

# RULE OF LAW MECHANISM: INPUT FROM SLOVENIA FOR THE 2024 RULE OF LAW REPORT

## I. JUSTICE SYSTEM

1. *Information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the justice system (if applicable)*

**Follow-up to recommendation no. 1:** Work on amendments to the Parliamentary Inquiries Act concerning the independence of judges and self-dependence of state prosecutors is ongoing. Based on the timeframe agreed upon by the National Assembly and the Ministry of Justice in the beginning of January 2024 drafting activities will be reinforced at the level of expert services.

Further detailed information available in the Input by the National Assembly.

**Follow-up to recommendation no. 2:** New justice reforms (Courts Act, Judicial Council Act, Judicial Service Act) envisage to significantly strengthen the well-functioning of judiciary.

Amendments to the Courts Act and the Judicial Service Act aim to improve the quality and efficiency of adjudication, judicial specialization, allocation of cases, access to the courts, financial efficiency, as well as to equalize the workload among judges. Accordingly, the first-instance district and local courts shall merge<sup>1</sup>. Open issues (mainly organization and management of the first instance courts, evaluation and promotion process of judges) are being coordinated with all relevant judicial stakeholders.

The proposal for amendments to the Judicial Council Act addresses the following areas: consolidating the position of the Judicial Council, increasing the professionalism of its work, strengthening the transparency of its functioning, constitutionally consistent regulation of its disciplinary bodies, improving the effectiveness of disciplinary proceedings against judges while ensuring the pursuit of public interest. Proposed solutions are in alignment with amendments proposed to the Courts Act and the Judicial Service Act. The proposal is currently in coordination among domain experts.

**Follow-up to recommendation no. 3:** The Government has endeavoured to comprehensively address the decision of the Constitutional Court and implement it promptly in the framework of public sector salaries system, albeit with a delay.

The Ministry of Public Administration and the Ministry of Justice have been working continuously on harmonising the salaries of judicial officials to prevent a significant decline in real value of judges' salaries in relation to the inflation in the compared period<sup>2</sup>, and to ensure their alignment with those of functionaries in executive and legislative branches of government.

### A. Independence

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

Discussion of constitutional amendments on the transfer of power to appoint first-time judges is ongoing.

Based on Judicial Council's annual report for 2022, 35 calls for judicial posts were completed in 2023, which is above the average of last five years<sup>3</sup>. Number of candidates applying for tenders was the highest in the last five years. The number of candidates invited for an interview increased by 12% compared to the previous year (2021).

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<sup>1</sup> To ensure a smooth functioning of the courts, existing court network will remain in place until all aspects have been addressed and optimised.

<sup>2</sup> Period from 1 June 2012 to the end of May 2023.

<sup>3</sup> Reported average being 29.4.

A long-term goal, i.e. shortening of time periods spent for judicial tenders' procedures, had been achieved in 2021, however the time period was again prolonged in 2022. The average time needed for a single tender procedure<sup>4</sup> increased from 159 days in 2021 to 161 days in 2022. The Judicial Council has however succeeded to shorten the decision-making phase.

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)*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

On 11 April 2023, State Prosecutorial Council adopted new Criteria for the Quality of Work of State Prosecutors for the assessment of the state prosecutorial service, not yet applied to the ongoing procedures.

5. *Allocation of cases in courts*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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)*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

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*

On remuneration, the European Commission should refer to the answer provided to question no. 1.

Regarding access to the information, the European Commission should refer to the information received in the previous years. In 2023, Slovenia ratified the Council of Europe Convention on Access to Official Documents.<sup>5</sup>

9. *Independence/autonomy of the prosecution service*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

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<sup>4</sup> Time from the moment of receiving the tender documentation until decision becoming final.

<sup>5</sup> National declaration contained in the Note verbale, available [here](#).

Confidence in the independence of the judiciary in Slovenia has increased from 30% to more than 50% in recent years<sup>6</sup>.

## **B. Quality of justice**

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

Supreme Court has published additional animated videos with summaries and main stages of the proceedings<sup>7</sup>, in order to ensure a better understanding of court proceedings by the public.<sup>8</sup>

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

In 2023, funding was secured for the renovation of the old court building in Novo mesto (ca. 8.5 million euros) and the new premises of the court in Ptuj (ca. 0.5 million euros). Furthermore, the court buildings in Jesenice and Kranj were renovated. In the 2024 budget, 226.1 million euros<sup>9</sup> have been allocated for the courts. In accordance with the State Prosecutor General's proposal, the financial plan for state prosecutors and the State Prosecutorial Council amounted to ca. 24 million euros.

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In 2022, Joint Human Resource Plan for State Prosecutor's Office foreseen 32 new prosecutorial posts, 60 posts for officials, as well as corresponding financial resources for the period 2023-2024. In 2023, 37 vacancies were published and 16 state prosecutors have already been appointed<sup>11</sup>. By the end of the year, 208 public prosecutors' posts<sup>12</sup> were occupied out of the 268 posts foreseen for 2023. Furthermore, 315 civil servants<sup>13</sup> out of 371 foreseen posts were recruited, which is a 1.6 % increase in comparison to 2022.<sup>14</sup>

Regarding courts' human resources (judges and court staff), the European Commission should refer to Appendix no. 1.

### *14. Training of justice professionals (including judges, prosecutors, lawyers, court staff, clerks/trainees)*

In 2023, the Judicial Training Centre (hereinafter: the Centre) at the Ministry of Justice carried out educational judicial trainings in line with the annual work programme<sup>15</sup> devised by the Expert Council of representatives of judicial authorities (Supreme Court, Supreme State Prosecutor's Office, State Attorney's Office, Judicial Council, Association of Judges, Association of State Prosecutors, law faculties). More than 5,000 participants, mainly from the judiciary, took part in over 120 training events.

The Centre regularly cooperates with international judicial training institutions, such as European Judicial Training Network (hereinafter: EJTN), Academy of European Law (hereinafter: ERA), European

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<sup>6</sup> According to Eurobarometer.

<sup>7</sup> The animated series are subtitled in English, minority languages and sign language, and can be viewed online: [Animations eng webpage](#) and [Animations eng YouTube](#).

<sup>8</sup> The project was prepared as part of the Procedural Justice Project within the Effective Justice Operation and financed from the European cohesion policy plans.

<sup>9</sup> The amount is 2.5 million euros higher than the adopted budget rebalance for year 2023 and 4.3 million euros higher than the estimated realization for 2023. Main surge in courts' spending is related to expenditures for goods and services, mainly due to higher costs of legal proceedings, higher material and investment costs, the costs of free legal assistance and logistic services.

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<sup>11</sup> Until 14 December 2023, 14 state prosecutors at district state prosecutors' offices have been appointed, one at the Specialized State Prosecutor's Office and one at the Supreme State Prosecutor's Office.

<sup>12</sup> That is 52 county, 93 district, 48 higher and 15 Supreme Public Prosecutors.

<sup>13</sup> That is three directors, 79 specialists, 9 state prosecutors and 224 other staff.

<sup>14</sup> In 2022, 310 out of 341 civil servants posts were occupied.

<sup>15</sup> The annual programme covers various legal areas and is available [online](#).

Institute of Public Administration (hereinafter: EIPA), Council of Europe's Human Rights Education for Legal Professionals (hereinafter: HELP) Programme, and many others.

In 2023, 73 members of the Slovenian judiciary participated in EJTN seminars, 19 participants took part in ERA seminars and a specialised court staff-training project, whereas seven attended EIPA seminars on judicial instruments in Luxembourg. Moreover, the Centre hosted three international training events – ERA Seminar on EU Gender Equality Law, the launching of HELP course on Judicial Reasoning and Human Rights and EJTN Seminar on Data Protection and Privacy Rights, together with seven EJTN Exchange programmes. Following the 2022 launch of the Slovenian Children's House – Barnahus, the Centre continues to host multidisciplinary trainings on criminal proceedings against juvenile offenders, with a special focus on mental health awareness and stress management in the work environment.

Additionally, the Office of the State Prosecutor General organized individual trainings on cybercrime, joint investigation teams, SKY communication, environmental crime, organized crime, tax crime, asset forfeiture of illegal origin, cross-border collection of electronic evidence, forensic interviews with children, violence against women, juvenile delinquency, etc.

High courts and the Supreme Court organized various consultations for judges of the lower courts.

*15. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, procedural rules, access to judgments online)*

In 2023, the following key activities were carried out in the area of digitalisation:

Development of the new information system of the Central Criminal Records<sup>16</sup>

The new information system enables faster processing of requests and facilitates electronic transactions with (domestic and foreign) state authorities and citizens. It also introduces the possibility of issuing certificates of impunity to an individual's e-mail address.

Establishment of a new probation information system

The establishment of a new probation information system (ProbIS) will automate key processes in the execution of probation tasks.

New information system of the State Attorney's Office

The document-managing and information system of the State Attorney's Office aims to modernize business operations and reduce administrative tasks in implementation of business processes, both at the State Attorney's Office and the bodies with which it cooperates. It encompasses comprehensive renovation of registers and enables access to requests in the preliminary amicable resolution of disputes, carried out by State Attorney's Office under Article 27 of the State Attorney's Office Act and various other acts, via electronic communication tools for all applicants.

Upgrade of the system for audio recording of court hearings

The system hardware and software were updated, ensuring a better and more reliable management of audio recordings of courtroom hearings, which will be fully processed and stored in the Supreme Court's information system.

In May, EXEC II project (eEDES), facilitating electronic exchange of European Investigation Orders and requests for international legal assistance, began to operate in a production environment. It enables all state prosecutors' offices to use the portal to submit and receive requests for international legal

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<sup>16</sup> More information available [here](#) and [here](#).

assistance and European Investigation Orders (hereinafter: EIOs). Efforts are underway for granting system access to the police as an internal body involved in the preparation of outgoing EIOs.

Certain documents must be submitted to court in electronic form only, e.g. land registry, insolvency, court registry cases, family matters involving social work centres. From 15 January 2024 onwards, e-communication in family matters and inheritance will become possible for all participants in court proceedings. Furthermore, a full transition to e-communication in administrative, civil and commercial cases for all courts and participants is envisaged by June 2024. In criminal cases, e-communication between courts, parties and lawyers is foreseen for mid-2024<sup>17</sup>.

In 2023, information system for centralised, long-term storage of digital content, including digitalised documents, was additionally certified. The system was test-connected to CMS for civil enforcement cases. Activities were carried out toward connecting the system with CMS systems for misdemeanour, insolvency and criminal cases.

The use of eVa application, a horizontal solution for uniform validation of incoming submissions, is planned from June 2024 onward, in all civil cases for all courts.

In 2022, a central information application for recording and managing financial obligations was developed. Currently, support is provided for criminal proceedings, i.e. imposed fine, property benefit, costs of criminal proceedings and court fees, from the financial obligation's creation until its conclusion. In 2023, the application was tested by pilot courts. A public procurement procedure was published for an additional system upgrade, aiming for production use in criminal cases by 2024. In 2024, a public procurement for an additional upgrade and implementation in all other court proceedings is envisaged.

Within "Effective Justice" framework, data warehouse was expanded, including new content based exclusively on external source records.

New digital proceedings and new functionalities of existing digitalised proceedings in the land registry IT system (e-ZK) were developed in 2023.

Moreover, the eSpis application for viewing and studying electronic court cases is currently being used by selected courts in insolvency cases, while its use in civil and criminal procedure is still being tested.

Under Slovenia's recovery and resilience plan, investments in new functionalities of the knowledge base, central digitization distribution centre and central access point to court IT system have been proposed.

In August 2023, the President of the Supreme Court issued a decree setting digitalisation priorities for the period 2023-2025, with concrete tasks, responsible persons and deadlines.

The Constitutional Court did not implement any major new projects in the field of digitalisation in 2023 but continued upgrading and expanding functionalities to its existing CMS, applications and services.

*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)*

In order to ensure a more efficient overview of the courts' operation, data management system of judicial authorities was upgraded in 2023, which will allow the Ministry of Justice to improve its statistical research. Information regarding the performance of Slovenian courts and their organization is from 2023

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<sup>17</sup> Integration of the Prosecutor's Office is subject to securing funds for upgrading their Case and Document Management System (hereinafter: CMS).

available online, also in English.<sup>18</sup> In the scope of the Slovenia's recovery and resilience plan, investments in new tools for the support of court management are envisaged.

*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.*

In this regard, the European Commission should refer to the answer to question no.1 on the follow-up activities to recommendation no. 2. The discussion on the "judicial map" is currently still ongoing.

**C. Efficiency of the justice system**

*18. Length of proceedings*

In 2023, a project group of the Supreme Court prepared a proposal to determine timeframes for additional proceedings, ensuring they are set for the vast majority of court proceedings at all instances<sup>19</sup>. In December 2023, President of the Supreme Court appointed a working group to continue the work towards previously suggested, as well as proposing and implementing additional measures to ensure resolved cases remain at least on the level of previous years.

Statistically, duration of procedures in the first 11 months of 2023 remained on a similar level as in 2022, both for important and other cases, i.e. 8.6 and 0.8 months respectively. Courts received and resolved 1.2% less cases in the first 11 months of 2023 than in the same period last year. The number of pending cases increased by 1.4% in the first 11 months of 2023.

The Act Amending the Administrative Dispute Act (hereinafter: ZUS-1C), aiming to accelerate procedures before Administrative Court, was adopted in April 2023. It allows a more efficient administrative litigation while minimizing changes in judicial system capacity and maintaining the same standard of legal security. Majority of cases, usually the simplest ones, are dealt with by a single judge, enabling a better control and faster resolution of proceedings. This ensures parties to administrative disputes a more effective judicial protection, while also allowing for important disputes (e.g. environment and spatial planning cases) to be timely decided. If a single judge ruled on the case at first instance, an appeal is decided by a single Supreme Court judge as well. However, complex cases or those expected to resolve an important question of law may be referred to a Supreme Court chamber of three judges.

Furthermore, ZUS-1C applies the principle of concentration of the main hearing, enabling 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 written summary of the substantive issues raised in the pleadings.

In addition, within court proceedings, the State Attorney's Office strives for a friendly settlement of disputes which are concluded in a relatively high percentage<sup>20</sup>.

***Other – please specify***

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<sup>18</sup> This was realized through the Procedural Justice Project within the Effective Justice Operation, financed from the funds of the European cohesion policy and is available [online](#).

<sup>19</sup> The timeframes for year 2024 will be adopted by the President of the Supreme Court after obtaining the prior consent of the Ministry of Justice.

<sup>20</sup> For example, the State Attorney's Office proposed the implementation of a sample procedure in a collective redress (more than 200 claims) in 2023 in which vulnerable and socially endangered people with minimum income stood against the state. The State Attorney's Office conducted the procedure until the decision of the Supreme Court and then, on the basis of the court's decision and complex harmonisation between all stakeholders, attained the consent to settle all disputes by concluding court settlements on the basis of which the social and economic situation of plaintiffs remained unchanged.

## 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.*

Implementation of UN Convention against Corruption: United Nations Office on Drugs and Crime finalised the second cycle review of Slovenia. Full country review report for the cycle 2016-2021 was published in June 2023<sup>21</sup>.

OECD Anti-Bribery Convention: In March 2023, Slovenia presented an extensive two-year written follow-up report to the OECD Working Group on Bribery, outlining the steps taken to implement the recommendations received during the Phase 4 evaluation adopted in March 2021.

### *19. Information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the anti-corruption framework (if applicable)*

**Follow-up to the recommendation no. 4:** In partnership with the Ministry of Public Administration, the Ministry of Justice and other stakeholders, the Commission for the Prevention of Corruption (hereinafter: the Commission) started preparing a new Resolution on the Prevention of Corruption (hereinafter: the Resolution) in 2022. In November 2023, works on the draft, which is currently being reviewed by the Government, were finalised. After the governmental review is concluded, the Resolution will be forwarded to the National Assembly for adoption. Within three months of the Resolution's adoption, the Commission will adopt the corresponding Action Plan.

### ***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 and with foreign authorities. Indicate any relevant measures taken to effectively and timely cooperate with OLAF and EPPO.*

The allocated budget of the Commission for 2024 is 2.95 million euros. As of 1 December 2023, the Commission had 48 employees<sup>22</sup>. It cooperates with the Ministry of Public Administration, the Ministry of Justice and other stakeholders (e.g. municipalities, business associations and non-governmental organizations).

Together with the National Education Institute Slovenia (hereinafter: the NEIS) and other partners, the Commission initiated a long-term umbrella project *"Integrity: Generations' Common Goal"*, aiming to integrate and align programs that enhance the integrity of children and youth throughout the educational continuum. The project recognises the need to engage school staff in this transformative process. Furthermore, different panels and seminars, in collaboration with several important stakeholders, such as the Slovenian Directors' Association (hereinafter: SDA), Slovenian Sovereign Holding (hereinafter: SSH), and the National Review Commission (hereinafter: NRC) were organized in 2023.

Furthermore, detecting and investigating corruption, together with economic crime, is a priority for the police, as set out in the Basic Guidelines for the Medium-Term Police Development and Work Plan 2023-2027, as well as in the Guidelines and Mandatory Instructions for the Preparation of the Annual Police Work Plan 2023.

In February 2023, the Minister of the Interior issued Guidelines and Mandatory Instructions for the Prioritisation of Corruption Offences, which instructed the police to continue to play an active role in the revision of the Resolution on the Prevention of Corruption, in which representatives of the Ministry of the Interior are actively involved, and to intensify their activities to detect crimes with elements of

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<sup>21</sup> Available [here](#).

<sup>22</sup> Chief Commissioner, two Deputy Commissioners and 45 public servants.



corruption and their perpetrators at all organisational levels. On the basis of the Minister's guidelines, the Police organisation is obliged to organise the work of the criminal police in such a way that the investigation of crimes with elements of corruption is professional, fast and effective. To this end, the Police ensure that criminal investigators are properly trained and send them to various national and international training courses. In 2023, 116 criminal investigators were trained to investigate corruption and economic crime more effectively. The police will also ensure that vacant posts in corruption investigation units are filled, both at national and regional levels of police organisation.

The Ministry of the Interior has also started drafting new Resolution on the National Programme for the Prevention and Suppression of Crime, as the implementation of the Resolution for the period 2019–2023 is coming to an end. The Resolution envisages zero tolerance of corruption, and also aims to strengthen inter-ministerial, inter-institutional and international cooperation to fight corruption more effectively.

The Medium-Term Plan for the Development and Work of the Police 2023-2027 focuses on the detection and investigation of crimes in areas where corruption risks are high, such as major investments and projects and related public procurement at the European, national and local levels. The police are committed to using their investigative powers to prevent, detect and investigate corruption offences related to the abuse of political, public and economic office to benefit private interests as effectively as possible. They also continuously seek to work even more closely with other bodies in the fight against corruption, and international and individual cooperation is crucial to their effective work.

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

No substantial changes have occurred since the publication of the Rule of Law Report 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.*

In this regard, the European Commission should refer to the answer to question no.19.

## **B. Prevention**

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

In November 2023, the first joint interim implementation report (hereinafter: the Report) regarding the Programme of the Government of the Republic of Slovenia to enhance integrity and transparency in the public sector for 2023-2026 period<sup>23</sup> was approved.

Based on the Report, various supporting activities aimed at raising awareness among public employees, especially in high integrity risk areas such as public procurement procedures, have been introduced. Some have already been completed<sup>24</sup>, while others require a longer implementation period. Permanent measures for raising awareness among public employees are ongoing. In this regard, 13 trainings were organized by the Administrative Academy<sup>25</sup> in 2023, with 806 public sector employees participating.

The Commission has also been conducting regular trainings for officials, civil servants and employees of state-owned companies on integrity, incompatibility rules, conflict of interest and lobbying regulation. In 2023, over 90 trainings, workshops, round tables, awareness-raising campaigns, and international

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<sup>23</sup> Available [here](#).

<sup>24</sup> Based on measure 2a "Ensuring effective management of state-owned real estate" a new information system that serves as a central record of real estate owned by state was established. Measure 3Bc "Consistent provision of information to the authorities responsible for issuing permission for accessing classified information about all changes in the security questionnaires" has also been completed in order to ensure that high officials with the largest number of issued permits consistently inform of any relevant data changes. Measure 3A1d "Ensuring the transparency of below-threshold contracts" obliges the contracting authority to notify all bidders who have submitted their bids of the final selection in writing.

<sup>25</sup> Activities available [here](#).



meetings or conferences were conducted<sup>26</sup>. Furthermore, the Commission prepared a detailed »Information Package« for all members of the executive and legislative branches upon taking office, which included all institutes under the Integrity and Prevention of Corruption Act (hereinafter: IPCA).

According to the IPCA, the Commission has the authority to initiate administrative investigations into breaches of integrity by public officials and publish its findings on the Commission's website. In 2023, the Administrative Court endorsed the Commission's findings in four cases, affirming that the new procedural rules, introduced through the IPCA amendment, were suitable and effective for determining breaches of integrity in the public sector.

In 2023, the Commission prepared a new Systemic Explanation on Incompatibility of Functions with the aim of providing a comprehensive presentation of the institute of incompatibility of functions and an effective interpretation of individual provisions of the IPCA that govern it. The explanation clearly defines the obligations of officials under IPCA and serves as assistance to holders of public office in better understanding their legal provisions and obligations.

*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)*

In this regard, the European Commission should refer to the information received in the previous years, as well as the answer to question no. 28.

The Commission publishes records of lobbying contacts online<sup>27</sup>, including lists of gifts. Changes in asset status are also disclosed. Furthermore, it publishes findings related to violations of the IPCA<sup>28</sup> concerning official persons<sup>29</sup> and decisions regarding violations involving holders of public office<sup>30</sup>.

*25. Rules and measures to prevent and address conflicts of interest in the public sector. Please specify the features and scope of their application (e.g. categories of officials concerned, types of checks and corrective measures depending on the category of officials concerned)*

*For questions 23-25, please provide figures on their application, such as number of detected breaches/irregularities of the various rules in place and the follow-up given (investigations, sanctions, etc.).*

In this regard, the European Commission should also refer to the information received in the previous years and answer to the question no. 28.

The Commission submitted comments on Article 100 of the Public Employees Act regarding conflicts of interest, as public servants are excluded from the conflict-of-interest provisions of the IPCA.

*26. Measures in place to ensure whistleblower protection and encourage reporting of corruption, including the number of reports received and the follow-up given*

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<sup>26</sup> In collaboration with SSH, two seminars were organised regarding institutes and corruption risks in public procurement procedures. In collaboration with SDA a seminar was organised regarding supervisory boards and reports against the management. Numerous events were organized in order to commemorate 9 December, the International Anti-Corruption Day, more information available [here](#).

<sup>27</sup> Available [here](#).

<sup>28</sup> Publication is foreseen after the deadline for filing an administrative lawsuit expires, if not filed, or after the decision.

<sup>29</sup> According to Paragraph 9 of Article 4 of the IPCA, "official person" refers to 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.

<sup>30</sup> According to IPCA, "holder of public office" refers to deputies of the National Assembly, members of the National Council, the President of the Republic, the Prime Minister, ministers, state secretaries, Constitutional Court judges, other judges, state attorneys, the Secretary-General of the Government, the Secretary-General of the President of the Republic, the Head of the Office of the President of the Republic, the Deputy Secretary-General of the President of the Republic, the adviser to the President of the Republic, the Secretary-General of the National Assembly, the Secretary of the National Council, officials in other state bodies and local communities, members of the European Parliament from the Republic of Slovenia, unless their rights and obligations are stipulated otherwise by the regulations of the European Parliament, and other holders of public office from the Slovenia working in European and other international institutions appointed to their posts by the Slovenia, and members of the Governing Board of the Bank of Slovenia, unless their rights and obligations are stipulated otherwise by the Act governing the Bank of Slovenia and other regulations binding on the Bank of Slovenia.

The Reporting Persons Protection Act entered into force in February 2023<sup>31</sup>. It regulates a new system of internal and external reporting channels, as well as an entire range of protective and supporting measures to ensure the protection of whistleblowers.

It introduced an obligation to establish an internal reporting channel for all legal entities in the public and private sector with 50 or more employees<sup>32</sup>. Regardless of on the number of employees, internal reporting is mandatory for state administration, municipalities and independent bodies of the public sector. Internal reporting channel is established by defining at least an email address and a special phone number for receiving reports, as well as appointing a person of trust that handles and investigates reports in an informal procedure, aimed at eliminating violations internally. During the handling of internal reports, completeness, integrity and confidentiality of information, as well as prevention of unauthorised persons gaining access to the content of the report is ensured<sup>33</sup>. When a whistleblower is dissatisfied with the outcome, they can submit a report to one of the authorities for external reporting<sup>34</sup>, i.e. inspectorates and supervisory agencies, depending on the nature of violation.

Regarding retaliatory measures, protective and supportive measures are envisaged. In legal disputes, reversed burden of proof requires the employer to prove that his actions were not a retaliatory measure. Whistleblowers are exempted from paying court fees and entitled to psychological support, free legal aid, as well as unemployment compensation for the entire duration of the court proceedings in case of losing their job.

The Act aims to complement existing anti-corruption normative framework, intended to strengthen the legality of work and business compliance by internal mechanisms for preventing and addressing violations of legislation. For this purpose, additional employment and financial resources were foreseen for the Commission, which has already introduced a new unit, the Centre for the Protection of Whistleblowers, in April 2023.

#### *27. Sectors with high risks of corruption in your Member State:*

*- Measures taken/envisaged for monitoring and preventing corruption and conflict of interest in public procurement*

In 2023, the Commission concluded the Analysis of the Functioning of the Public Sector in Healthcare<sup>35</sup> which identified risks of corruption and violation of individuals' integrity. The purpose was to examine the public procurement field in healthcare at the secondary level, focusing on suppliers of selected public healthcare institutions in the procurement of medical equipment, pharmaceutical products, and personal care products. In this regard, it prepared recommendations for risk management, corruption prevention and strengthening of integrity, transparency, and accountability for the Ministry of Health, the Office for Supervision, Quality, and Investments in Healthcare, selected public healthcare institutions and other relevant authorities. The analysis presents a basis for the ongoing work of the authorities responsible for establishing a sustainably viable public healthcare system. The Ministry of Health shall systematically analyse the acquired data and address the identified risks appropriately.

*- list other sectors with high risks of corruption and the relevant measures taken/envisaged for monitoring and preventing corruption and conflict of interest in these sectors (e.g. healthcare, citizen/residence investor schemes, urban planning, 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)*

Based on the cases investigated under its powers, the Commission identified the following sectors and activities with high risk of corruption or conflict of interest:

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<sup>31</sup> The act shall be applicable to entities with more than 249 employees and public sector entities from May 2023, and to private entities, employing between 50-249 employees, from December 2023.

<sup>32</sup> The threshold is lower (10 employees) for legal entities with main activity in healthcare, water and waste management.

<sup>33</sup> E.g. the Police adopted the Instruction on the Internal Reporting Channel in the Police for this purpose.

<sup>34</sup> Envisaged solution of external reporting relies on the existing network of inspectorates and other oversight institutions. In this regard, external reporting channels were introduced in 24 authorities.

<sup>35</sup> Available [here](#).

- appointment and dismissal of management and members of supervisory boards in SOEs, including the Slovenian Sovereign Holding and the Bank Assets Management Company;
- decision-making in local government, especially in regard to conflict of interest (mayors and municipal council members);
- public procurement (with additional risks in the healthcare sector and other areas connected to the Office for Recovery and Resilience, as well as the August 2023 floods);
- public procurement in state-owned companies (e.g. DARS - Motorway Company of the Republic of Slovenia);
- spatial planning and environmental matters;
- breaches of integrity of public office holders in the form of administering undue pressure on subordinate employees or expressing favouritism to certain bidders in public procurement proceedings;
- violations of restrictions on business activities where a holder of public office did not report in accordance with Article 35(6) and the consequences of such violations.

In 2023, the Specialised State Prosecutor's Office did not handle cases of corruption committed by organised crime groups.

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

Marking the 2023 International Anti-Corruption Day, the Commission launched the *"Ambassadors of Integrity"* project, emphasizing integrity's crucial role in shaping the society of the future. Ambassadors of Integrity raise awareness and make complex topics accessible to the youth and wider public.

It has been reported that corruption-prevention activities for adults have limited impact in long-term curbing of corruption, whilst tackling an individual's value system is crucial. Therefore, the Commission's comprehensive initiative, *"Integrity: Generations' Common Goal,"* executed in collaboration with NEIS and other partners, emphasizes the importance of fostering integrity in children and youth. It advocates for integration of integrity-enhancing programs over the entire educational continuum, from kindergarten to university. The initiative, exemplified by a pilot project *"Strengthening the integrity of students in primary schools"*, was launched in the school year 2021-22. It involves teachers in designing activities to fortify the integrity of pupils. To date, 15 schools and 2 kindergartens from across Slovenia have participated in the project. In the school year 2022-23, 85 educational professionals, i.e. educators, teachers, counsellors and principals, participated in over 200 activities.

Moreover, the Commission co-organized the CoSP Special Event on Education at the Conference of the States Parties to UNCAC, held from 11 to 15 December 2023 in Atlanta, USA<sup>36</sup>. The event aimed to facilitate an action-oriented dialogue among international stakeholders in anti-corruption and education, who discussed the possibilities to effectively utilize education as a transformative tool to prevent and counter corruption. Slovenian panellists presented the pilot project as an initial activity in the broader process of introducing integrity to the national education program.

In addition to the Commission's collaboration on enhancing integrity with various social groups, a part of the business sector recognized the importance of a high integrity level in society and zero tolerance for corruption in 2023. Slovenian Business Club (hereinafter: SBC) joined this effort and publicly committed to zero tolerance for bribing public servants, with a focus on public procurement. In addition to introducing a new golden rule dedicated to integrity, SBC committed itself to actively inform its

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<sup>36</sup> The events *"Educating Youth and Society to Foster a Culture of Integrity,"* main organizers were the European Commission and UNODC.

members about the introduction of a code of integrity, and to provide lectures on how to expand integrity-based practices beyond its membership circle, especially to suppliers and external partners.

After the floods in August 2023, the Commission issued a call to the Government to ensure that the expenditure of public funds is transparent, responsible, and exclusively in public interest. In this context, it called upon business associations and other stakeholders to publicly commit to zero tolerance for corruption, and act accordingly in practice.

In September 2023, a public call urging state institutions, social groups, business associations and individuals to actively participate in preventing corruption and strengthening integrity was issued.

The European Commission may also refer to additional statistic data on the Commission<sup>37</sup>.

### **C. Repressive measures**

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

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

*30. Data on the number of investigations, prosecutions, final judgments and application of sanctions for corruption offences (differentiated by corruption offence if possible), including for legal persons and high level and complex corruption cases and their transparency, including as regards to the implementation of EU funds.*

Prosecution: The statistics on corruption offences<sup>38</sup> dealt with by the public prosecutors' offices show that the number of cases related to corruption offences in 2023 is similar to the previous year. A minor increase is noticeable in requests for investigation and adjudicated cases, as well as in prison sentences imposed. For additional statistics regarding prosecution of corruption offences, the European Commission should refer to Appendix no. 2.

Investigation: In 2023, the Police investigated 106 corruption criminal offences and 92 criminal offences with corruption elements. For additional statistics regarding the investigation of corruption offences, the European Commission should refer to Appendix no. 3.

*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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

*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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

### **Other – please specify**

In 2023, state prosecutors underwent continuous training for improvement of investigation and prosecution results related to corruption offenses. In June 2023, the State Prosecutor General and the Association of State Prosecutors organized educational days with special sessions addressed to the prosecution of corruption with a special lecture of the Commission on the bribery of foreign public officials. A lecture on corporate responsibility and the prosecution of foreign bribery was given by a state prosecutor for corruption at the Public Prosecution Service of the Netherlands.

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<sup>37</sup> Available [here](#).

<sup>38</sup> Offences of unauthorised acceptance of gifts under Article 241, unauthorised giving of gifts under Article 242, taking of bribes under Article 261, giving of bribes under Article 262, accepting benefits for unlawful intermediation under Article 263 and giving of gifts for unlawful intermediation under Article 264 of the Criminal Code.

In October 2023, the Financial and Economic Crime Forum was organized by the Association of State Prosecutors and the Centre. International guests presented their papers on topics related to the prosecution of corruption and investigations into international corruption. A lecture on lobbying and Attorney General's perspective was conducted by a senior state prosecutor from Sweden. Participants were briefed on the U.S. approach to prosecute corruption involving public officials by a federal prosecutor and legal advisor to the U.S. Department of Justice. Another lecture on investigation of international corruption was delivered by a supervisory special agent and advisor in the Cross-Border Anti-Corruption Partnership Program at the Federal Bureau of Investigation.

In 2023, courts have also undertaken measures to facilitate the proceedings in criminal matters, e.g. the District Court of Ljubljana introduced organisational measures to equalize the burdening of pending cases between judges on criminal and other fields. Furthermore, preparation of a programme for resolving older criminal cases was initiated. Various meetings of the Supreme Court were organized in order to address the issues, both with the courts and the Judicial Council. To assess possible redistribution of pending cases, an analysis on caseload and human resources on criminal field was carried out for all district courts. Thus, additional judicial posts were approved and willingness of some courts to help with human resources was identified.

### III. MEDIA PLURALISM AND MEDIA FREEDOM

*33. Information on measures taken to follow-up on the recommendations received in the 2023 Report regarding media pluralism and media freedom (if applicable)*

**Follow-up to recommendation no. 5:** In December 2023, the Ministry of Culture prepared a draft of the new Mass Media Act, which is in public consultation until 31 January 2024. It features an advanced approach to regulating media content and services, editorial independence, and the system of state aids. It also includes substantive and procedural rules on media concentration, transparency of public advertising, freedom of expression, journalistic autonomy, and editorial independence. The proposal contains revised procedures on media services database, and provisions on AI-generated content.

The final legislative text of the new Mass Media Act will depend on the comments received, as well as sectorial, governmental and parliamentary review.

#### **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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

The draft of the new Mass Media Act proposes to establish a new body, National Board for Media, which will serve as an independent advisory body, tasked to advice on matters of public interest.

#### **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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

*38. Safeguards against state / political interference, in particular:*

- *safeguards to ensure editorial independence of media (private and public)*

- *specific safeguards for the 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*

- *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*

The proposed draft of the new Mass Media Act includes provisions on the freedom of expression, journalistic autonomy and editorial independence. Among other, it envisages mandatory prior consent of journalists for withdrawals or changes to their articles. Currently proposed criteria for assessments of media concentration: diversified and independent offer of media content, protection of editorial independence and adequate financial resources. At the same time, procedural rules regarding regulation of state advertising include obligation of the state or public bodies to make their advertising budget publicly available.

*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*

The current draft of the new Mass Media Act includes revised procedures on media services database, including beneficial owners.

**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, referring also, if applicable, to follow-up given to alerts lodged with the Council of Europe's Platform to promote the protection of journalism and safety of journalists.*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

*42. Access to information and public documents by public at large and journalists (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)*

Slovenia ratified the Council of Europe Convention on Access to Official Documents (Tromsø Convention) in January 2023, reaffirming its international commitments to transparency in the operation of the public sector. It came into effect in July 2023 and while it does not impose new obligations, it complements the constitutional right of access to public information.

On 28 September 2023, the Ministry of Public Administration and the Information Commissioner organized a ceremonial academy to mark the 20<sup>th</sup> anniversary of the Slovenian Access to Public Information Act (hereinafter: ZDIJZ). This was an opportunity to discuss the Act's origins, developments, challenges and open questions. The program included a presentation of the Transparency Ambassador Award and a roundtable discussion on the realization of the right to access public information in Slovenia over the past 20 years.

Upon this occasion, the Information Commissioner released a new Handbook titled "*Collection of Cases with Simple Answers to Frequently Asked Questions*"<sup>39</sup>. Common challenges encountered in accessing public information are met with clear, straightforward solutions, and common informative correspondence forms for eligible authorities in processes of accessing public information. It aims to simplify, quicken, and improve efficiency of procedures, in order to strengthen the exercise of the right to know.

According to the 2022 Annual Report of the Information Commissioner<sup>40</sup>, presented to the National Assembly in September 2023, the total number of complaints due to failure of a public authority to respond has slightly declined. Particularly encouraging is the decrease in number of complaints against municipalities, and in the overall number of complaints against state bodies, i.e. 283 complaints in 2022, compared to 338 in 2021. Moreover, the Information Commissioner provided 275 written responses to requests from obligated parties, and responded to 838 requests during telephone duty in 2022.

*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 has been actively participating in the drafting of SLAPP directive. While supporting the European Commission's general approach, serious attention and consideration has been given to the

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<sup>39</sup> Available [here](#).

<sup>40</sup> Available [here](#).



European Parliament's proposals. Implementation efforts will follow immediately after the adoption of the directive (with certain initial steps already being taken).

***Other – please specify***

#### IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

*44. Information on measures taken to follow-up on the recommendations received in the 2023 Report regarding the system of checks and balances (if applicable)*

##### **A. The process for preparing and enacting laws**

*45. Framework, policy and use of impact assessments and evidence based policy-making, stakeholders'/public consultations (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 this regard, the European Commission should refer to the information received in the previous years. Further detailed information is also available in the Input by the National Assembly.

*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 accordance with European Commission's remarks, the State Prosecutor General called for consideration of filing direct indictments instead of starting judicial investigations, where applicable. Regarding related increase of direct indictments in 2023, the European Commission should refer to Appendix no. 4.

Further detailed information is also available in the Input by the National Assembly.

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

In this regard, the European Commission should refer to the information received in the previous years. Further detailed information is also available in the Input by the National Assembly.

*48. Regime for constitutional review of laws*

In May 2023, the Government adopted a proposal to initiate a constitutional amendment process regarding Articles 160, 161 and 162 of the Constitution in order to address the backlog of cases. The aim is to enable the Constitutional Court to select initiatives for constitutional review in order to focus on important issues. The proposal has been sent to the Parliament for further deliberation.

Further detailed information is also available in the Input by the National Assembly.

##### **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*

The 2023 integral budget of the Advocate of the Principle of Equality (hereinafter: the Advocate) amounted to over 1.8 million euros, with additional funds allocated for the EU project "Let's face discrimination"<sup>41</sup>. As of 6 December 2023, the Advocate has 27 employees<sup>42</sup>. The Advocate reported a reduction of its budget for 2024.

*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.*

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<sup>41</sup> In this regard, EU funds amounted to ca. 99 thousand euros with additional Slovene contribution in ca. 11 thousand euros.

<sup>42</sup> Head of the Equality body and 26 public servants.

In its 2022 Annual Report, the Human Rights Ombudsman (hereinafter: the Ombudsman) presented 83 new recommendations, 75 of them pertaining to the Government. According to the Government's assessment, 15 recommendations present an ongoing task, 16 have been fully implemented, 22 are partially implemented and 12 have not been implemented. Implementation of 10 recommendations has been rejected. It also emphasized 119 recommendations from previous reports, which the government reassessed. Since then additional seven have been implemented, whereas the number of partially implemented recommendations has decreased by four, number of unimplemented has decreased by six and the number of rejected recommendations has decreased by two.

The Advocate issued 84 recommendations in the framework of different procedures,<sup>43</sup> tackling discrimination in 2023<sup>44</sup>.

### **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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

#### *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).*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

#### *53. Rules and practices related to the application by all courts, including constitutional jurisdictions, of the preliminary ruling procedure (Art. 267 TFEU)*

If a decision against which the parties cannot apply ordinary or extraordinary legal remedies depends on a request for a preliminary ruling regarding the interpretation or validity of an EU law, the national court or tribunal shall submit such a request to the European Court of Justice (hereinafter: CJEU)<sup>45</sup>.

A decision to request a preliminary ruling is integrated into judicial evaluation of legal questions of the case. Parties may propose a request for a preliminary ruling, however, subsequent procedure does not differ from the one raised ex officio by a national court. The Court would give reasoned arguments about the parties' proposal in the motivation of its final decision, whereas it would not always disclose all questions raised ex officio in the proceedings, especially if the matter was not referred to CJEU.

If a request was raised in an appeal or a revision, or ex officio by the Supreme Court, when deciding on the merits of the case, three justices<sup>46</sup> decide on the referral to the CJEU upon previous positive opinion of the justice rapporteur who prepares the first draft. Upon reaching a decision on the referral, justice rapporteur prepares the final request for a preliminary ruling, published on the Supreme Court's website. Rejection of a parties' request for a preliminary ruling will be reasoned in the final ruling on the case.<sup>47</sup>

Prior to submitting such a request, the Supreme Court examines provisions of EU Law and jurisprudence of CJEU in relevant cases, as well as possible similar pending cases before CJEU.

The Constitutional Court submits a question for a preliminary ruling to the CJEU if a case concerning the review of the constitutionality or legality of regulations raises issues pertaining to EU law that fall within the jurisdiction of the CJEU. Either the participants in proceedings or the Constitutional Court, of its own motion, may raise such issues. When they involve questions on validity or interpretation of EU law, which the CJEU had not previously resolved and to which the answers are not evident, the Constitutional Court stays its proceedings and submits the matter to CJEU. Following CJEU's decision,

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<sup>43</sup> Additional information will be available in the forthcoming 2023 Annual Report.

<sup>44</sup> Information available for period from 1 January 2023 to 15 December 2023.

<sup>45</sup> Art. 113a of the Courts Act.

<sup>46</sup> Recent amendment of the Act on Administrative Dispute determines that the Supreme Court decides on revision and whether the request shall be made to the CJEU in a panel of five judges.

<sup>47</sup> The procedure slightly differs in cases requiring an approval for revision, when the Supreme Court first has to adopt a decision to grant such an approval or not. Decision to grant an approval for revision is taken by three judges.

the Constitutional Court continues the proceedings, taking the CJEU judgment into consideration before ruling in the case<sup>48</sup>. There are currently two such pending cases before the CJEU.<sup>49</sup>

So far, the Constitutional Court has not yet submitted a case to the CJEU in constitutional complaints proceedings. When deciding on constitutional complaints, the Constitutional Court verifies whether the regular courts observed their duty to submit preliminary questions to the CJEU. For this purpose, relevant constitutional case law concerning the duty to substantiate an omission to submit a preliminary question to the CJEU have been summarized.<sup>50</sup>

*54. Follow-up by the public administration and State institutions to final (national/supranational, including the European Court of Human Rights) court decisions, as well as available remedies in case of non- implementation*

There were five non-executed final judgments of the European Court of Human Rights (hereinafter: ECtHR) against Slovenia in mid-January 2023. For two of the final ECtHR judgments, (revised) action reports have been sent to the Council of Europe Department with a decision of the Committee of Ministers expected soon.

All implemented or planned measures concerning final judgments are promptly communicated to the Department of the Council of Europe for the execution of the ECtHR judgments<sup>51</sup>. Possible damages and costs imposed by judgments are paid by the State Attorney's Office in due time.

**D. The enabling framework for civil society**

*55. 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 substantial changes have occurred since the publication of the Rule of Law Report 2023.

*56. 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.*

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

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

No substantial changes have occurred since the publication of the Rule of Law Report 2023.

*58. 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.)*

Special attention is given to ex-ante review of draft regulations, strategies and other documents proposed by the Government, as well as their ex-post revision. These tasks are carried out simultaneously by the line ministries and the Ministry of Public Administration, which is mainly responsible for horizontal issues and has a special mechanism that enables the public to submit an

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<sup>48</sup> No. U-I-4/20 of 16 February 2023, available [here](#), wherein the Constitutional Court took into account the CJEU Judgment in No. C-45/21 of 13 September 2022.

<sup>49</sup> C-674/23 (No. U-I-205/19 and U-I-230/19) and C-254/23 (No. U-I-104/22).

<sup>50</sup> No. Up-1133/18 of 31 March 2022, available [here](#).

<sup>51</sup> For additional information, please see HUDOC EXEC or Government webpage regarding execution of the ECtHR judgements, available [here](#).

initiative for resolution of an existing administrative burden. In this regard, it reviews ca. 700 acts per year. Furthermore, an application-based (ex-ante and ex-post) impact assessment of state regulations is possible, based on the new Methodology for the Preparation of Impact Assessments in different societal areas from August 2023.

#### **E. Initiatives to foster a rule of law culture**

*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.)*

In 2023, the Supreme Court organised a roundtable on threats and opportunities of the use of AI in the judiciary<sup>52</sup> with additional ones planned in 2024. It also prepared a guideline for courts regarding organisation of open days, which have been successfully implemented throughout the year.

Courts cooperate with all existing law faculties in Slovenia. In 2023, the Supreme Court hosted meetings with their students, and signed an agreement on further cooperation with one of the faculties. Additionally, courts, prosecution offices and prisons participate in an internationally funded project "Legal walkways", which enable high school students to visit different institutions and have a better understanding of legal procedures. In the school year 2023-24, implementation of 15 pilot projects<sup>53</sup> from five different legal fields is envisaged.

In December 2023, the Ministry of Justice hosted "OECD 2023 Global Access to Justice" roundtable, which offered, among other, an opportunity to reflect on active engagement of the justice systems with citizens in order to foster a sense of ownership and participation.

Further detailed information is also available in the Input by the National Assembly.

#### **Other – please specify**

On 26 November 2023, the Act on the Regulation of Certain Issues Relating to Certain Offences Committed during the Period of Validity of the Measures for the Prevention of the Spread of Infectious Disease COVID-19 (the "COVID-19 Act") entered into force. It follows the principle of reparation of injustices and provides amnesty for certain minor offences committed from March 2020 to May 2022 which constituted a violation of the former Government Decrees (anti-COVID-19 decrees). Information on minor offences committed in this regard will be deleted from the offence registers. Individual claims are not required, as indicative calculations of reparations will be prepared *ex officio* by competent authorities. First indicative calculations will be sent out in January 2024.

In June 2023, the Act Amending the Judicial Service Act was adopted. It provides conditions for the participation of the Republic of Slovenia in the operation of the European Unified Patent Court and regulates the status of judges appointed to work part-time as judges of an international court. Previously, the Judicial Service Act did not regulate situations where judges appointed to the international court could perform their duties on a part-time basis. Now, they will have proportional rights and duties related to the performance of the judicial office, i.e. judicial salary and allowances, vacation, official clothing, judicial training, transfer and assignment of a judge. The Judicial Council will declare the extent of suspension of rights and duties from the judicial service in a declaratory decision, based on the proposal of an appointed judge and the opinion of the president of their court.

Amendments to the Court Experts, Certified Appraisers and Court Interpreters Act are currently under negotiation. They will determine legal bases of the meeting fees for the president and members of the Expert Council, as well as other provide for necessary changes identified in the Assessment on the attainment of the objectives of reforming court expert activity, certified appraisal or court interpretation.

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<sup>52</sup> Additional information available [here](#).

<sup>53</sup> From Crime to Punishment - Criminal Legal Walkway; From Freedom of Expression to the Right to Protest - Constitutional Legal Walkway; From Child to Partner and Parent - Family and inheritance Legal Walkway; From Entrepreneur to Consumer - Consumer-business Legal Walkway; From Summer Job to Regular Employment - Labour Legal Walkway.

On 26 January 2023, new Personal Data Protection Act<sup>54</sup> entered into force. It regulates different areas and imposes additional conditions for authorized data protection officers, and changes to the regulation of video surveillance and traceability.

On 27 January 2023, the National Assembly adopted amendments to the Criminal Code<sup>55</sup> that include a new provision on explicit aggravating circumstances in relation to hate crimes

On 20 September 2023, the National Assembly adopted amendments to the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act (Novella)<sup>56</sup> which modifies and supplements rules governing the obligations of management in the event of insolvency, as well as rules governing the process of compulsory settlement and bankruptcy. It introduces a new procedure for preventive restructuring when insolvency is likely. Additionally, a variety of incentives and obligations for management is envisaged to ensure such procedures are initiated in a timely manner.

On 14 December 2023, an amendment to the Collective Actions Act<sup>57</sup> was adopted, facilitating access to judicial protection, halting and preventing unlawful actions, while providing appropriate procedural guarantees to prevent unfair litigation.

Furthermore, amendments to the Criminal Procedure Act are being prepared, adapting current legislation to the recent Decision of the Constitutional Court<sup>58</sup> regarding provisions governing the acquisition of traffic and banking data. The amended act will take into account current case law by CJEU (*Commissioner of An Garda Síochána*<sup>59</sup>, *La Quadrature du Net and others*,<sup>60</sup> *Digital Rights Ireland Ltd.*,<sup>61</sup> *Tele2 Sverige AB*<sup>62</sup>), the ECtHR (*Zakharov v. Russia*,<sup>63</sup> *Szabó and Vissy v. Hungary*,<sup>64</sup> *Benedik v. Slovenia*<sup>65</sup>), as well as a Decision of the Constitutional Court,<sup>66</sup> on the limits of interference with communication privacy rights. Timely amendments will ensure a smooth continuity of the work of the Police and the State Prosecutors Office, as well as fair evidentiary decision-making of criminal courts.

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<sup>54</sup> Available [here](#).

<sup>55</sup> Available [here](#).

<sup>56</sup> Available [here](#).

<sup>57</sup> Available [here](#).

<sup>58</sup> No. U-I-144/19 (Part three) of 6th July 2023; Official Gazette of the Republic of Slovenia, No. 89/23.

<sup>59</sup> No. C-140/20 of 5 April 2022.

<sup>60</sup> No. C-511/18, C-512/18 and C-520/18 of 6 October 2020.

<sup>61</sup> No. C-293/12 of 16 May 2014 (Joined Cases No. C-293/12 and C-594/12).

<sup>62</sup> No. C-203/15 of 21 December 2016 (Joined Cases No. C-203/15 and C-698/15).

<sup>63</sup> No. 47143/06 of 4 December 2015.

<sup>64</sup> No. 37138/14 of 12 January 2016.

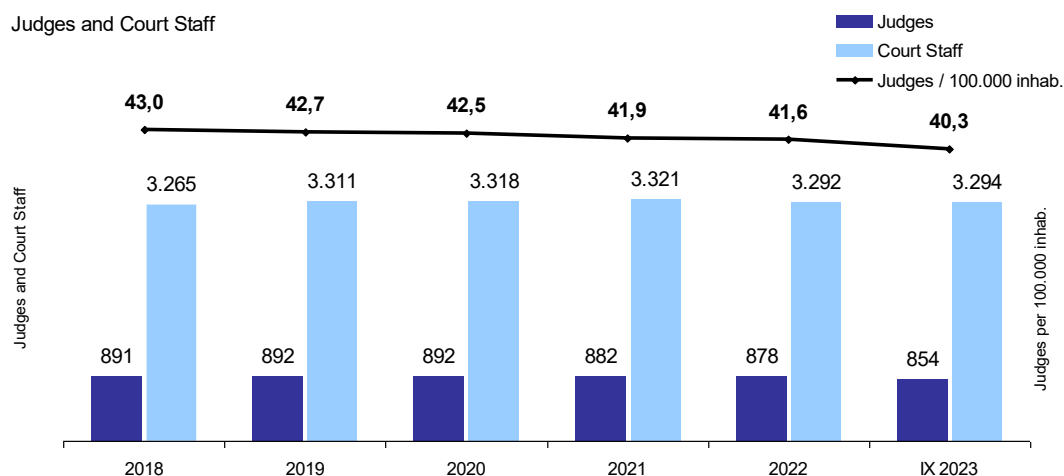
<sup>65</sup> No. 62357/24 of 24 April 2018.

<sup>66</sup> No. U-I-65/13 of 3 July 2014; Official Gazette of the Republic of Slovenia, No. 54/2014 and OdlUS XX, 27.

Appendix no. 1: Information regarding human resources in the judicial sector (judges and court staff)<sup>67</sup>

	Secretary General, directors	Senior judicial advisors	Judicial Assistants	Registrars	Typists	Other Court Staff
2012	21	481	502	557	1.079	677
2013	20	541	500	554	998	664
2014	20	534	494	550	976	671
2015	20	517	502	534	947	657
2016	19	543	538	504	947,5	649,5
2017	19	549	539	499	943,5	653,5
2018	19	575	573	495	934	669,0
2019	20	592	588	505	935,5	670,5
2020	18	596	593	499	929,5	682,5
2021	18	624	595	500	892,5	690,5
2022	16	611	591	500	884,5	689,5
IX 2023	15	616	581	490	883	709

Judges and Court Staff



<sup>67</sup> Information available on 30 October 2023.



Appendix n. 2: Information<sup>68</sup> regarding prosecution of corruption offences<sup>69</sup> dealt by public prosecutors' offices

				First instance judgments				Sanctions		
Year	Criminal Code Article (KZ-1) <sup>70</sup>	REQUESTS FOR INVESTIGATION	INDICTMENTS	CONVICTION	ACQUITTAL	DISMISSAL	Adjudicated cases - (Conviction, acquittal and dismissals)	Sancions in conviction cases -first instance courts - PRISON	Sancions in conviction cases -first instance courts – CONDITIONAL SENTENCE	Unresolved denunciations
2022	KZ-1 241		1	6		1	7	2	4	65
	KZ-1 242		1	2			2		1	10
	KZ-1 261	19	22							152
	KZ-1 262	20	2							144
	KZ-1 263	13		1			1			13
	KZ-1 264	2		2			2		2	21
2022 SUM		54	26	11		1	12	2	7	405
2023	KZ-1 241		1	8	1		9	8		66
	KZ-1 242		2	4	2	1	7	3		13
	KZ-1 261	4	9	4	1	1	6	1	3	150
	KZ-1 262	81	12	5		2	7		5	99
	KZ-1 263	2	9							19
	KZ-1 264	2								28
2023 SUM		89	33	21	4	4	29	12	8	375
TOTAL SUM			191	77	41	3	121	18	57	882

SOURCE: inquiry to the information system for monitoring criminal proceedings (i-K).

<sup>68</sup> Information available for period from 1 January 2022 to 4 December 2023.

<sup>69</sup> The statistics do not include offences, which often contain elements of corruption (e.g. offences of abuse of position or trust in economic activity under Article 240, abuse of official position or official rights under Article 257, and damage to public funds under Article 257a of the Criminal Code). The Specialised State Prosecutor's Office has obtained convictions in several cases where officials and/or high-ranking officials and/or directors of state-owned enterprises were prosecuted for these offences.

<sup>70</sup> Article 241 (unauthorised acceptance of gifts), Article 242 (unauthorised giving of gifts, Article 261 (taking of bribes), Article 262 (giving of bribes), Article 263 (accepting benefits for unlawful intermediation) and Article 264 (giving of gifts for unlawful intermediation) of the Criminal Code.

Appendix no. 3: Information regarding investigation of corruption offences by the police in year 2023

<b>Corruption offences</b>	<b>Number of cases</b>
Unauthorized acceptance of gifts	4
Unauthorized acceptance of gifts	2
Taking bribes	39
Giving a bribe	44
Acceptance of benefits for illegal mediation	9
Giving gifts for illegal mediation	8
<b>TOTAL</b>	<b>106</b>
<b>Other criminal acts with elements of corruption</b>	
Abuse of position or trust in economic activity	30
Abuse of official position or official rights	62
<b>TOTAL</b>	<b>92</b>

Appendix no. 4: Information<sup>71</sup> regarding filed direct indictments

Type of charges	Number of cases	
Direct indictment	661	850
Direct indictment after obtained consent	84	81
Direct indictment in summary proceedings	7042	6985
<b>TOTAL</b>	<b>7787</b>	<b>7916</b>

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<sup>71</sup> Information available for period from 1 January 2022 to 12 December 2023.