction, Development and the Provision of Financial Resource (ZORZFS)<sup>44</sup> at its session of 13 December 2023.<sup>45</sup>

## 5 Question 48

### Regime for constitutional review of laws

As regards the proceedings before the Constitutional Court, in 2023 the Court sent to the National Assembly 66 requests/petitions (76 in 2022). 42 requests/petitions were sent to obtain a reply or explanation (48 in 2022). Concerning the cases in which the National Assembly was asked for reply or explanation, the Constitutional Court found unconstitutionality with the Constitution in 10 cases (13 in 2022); in 7 cases (7 in 2022) the Court abrogated individual provisions of laws.

### Proceedings before the Constitutional Court

**Table 3: 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, 2023**

CASE TYPE	NO. OF CASES
Cases sent to the National Assembly by the Constitutional Court	66
Cases sent to the National Assembly to obtain a reply or explanation	42
Cases closed in the National Assembly:	88

<sup>40</sup> Zakon o spremembah in dopolnitvah Zakona o izvrševanju proračunov Republike Slovenije za leti 2023 in 2024 (ZIPRS2324-B), <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8870>

<sup>41</sup> Rebalans proračuna Republike Slovenije za leto 2023 II, <http://pisrs.si/Pis.web/pregledPredpisa?id=RDRP28>

<sup>42</sup> Zakon o interventnih ukrepih za odpravo posledic poplav in zemeljskih plazov iz avgusta 2023 (ZIUOPZP), <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8875>.

<sup>43</sup> Zakon o spremembah in dopolnitvah Zakona o interventnih ukrepih za odpravo posledic poplav in zemeljskih plazov iz avgusta 2023 (ZIUOPZP-A), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8905>

<sup>44</sup> Zakon o obnovi, razvoju in zagotavljanju finančnih sredstev (ZORZFS), <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8910>.

<sup>45</sup> Disaster recovery was also taken into account in the preparation and adoption of the Amendments to the Budget of the Republic of Slovenia for 2024, the Budget of the Republic of Slovenia for 2025 and the Act on the Implementation of the Budgets of the Republic of Slovenia for 2024 and 2025, all adopted in November 2023.

- solved at the Constitutional Court <sup>46</sup>	57
- replies or explanations sent to the Constitutional Court by the National Assembly	31

Source: Report on National Assembly's Work.

**Table 4: Types of Constitutional Court decisions concerning petitions and requests for the National Assembly to provide a reply or explanation, 2023**

CONSTITUTIONAL COURT DECISION	NO. OF CASES
Inconformity with the Constitution	10
Abrogation	7

Source: Report on National Assembly's Work.

## 6 Question 59

**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, education initiatives, etc.)**

The activities of the National Assembly are described in more detail in the reference reports. In 2023, work ran smoothly.

At the request of SDS Deputy Group, the Committee on Justice – at its 9<sup>th</sup> emergency meeting held on 22 June 2023, considered the “Implementation of the right to a fair trial and monitoring the work of the courts” and adopted the following conclusions

1. The Committee on Justice suggests that the Supreme Court of the Republic of Slovenia, based on Article 60c of the Courts Act, adopt as soon as possible the instructions for the effective implementation of the judicial administration as an integral part of the criteria for the quality of work of the courts.
2. The Committee on Justice has taken note of the competence and performance of the Ministry of Justice's Service for the Supervision of Court Administration, and of the data on the number of regular and extraordinary supervisions it has carried out (Article 65a of the Courts Act) over the last five years (2018–2022).
3. The Committee on Justice suggests that the Ministry of Justice, in the context of the amendments to judicial legislation, examine the measures in place to establish accountability within the Judiciary and the measures to protect judges from external and internal influences and, in case of detected shortcomings, propose appropriate normative solutions.

## Authors:

Borut Peršolja

<sup>46</sup> By a decision/ruling, the Constitutional Court:

- abrogated the provisions of a law,
- found conformity or inconformity with the Constitution,
- rejected a petition or request,
- dismissed a petition or request,
- suspended the implementation of provisions of a law,
- rejected a request to suspend the implementation of provisions of a law,
- stopped the procedure.

Nina Zeilhofer  
Maja Briški  
Jure Kožuh  
Marija Pečjak Ferlež  
Marjana Starič  
Mitja Šajatovič  
Nataša Voršič

## 7 References

- Četrto (nacionalno) letno poročilo o vladavini prava v Sloveniji 2023 (odgovor Državnega zbora). [https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki\\_RN/2023/Cetrto\\_%28nacionalno%29.pdf](https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2023/Cetrto_%28nacionalno%29.pdf).
- EPA 299-IX. [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=57C82C0441019D3EC1258A77004B0062&db=pre\\_akt&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=57C82C0441019D3EC1258A77004B0062&db=pre_akt&mandat=IX).
- EPA 573-IX. [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=C1257A70003EE6A1C125894A004BBA4E&db=kon\\_zak&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=C1257A70003EE6A1C125894A004BBA4E&db=kon_zak&mandat=IX).
- EPA 728-IX. [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=FF199788DDE2FD0EC1258A3F003FA371&db=pre\\_akt&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=FF199788DDE2FD0EC1258A3F003FA371&db=pre_akt&mandat=IX).
- Odločba št. U-I-214/19, Up-1011/19. <https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-214-19-up-1011-19-z-dne-8-7-2021/>.
- Odločba št. U-I-246/19. <https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-246-19-z-dne-7-1-2021/>.
- Odločba št. U-I-772/21-37. <https://www.us-rs.si/odlocba-ustavnega-sodisca-st-u-i-772-21-z-dne-1-6-2023/>.
- Odziv Državnega zbora na Poročilo Evropske komisije o stanju pravne države za leto 2022 – Poglavje o stanju pravne države v Sloveniji. [https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki\\_RN/2022/Odziv\\_Drzavnega\\_zbora\\_na\\_Porocilo\\_Evropske\\_komisije\\_o\\_stanju\\_pravne\\_drzave\\_za\\_leto\\_2022\\_%E2%80%93\\_Poglavje\\_o\\_stanju\\_pravne\\_drzave\\_v\\_Sloveniji.pdf](https://fotogalerija.dz-rs.si/datoteke/Publikacije/Zborniki_RN/2022/Odziv_Drzavnega_zbora_na_Porocilo_Evropske_komisije_o_stanju_pravne_drzave_za_leto_2022_%E2%80%93_Poglavje_o_stanju_pravne_drzave_v_Sloveniji.pdf).
- Podatki služb Državnega zbora. Januar 2024.
- Spletna stran Državnega zbora. [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=57C82C0441019D3EC1258A77004B0062&db=pre\\_akt&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=57C82C0441019D3EC1258A77004B0062&db=pre_akt&mandat=IX).
- Spletna stran Državnega zbora. [https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=C1257A70003EE6A1C125894A004BBA4E&db=kon\\_zak&mandat=IX](https://www.dz-rs.si/wps/portal/Home/zakonodaja/izbran?uid=C1257A70003EE6A1C125894A004BBA4E&db=kon_zak&mandat=IX).
- Spletna stran Državnega zbora. <https://www.dz-rs.si/wps/portal/Home/odz/pristojnosti/eticniKodeksZaPoslanceInPoslance>.
- Uradni list. <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-0301?sop=2023-01-0301>.
- Uradni list. <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-3411/priporocilo-vladi-republike-slovenije-v-zvezi-z-bojem-proti-korupciji-v-republiki-sloveniji>.
- Zakon o interventnih ukrepih za odpravo posledic poplav in zemeljskih plazov iz avgusta 2023 (ZIUOPZP). <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8875>. Uradni list RS, št. 95/2023.
- Zakon o obnovi, razvoju in zagotavljanju finančnih sredstev (ZORZFS). <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO8910>. Uradni list RS, št. 131/2023.
- Zakon o spremembah in dopolnitvah Zakona o odpravi posledic naravnih nesreč (ZOPNN). <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3734>. Uradni list RS, št. 88/2023.
- Zakon o spremembah in dopolnitvah Zakona o tujcih (ZTuj-2G). <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-1450?sop=2023-01-1450>.
- Zakon o spremembah in dopolnitvah Zakona o tujcih (ZTuj-2H). <https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2023-01-3326?sop=2023-01-3326>.
- Zakon o vladi Republike Slovenije. <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO242>.