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**TRANSITIONAL AND FINAL PROVISIONS**

**I. GENERAL PROVISIONS**

**Article 1**

The Constitutional Court is the highest body of judicial authority for the protection of constitutionality, legality, human rights and basic freedoms.

In relation to other state bodies, the Constitutional Court is an autonomous and independent state body

Decisions of the Constitutional Court are legally binding.

**Article 2**

The Constitutional Court shall have its seat in Ljubljana.

The Constitutional Court shall regulate its organisation and work with its standing orders and other general acts.

**Article 3**

The work of the Constitutional Court shall be conducted in public in accordance with this Law.

**Article 4**

Persons involved in proceedings shall have the right to review official documents at all times during the proceedings and other persons may exercise such right with the permission of the president of the Constitutional Court.

If such review is denied, an objection may be lodged within three days. The objection shall be decided upon by the Constitutional Court in camera.

**Article 5**

State bodies, bodies of local communities and statutory authorities shall be bound to provide the Constitutional Court with data, compositions and documents, courts of law also with legal assistance.

**Article 6**

In questions relating to proceedings not regulated by this Law, the Constitutional Court shall apply accordingly the legal provisions regulating proceedings conducted by courts, taking into consideration the legal nature of the matter.

**Article 7**

The Constitutional Court shall appoint a secretary of the Constitutional Court.  
The Constitutional Court may appoint a director of the Constitutional Court services.  
The Constitutional Court shall appoint advisers to the Constitutional Court from among legal and other experts.

The Constitutional Court may employ apprentices in accordance with the law.

**Article 8**

Funds for the work of the Constitutional Court shall be determined by the National Assembly at the proposal of the Constitutional Court and shall constitute a part of the Republic of Slovenia budget.

The Constitutional Court shall decide on the use of the funds from the first paragraph of this article.

Control of the use of the funds from the first paragraph of this article shall be performed by a court of accounts.

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**II. PRESIDENT AND JUDGES OF THE CONSTITUTIONAL COURT**

**Article 9**

Any citizen of the Republic of Slovenia who is a legal expert and has reached at least 40 years of age may be elected judge of the Constitutional Court.

**Article 10**

The president of the Constitutional Court shall be elected by secret ballot by the judges of the Constitutional Court from among themselves for a term of three years. The elections must be completed prior to the expiry of the term of the previous president of the Constitutional Court.

The president of the Constitutional Court shall be substituted in his/her (hereinafter: his) absence by his deputy, elected in the same manner as described in the first paragraph of this article.

**Article 11**

The president of the Constitutional Court must notify the President of the Republic and the National Assembly of the expiry of the term of office of a judge of the Constitutional Court no later than six months prior to the expiry of the term of office.

**Article 12**

The President of the Republic shall within 30 days publish an invitation for proposals for candidates for the post of Constitutional Court judge in the Official Gazette of the Republic of Slovenia.

Proposals must be submitted within a determined period which may not be shorter than 30 days, or in the case of premature expiry of the term of office not shorter than 15 days. Proposals must be substantiated and the written consent of the candidate, stating his agreement to stand as a candidate, must be enclosed.

**Article 13**

The President of the Republic shall propose candidates for the vacant position of judge of the Constitutional Court from among the candidates proposed in the manner described in the first paragraph of the preceding article, or he may propose others.

The President of the Republic may propose more candidates than there are vacant positions for judges of the Constitutional Court. Each candidacy proposal must be substantiated and the consent of the candidate enclosed.

**Article 14**

Judges of the Constitutional Court shall be elected by the National Assembly in a secret ballot by a majority of all deputies.

If no Constitutional Court judge is elected, new elections shall be held with new candidates.

If the President of the Republic proposes more candidates than there are judges of the Constitutional Court to be elected, the order of candidates on the voting list shall be determined by lot. If none of the candidates succeeds in obtaining the required majority or if an insufficient number of judges are elected, the elections shall be repeated with those candidates who succeeded in obtaining the largest number of

votes. As many candidates shall be voted upon as the number of judges required to be elected to the Constitutional Court. If, even after repeat elections, an insufficient number of candidates are elected as judges to the Constitutional Court, new elections on the basis of new candidacies shall be held.

A candidate may withdraw his candidacy at any time before voting begins.

**Article 15**

Immediately after being elected a judge of the Constitutional Court must take the following oath before the National Assembly:

"I hereby swear that I shall pass judgements according to the Constitution, the law and my conscience and with all my powers endeavour to follow the principles of constitutionality, legality, and the protection of human rights and basic freedoms."

**Article 16**

The function of judge of the Constitutional Court shall be incompatible with:  
functions in state bodies, local communities, political parties and trade unions;  
work in state bodies, local communities and statutory authorities;  
membership of management and supervisory bodies in commercial companies, institutes and cooperative societies;  
engagement in any kind of business or profit-making activities except the activities of a university teacher, scientist or university collaborator.

On the day of beginning judicial functions, any function with that of judge of the Constitutional Court shall cease, as will participation in all activities from the first and second indents of the preceding paragraph.

No later than three months after being elected, the elected judge of the Constitutional Court must cease performing activities from the third and fourth indents of the first paragraph of this article. If he fails to do so, his term of office shall be terminated.

**Article 17**

An elected judge of the Constitutional Court may begin his judicial functions after taking the oath.

If the term of office of the previous judge has not yet expired, he may begin the function of judge on the day the term of office of the previous judge expires.

In the case of the third paragraph of the preceding article, an elected judge of the Constitutional Court may begin his function as a judge of the Constitutional Court when he has ceased to perform incompatible activities.

**Article 18**

A judge of the Constitutional Court shall not be held legally responsible for an opinion or a vote expressed at a public hearing or session.

A judge of the Constitutional Court may not be detained, nor may criminal proceedings be instituted against him/her (hereinafter: him), if he claims immunity, without the permission of the National Assembly, unless the judge commits a crime for which a sentence of over five years is prescribed.

The National Assembly shall decide on a request for permission from a competent state body from the preceding paragraph, referring to the opinion of the Constitutional Court, within 30 days from the day the request was submitted.

The National Assembly may also recognise the immunity of a judge of the Constitutional Court who has not claimed immunity or who has been apprehended in a criminal activity from the second paragraph of this article.

**Article 19**

A judge of the Constitutional Court may be prematurely relieved of his function:  
at his own request,

if he is imprisoned for a criminal activity,  
if he permanently loses the ability to perform his function.

A judge of the Constitutional Court shall be prematurely relieved of his function if the National Assembly so decides on the grounds that reasons from the first paragraph of this article have arisen. His function in the Constitutional Court shall expire on the day such decision is reached.

**Article 20**

A judge of the Constitutional Court shall have court attire, that is the judge's toga. The type of attire and the manner of wearing it shall be prescribed by the Constitutional Court in its standing orders.

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**III. JURISDICTION OF THE CONSTITUTIONAL COURT**

**Article 21**

The Constitutional Court shall decide on the following issues:

conformity of the laws with the Constitution  
conformity of the laws and other regulations with ratified international treaties and the general principles of international law,  
conformity of local community regulations with the Constitution and laws,  
conformity of general acts issued for the exercise of public authority with the Constitution, the laws and non-statutory regulations,  
constitutional complaints regarding violations of human rights and basic freedoms with particular acts,  
disputes on competencies between the state and local communities, or between local communities  
disputes on competencies between the court and other state and other state bodies,  
disputes on competencies between the National Assembly, National Council, President of the Republic and government,  
responsibilities of the President of the Republic pursuant to Article 109 of the Constitution and responsibilities of the prime minister and ministers of state pursuant to Article 119 of the Constitution,  
unconstitutional acts and the activities of political parties,  
complaints in the confirmation of deputies procedure,  
other cases given to him by law.

The Constitutional Court shall give an opinion on ratification of international treaties and their conformity with the Constitution in the manner provided by this Law.

When deciding on matters from indents 1 to 5 of the first paragraph of this article, the Constitutional Court shall decide on the constitutionality and legality of procedures under which these acts were adopted.

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**IV. ASSESSMENT OF CONSTITUTIONALITY AND LEGALITY OF REGULATIONS AND GENERAL ACTS ISSUED FOR THE EXERCISE OF PUBLIC AUTHORITY**

**1. Request and Initiative to begin procedure**

**Article 22**

The procedure for the assessment of the constitutionality and legality of regulations and general acts issued for the exercise of public authority shall begin with the submitting of a written request by the proposer or with a resolution of the Constitutional Court on the acceptance of an initiative for initiating procedures. The assessment of the constitutionality and legality of regulations and general acts issued for the exercise of public authority shall also consist of an assessment of the conformity of laws and other regulations with ratified international treaties and the general principles of international law.

**Article 23**

A request may be submitted by:

the National Assembly,  
at least one third of the deputies of the National Assembly,  
the National Council,  
the government,  
a court of law, the state prosecutor, the Bank of Slovenia, court of accounts if a question relating to constitutionality or legality arises during procedures they are conducting,

human rights ombudsman in association with individual cases it is discussing, representative bodies of local communities, if the rights of a local community have been violated, representatives of trade unions for the regions of the state, if the rights of workers have been violated, Bodies from the preceding paragraph may not submit a request to begin the procedure for assessment of regulations and general acts issued for the execution of public authorisations which they themselves adopted.

**Article 24**  
Any person may make a written initiative to begin the procedure if such person proves his legal interest.

Legal interest in submitting an initiative shall be recognised if a regulation or general act for the exercise of public authority, submitted for assessment by an Initiator, directly interferes with his rights, legal interests or legal position.

**Article 25**  
The Constitutional Court shall reject an initiative or request if all the procedural conditions from Articles 22, 23 and 24 of this Law have not been fulfilled.

### 2. Procedure for examining an initiative

**Article 26**

An initiative shall first be examined by the judge on duty at the Constitutional Court, who shall collect information and explanations needed in order to decide whether the Constitutional Court should begin proceedings or not.

The Constitutional Court shall not accept an initiative if it is clearly unfounded or if it refers to a legally unimportant issue.

The Constitutional Court shall decide on the acceptance or rejection of an initiative of the Constitutional Court by a majority vote of all judges present. Such resolution for rejecting an initiative must be explained.

If the Constitutional Court accepts an initiative, it may immediately proceed to decide on the matter itself, if the state of affairs has been clarified and if during the examination of the initiative the opposing party was given the opportunity to state its opinion.

### 3. Preparation procedures

**Article 27**

A request for assessment of the constitutionality and legality of regulations and other general acts issued for the exercise of public authority, and an initiative, on the basis of which the Constitutional Court has begun proceedings, shall be discussed by the Constitutional Court in preparation procedures.

**Article 28**

The Constitutional Court shall send to the body which issued the regulations or general acts for the exercise of public authority (the opposing party), a copy of the request or initiative and determine a suitable time-limit if the reply had already been submitted for the procedure for examining the initiative.

The Constitutional Court may obtain necessary explanations from other participants in the procedure and state bodies, local community authorities and statutory authorities; it may obtain expert opinions from professionals, professional and other organisations, it may question witnesses and experts and hear other evidence or obtain particular evidence from other courts or other bodies.

If an initiator or a proposer of a request does not submit the information required for continuation of the procedure within a determined period, the procedure may be stopped by resolution of the Constitutional Court.

**Article 29**

When the preparation procedure is complete, the Constitutional Court shall decide whether the matter should be discussed at a session or a public hearing.

**Article 30**

In deciding on the constitutionality and legality of a regulation or general act issued for the exercise of public authority, the Constitutional Court shall not be bound to a proposal from this demand or initiative. The Constitutional Court shall be entitled to assess the constitutionality or legality of other provisions of this or some other regulations or general acts issued for the exercise of public authority whose constitutionality or legality have not been submitted for assessment, if such proposals are mutually related, or if this is urgent for the solution of the matter.

**Article 31**

In deciding on a particular matter, the Constitutional Court shall be entitled to exclude a judge of the Constitutional Court with appropriate application of exclusion grounds in proceedings before courts.

Reasons for exclusion from the preceding paragraph shall not be: participation in legislative procedures or adoption of other regulations that have been challenged prior to election as judge of the Constitutional Court, expressing a scientific opinion on a legal matter which may be relevant for the proceedings.

**Article 32**

Immediately after a judge of the Constitutional Court learns of any reasons for his exclusion in accordance with the preceding article, he must cease his work on this matter and notify the president of the Constitutional Court.

**Article 33**

A request for exclusion may be submitted by participants in the proceedings up until the beginning of a public hearing, if such hearing is due, or until the beginning of an in camera session of the Constitutional Court at which the matter is to be decided. The request must be substantiated.

A judge of the Constitutional Court whose exclusion is demanded shall have the right to comment on the statements in the demand, but may not participate in the decision on his exclusion. The Constitutional Court shall decide upon the exclusion of a judge at its in camera session. If the number of votes for and against is equal, the president shall cast the deciding vote.

**Article 34**

Each participant shall bear his own costs in proceedings undertaken by the Constitutional Court, unless the Constitutional Court decides otherwise.

If a participant fails to provide the necessary information for the court due to unjustified absence, unpreparedness or some other reason and the hearing must be postponed, the Constitutional Court shall decide on the postponement of the hearing at the cost of the participant.

Proposers of an initiative shall pay court fees in accordance with a special law.

**4. Hearings**

**Article 35**

The Constitutional Court shall make decisions at a in camera session or at a session based on a public hearing. The majority of all judges of the Constitutional Court must be present at the in camera session or public hearing.

The president of the Constitutional Court may announce a public hearing on his own initiative or on the initiative of the participants in the proceedings. The president of the Constitutional Court must announce a public hearing if proposed by three judges.

**Article 36**

Representatives and persons authorised by the participants in the proceedings shall be invited to attend the public hearing as well as other persons whose presence at the hearing is considered necessary by the Constitutional Court.

Failure to attend the hearing by participants and other persons shall not prevent the Constitutional Court from carrying out the proceedings and deciding on the matter.

**Article 37**

In deciding on the constitutionality and legality of a regulation or general act issued for the exercise of public authority, the Constitutional Court shall not be bound to a proposal from this demand or initiative. The Constitutional Court shall be entitled to assess the constitutionality or legality of other provisions of this or some other regulations or general acts issued for the exercise of public authority whose constitutionality or legality have not been submitted for assessment, if such proposals are mutually related, or if this is urgent for the solution of the matter.

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Failure to attend the hearing by participants and other persons shall not prevent the Constitutional Court from carrying out the proceedings and deciding on the matter.

**Article 37**

The Constitutional Court may exclude the public from a hearing or part thereof on the grounds of protection of public morals, public order, national security, the right to privacy and personal rights.

**Article 38**

The Constitutional Court shall decide on the exclusion of the public from a hearing by resolution, which must be explained.

No appeal shall be permitted against such resolution.

**Article 39**

Until such time as a final decision is reached, the Constitutional Court may completely or partly withhold the implementation of a law, other regulation or general act for the exercise of public authority, if irreparable and damaging consequences may occur through its implementation.

**5. Adjudication**

**Article 40**

The Constitutional Court shall reach its decision at a closed session after the hearing is over.

The Constitutional Court shall if necessary determine which body must implement a provision and in what manner. The provision must be explained.

A judge who does not agree with the decision or explanation of the provision may issue a separate opinion which he must submit within the deadline determined by the standing orders of the Constitutional Court.

**Article 41**

A majority of all judges of the Constitutional Court must be present at in camera sessions.

Major cases from Article 21 of this Law must be adjudicated by the Constitutional Court by a majority of all judges. The Constitutional Court shall adjudicate by a resolution of the majority of all judges present on all other cases.

The president and judges of the Constitutional Court may not abstain from voting.

**Article 42**

Decisions of the Constitutional Court shall be published in the Official Gazette of the Republic of Slovenia and in the official journal in which the act on the exercise of public authority was published. Resolutions of the Constitutional Court shall also be published.

**6. Legal consequences of a decision**

**Article 43**

The Constitutional Court may completely or partly vitiate a law which does not conform with the Constitution. Such decision shall come into effect one day after the publication of the order or the expiry of the time-limit determined by the Constitutional Court.

**Article 44**

A law vitiated by the Constitutional Court shall not be valid for situations that occurred before the day such decision came into effect, if by that day such situations had not been legally decided upon.

**Article 45**

Unconstitutional and illegal non-statutory regulations and general acts issued for the exercise of public authority, shall be abrogated or vitiated by the Constitutional Court. An unconstitutional or illegal regulation or general act issued for the exercise of public authority shall be abolished by the Constitutional Court when it discovers that harmful consequences arising from this unconstitutionality have to be abolished. This abolition shall be retroactive.

In other cases, the Constitutional Court shall abolish unconstitutional or illegal regulations or general acts issued for the exercise of public authority. Abolition shall be valid from the day after the publication of the provisions of the Constitutional Court on



its abrogation, or after the time-limit determined by the Constitutional Court expires. The provision from Articles 44 of this Law shall be applied accordingly in the case of abolition.

**Article 46**

Any person who suffers damages on the basis of an abrogated non-statutory regulation or a general act issued for the exercise of public authority, shall be entitled to request their abolition. If damages were incurred as a result of a particular act, adopted on the basis of an abrogated regulation or general act, the injured party shall have the right to submit a request to the competent body which brought the decision at the first level for a change to or the abrogation of the particular act.

A change to or the abrogation of a particular act may be requested by an injured party within three months from the day of the publication of the Constitutional Court decision, provided no more than one year has passed from the introduction of the particular act to the submitting of the initiative or request after the proposal.

If the consequences arose directly as a result of regulations or other general acts issued for the exercise of public authority and abrogated by the Constitutional Court, the abolition of consequences shall be required from the body which issued such provisions or general acts. The demand must be submitted by a person justified to do so within the time-limit from the preceding paragraph of this article.

If the consequences referred to in the preceding paragraphs of this article cannot be abolished, the injured party may demand damages from the court.

**Article 47**

If a law, other regulation or general act for the exercise of public authority was in conformity with the Constitution and laws during the procedure, or it ceased to be valid, but the consequences of unconstitutionality or illegality were not abolished, the Constitutional Court may declare that such act was not in conformity with the Constitution and the laws. When discussing non-statutory regulations and general acts for the exercise of public authority, the Constitutional Court shall decide whether its ruling shall take the effect of abrogation or vitiation.

**Article 48**

If the Constitutional Court determines that the law, other regulation or general act for the exercise of public authority was unconstitutional or illegal because a certain matter which it should have ordered was not ordered or is ordered in a manner in which it cannot be vitiated or abolished, an ascertainment decision shall be adopted on this. The legislator or body which issued the unconstitutional or illegal regulation or general act issued for exercising public authority must ensure that the unconstitutionality or illegality is abolished within the time-limit set by the Constitutional Court.

7. Appropriate application of the provisions of this chapter in other procedures

**Article 49**

The provisions of chapter IV of this Law shall be applied accordingly for procedures and decisions on other matters from the jurisdiction of the Constitutional Court, unless otherwise provided for by this Law.

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**V. CONSTITUTIONAL APPEAL**

**Article 50**

Any person may, under the conditions determined by this Law, lodge a constitutional appeal with the Constitutional Court if he believes that his human rights and basic freedoms have been violated by a particular act of a state body, local community body or statutory authority.

The human rights ombudsman can, under the conditions defined by law, lodge a constitutional appeal with the Constitutional Court concerning a particular issue which it is discussing.

**Article 51**

A constitutional appeal may be lodged only after all legal means have been exhausted.

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Before all extraordinary legal means have been exhausted, the Constitutional Court may exceptionally decide on a constitutional appeal if a violation is probable and if certain irreparable consequences would occur appellant as a result of the implementation of a particular act.

**Article 52**

A constitutional appeal shall be lodged within 60 days after the day of the acceptance of a particular act against which a constitutional appeal is permitted. A human rights ombudsman shall submit a constitutional appeal with the agreement of the person whose human rights or basic freedoms are being protected during a particular matter.

In specially founded cases the Constitutional Court may exceptionally decide on the constitutional appeal which has been lodged after the time-limit defined in the first paragraph of this article.

**Article 53**

The constitutional appeal must indicate the particular act which is the subject of the appeal and the facts of the alleged violation of human rights and basic freedoms on which the appeal is based.

A constitutional appeal shall be lodged in writing. It must have enclosed with it a copy of the particular act which is the subject of the appeal and all documents forming the basis of the appeal.

An appeal with supplements must be lodged in three copies.

**1. Procedure for Examining a Constitutional Appeal**

**Article 54**

A decision on whether to accept a constitutional appeal and begin proceedings shall be brought by the Constitutional Court in a senate of three judges at a session closed to the public.

If the appeal is incomplete and if the Constitutional Court cannot examine it because it does not contain all the required data or documents from the preceding article of this Law, the Constitutional Court shall call for the appellant to supplement the appeal within a specific time-limit.

**Article 55**

The Constitutional Court shall decide not to begin proceedings if:  
the constitutional appeal was lodged too late, except in cases from the third paragraph of article 52 of this Law,  
legal means have not been exhausted, except in the case from Article 51 of this Law,  
the constitutional appeal was lodged by a person with no authorisation to do so,  
if the appeal was submitted without due cause within the specified time-limit without supplementing the appeal, in cases from the second paragraph of Article 54 of this Law.

The Constitutional Court shall not accept a constitutional appeal if:  
there is no obvious evidence of a violation of human rights and basic freedoms from Article 50 of this Law,

if the decision provides no solution to an important legal question and if the violation of human rights or basic freedoms did not have any important consequences for the appellant.

The rejection or acceptance of a constitutional appeal shall be decided upon unanimously by the senate. An appeal against such resolution shall not be permitted. If a constitutional appeal was not accepted by the senate, it shall nevertheless be accepted if such is the written decision of any group of three judges of the Constitutional Court within 15 days after the initial decision.

**2. Discussion and Adjudication**

**Article 56**

After being accepted, a constitutional appeal shall be sent to the body which issued the particular act and against which the constitutional appeal was lodged, in order that they may reply to the constitutional appeal within a determined period.

**Article 57**

If a constitutional appeal is accepted, it shall be discussed by the Constitutional Court, usually at an *In camera* session, but also possibly at a public hearing.

**Article 58**

If a constitutional appeal is accepted, the senate or the Constitutional Court may suspend the implementation of the particular act which is the subject of the appeal, if its implementation would cause irreparable damage. The Constitutional Court may also suspend the implementation of a certain law or other regulation or general act for the exercise of public authority, on the basis of which the individual act was adopted.

**Article 59**

The Constitutional Court shall issue a decision declaring that the appeal was unfounded or it shall accept the appeal and partly or completely abrogate or vitiate the act that was the subject of the appeal, and return the matter to the competent body. If the Constitutional Court establishes that a given abolished act was founded on an unconstitutional regulation or general act issued for the exercise of public authority, such act may be abrogated or vitiated by application of the provisions of chapter IV of this Law.

**Article 60**

If the Constitutional Court abrogates an individual act, it may also decide on a contested right or freedom if such procedure is necessary in order to abolish consequences that have already occurred on the basis of the individual abrogated act, or if such is the nature of the constitutional right or freedom, and if a decision can be reached on the basis of information in the record.

The provision from the preceding paragraph shall be implemented by the body competent for the implementation of the particular act which was abrogated by the Constitutional Court and replaced by decision of the same. If there is no such competent body according to valid regulations, the Constitutional Court shall appoint one.

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**VI. DISPUTES OVER JURISDICTION**

**Article 61**

A request for a decision on disputes concerning jurisdiction between the courts and other state bodies and on disputes concerning jurisdiction between the National Assembly, President of the Republic and the government, may be submitted by an affected party within 90 days from the day such party became aware of the interference of another party in its area of jurisdiction.

If a dispute over jurisdiction occurs because several bodies refuse to be competent in a particular matter, a solution to the matter must be proposed by the body which was proposed to be competent, but believes that the matter does not fall within its jurisdiction.

An initiative for resolving a dispute over jurisdiction may also be submitted by a party to the procedure which caused the dispute on jurisdiction.

The Constitutional Court shall issue a decision stating which body is competent and may also vitiate or abrogate a regulation, general act for the execution of public authority, whose unconstitutionality or illegality has been established.

**Article 62**

The provisions from the preceding article shall be applied accordingly in all disputes over jurisdiction between the state and local communities and among local communities.

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**VII. PROCEDURE FOR ESTABLISHING RESPONSIBILITIES OF THE PRESIDENT OF THE REPUBLIC AND THE PRIME MINISTER OR MINISTERS**

**Article 63**

The National Assembly shall decide on the impeachment of the President of the Republic with a majority of votes of all deputies. A resolution on a proposed impeachment shall be sent by the president of the National Assembly to the president of the Constitutional Court immediately.

The resolution on the impeachment of the President of the Republic must contain a description of the alleged violation of the Constitution or any serious violations of the law and the proposed evidence on alleged violation of the Constitution or any serious violations of the law.

During the time from the announcement of elections for President of the Republic to the announcement of the electoral results for President of the Republic, no resolutions on impeachment may be lodged against the President of the Republic.

**Article 64**

The Constitutional Court shall send the resolution on the proposed impeachment to the President of the Republic, who shall be entitled to reply to the proposal to impeach him.

The Constitutional Court shall hold a public hearing where the prosecution shall be represented by a representative authorised by the National Assembly.

The Constitutional Court may decide by a two-thirds majority of the votes of all judges that the President of the Republic be prohibited from performing his function until a decision on the proposed impeachment has been reached.

The President of the Republic against whom an impeachment proposal has been lodged shall have the right to be present at the public hearing.

**Article 65**

If the Constitutional Court finds the proposal for impeachment to be unfounded, it shall issue a decision absolving the accused party.

If the Constitutional Court establishes that a violation of the Constitution or a serious violation of the law has been committed, it shall issue a decision detailing the basis of the impeachment. It can also decide that the President of the Republic should cease his functions. The decision on the foundation of the impeachment and the decision on ceasing the function may be adopted by the Constitutional Court by a two-thirds majority of all judges.

If criminal proceedings are initiated against the President of the Republic, the Constitutional Court may withhold its decision until a judgement has been made in such criminal proceedings.

If the President of the Republic resigns from office during the proceedings or if his term of office expires, the Constitutional Court shall terminate the proceedings. The proceedings may be continued at the request of the accused or the National Assembly.

**Article 66**

The provisions from this chapter shall be applied accordingly in the procedure of an accusation against the prime minister or a minister.

**Article 67**

In the procedure to establish the responsibilities of the President of the Republic, the prime minister and ministers, the Constitutional Court shall behave according to the principles of criminal proceedings provided for by law and the Constitution in matters that are not regulated in the provisions in this chapter.

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**VIII. DECISION-MAKING ON UNCONSTITUTIONALITY OF ACTS AND ACTIVITIES OF POLITICAL PARTIES**

**Article 68**

Any person may make an initiative, and the proposers from Article 23 of this Law a demand, for an assessment of the unconstitutionality of particular acts and activities of political parties.

The initiative or the demand must indicate such contested acts or the actual circumstances of the unconstitutional operation of a particular political party.

The Constitutional Court shall vitiate an unconstitutional act of a political party by decision and prohibit the unconstitutional operation of a political party.  
The Constitutional Court may order a deletion of a political party from the register by a two-thirds majority.

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**IX. DECISION-MAKING ON CONFIRMATION OF DEPUTIES**

**Article 69**

Every candidate and representative of a list of candidates who, pursuant to the Law on Elections to the National Assembly, has lodged an appeal with the National Assembly against a decision of an electoral committee which might influence the confirmation of the deputy, shall be entitled to lodge an appeal with the Constitutional Court against the decision of the National Assembly on confirmation of the deputy.  
The appeal must be lodged within 8 days from the day when the decision of the National Assembly was reached.

If the Constitutional Court decides that an appeal is founded and that the decision of the National Assembly is not in conformity with the Constitution or the law, it shall vitiate the decision of the National Assembly and may itself decide whether or not the deputy's term of office is to be confirmed.

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**X. OPINION ON CONFORMITY OF INTERNATIONAL TREATIES WITH THE CONSTITUTION**

**Article 70**

The Constitutional Court shall give an opinion on the conformity of international treaties with the Constitution during the process of ratification, at the proposal of the President of the Republic, the prime minister or one-third of the deputies of the National Assembly. Constitutional Court shall reach this opinion at a session closed to the public.

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**XI. MATERIAL AND OTHER CONDITIONS FOR THE WORK OF JUDGES**

**1. Wages and allowances**

**Article 71**

The president of the Constitutional Court shall have the right to the wages and an allowance for his post to the amount determined for the president of the National Assembly. The salaries for judges shall be determined in proportion to the salaries of the vice-president of the National Assembly. The secretary of the Constitutional Court shall receive a salary proportional to the salary of a judge of the Constitutional Court.

**Article 72**

A judge of the Constitutional Court shall have the right to payment in the amount of his salary for annual leave of absence and for the first 30 days of absence from work due to illness or injury.

**2. Employment period and social security**

**Article 73**

The time during which a judge of the Constitutional Court performs such function shall be counted as part of his employment period. During the performance of his function as judge of the Constitutional Court the judge shall enjoy social security in accordance with the regulations on social security for persons in permanent employment.

**3. Other personal incomes and reimbursements**

**Article 74**

A judge of the Constitutional Court shall have the right to:  
reimbursement of travel expenses to and from work,  
reimbursement of expenses for business trips (travel allowance, daily allowance, hotel expenses),  
eating expenses during work time,  
annual leave allowance,

displacement allowance,  
reimbursement of costs incurred in moving from the place of permanent residence to a place of official residence and back,  
reimbursement of travel expenses from the place of official residence to a place of permanent residence during days off,  
reimbursement of training costs,  
long-service bonus,  
retirement bonus.  
Conditions for and the amount of allowances and reimbursements shall be determined by the Constitutional Court.

**4. Annual leave**

**Article 75**

A judge of the Constitutional Court shall have the right to annual leave for a period of 40 days.

A judge of the Constitutional Court shall have the right to extraordinary paid leave up to 7 days each year for personal reasons.

In exceptional cases a judge of the Constitutional Court may be allowed to take extraordinary leave up to 30 days each year.

Conditions and cases from the preceding paragraph shall be determined by the Constitutional Court.

**5. Rights of judges of the Constitutional Court after the expiry of their term of office**

**Article 76**

A judge of the Constitutional Court who, until his election as judge of the Constitutional Court, performed the function of court judge or another permanent function in a state body, shall have the right, after the expiry of his term of office, to return to his previous function, if all conditions for performing such function are fulfilled and if, within three months after the expiry of the said term of office, he notifies the competent body of his wish to return to his previous function.

**Article 77**

A judge of the Constitutional Court who, until his election as judge of the Constitutional Court, was employed in a state body, public company or public institution, shall have the right to return to his job within three months after the expiry of his term of office, or to another work appropriate to his education and his level of professional skill.

**Article 78**

A judge of the Constitutional Court whose term of office has expired and who, for objective reasons, is unable to continue his previous work, or who cannot find other suitable employment, and has not yet reached the age of retirement according to general regulations, shall have the right to compensation in the amount of the salary he received as a judge until such time as he finds new employment or fulfils the conditions for retirement according to general regulations, but for no longer than one year after the expiry of his term of office.

The right to compensation from the preceding paragraph may be prolonged until the conditions for retirement are fulfilled according to general regulations or pursuant to this Law, but for a period of no more than one further year.

The period from the two preceding paragraphs shall be included in the employment period of a judge of the Constitutional Court whose term of office has ceased. During this period the judge shall enjoy social security in accordance with the regulations on the social security of persons in permanent employment. If a judge is entitled to annual leave during this period, he shall also be entitled to annual leave allowance, and retirement bonus upon retiring.

6. Wages, allowances, other incomes and reimbursements in the services of the Constitutional Court

**Article 79**

The provisions which regulate the rights of officials in state bodies shall be applied accordingly in determining the rights of the secretary of the Constitutional Court to receive wages, allowances, other incomes, reimbursements and other rights.

The provisions which regulate the rights of officials in state bodies shall be applied accordingly in determining the rights of a director of a service of the Constitutional Court and an adviser to the Constitutional Court to receive a salary, allowances, other incomes, reimbursements and other rights.

The provisions of regulations on employees in state bodies shall be applied accordingly in determining the rights of other employees of the Constitutional Court to receive salaries, allowances, other incomes, reimbursements and other rights.

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**XII. PROPOSAL OF CANDIDATES FROM THE REPUBLIC OF SLOVENIA FOR JUDGES AT THE EUROPEAN COURT OF HUMAN RIGHTS**

**Article 80**

The provisions from Articles 12 and 13 of this Law shall be applied accordingly in proposing candidates from the Republic of Slovenia for the position of judge at the European Court of Human Rights.

Candidates from the Republic of Slovenia for the position of judge at the European Court of Human Rights shall be determined by the National Assembly by appropriately applying the provisions of article 14 of this Law.

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**XIII. TRANSITIONAL AND FINAL PROVISIONS**

**Article 81**

Proceedings that began prior to the enactment of this Law shall continue in accordance with the provisions of this Law, and the proposers shall retain their position as proposers in accordance with the previous regulations.

**Article 82**

Constitutional appeals lodged prior to the enactment of this Law shall be considered to have been lodged in time and shall be permitted against particular acts issued after the enactment of the Constitution of the Republic of Slovenia.

**Article 83**

Supervision of the use of funds for financing the Constitutional Court shall be performed by the Public Accounting Service of Slovenia until the court of accounts is founded.

**Article 84**

On the day this Law comes into force the Law on Constitutional Court Proceedings of the Socialist Republic of Slovenia (Official Gazette of the Socialist Republic of Slovenia, No. 39/74 and 28/76) and the Law on Salaries of Constitutional Court Judges (Official Gazette of the Republic of Slovenia, No. 10/93) and Article 8 of the Law on Deputies (Official Gazette of the Republic of Slovenia, No. 48/92) shall cease to be valid.

**Article 85**

This law shall come into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

Official Gazette RS, No. 49/98, 30/2002

**I. GENERAL PROVISION**

**Article 1**

(The Subject-Matter of the Rules of Procedure)

By these Rules of Procedure the Constitutional Court of the Republic of Slovenia (hereinafter: the Constitutional Court) shall regulate its organization, operation and other questions important for its work.

**II. ORGANIZATION AND MODE OF WORK**

**Article 2**

(Representation)

The Constitutional Court shall be represented by the President of the Constitutional Court (hereinafter: the President). During the absence or upon the authorization of the President, the Deputy shall represent the Constitutional Court and perform other tasks in its jurisdiction.

The Constitutional Court shall also be represented by the Secretary of the Constitutional Court in matters outside judicial proceedings and within the limits of their competence, or within the limits authorized by the President.

**Article 3**

(The Secretariat)

The Constitutional Court shall have a Secretariat, which shall be composed of the following organizational units: the Professional Service, the Legal Information Center, the Office of the Registrar and the Administrative-Technical Service.

The Constitutional Court shall regulate its more detailed organization, the number of employment positions with their descriptions and requisite conditions, by a special act in accordance with the Constitutional Court Act and these Rules of Procedure.

**Article 4**

(The Mode of Work)

The Constitutional Court shall have three-member panels for the examination of constitutional complaints, that is, for constitutional complaints from the area of criminal law, civil law and administrative law. The division of work among the panels shall be regulated by the Constitutional Court according to a plan of work.

The Constitutional Court shall decide on questions which are connected with its organization and proceedings at administrative sessions.

**Article 5**

(The Public Character of the Court's Activities)

The public character of the activities of the Constitutional Court shall be provided in a manner that is regulated by statute and these Rules of Procedure.

The Constitutional Court shall determine the handling with documents and confident materials by a special act.

**Article 6**

(Working Bodies)

The Constitutional Court shall be composed of commissions, committees, and other working bodies, which shall be determined by these Rules of Procedure or created by a special act.

The President may call working meetings of justices, legal advisors of the Constitutional Court and other professionals to discuss certain questions relating to the operation and organization of the Constitutional Court.

**Article 7**



(External Relations)

The President of the Constitutional Court shall cooperate with the President of the Republic, the National Assembly, the National Council, the Government, the Supreme Court, and other state organs in a manner that ensures the autonomy and independence of the Constitutional Court as the highest body of judicial power for the protection of human rights and basic freedoms.

The Constitutional Court shall establish contacts and co-operate with international organizations, foreign constitutional courts, and those other courts of foreign countries which have a position equal to constitutional courts.

The President may authorize one of the justices of the Constitutional Court to manage the affairs which fall within the area of cooperation mentioned in the previous paragraph.

Article 8

(The Seal)

The Constitutional Court shall have a seal which contains the coat-of-arms of the Republic of Slovenia in the middle of it, and which shall be encircled by the inscription the "Constitutional Court of the Republic of Slovenia".

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**III. THE POSITION OF THE PRESIDENT AND JUSTICES OF THE CONSTITUTIONAL COURT**

Article 9

(The Election of the President and the Deputy)

The President of the Constitutional Court shall be elected by justices from among themselves for the term of three years. After the expiration of this term, the same justice may be re-elected President.

The election of the President shall be held at an administrative session before the expiration of the term of the previous President. The election shall be held by secret ballot.

The provisions of this article shall apply also to the election of the Deputy President.

Article 10

(The Position of the President and Justices)

The President and justices of the Constitutional Court shall hold a position, with the rights and obligations connected with it, as determined by the Constitution, statutes, these Rules of Procedure and a Constitutional Court act, which shall regulate in greater detail the material and other conditions for their work.

The position of justices within the Constitutional Court shall be determined according to seniority in the following order of precedence:

the President of the Constitutional Court,  
other justices according to the date of their beginning to perform the office of justice, so that a justice who began to perform the office earlier shall have precedence; if after having been sworn in more than one justice began to perform the office of justice at the same time, the older justice shall have precedence.

Article 11

(The President)

In addition to performing the office of justice, the President of the Constitutional Court shall:

coordinate the work of the Constitutional Court,  
call and preside over hearings and sessions of the Constitutional Court,  
sign decisions and rulings of the Constitutional Court,  
manage relations with other State organs,  
manage cooperation with foreign constitutional courts and International organizations,  
attend to the demands of the court administration,  
attend to other duties in accordance with the Constitution, statute, these Rules of Procedure and other acts of the Constitutional Court.

The President of the Constitutional Court shall attend to their duties on the basis of the rulings and directions of the Constitutional Court, to which they shall be held accountable for the execution of these duties.

Article 12

(Justice Identity Cards)

The President and Justices of the Constitutional Court shall have cards with their photograph and identity data, which they shall use to claim their immunity rights. They shall also have other necessary documents needed to request help from public law enforcement officers.

The Secretary of the Constitutional Court shall be responsible for the issuing of these cards and the keeping of their records.

IV. THE OPERATION OF THE CONSTITUTIONAL COURT

1. Dealing with Applications

1.1. The Acceptance of an Application

Article 13

(The Acceptance of Applications)

Requests for the review of the constitutionality of a statute, the constitutionality and legality of a regulation, or a general act for the exercise of public powers (hereinafter: request), petitions for instituting proceedings for the review of the constitutionality of a statute, the constitutionality and legality of a regulation or a general act for the exercise of public powers (hereinafter: petition), constitutional complaints, and other applications and writings shall be filed with the Office of the Registrar of the Constitutional Court.

Article 14

(Dealing with Applications)

The Office of the Registrar of the Constitutional Court shall deal with applications and other writings in the manner that is determined by the act on office work.

1.2. The Completion and Entry of an Application

Article 15

(The Completion of an Application)

The justice rapporteur<sup>1</sup> shall examine the completeness of an application. If they find that the application does contain all elements necessary for its consideration and adjudication, or if they find that it is unclear, they notify the applicant and require that it be completed by a specified time.

The justice rapporteur shall warn an applicant in the notification from previous paragraph of the consequences specified by ZUstS that are taken if a petitioner does not complete their application in a specified time.

The recommended contents of an application are attached to these Rules of Procedure (Annex 1).

Article 16

(The Entry of an Application into the Register)

The type of register which a matter that is the subject of an application or other writing is entered into shall be ordered by the Secretary.

The types of registers, the data which are to be entered into them, and the manner of their operation shall be regulated by the act on office work.

The Head of the Office of the Registrar shall notify the petitioner of which register their application was entered into, and under which number it is registered.

1.3. The Assignment of Applications

Article 17

(The Assignment of Applications)

Applications shall be assigned to justices (hereinafter: the justice rapporteur) according to the plan of work.

Legal advisors of the Constitutional Court shall be assigned cases by the Secretary.

Article 18

(The Cessation of being a Rapporteur)

If a justice rapporteur had voted against the acceptance of a constitutional complaint in proceedings for its examination, and then the constitutional complaint was accepted on the basis of Article 44, Paragraph 4 of ZUstS, they shall cease to be the rapporteur in the

same case.

In such a case from the previous paragraph of this article, the justice rapporteur shall be that justice who voted for the acceptance of the constitutional complaint. If two members of the panel voted for the acceptance of the constitutional complaint, the justice rapporteur shall be the one whose last name is alphabetically first, if the Constitutional Court does not decide otherwise.

If, in such a case from the previous paragraph, none of the members of the panel voted for the acceptance of the constitutional complaint, the justice rapporteur shall be the justice who voted for its acceptance whose last name precedes is alphabetically first, if the Constitutional Court does not decide otherwise.

#### 1.4. Resolving Applications Outside Court Proceedings

##### Article 19

(Resolving Applications Outside Court Proceedings)

Applications which are filed at the Constitutional Court but which are not applications to be decided by the Constitutional Court according to the applying regulations, shall be resolved by the Secretary.

The Secretary shall also respond to complaints and objections to decisions of the Constitutional Court.

#### 2. Representation

##### Article 20

(Representation)

In cases when a submitter of a constitutional complaint who is a natural person does not have a lawyer, due to the fact that the Constitutional Court has established that representation is mandatory, the Constitutional Court shall nominate a lawyer to represent the submitter.

At public hearings and preliminary hearings dealing with procedural matters before the Constitutional Court, a lawyer shall wear the garment that is prescribed for representing a party before the court.

##### Article 21

(Authorization)

An authorized person must have a special authorization to represent a party in proceedings before the Constitutional Court.

#### 3. The Nomination of a Court Interpreter

##### Article 22

(The Nomination of a Court Interpreter)

When parties to proceedings before the Constitutional Court are entitled to use their language which is not Slovenian in proceedings, to file applications in their own language, or to be provided with a court interpreter at a hearing, in order to provide a translation the Secretary shall nominate a court interpreter from the list of court interpreters which is kept by the Ministry of Justice, and order a translation.

#### 4. The Costs of Proceedings

##### Article 23

(Deciding on Costs)

The costs of proceedings which are claimed by the parties to the proceedings, and the payment of costs that the court incurs in connection with the proceedings (e.g. for expert witnesses, interpreters, etc.), shall be decided by a panel when the proceedings are completed by its decision; in all other cases the Constitutional Court itself shall decide on this issue.

#### 5. The Inspection of a File

##### Article 24

(The Inspection of a File)

The right to inspect a file is enjoyed by the parties to proceedings. Persons who are not parties to proceedings may inspect a file only if they obtain written permission from the President of the Constitutional Court, or from the justice rapporteur during preliminary proceedings, if they can show their legal interest.

The right to inspect a file shall not be related to the internal part of a file which embraces the drafts of reports, decisions and rulings, the records of consideration and voting, documents that are enclosed with applications, if they are designated as business, official or other secrets, or documents which contain personal data or data on the family and other personal relations of an individual.

Inspections may be made in the Office of the Registrar during official hours, and supervised by the Head of the Office of the Registrar or an employee substituting for them.

A special register shall be kept for the inspection of files. The contents of this register shall be determined by the act on office work.

The right to inspect a file shall also embrace the right to copy certain parts of the file; the party to proceedings may be sent a copy also by mail.

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## V. CONSIDERATION AND DECISIONS

### 1. Reports by the Justice Rapporteur

#### Article 25

##### (Reports)

The Constitutional Court itself or its panel shall decide on a matter which is the subject of proceedings at a session on the basis of a report that the justice rapporteur, or also any other justice, sends to the Constitutional Court or the panel.

The report mentioned in the previous paragraph shall also contain a proposal of whether a public hearing should be called, a proposal on the possible partial or complete exclusion of the public, and in the case of considering a matter at a session, as a rule, also a proposal of the decision of a case.

In simpler cases the proposal of a decision may be submitted without a special report.

### 2. The Joinder and Separation of Cases

#### Article 26

##### (The Joinder)

If more than one submitter proposes in their applications the review of the constitutionality or legality of the same or substantially connected provisions of a statute, a regulation or a general act for the exercise of public powers, the Constitutional Court may on the proposal of the justice rapporteur rule to join all applications for joint consideration and decision.

#### Article 27

##### (The Separation)

If an application contains a proposal for the review of the constitutionality or legality of the decisions of two or more statutes, regulations or general acts for the exercise of public powers, but their joint consideration is not necessary or reasonable, the Constitutional Court may on the proposal of the justice rapporteur separate with a ruling all applications for a separate decision on their constitutionality or legality.

### 3. Public Hearings

#### Article 28

##### (The Calling of Public Hearings)

Public hearings shall be called by the President of the Constitutional Court. Parties to proceedings shall be invited to a hearing by written invitation such that they receive the invitation at least eight days prior to the hearing. In certain cases the President of the Constitutional Court may order a shorter time limit.

A copy of the application and the reply to the application and other necessary annexes shall be enclosed with the invitation, if these documents have not already been sent to the party to proceedings during the preliminary proceedings.

Besides the parties to proceedings, the Constitutional Court may decide to invite also other persons to attend public hearings, if they might contribute to the resolution of a matter which is the subject of the proceedings. In such a case, the Constitutional Court shall also decide which parts of a file are to be sent to these persons together with the invitation.

present at particular points of the agenda.  
Also the Director of services of the Constitutional Court shall be present at administrative sessions of the Court.

**Article 35**

**(Presiding Over and Determining the Agenda)**

Sessions of the Constitutional Court shall be presided over by the President of the Constitutional Court, who shall also be responsible for keeping order.

The President shall first establish the attendance at sessions and the quorum. After the establishment of a quorum, the proposed agenda of a session shall be decided upon. The Constitutional Court shall first decide on proposals to withdraw issues from the agenda, proposals to enlarge the agenda and proposals to change the order of precedence of considered issues. The Court shall decide on proposals by a majority of the justices present.

After the decisions from the previous paragraph of this article are reached, the President shall submit the entire proposal of the agenda to a vote. During the session the Constitutional Court may change the order of the precedence for considering individual points of the agenda. The Constitutional court shall decide on the agenda and a change of the order of precedence by a majority of justices present.

As the first point of the agenda of a session, the record of the previous session of the Constitutional Court shall be considered and confirmed.

**Article 36**

**(Consideration)**

At the beginning of the consideration of each point of the agenda the President shall allow the justice rapporteur to speak, and then other justices moving clockwise so the justice who sits to the left of the justice rapporteur follows. After all have voiced their opinion on the matter, the President may allow the Secretary and the legal advisor present at certain points considered to speak.

The President of the Constitutional Court shall allow the following to speak in discussions: justices, the Secretary and legal advisors in an order of precedence determined by their request to speak, with the President and justices having precedence.

Those who have requested to speak shall have as a rule the right to speak only once in a discussion. They may speak only about matters which concern a point of the agenda. If they do not follow this rule, the President may, after a prior warning, stop them from speaking. A justice may, however, object to being stopped from speaking. On such an objection the Constitutional Court shall decide immediately and without discussion, by a majority vote of the justices present.

On the proposal of the President or any other justice the Constitutional Court may limit the time for the discussion of a single issue.

When the President establishes that there are no more requests for speaking, they shall conclude the discussion.

**Article 37**

**(Decision)**

After the discussion of a point on the agenda is concluded the President shall submit the proposal of a decision to a vote.

The vote may be either preliminary or final, which shall be decided by a Constitutional Court ruling upon a proposal by the President or the justice rapporteur. At a preliminary vote, a justice may abstain from voting, but if they vote they are not bound by their vote in the final vote.

A preliminary vote may be carried out also upon a submitted draft decision, which shall include the disposition and the main reasons for it. In contrast, a final vote may be carried out only upon a draft decision which includes the disposition and its full reasoning, except in cases when the Constitutional Court pronounces its decision orally, immediately after the completion of a public hearing.

**Article 38**

**(Circulation)**

**Article 29**

**(The Organization of Public Hearings)**

At the beginning of hearings, the President of the Constitutional Court shall inform all present of the issue of the case, and establish if all invited parties have attended. In addition, the President shall instruct the parties to the proceedings to limit their arguments to only those facts and matters which had not yet been submitted to the Court in their applications.

If a hearing or a part of a hearing is not held in public, the President of the Constitutional Court shall declare this at the beginning of the hearing, or at the beginning of that part which is not held in public.

In justified cases, particularly when evidence is to be taken, the Constitutional Court may postpone a hearing, and set a new date for the hearing; it may furthermore adjourn the hearing.

For maintaining order during a public hearing, provisions which govern civil procedures shall be applied.

**Article 30**

**(Deliberation and Voting)**

The deliberation of and voting on the decision of a case that is the subject of a public hearing shall be done in a closed session. Only those justices who were present at the public hearing shall cast their votes.

**Article 31**

**(Pronouncing Decisions)**

When a decision is pronounced orally, the President of the Constitutional Court shall pronounce the disposition of the decision, and the justice rapporteur shall as a rule state the main reasons for the decision reached.

The oral pronouncement of the disposition of a decision shall always be done in public.

**4. Sessions**

**Article 32**

**(The Calling of Sessions)**

Sessions of the Constitutional Court shall be called by the President according to the plan of work of the Constitutional Court (regular sessions) or on the basis of a ruling of the Constitutional Court, at the initiative of the President, or upon the request of at least three justices (extraordinary sessions).

Regular sessions of the Constitutional Court shall be called periodically as indicated by Article 51 of these Rules of Procedure, that is, once a week if the plan of work or a Court ruling does not provide otherwise.

An extraordinary session may be called in addition to the regular sessions under Article 51 of these Rules of Procedure.

**Article 33**

**(The Agenda)**

The proposal of the agenda with the materials prepared for a session must be delivered to justices together with the call of the session at least five days before the session.

In exceptional cases, an urgent matter may be placed on the agenda without the materials or with incomplete materials, if the materials are delivered to justices at least three days before the session.

The President or a justice may propose the placement of a matter on the agenda or the withdrawal of the same from the agenda at a session.

If an urgent extraordinary session is called, the agenda may be proposed and the materials delivered at the session.

**Article 34**

**(Participation at Sessions)**

Besides the President and justices of the Constitutional Court, the Secretary or their Deputy shall be present at sessions.

Also those legal advisors of the Constitutional Court and other legal advisors who are selected by the President of the Constitutional Court or the justice rapporteur shall be

present at particular points of the agenda.

Also the Director of services of the Constitutional Court shall be present at administrative sessions of the Court.

**Article 35**

**(Presiding Over and Determining the Agenda)**

Sessions of the Constitutional Court shall be presided over by the President of the Constitutional Court, who shall also be responsible for keeping order.

The President shall first establish the attendance at sessions and the quorum.

After the establishment of a quorum, the proposed agenda of a session shall be decided upon. The Constitutional Court shall first decide on proposals to withdraw issues from the agenda, proposals to enlarge the agenda and proposals to change the order of precedence of considered issues. The Court shall decide on proposals by a majority of the justices present.

After the decisions from the previous paragraph of this article are reached, the President shall submit the entire proposal of the agenda to a vote. During the session the Constitutional Court may change the order of the precedence for considering individual points of the agenda. The Constitutional court shall decide on the agenda and a change of the order of precedence by a majority of justices present.

As the first point of the agenda of a session, the record of the previous session of the Constitutional Court shall be considered and confirmed.

**Article 36**

**(Consideration)**

At the beginning of the consideration of each point of the agenda the President shall allow the justice rapporteur to speak, and then other justices moving clockwise so the justice who sits to the left of the justice rapporteur follows. After all have voiced their opinion on the matter, the President may allow the Secretary and the legal advisor present at certain points considered to speak.

The President of the Constitutional Court shall allow the following to speak in discussions: justices, the Secretary and legal advisors in an order of precedence determined by their request to speak, with the President and justices having precedence.

Those who have requested to speak shall have as a rule the right to speak only once in a discussion. They may speak only about matters which concern a point of the agenda. If they do not follow this rule, the President may, after a prior warning, stop them from speaking. A justice may, however, object to being stopped from speaking. On such an objection the Constitutional Court shall decide immediately and without discussion, by a majority vote of the justices present.

On the proposal of the President or any other justice the Constitutional Court may limit the time for the discussion of a single issue.

When the President establishes that there are no more requests for speaking, they shall conclude the discussion.

**Article 37**

**(Decision)**

After the discussion of a point on the agenda is concluded the President shall submit the proposal of a decision to a vote.

The vote may be either preliminary or final, which shall be decided by a Constitutional Court ruling upon a proposal by the President or the justice rapporteur. At a preliminary vote, a justice may abstain from voting, but if they vote they are not bound by their vote in the final vote.

A preliminary vote may be carried out also upon a submitted draft decision, which shall include the disposition and the main reasons for it. In contrast, a final vote may be carried out only upon a draft decision which includes the disposition and its full reasoning, except in cases when the Constitutional Court pronounces its decision orally, immediately after the completion of a public hearing.

**Article 38**

**(Circulation)**

Irrespective of the provision of the previous article, the Constitutional Court may decide that the final vote is also carried out upon a draft decision which includes the disposition, if it follows from the discussion that the majority of the justices who are in favor of such a decision propose such changes of the reasoning which surmount the powers of the Redaction Commission.

In the case from the previous paragraph, the Constitutional Court shall designate one or more justices to prepare the supplemented or changed draft reasoning. So prepared draft decision shall be distributed to all justices (circulation). Each who voted in favor of the disposition of the decision may within seven days after receiving the reasoning put in writing that they disagree with the reasoning. In such a case the matter shall be reconsidered by the Court at another session.

If, within the time limit from the previous paragraph, no one from among the justices entitled disagreed with the reasoning, the Redaction Commission shall, on the basis of this reasoning, edit the final text of the decision.

**Article 39**

**(The Stay, Adjournment, and Conclusion of a Session)**

The President may stay a session and determine when to continue it.

If the Constitutional Court does not complete the discussion of a single issue of the agenda, or if the conditions for reaching a decision are not fulfilled, the Court may decide by a majority vote of justices present and voting to adjourn the discussion or decision to a later session.

The President shall conclude a session when all points of the agenda have been exhausted.

**5. The Record**

**Article 40**

**(The Record)**

A record of hearings and sessions of the Constitutional Court shall be kept. A person who keeps the record of a public hearing shall be determined by the Secretary. The record of a session of the Constitutional Court shall be kept by the Secretary.

The record of a public hearing shall be kept as a rule in the form of a sound recording.

The disposition of a decision or a ruling shall be entered into the record of a session of the Constitutional Court. The result of the vote shall also be entered so that the names of the justices who voted, the names of the justices who voted against the decision, and the names of the justices who issued separate opinions are entered into the record. Also procedural and other rulings shall be entered into the record, and, on the proposal of a justice, also other notes. If the proposal of a justice for an entry into the record was not adopted, they shall have the right to enclose their written declaration of this in the record.

The provision of Paragraph 2 of this article shall also be applied to a record of the taking of evidence and other actions in preliminary proceedings, if the justice rapporteur does not decide that only a note should be made of this.

**6. Panels**

**Article 41**

**(The Application of the Rules of Procedure Provisions)**

The provisions of these Rules of Procedure which refer to public hearings and sessions of the Constitutional Court and records shall be sensibly applied also to the work and decisions of panels.

**7. Decisions and Rulings**

**Article 42**

**(Drafts)**

The draft of the text of a decision or a ruling shall be submitted to the Constitutional Court as a rule by the justice who reported on the case at a public hearing or session.

If a case was considered at a public hearing, but the Court did not decide on it immediately, the draft of the decision or ruling shall be submitted to the President and justices at least five days before the day on which a session for deliberation and voting is called.



The Constitutional Court may decide that the justice rapporteur shall prepare the draft of a decision or a ruling in cooperation with other justices that the Court determines upon the proposal of the President.

**Article 43**

(Contents)

Decisions and rulings shall contain a statement of the composition of the Constitutional Court which reached the decision, a statement of the regulation or general or individual act which was reviewed by the Court, the disposition of the decision, and the reasons for it.

With the statement of the composition of the Court which reached the decision, also the results of the vote and the justices who issued separate opinions shall be stated.

If the reasoning of a decision refers to the reasons included in the reasoning of an older decision which was not published, it shall be enclosed with the decision served on the parties.

**Article 44**

(Redaction)

The final text of a decision or ruling, except a panel ruling, shall be made by the Redaction Commission within seven days from the day of its adoption.

The final text of a panel ruling shall be issued within the time limit of the previous paragraph by the President of the panel.

**Article 45**

(Re-Vote)

Until the abrogation *ab initio* of a decision or a ruling, each justice may propose in writing a re-vote on the decision at a session of the Court (re-vote). The proposal for a re-vote shall suspend the abrogation *ab initio* of a decision or a ruling.

For a re-vote the proposal for it shall be decided first. If this is accepted the re-vote shall follow on the already adopted decision. If this is not possible, the re-vote shall be adjourned.

**Article 46**

(Publication)

It shall be within the competence of the Secretary to organize the publication and service of decisions and rulings.

A ruling on the temporary suspension of the implementation of statutory provisions, other regulations or general acts for the exercise of public powers, shall be published in the Official Gazette and in the official journal where the regulation or the general act for the exercise of public powers was published.

A decision adopted in proceedings instituted upon a constitutional complaint, and a panel ruling on the constitutional complaint, shall be published in the Official Gazette, if this is so decided by the Constitutional Court, by a majority of the justices present at the session.

A ruling from Paragraph 1 of this article adopted in proceedings adjudicating a constitutional complaint, and a decision or a ruling from the previous paragraph of this article, shall be published in a form which shall contain only the initials of the persons, places and organs or organizations who had reached a decision in the previous proceedings.

All decisions and those rulings for which the Constitutional Court so decides, and in the case of a panel ruling, the panel respectively, shall be published in a special collection of decisions and rulings of the Constitutional Court, within a time period that the Court shall determine in its plan of work. The decision to publish shall be reached if the majority of justices present at the session of the Court or the panel voted for it. The provision of the previous paragraph of this article shall apply also to publication in the collection of decisions.

**Article 47**

(The Corrections of Errors)

The errors made in decisions and rulings of the Constitutional Court shall be corrected by

a ruling adopted by the President. The ruling on a correction shall be attached to the end of the original; the parties shall be delivered a transcript of the ruling.  
If a decision or ruling were already published, the ruling on the correction of the decision shall be published in the same manner.

#### 8. Separate Opinions

##### Article 48

###### (Type and Purpose)

A justice who does not agree with the decision reached at a session of a panel or a plenary session of the Constitutional Court may file a separate opinion, this is either a dissenting (opposing the disposition and reasoning) or concurring opinion (if they disagree only with the reasoning). A separate opinion may be given by more than one justice together, or a justice may join the separate opinion of another justice.

A separate opinion may be filed only by a justice who has announced it during the voting, but joining a separate opinion is possible also without a prior announcement.

A separate opinion shall be intended to present the arguments that a justice stated in the discussion and ruling on a case, and which led to their decision.

##### Article 49

###### (The Time Limit for Separate Opinions)

A separate opinion shall be made as a rule in seven days from the day when the justice receives the text of the decision determined by the Redaction Commission, and which has to be confirmed and signed by the Secretary, if the Court does not decide otherwise by a majority of votes of the justices present upon the request of a justice. During the time when the Constitutional Court is in recess, the time limit for a separate opinion shall be stayed.

The Constitutional Court may determine a time limit for filing a separate opinion which shall be shorter or longer than seven days, if this is required by the nature of the issue that was decided by the Court. The Court shall decide on the extension and shortening of a time limit immediately after the final vote.

Separate opinions shall be delivered to other justices, who may comment on them, within three days. The justice who filed the separate opinion may reply to any comments within three days.

If a separate opinion is not made within the time limit from Paragraph 1 or Paragraph 2, the decision and ruling shall be delivered to the parties without a separate opinion, and, if the justice who filed the separate opinion so requests, it shall be delivered to them subsequently.

##### Article 50

###### (Service and Publication)

A separate opinion, except in the case from Paragraph 4 of the previous article, shall be delivered together with the decision or ruling which contains the resolution to which the separate opinion refers, if the Constitutional Court does not decide a single case otherwise when reaching a decision.

A separate opinion shall be published together with the decision in the collection of decisions and rulings of the Constitutional Court.

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## VI. THE PLAN OF WORK

### Article 51

#### (Preparation, Contents and Adoption)

The proposal of a draft plan of work of the Constitutional Court shall be prepared by the President for a single year. Until the adoption of the plan of work for the current year, the plan of work for the previous year shall be used.

The plan of work shall contain in particular the terminal program for Spring and Autumn sessions, the plan of work of justices, advisors and other legal advisors of the Constitutional Court, and the manner according to which they shall be assigned cases.

The plan of work shall be adopted by the Constitutional Court at an administrative session, separately for the Spring and Fall sessions, so that the plenary sessions and

public hearings of the Constitutional Court shall be as a rule between 10 January and 15 July, and between 10 September and 20 December.

Within the period mentioned in the previous paragraph, also panel sessions shall be held.

**Article 52**

**(The Order of Precedence for Adjudicating Cases)**

The Constitutional Court shall adjudicate cases as a rule according to the order of precedence of receiving petitions, except:

when simpler cases are at issue that can be considered and adjudicated already in the phase of examination or in the phase of preliminary proceedings;

when consideration and adjudication according to the order of precedence are prevented by the length and complexity of preliminary proceedings or the proceedings for considering an individual case;

when such cases are at issue for which the regulations that are applied on the basis of Article 6 of ZUstS determine that the Court must consider and adjudicate them rapidly;

when ZUstS or other regulations determine a time limit by which the Constitutional Court must consider a case and decide it;

when the decision on a jurisdictional dispute is at issue;

when the resolution of an important legal question is at issue, and in other cases when the Court decides so.

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**VII. THE PUBLIC CHARACTER OF THE COURT'S WORK**

**Article 53**

**(Insuring the Public Character of Work)**

The public character of the work of the Constitutional Court shall be insured by the President. The public character of work of the Constitutional Court shall be insured by the public presentation of a report on the work of the Court in the previous year, and by press conferences.

Anyone shall have the right of access to the decisions and rulings reached by the Constitutional Court, in the manner protecting the privacy of the affected persons.

**Article 54**

**(Contact with the Press and other Media)**

The Secretary shall be responsible for contact with the representatives of the Press and other public media, so that the Secretary shall:

provide to the media for publication news and information on the work and viewpoints of the Constitutional Court, when the Court or its President so decide,

give information on which cases were on the agenda of a regular session of the Constitutional Court,

give information on the manner of the work and proceedings of the Constitutional Court, give information on cases that are resolved outside the Court proceedings,

perform other tasks that are assigned by the Constitutional Court or its President.

If the Constitutional Court decides to inform the public through the press and other media of a particular case which is the subject of a constitutional-court review, or which has

already been decided by the Court, the justice rapporteur shall prepare the proposal of printed information. The final text of the printed information shall then be prepared by the

Redaction Commission, and signed by the President. If the President does not sign the printed information, because they disagree with it, or if any justice objects to the information, the Constitutional Court shall decide on it at a session.

**Article 55**

**(Hearings)**

Anyone may be present at a public hearing, except during those parts where the public is excluded.

The Secretary shall inform accredited journalists and the Slovenian Press Agency of public hearings.

A ruling on the call of a public hearing shall be published on the notice board of the Constitutional Court.

## VIII. WORKING BODIES

### Article 56

#### (The Scope of Work)

The Constitutional Court shall have the following working bodies:

The Studies Commission, which shall discuss various questions in connection with proceedings of the Constitutional Court, and prepare the proposal of viewpoints on them;

the Redaction Commission which shall prepare the final texts of decisions and rulings of the Constitutional Court which this adopts at plenary sessions;

the Economic and Organizational Questions Commission, which shall prepare the proposals of decisions for administrative sessions of the Constitutional Court, particularly in the area of internal organization, nomination, employment and advancement, salary and reimbursement according to Article 74 of ZUstS, the budget and its implementation;

the Professional Council of the Legal Information Center, which shall program and coordinate the work of the center;

the Editorial Board of the collection of decisions of the Constitutional Court.

The composition and more detailed tasks within the framework of the activities of working bodies, and the manner of their work shall be provided by the Constitutional Court by a ruling on their establishment. If necessary, the Constitutional Court may also establish other working bodies.

## IX. THE SECRETARIAT

### 1. The Secretary

#### Article 57

##### (The Scope of Work)

The Secretary of the Constitutional Court shall lead and organize the work of the legal advisors of the Constitutional Court, the Legal Information Center, and the Office of the Registrar, and perform other tasks determined by these Rules of Procedure or other acts of the Constitutional Court, and orders and instructions of the President.

The Secretary shall have in relation to employees in the professional service, the Legal Information Center and the Office of the Registrar, the position of Supervisor, except concerning nominations and discharges, which shall be within the power of the Constitutional Court.

The Secretary shall be present at and participate in the framework of their tasks during sessions of the Constitutional Court and the work of panels.

The Secretary shall be a member of the Redaction Commission and shall perform the tasks of its secretary.

In this position, the Secretary shall be accountable to the President of the Constitutional Court.

#### Article 58

##### (The Deputy Secretary)

A legal advisor shall substitute for the Secretary during their absence, and shall be designated by the Constitutional Court as the Deputy Secretary.

### 2. The Director

#### Article 59

##### (The Scope of Work)

The Director of services of the Constitutional Court shall lead and organize the work of the administrative-technical service of the Constitutional Court, insure the preparation of proposals on the budget of the Constitutional Court and the uninterrupted and proper material and financial operation of the Court, prepare the outlines of interior acts of the Court, organize the realization of protocol events, and perform other tasks determined by acts of the Constitutional Court and orders and instructions of the President.

The Director shall have in relation to employees in the administrative-technical service the position of Supervisor, and they shall perform this function according to the acts of the Constitutional Court which regulate the rights and obligations of employees.

The Director shall have the right to issue orders for the implementation of the preliminary budget of the incomes and outgoings of the Constitutional Court.  
In this position, the Director shall be accountable to the President of the Constitutional Court.

**3. The Office of the President and Justices**

**Article 60**

(The Office of the President)

The Office of the President of the Constitutional Court shall prepare materials for the President, provide opinions on certain questions, receive parties, perform tasks in connection with protocol and perform other tasks as ordered by the President.

**Article 61**

(The Office of a Justice)

The Office of a justice of the Constitutional Court shall prepare for the justice the materials for hearings and sessions of the Constitutional Court, and perform other professional and administrative work for the justice.

**4. Legal Advisors**

**Article 62**

(The Scope of Work)

Legal advisors shall perform professional and other work as necessary for consideration and adjudication by the Constitutional Court or particular justices. The names and rank of the various groups of legal advisors shall be determined by the act mentioned in Article 3, Paragraph 2 of these Rules of Procedure.

**5. THE LEGAL INFORMATION CENTER**

**Article 63**

(The Scope of Work)

The Legal Information Center of the Constitutional Court shall perform documentary-informational and librarian services, and in this framework it in particular shall: perform the tasks of a specialized computer-supported professional library in the area of constitutional adjudication, prepare analyses necessary for cases that are considered by the Constitutional Court, and the analyses of questions in the area of the work of the Constitutional Court, perform tasks in the framework of the national and European legal information system. The databases which are accessible by the public and the access to data and information therein shall be regulated by a special act of the Constitutional Court. The Center shall be led by the Head, who shall be nominated by the Constitutional Court.

**6. THE OFFICE OF THE REGISTRAR**

**Article 64**

(The Scope of Work)

The Office of the Registrar shall perform tasks connected with the acceptance and forwarding of applications, decisions, rulings, and other writings, and with entries and other auxiliary books of the Constitutional Court; tasks connected with the management of files, the distribution of materials for sessions of the Court and panels, with the publication of decisions and rulings in the Official Gazette and other official journals, and other tasks determined by the act on internal office operations.

**7. ADMINISTRATIVE-TECHNICAL SERVICES**

**Article 65**

(The Scope of Work)

The Administrative-Technical Services shall perform office, computer and technical work for the needs of the Constitutional Court.

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**X. OTHER ACTS**

**Article 66**

(The Acts of the Court)

By other acts the Constitutional Court shall regulate questions for which these Rules of Procedure stipulate such regulation, and other questions which refer particularly to the

internal organization and systematization of work positions, to the rights and obligations of employees, to their posting, advancement, education and disciplinary accountability, and to internal office operations.

**Article 67**

**(The Acts of the President)**

The President shall issue orders and instructions for the management of the judicial administration and other powers that they have, and in order to determine the tasks of the Secretary and the Director.

**Article 68**

**(The Acts of the Secretary and the Director)**

Within the framework of their powers, the Secretary and the Director shall issue orders and instructions for the realization of the rulings of the Constitutional Court, orders of the President and rulings of working bodies.

**XI. FINAL PROVISION**

**Article 69**

**(The Coming Into Force)**

These Rules of Procedure shall come into force on the fifteenth day after being published in the Official Gazette of the Republic of Slovenia.

No.: Su 72/98-1

Date: 26 May 1998

Dr. Lovro Šturm,

President of the Constitutional Court

**ANNEX 1 - The Recommended Components of Applications**

**1. The Contents of Requests, Petitions and Constitutional Complaints**

A request, petition, or constitutional complaint should contain:

the first and last name, the title or firm of the petitioner,  
the permanent or temporary residence or the seat of the petitioner,  
the first and last name or the firm and the permanent or temporary residence or the seat of the representative or mandatory of the petitioner,  
the statement of the general or individual act which is challenged by the application, and the organ which issued this act,  
the statement of the provisions of the Constitution or statute which were allegedly violated by the challenged act,  
the statement of the facts on which the applicant grounds their claim, and which allegedly entail the violation of the Constitution or statute,  
the statement of the reasons why the challenged act is allegedly inconsistent with the Constitution or statute.

Besides the stated components, a petition should also show of the legal interest of the petitioner and the proof of their status when the applicant is not a natural person.

Besides the stated components, a constitutional complaint should also contain:

a statement of the allegedly violated human right or fundamental freedom,  
a statement on the exhaustion of legal remedies,  
the facts which substantiate the obviousness of the alleged violation, and the facts which substantiate the asserted irreparable consequences which would occur for the petitioner by the execution of a single act, if the constitutional complaint is filed before the exhaustion of legal remedies,  
the circumstances on the timeliness of the constitutional complaint or the facts which substantiate deciding the constitutional complaint, even though it has been filed after the expiration of the time limit for its filing.

If a request is made by the representative organ of a local community, the resolution on making the request should be enclosed with the request; in the request the allegedly threatened rights of the local community should be stated.

If a request is made by the mayor on behalf of the representative organ of a local community, the authorization of the council of the local community or the statement of the general authorization contained in the charter of the local community should be enclosed with the request.

If a request is made by a trade union which represents a certain group of workers throughout the country, the proof of its representation should be enclosed with the request; in the request the allegedly threatened rights of workers should be stated.

**2. The Contents of a Request for a Ruling on Jurisdiction**

A request for a ruling on a jurisdictional dispute between the courts and other state organs and a jurisdictional dispute between the National Assembly, the President of the Republic and the Government, and on a jurisdictional dispute between the State and local communities and among local communities themselves should contain:

the name and seat of the applicant,  
the first and last name and office of the representative of the applicant,  
the title and seat of the organ or organs which are parties to the controversy,  
the statement of the general or individual act which was the cause of the controversy, or  
the statement of the issue on which the affected bodies cannot reach an agreement concerning jurisdiction,  
the statement of the provisions of regulations which govern the jurisdiction of the affected bodies.

**3. The Contents of Charges**

Charges against the President of the Republic, the Prime Minister or a Minister should contain:

the statement of the charges resolution,  
evidence on the result of the vote on the charges resolution,  
the first and last name and the address of the representative who presents the charges,  
a description of the alleged violation of the Constitution or the serious violation of a statute,  
facts which substantiate the violation and evidence of such,  
the proposal of the applicant.

The charges resolution should be enclosed with the charges.

**4. The Contents of a Request and Petition for the Review of Acts and Activities of Political Parties**

A petition or a request for the review of acts and activities of political parties should contain:

the first and last name, or the title or firm of the applicant,  
the permanent or temporary residence or the seat of the applicant,  
the first and last name or the firm and the permanent or temporary residence of the representative or mandatory of an applicant,  
the name and seat of the political party whose act and/or activity is allegedly unconstitutional,  
the statement of an act and/or activity of the political party whose unconstitutionality is asserted,  
the statement of the provisions of the Constitution which are allegedly violated by an act and/or activity of a political party,  
a precise and defined statement of the facts which substantiate the unconstitutionality, and evidence of such,  
the proposal of the applicant.

Besides the stated components, a petition should also contain proof of the status of the petitioner when they are not a natural person.

If a request is made by the representative body of a local community, the resolution on making a request should be enclosed with the request.

If a request is made by a trade union that represents workers throughout the country, the proof of its representation should be enclosed with the request.

**5. The Contents of a Complaint on the Confirmation of a Deputy Mandate**  
A complaint against a National Assembly decision on the confirmation of a deputy mandate should contain:

the first and last name and permanent or temporary residence of the applicant,  
the first and last name or the firm and permanent or temporary residence or the seat of the mandatory of the applicant,  
proof that the applicant is empowered to make a complaint,  
proof that the complaint was made in due time,  
the proposal of the applicant.

The decisions of the electoral commission, or appeal to the National Assembly concerning the decision of the electoral commission, and the decision of the National Assembly on the confirmation of Deputy mandates should be enclosed with the complaint.

**6. The Contents of a Proposal for an Opinion on the Constitutionality of an International Agreement**

A proposal to the Constitutional Court to provide an opinion on the constitutionality of an international agreement in the process of ratification should contain:

the title of the organ or the statement of the first and last names of the Deputies who made the proposal,  
the statement of the international agreement concerning which the proposal was made,  
the statement of the provisions of the Constitution which the agreement or its part contradicts, and the reasons for the asserted contradiction.

The international agreement in the original text and the Slovenian translation should be enclosed with the proposal.

**7. The Contents of a Request for the Review of a National Assembly Decision Not to Call a Statutory Referendum**

A request of the representative of the submitter or petitioner who filed the request for the review of a National Assembly decision not to call a statutory referendum which the National Assembly issues on the basis of Article 15, Paragraph 2 of the Referendum and Popular Initiative Act (Official Gazette RS, Nos. 15/94 and 38/96) should contain:

the first and last name of the representative of the submitter or petitioner who filed the request,  
the permanent or temporary residence or the seat of the representative of the submitter or petitioner who filed the request,  
the text of the request for calling a referendum, and its reasoning,  
the reasoning to explain why the applicant believes that the National Assembly decision is unfounded.

Also the National Assembly decision not to call a referendum should be enclosed with the request.

**8. The Contents of a Request for the Review of the Constitutionality of the Contents of a Request for Calling a Statutory Referendum**

A request for the review of the constitutionality of a request for calling a statutory referendum which is filed by the National Assembly on the basis of Article 16 of the Referendum and Popular Initiative Act (Official Gazette RS, Nos. 15/94 and 38/96) should contain:

the data of the submitter of the request and their representative in the proceedings before the Constitutional Court,  
the text of the request for calling a referendum, and its reasoning,  
the reasoning to explain why the applicant believes that the contents of the request are unconstitutional,  
the statement of the constitutional provisions which the contents of the request allegedly contradict.



Pursuant to Article 2, Paragraph 2 of the Constitutional Court Act (Official Gazette RS, No. 15/94), at an administrative session held on 28 March 2002 the Constitutional Court adopted

Official Gazette RS, No. 30/2002

Article 1

In the Rules of Procedure of the Constitutional Court of the Republic of Slovenia (Official Gazette RS, No. 49/98) Article 3, Paragraph 3 shall be amended as follows:

"The Constitutional Court shall have a Secretariat, which shall be composed of the following organizational units: the Professional Service, the Analyses and International Cooperation Department, the Documentation and Informatics Department, the Office of the Registrar and the Administrative-Technical Service."

Article 2

In Article 15 the following new Paragraph 4 shall be added:

"An applicant may lodge a petition or a constitutional complaint on forms attached to these Rules of Procedure (Annex 2 – a petition, Annex 3 – a constitutional complaint). The forms are available at the Constitutional Court, and at the seat of the courts competent for approving free of charge legal aid."

Indent 1 of Annex 1 shall be amended as follows.

"1. The Contents of a Request, Petition and Constitutional Complaint

1.1. A request should contain:

- the title of the applicant,
- the seat of the applicant,
- the first and last name or the firm and the permanent or temporary residence or the seat of the representative or mandatory of the applicant,
- the statement of the regulation which is challenged by the request and the organ which issued the regulation,
- the statement of the provisions of the regulation which are challenged by the request if the regulation is not challenged on the whole,
- the statement of the number of the Official Gazette of the Republic of Slovenia or another official journal in which the challenged regulation was published,
- the statement of the provisions of the Constitution or statute which were allegedly violated by the challenged regulation,
- the statement of the reasons why the challenged regulation is allegedly inconsistent with the Constitution or statute.

If a request is made by the representative body of a local community, the resolution on making the request should be enclosed with the request; in the request the allegedly threatened rights of the local community should be stated.

If a request is made by a major on behalf of the representative organ of a local community, the authorization of the council of the local community or the statement of the general authorization contained in the charter of the local community should be enclosed with the request.

If a request is made by a trade union which represents a certain group of workers throughout the country, the proof of its representation should be enclosed with the request; in the request the allegedly threatened rights of workers should be stated.

If the applicant has the mandatory the special authorization for the representation in proceedings before the Constitutional Court should be enclosed with the request; in the request should be stated that the authorization is given for the representation before the Constitutional Court and should originate from the time when the request was made.

1.2. A petition should contain:  
the first and last name, the title or firm of the petitioner,  
the permanent or temporary residence or the seat of the petitioner,  
the first and last name or the firm and the permanent or temporary residence or the seat  
of the representative or mandatory of the petitioner,  
the statement of the regulation which is challenged by the petition, and the organ which  
issued the regulation,  
the statement of the provisions of the regulation which is challenged by the petition, if the  
regulation is not challenged on the whole,  
the statement of the number of the Official Gazette of the Republic of Slovenia or another  
official journal in which the challenged regulation was published,  
the statement of the provisions of the Constitution or statute which were allegedly  
violated by the challenged regulation,  
the statements of the reasons why the challenged regulation is allegedly inconsistent with  
the Constitution or statute.

Beside the stated components, a petition should also contain date from which it is evident  
that the challenged regulation directly interferes with the rights, the legal interests or the  
legal position (the legal interest) of the petitioner and the proof of their status when the  
petitioner is not a natural person.

If the petitioner has the mandatory the special authorization for the representation in  
proceedings before the Constitutional Court should be enclosed with the petition; in the  
petition should be stated that the authorization is given for the representation before the  
Constitutional Court and should originate from the time when the petition was filed.

1.3. A constitutional complaint should contain:

the first and last name, the title or firm of the complainant,  
the permanent or temporary residence or the seat of the complainant,  
the first or last name or the firm and the permanent or temporary residence or the seat of  
the representative or mandatory of the complainant,  
the statement of the individual act which is challenged by the constitutional complaint,  
and the organ which issued this act,  
a short description of the subject (the case) which was decided by the challenged  
individual act,  
the statement of the allegedly violated human rights or fundamental freedoms with the  
challenged individual act,  
the facts which substantiate the alleged violation (the reasons which substantiate the  
violation of human rights or fundamental freedoms),  
the statement on the exhaustion of legal remedies (the statement of all the decisions  
issued in conjunction with the subject of the constitutional complaint) or the statement of  
the facts which substantiate the obviousness of the alleged violation, and the facts which  
substantiate the asserted irreparable consequences which would occur for the  
complainant by the execution of an individual act, if the constitutional complaint is filed  
before the exhaustion of extraordinary legal remedies,  
the circumstances on the timeliness of the constitutional complaint or the facts which  
substantiate the extraordinary deciding the constitutional complaint filed after the  
expiration of the time limit for its filing.

Beside the copy of the challenged individual act, the adequate documents to which the  
complainant bases their constitutional complaint, particularly all the decisions of the  
competent courts and other organs issued in the previous proceedings should be enclosed  
with the constitutional complaint.

If the complainant has the mandatory the special authorization for the representation in  
proceedings before the Constitutional Court should be enclosed with the constitutional  
complaint; in the constitutional complaint should be stated that the authorization is given  
for the representation before the Constitutional Court and should originate from the time

1.2. A petition should contain:  
the first and last name, the title or firm of the petitioner,  
the permanent or temporary residence or the seat of the petitioner,  
the first and last name or the firm and the permanent or temporary residence or the seat  
of the representative or mandatory of the petitioner,  
the statement of the regulation which is challenged by the petition, and the organ which  
issued the regulation,  
the statement of the provisions of the regulation which is challenged by the petition, if the  
regulation is not challenged on the whole,  
the statement of the number of the Official Gazette of the Republic of Slovenia or another  
official journal in which the challenged regulation was published,  
the statement of the provisions of the Constitution or statute which were allegedly  
violated by the challenged regulation,  
the statements of the reasons why the challenged regulation is allegedly inconsistent with  
the Constitution or statute.

Beside the stated components, a petition should also contain date from which it is evident  
that the challenged regulation directly interferes with the rights, the legal interests or the  
legal position (the legal interest) of the petitioner and the proof of their status when the  
petitioner is not a natural person.

If the petitioner has the mandatory the special authorization for the representation in  
proceedings before the Constitutional Court should be enclosed with the petition; in the  
petition should be stated that the authorization is given for the representation before the  
Constitutional Court and should originate from the time when the petition was filed.

1.3. A constitutional complaint should contain:  
the first and last name, the title or firm of the complainant,  
the permanent or temporary residence or the seat of the complainant,  
the first or last name or the firm and the permanent or temporary residence or the seat of  
the representative or mandatory of the complainant,  
the statement of the individual act which is challenged by the constitutional complaint,  
and the organ which issued this act,  
a short description of the subject (the case) which was decided by the challenged  
individual act,  
the statement of the allegedly violated human rights or fundamental freedoms with the  
challenged individual act,  
the facts which substantiate the alleged violation (the reasons which substantiate the  
violation of human rights or fundamental freedoms),  
the statement on the exhaustion of legal remedies (the statement of all the decisions  
issued in conjunction with the subject of the constitutional complaint) or the statement of  
the facts which substantiate the obviousness of the alleged violation, and the facts which  
substantiate the asserted irreparable consequences which would occur for the  
complainant by the execution of an individual act, if the constitutional complaint is filed  
before the exhaustion of extraordinary legal remedies,  
the circumstances on the timeliness of the constitutional complaint or the facts which  
substantiate the extraordinary deciding the constitutional complaint filed after the  
expiration of the time limit for its filing.

Beside the copy of the challenged individual act, the adequate documents to which the  
complainant bases their constitutional complaint, particularly all the decisions of the  
competent courts and other organs issued in the previous proceedings should be enclosed  
with the constitutional complaint.

If the complainant has the mandatory the special authorization for the representation in  
proceedings before the Constitutional Court should be enclosed with the constitutional  
complaint; in the constitutional complaint should be stated that the authorization is given  
for the representation before the Constitutional Court and should originate from the time

when the right to file the constitutional complaint arose."

**Article 3**

The subtitle of Article 20 shall be amended as follows:

"(The Garment of a Lawyer)"

Paragraph 1 shall be erased.

**Article 4**

After Article 21 the following new Article 21.a shall be added:

"If a petition was lodged by a larger number of petitioner with the same application, the Constitutional Court summons the first signed petitioner that the petitioners shall appoint a common authorized person for accepting the writings. If the petitioners in a specified time, determined by the Constitutional Court for this purpose, do not reply, it is considered that the first signed petitioner is a common authorized person for accepting the writings."

**Article 5**

In Article 56, Paragraph 1, Subparagraph 3 after the semicolon the following text shall be added:

"the Commission shall decide on individual questions when so determined by the general acts of the Constitutional Court or on the basis of the authorization of the administrative session;"

Subparagraph 4 shall be erased; the existing Subparagraph 5 shall become Subparagraph 4.

**Article 6**

In Article 57, Paragraph 1 the text " the Legal Information Center" shall be replaced with the text: " the Analyses and International Cooperation Department, the Documentation and Informatics Department,"

In Paragraph 2 the text " the Legal Information Center" shall be replaced with the text: " the Analyses and International Cooperation Department, the Documentation and Informatics Department".

**Article 7**

Article 58 shall be amended as follows:

"A Deputy Secretary shall substitute for the Secretary during their absence, and shall be designated by the Constitutional Court."

**Article 8**

In Article 62 the following Paragraph 2 shall be added:

"Upon the proposal of the Secretary, the Constitutional Court shall designate one or more Assistant Secretaries who shall lead and organize the work of the legal advisors."

**Article 9**

The title of Subsection 5 of Section IX shall be amended in the following manner: "5. The Analyses and International Cooperation Department".

Article 63, Paragraph 1 shall be amended in the following manner:

"The Analysis and International Cooperation Department shall:  
gather data and information of a legal nature, needed for the work of the professional service of the Constitutional Court,  
prepare comparative legal materials and analyses necessary for cases that are considered by the Constitutional Court,  
prepare legal basis for the constitutional records,  
ensure translations of the decisions of the Constitutional Court into English, and  
perform tasks from the field of international cooperation."

Paragraph 2 shall be erased; the existing Paragraph 3 becomes Paragraph 2 and shall be amended in the following manner:

"The Department shall be led by the Head, who shall be nominated by the Constitutional Court."

**Article 10**

After Article 63 the following new Subsection 5.a and Article 63.a shall be added: