PART I

ABOUT THE CONSTITUTIONAL COURT
PART I - ABOUT THE CONSTITUTIONAL COURT

5  1. Introduction
6  2. The Position of the Constitutional Court
7  3. Constitutional Court Jurisdiction
8  4. The Procedure for Deciding
8  4.1. The Constitutional Review of Regulations
8  4.2. Constitutional Complaints
9  4.3. Consideration and Deciding
10  5. The Composition of the Constitutional Court
10  5.1. The Judges of the Constitutional Court
21  5.2. The Secretary General of the Constitutional Court
22  5.3. The Judges of the Constitutional Court of the Republic of Slovenia since Independence, 25 June 1991
24  6. The Organisation of the Constitutional Court
24  6.1. The President of the Constitutional Court
24  6.2. The Secretariat of the Constitutional Court
24  6.3. Sessions
25  6.4. The Internal Organisation of the Constitutional Court
26  6.5. Advisors and Department Heads
27  7. Publication of the Decisions of the Constitutional Court
27  7.1. Official Publication of Decisions
27  7.2. Other Publications
28  8. Plečnik’s Palace – the Seat of the Constitutional Court
Introduction

On 25 June 1991, the Republic of Slovenia became a sovereign and independent state and on 23 December 1991 the Constitution of the Republic of Slovenia was adopted, thus ensuring the protection of human rights and fundamental freedoms, as well as the principles of a state governed by the rule of law and of a social state, the principle of the separation of powers, and other principles that characterise modern European constitutional orders. Inclusion in the Council of Europe in 1993 and the thereby related ratification of the European Convention for the Protection of Human Rights and Fundamental Freedoms and accession to the European Union in 2004 confirmed Slovenia’s commitment to respect contemporary European legal principles and to safeguard a high level of protection of human dignity.

In order to protect the constitutional system of the Republic of Slovenia as well as the above-mentioned fundamental principles, rights, and freedoms of Europe, the Constitutional Court of the Republic of Slovenia has a special position and an important role, developed and confirmed also in the process of transition to a modern democratic social order.

Within the judicial branch of power, the Constitutional Court is the highest body for the protection of constitutionality, legality, human rights, and fundamental freedoms. The Constitutional Court is the guardian of the Constitution, therefore, by virtue of its powers and responsibilities it interprets the content of particular constitutional provisions. Thereby it determines the limits of admissible conduct of the bearers of authority, while at the same time protecting individuals against the arbitrariness of the authorities and violations of constitutional rights due to the actions of state authorities, local communities’ bodies, and other bearers of public authority. The decisions of the Constitutional Court thus contribute to the uniform application of law and to the highest possible level of legal certainty.

With consistent and decisive enforcement of the most important principles in practice, which reinforce the structure of the legal system, the Constitutional Court is engraven in the Slovene legal culture as one of the key elements for the enforcement and development of a state governed by the rule of law.

In order to honour the day when the Constitution was adopted and promulgated, the Constitutional Court celebrates Constitutionality Day every year on 23 December.
The Position of the Constitutional Court

The position of the Constitutional Court as an autonomous and independent body derives from the Constitution, which determines its fundamental competences and functioning, its position being regulated in more detail in the Constitutional Court Act. Such position of the Constitutional Court is necessary due to its role as a guardian of the constitutional order and enables the independent and impartial decision-making of the Constitutional Court in protecting constitutionality and the constitutional rights of individuals and legal persons in relation to any authority.

The Act, which entered into force in its original form on 2 April 1994, regulates the mentioned issues in more detail, inter alia, the procedure for deciding in cases falling under the jurisdiction of the Constitutional Court, the procedure for the election of the judges and President of the Constitutional Court and of the General Secretary, as well as their position, rights, and responsibilities.

It stems from the principle that the Constitutional Court is an autonomous and independent state authority, that the Constitutional Court alone determines its internal organisation and mode of operation, and that it determines in more detail the procedural rules provided for by the Act. Among these documents, the Rules of Procedure of the Constitutional Court, which were first adopted by the Constitutional Court in 1998 on the basis of the new statutory regulation, are the most important. The competence of the Constitutional Court to independently decide on the appointment of legal advisors and the employment of other staff in this institution is crucial in ensuring its independent and impartial work. In accordance with this principle, the Constitutional Court also independently decides on the use of the funds for its work, which are determined by the National Assembly of the Republic of Slovenia upon the proposal of the Constitutional Court.

1 The Constitutional Court acted as the Constitutional Court of the Republic of Slovenia in the former Socialist Federative Republic of Yugoslavia from 1963.
Constitutional Court Jurisdiction

The Constitutional Court exercises extensive jurisdiction intended to ensure effective protection of constitutionality and for the prevention of violations of human rights and freedoms. The main part of its jurisdiction is explicitly determined in the Constitution, which, however, permits that additional jurisdiction also be determined by law.

The basic jurisdiction of the Constitutional Court concerns the protection of constitutionality and measures to be adopted in the event that any branch of power, legislative, executive, or judicial, exercises its competences and takes decisions contrary to the Constitution. Therefore, the Constitutional Court decides on the conformity of laws with the Constitution, ratified treaties, and generally accepted principles of international law. The Constitutional Court also decides on the conformity of treaties with the Constitution in the process of their ratification. In addition, under certain conditions, the Constitutional Court reviews the conformity of regulations inferior to law with the Constitution and laws.

The Constitutional Court also decides on jurisdictional disputes (for example, between the highest bodies of the State: the National Assembly, the President of the Republic, and the Government), on impeachment against the President of the Republic, the Prime Minister, or a Minister, on the unconstitutionality of the acts and activities of political parties, on the constitutionality of the decision to call a referendum, on matters concerning the confirmation of the election of deputies, and other similar disputes intended to ensure the constitutional order regarding the relationships between the different bearers of authority in the framework of a democratic regime.

The Constitutional Court also has jurisdiction to decide on constitutional complaints when the human rights or fundamental freedoms of an individual or a legal person are violated by individual acts of public authorities.

The decisions of the Constitutional Court are binding. With regard to its role in the legal system, the Constitutional Court must have the ‘last word’, although it itself does not have any means by which it can enforce its decisions. The obligation, but also the responsibility, to respect its decisions is borne by the addressees (if the decision has *inter partes* effect) or by everyone, including the legislature (if the decision has *erga omnes* effect). It is also important that the ordinary courts respect the standpoints of the Constitutional Court in their case law, because this is the only way to ensure the primacy of constitutional principles, human rights, and fundamental freedoms.
4. The Procedure for Deciding

4.1. The Constitutional Review of Regulations

The procedure to review the constitutionality or legality of regulations or general acts issued for the exercise of public authority is initiated upon the request of one of the entitled applicants (a court, the National Assembly, one third of the deputies of the National Assembly, the National Council, the Government, etc.). Anyone can lodge a petition to initiate such proceedings if they prove they have the appropriate legal interest, which is assessed by the Constitutional Court in every individual case.

In the proceedings, the Constitutional Court first reviews whether the procedural requirements for the consideration of the case are met (regarding the jurisdiction of the Constitutional Court, the request or petition having been filed in time, demonstrating legal interest, etc.). Regarding the petitions, this is followed by the procedure for deciding whether the Constitutional Court will accept the constitutional complaint for consideration.

In the next part of the proceeding, the Constitutional Court reviews the constitutionality or legality of the provisions of the regulations challenged by the request or by the petition accepted for consideration. The Constitutional Court may suspend the implementation of a challenged regulation until a final decision in the case is adopted.

By a decision, the Constitutional Court in whole or in part abrogates laws that are not in conformity with the Constitution. In addition, the Constitutional Court abrogates or annuls regulations or general acts issued for the exercise of public authority that are unconstitutional or unlawful (with ex tunc effects). If a regulation is unconstitutional or unlawful as it does not regulate a certain issue which it should regulate or it regulates such in a manner which does not enable abrogation or annulment, the Constitutional Court issues a declaratory decision thereon. The legislature or authority which issued such unconstitutional or unlawful regulation must remedy the established unconstitutionality or unlawfulness within the period of time determined by the Constitutional Court.

4.2. Constitutional Complaints

Constitutional complaints are intended to protect human rights and fundamental freedoms. A complaint can be lodged by anyone who deems that his rights or freedoms were violated by individual acts of state authorities, bodies of local communities, or other bearers of pub-
lic authority, however, except for some special instances, only after all legal remedies have been exhausted. The purpose of the constitutional complaint is not to review the irregularities concerning the establishment of the facts and application of substantive and procedural law, since the Constitutional Court is not an appellate court in relation to the courts deciding in a judicial proceeding. The Constitutional Court assesses only whether the challenged decision of the state authority (e.g. a judgment) violated any human right or fundamental freedom. Constitutional complaints against acts issued in matters of lesser importance (e.g. in small-claims disputes, in trespass to property disputes, and in minor offence cases), are as a general rule not admissible.

A constitutional complaint is accepted for consideration if the procedural requirements are met (i.e. with regard to the individual legal act, legal interest, the constitutional complaint having been filed in time, the exhaustion of all legal remedies, etc.) and if the substance of the matter is such that it is necessary and appropriate that the Constitutional Court decide on it. The Act thus determines that a constitutional complaint is accepted for consideration if the violation of human rights or fundamental freedoms had serious consequences for the complainant or if a decision in the case would decide an important constitutional question which exceeds the importance of the concrete case.

If the Constitutional Court decides that the constitutional complaint is substantiated, it annuls or abrogates the individual act by a decision and remands the case for new adjudication to the competent court or other body; however, under conditions defined by law, the Constitutional Court can also itself decide on the disputed right or freedom.

4.3. Consideration and Deciding

The Constitutional Court considers cases within its jurisdiction at a closed session or a public hearing which is called by the President of the Constitutional Court on his own initiative or upon the proposal of three Constitutional Court judges; he may also call one upon the proposal of the parties to the proceedings. After consideration has concluded, the Constitutional Court decides at a closed session by a majority vote of all Constitutional Court judges. A Constitutional Court judge who does not agree with a decision or with the reasoning of a decision may submit a dissenting or concurring opinion. No appeal is allowed against decisions and orders issued in cases within the jurisdiction of the Constitutional Court.
The Composition of the Constitutional Court

The Constitutional Court is composed of nine Constitutional Court judges, elected on the proposal of the President of the Republic by the National Assembly. Any citizen of the Republic of Slovenia who is a legal expert and has reached at least 40 years of age may be elected a Constitutional Court judge. Constitutional Court judges are elected for a term of nine years and may not be re-elected.

5. The Judges of the Constitutional Court

Mag. Miroslav Mozetič, President
Dr. Jadranka Sovdat, Vice President
Mag. Marta Klampfer
Dr. Mitja Deisinger
Jasna Pogačar
Jan Zobec
Prof. Dr. Ernest Petrič
Ass. Prof. Dr. Etelka Korpič – Horvat
Dr. Dunja Jadek Pensa
Mag. Miroslav Mozetič, President,

graduated from the Faculty of Law of the University of Ljubljana in 1976. Prior to that he had worked in the private sector, and in 1979 he passed the state legal examination. While working in the private sector he dealt with various legal fields, in particular with company law, labour law, and, mainly towards the end of this period, with foreign trade and the representation of companies before courts. At that time he continued his education by studying international and comparative commercial law at the Faculty of Law of the University of Zagreb. He also worked as a lawyer for one year. With short interruptions in 1990 and 1992 while performing the office of secretary of the Assembly of the City of Ljubljana and the office of director of its legal department, he continued to work in the private sector until 1992, when he was elected deputy of the first sitting of the National Assembly. During that term of office he was also Vice President of the National Assembly and actively participated in the drafting of its Rules of Procedure and the act which regulated the institute of parliamentary inquiry. In 1996 he was re-elected deputy of the National Assembly. During his second term of office he was a member of the delegation to the Parliamentary Assembly of the Council of Europe, where he was predominantly engaged in the work of the Legal Issues and Human Rights Committee. In 1999 he was awarded a Master’s Degree in Constitutional Law by the Faculty of Law of the University of Ljubljana. In February 2000 he was employed by the Constitutional Court as a senior advisor, and was appointed Deputy Secretary General of the Constitutional Court in 2001. In mid 2005 he was appointed director general of the Directorate for Legislation of the Ministry of Justice, and at the beginning of 2006 head of the Legislative and Legal Service of the National Assembly. He is also currently deputy president of the state legal examination commission. His master’s thesis, entitled Parlamentarna preiskava v pravnem redu Republike Slovenije [Parliamentary Inquiry in the Legal System of the Republic of Slovenia], was published as a book (Uradni list Republike Slovenije, 2000). He is one of the authors of the Commentary on the Constitution of the Republic of Slovenia. He commenced duties as judge of the Constitutional Court on 31 October 2007. He was Vice President of the Constitutional Court from 11 January 2010 until 10 November 2013. He assumed the office of President of the Constitutional Court on 11 November 2013.
Dr. Jadranka Sovdat, Vice President,

graduated from the Faculty of Law of the University of Ljubljana. In 1983 she passed the public administration examination, and the following year the state legal examination. After graduation, she began working at the Ministry of Justice. At the Ministry of Justice she carried out expert work in the field of the system of justice, and after 1990 she was involved primarily in the drafting of legislation in this field. She is inter alia the co-author of legislation and legislative materials in the field of attorneyship, the organisation of the courts and judicial service, the state prosecution, and judicial review of administrative acts that were drafted in the first years after the implementation of the new constitutional order. During her final year at the Ministry of Justice, Dr. Sovdat was head of the Justice Division, the work of which included both the drafting of legislation as well as tasks related to the administration of the system of justice and the financing of the system-of-justice authorities. In 1994 she was appointed legal advisor to the Constitutional Court, and later she also assumed the office of Deputy Secretary General of the Constitutional Court. In 1999, she was appointed Secretary General of the Constitutional Court and held this office until her election as judge of the Constitutional Court. Following the completion of her master's thesis at the Faculty of Law of the University of Ljubljana, entitled Sodno varstvo volilne pravice pri državnih volitvah [Judicial Protection of the Right to Vote in State Elections], she was also awarded the academic title of Doctor of Legal Sciences from the same University for her doctor's thesis, entitled Volilni spor [Electoral Disputes]. She has delivered papers on constitutional law at national and international legal conferences. In 1993 Dr. Sovdat spent short study periods at the Conseil d'État of the Republic of France focusing on judicial review of administrative acts and in 1998 at the Conseil constitutionnel of the Republic of France studying electoral disputes. She has published a scientific monograph and numerous articles on constitutional law and is the co-author of the Commentary on the Constitution of the Republic of Slovenia (2002) and its supplements (2011). She occasionally participates in lectures on constitutional procedural law and on parliamentary and electoral law at the Faculty of Law of the University of Ljubljana. She commenced duties as judge of the Constitutional Court on 19 December 2009 and assumed the office of Vice President of the Constitutional Court on 11 November 2013.
Mag. Marta Klampfer

graduated from the Faculty of Law of the University of Ljubljana in 1976, and passed the state legal examination in 1979. Subsequently she was employed as a legal advisor at the Court of Associated Labour of the Republic of Slovenia. In 1991 she was elected judge of the same court. Following the transformation of the courts of associated labour into labour and social courts, she was elected higher court judge with life tenure, and in 1997 she became head of the Labour Disputes Department. Subsequently she was appointed senior higher court judge. By a decision of the Ministry of Justice, she was appointed examiner for labour law for the state legal examinations. In 1994 she was appointed to the position of research associate at the Institute of Labour at the Faculty of Law of the University of Ljubljana. She has been president of the Labour Law and Social Security Association of the Faculty of Law of the University of Ljubljana for two terms. In 2001 she was appointed Vice President of the Higher Labour and Social Court, and on 6 May 2004 the Minister of Justice appointed her President of the Higher Labour and Social Court for a six-year term, a position she held until she was elected judge of the Constitutional Court. She commenced duties as judge of the Constitutional Court on 20 November 2007.
Dr. Mitja Deisinger

graduated from the Faculty of Law of the University of Ljubljana and was subsequently employed as an intern at the District Court in Ljubljana. In 1970 he became a deputy municipal public prosecutor, and in 1976 a deputy republic public prosecutor. In 1988 he became a judge at the Supreme Court, where he was, *inter alia*, the head of the Criminal Law Department, president of the panel for auditing-administrative disputes, and president of the second instance panel for cases regarding insurance, audits, and the securities market. In 1997 he was appointed President of the Supreme Court and performed this office until 2003. As the President of the Supreme Court, he co-founded the Permanent Conference of Supreme Courts of Central Europe and, in cooperation with the Minister of Justice, the Judicial Training Centre. He also participated in negotiations on Slovenia’s accession to the European Union. He was awarded a Doctorate in the field of criminal law (his dissertation was entitled *Odgovornost za kazniva dejanja* [Responsibility for Criminal Offences]). He has published extensively abroad and in domestic professional journals, and is the author (*Kazenski zakon SR Slovenije s komentarjem in sodno prakso* [The Penal Act of SR Slovenia with Commentary and Case Law], 1985 and 1988; *Kazenski zakon s komentarjem – posebni del* [The Penal Act with Commentary – Special Provisions], 2002; *Odgovornost pravnih oseb za kazniva dejanja* [The Responsibility of Legal Entities for Criminal Offences], 2007) and co-author (*Komentar Ustave Republike Slovenije* [The Commentary on the Constitution of the Republic of Slovenia]; *Zakon o odgovornosti pravnih oseb za kazniva dejanja s komentarjem* [The Responsibility of Legal Entities for Criminal Offences Act with Commentary], 2000) of several monographs. He also lectures; he lectured at the Faculty of Law of the University of Ljubljana and from 2007 to 2008 he was the head of the Criminal Law Department of the European Faculty of Law in Nova Gorica. He commenced duties as judge of the Constitutional Court on 27 March 2008.
JASNA POGAČAR

graduated from the Faculty of Law of the University of Ljubljana in 1977. In 1978 she was employed as an intern at the District Court in Ljubljana. After passing the state legal examination, she was employed in the state administration, where for 18 years she worked in the Government Office for Legislation, mainly dealing with constitutional law, administrative law, and legal drafting. In 1983, she was appointed advisor to the president of the Republic Committee for Legislation, and in 1989 assistant president thereof. In 1992 she was appointed advisor to the Government Office for Legislation of the Republic of Slovenia, and in 1996 she was appointed state undersecretary. While holding the same title, in 1997 she was employed in the Office for the Organisation and Development of the State Administration at the Ministry of the Interior, where she participated in the project of reforming Slovenia’s public administration and in other projects dealing with Slovenia’s accession to the European Union. In 2000 she was elected Supreme Court judge and in 2007 was appointed senior judge of the Supreme Court. From 2003 to 2008 she was the head of the Supreme Court’s Administrative Law Department. As a representative of the Supreme Court, she participated in the work of the Expert Council for Public Administration, and was a member of the Council for the Salary System in the Public Sector and a member of the Commission for the Control of the Activities of Free-of-Charge Legal Aid. She has taken part in professional and other legal conferences, and judicial school seminars with papers on civil service law and administrative procedural law. She is a member of the state legal examination commission (in the field of administrative law), and was an examiner for constitutional law and the foundations of EU law for the civil service examination (in the fields of constitutional system, the organisation of the state, legislative procedure, and administrative law). She is a co-author of the Commentary on the Judicial Review of Administrative Acts Act. She commenced duties as judge of the Constitutional Court on 27 March 2008.
Jan Zobec graduated from the Faculty of Law of the University of Ljubljana in 1978. Thereafter he was employed as an intern at the District Court in Ljubljana. After he passed the state legal examination in 1981, he was elected judge of the Basic Court in Koper, and in 1985 judge of the Higher Court in Koper. Starting in the beginning of 1992 he was judge at the Higher Court in Ljubljana, where he was appointed senior higher court judge by the Judicial Council’s decision of 13 April 1995. In May 2003 he became a judge of the Supreme Court of the Republic of Slovenia. For all twenty-six years of his hitherto judicial career he worked in litigation and civil law departments, while as a Supreme Court judge he occasionally also participated in sessions of the commercial law panel. As an expert in civil law, he participated in drafting the first amendment to the Civil Procedure Act in 2002, and was the president of the working group that drafted the Act on the Amendment to the Civil Procedure Act. In 2006 he led the expert group working on the Institution of Appellate Hearings project. He has taken part in various Slovene as well as foreign professional meetings and seminars, and lectured to judges of the civil and commercial law departments of the higher courts on the topic of amendments to the civil procedure and reform of the appellate procedure. As a lecturer he has often participated in judicial school seminars for civil and commercial law departments. In 2003 he became a member of the state legal examination commission in civil law. His bibliography includes thirty-one publications, mainly in the field of civil (procedural) law, including, *inter alia*, as co-author, *Prawdnii postopek* [The Civil Procedure - volumes 1 and 2 of a commentary on the Civil Procedure Act]. He commenced duties as a judge of the Constitutional Court on 27 March 2008.
Prof. Dr. Ernest Petrič

graduated from the Faculty of Law of the University of Ljubljana in 1960, winning the Prešeren University Award. He was awarded a Doctorate in Law from the same Faculty in 1965. After taking a position at the Institute for Ethnic Studies, he became a Professor of International Law and International Relations at the Faculty of Social Sciences of the University of Ljubljana, where he was also the Vice Dean and Dean (1986–1988), as well as director of its research institute. He has occasionally lectured at the Faculty of Law of the University of Ljubljana and also guest lectured at numerous prestigious foreign universities. From 1983 to 1986 he was a Professor of International Law at the Faculty of Law in Addis Ababa. He pursued advanced studies at the Faculty of Law of the University of Vienna, at the Max Planck Institute for Comparative Public Law and International Law in Heidelberg, at the Hague Academy for International Law, and at the Institute for International Law in Thessaloniki. He has been a member of numerous international associations, particularly the ILA and the IPSA. He is a member of the International Law Commission, whose membership comprises only 34 distinguished international legal experts from the entire world, representing different legal systems. He has actively participated in the Commission’s work on the future international legal regulation of objections to reservations to treaties, the deportation of aliens, the responsibilities of international organizations, the effects of armed conflicts on treaties, the international legal protection of natural resources, in particular, underground water resources, and regarding the problem of extradition and adjudication. He served as president of the Commission from 2008 to 2009. In 2012, he was elected to the Advisory Committee on Nominations of Judges of the ICC. Between 1967 and 1972 he was a member of the Slovene Government, in which he was responsible for the areas of science and technology. After 1989, he served as ambassador to India, the USA, and Austria, and as non-resident ambassador to Nepal, Mexico, and Brazil. He was a permanent representative/ambassador to the UN (New York) and to the IAEA, UNIDO, CTBTO, ODC, and OECD (Vienna). From 1997 to 2000 he was State Secretary at the Ministry of Foreign Affairs. In 2006 and 2007 he presided over the Council of Governors of the IAEA. During the time of his diplomatic service he also dealt with important issues of international law, such as state succession with regard to international organizations and treaties, border issues, and issues concerning human rights and minority rights. He has published numerous articles and treatises in domestic and foreign professional journals, and six books (The International Legal Protection of Minorities, The Right of Nations to Self-Determination, The Legal Status of the Slovene Minority in Italy, Selected Topics of International Law, and a fundamental work on foreign policy: Foreign Policy – From Conception to Diplomatic Practice, which was published in English and Albanian). He has contributed papers to numerous conferences and seminars. He still occasionally lectures on international law. He commenced duties as judge of the Constitutional Court on 25 April 2008, and was President thereof from 11 November 2010 until 10 November 2013.
Asst. Prof. Dr. Etelka Korpič – Horvat

graduated from the Faculty of Law of the University of Ljubljana, where she also completed a Master’s Degree. In 1991 she successfully defended her doctoral dissertation regarding the impact of home-country and international employment on the deagrarization in the Pomurje region, which was also published. She began her career as an intern at ABC Pomurka and subsequently became a manager with the same company. In that time she also passed the state legal examination. She was employed as Director of the Murska Sobota subsidiary of the Public Audit Service for 8 years and subsequently worked for 9 years as a member and Deputy President of the Court of Audit of the Republic of Slovenia until February 2004. From 1994 until she was elected judge of the Constitutional Court she taught labour law at the Faculty of Law of the University of Maribor. At the same Faculty she was head of the institute for employment relationships and social security and lead lecturer for the subjects Budget Law and State Revision as part of the Master’s Degree programmes in tax law and labour law, where she was also lead lecturer for Individual Labour Law. She has held several important positions: she was president of a panel of the Court of Associated Labour in Murska Sobota for two terms; for one term of office she was a deputy in the Chamber of Municipalities of the Assembly of the Republic of Slovenia; for over 20 years she was president of a panel of the Court of Honour of the Slovene Chamber of Commerce and Industry; she was a member of the Judicial Council; president of the Commission for the Interpretation of the Collective Agreement for the Public Sector; president of the Commission for the Interpretation of the Collective Agreement for the Wood Industry in the Republic of Slovenia; president of the Programme Committee of the Dr. Vanek Šiftar Scientific Foundation; and president of the Žitek Agri-Tourism Cooperative in Čepinci. She is a member of the state legal examination commission and a member of the Academy of Science and the Arts of Pomurje. Her bibliography includes approximately 240 publications, mainly in labour law, budget law, and the field of state audit. The most important among them include the following: Zaposlovanje in deagrarizacija pomurskega prebivalstva [Employment and Deagrarization of the Residents of Pomurje], 1992; Zakon o računskem sodišču s komentarjem [The Court of Audit Act with Commentary], 1997; Zakon o delovnih razmerjih s komentarjem [The Employment Relationships Act with Commentary], 2008, co-author; Proračunsko pravo [Budget Law], 2007, co-author; Individu nalno delovno pravo [Individual Labour Law], 2004; Autonomnost postopka nadzora računskog suda Republike Slovenije [The Autonomy of the Supervisory Procedure of the Court of Audit of the Republic of Slovenia], 1996; and Termination of Employment Contract at the Initiative of the Employer in the Republic of Slovenia, Internationales und vergleichendes Arbeits- und Sozialrecht, 2008. She has participated in numerous national and international legal conferences and meetings. She commenced duties as judge of the Constitutional Court on 28 September 2010.
Dr. Dunja Jadek Pensa

graduated from the Faculty of Law of the University of Ljubljana. After completing an internship at the Higher Court in Ljubljana, she passed the state legal examination in 1987. The following year (1988) she completed postgraduate studies at the Faculty of Law, where she also obtained a doctorate in law in 2007. In the period from 1988 to 1995 she was employed as a legal advisor; in the first year she worked for the civil department of the Basic Court in Ljubljana and subsequently for the Supreme Court of the Republic of Slovenia in the records department and the civil law department. In 1995 she was elected district court judge, assigned to work at the Supreme Court of the Republic of Slovenia, while continuing to work as a district court judge in the commercial department of the District Court in Ljubljana. In 1997, she was appointed higher court judge at the Higher Court in Ljubljana, where she worked in the commercial department. In 2004, she became a senior higher court judge. During her time as a judge of the Higher Court in Ljubljana, she was awarded a scholarship by the Max Planck Institute for Foreign and International Patent, Copyright and Competition Law in Munich; she presided over the specialised panel for commercial disputes concerning intellectual property, and in the period from 2006 to 2008 she was the president and a member of the personnel council of the Higher Court in Ljubljana. In 2008, she became a Supreme Court judge. At the Supreme Court of the Republic of Slovenia she was on the panels considering commercial and civil cases, as well as the panel deciding appeals against decisions of the Slovenian Intellectual Property Office. She has published numerous works, particularly in the field of intellectual property law, the law of damages, and insurance law. She has lectured in the undergraduate and graduate study programmes of the Faculty of Law of the University of Ljubljana and at various professional courses and education programmes for judges in Slovenia and abroad. She is a member of the state legal examination commission for commercial law. She commenced duties as judge of the Constitutional Court on 15 July 2011.
The Secretary General of the Constitutional Court

**Dr. Sebastian Nerad**

graduated from the Faculty of Law of the University of Ljubljana in 2000. For a short period after graduation he worked as a judicial intern at the Higher Court in Ljubljana. After becoming a Lecturer at the same Faculty of Law at the end of 2000, he concluded his internship at the Higher Court as an unpaid intern. He passed the state legal examination in 2004. From December 2000 until July 2008 he was a Lecturer at the Department of Constitutional Law of the Faculty of Law in Ljubljana. During this period his primary field of research was constitutional courts. In 2003, he was awarded a Master’s Degree in Law by the Faculty of Law on the basis of his thesis entitled *Pravne posledice in narava odločb Ustavnega sodišča v postopku ustavnosodne presoje predpisov* [Legal Consequences and the Nature of Constitutional Court Decisions in the Procedure for the Constitutional Review of Regulations]. He was also awarded a Doctorate in Law by this Faculty in 2006, following the completion of his doctoral thesis entitled *Interpretativne odločbe Ustavnega sodišča* [Interpretative Decisions of the Constitutional Court]. In 2007, he worked for six months as a lawyer-linguist at the European Parliament in Brussels. In August 2008, he was employed as an advisor to the Constitutional Court of the Republic of Slovenia. In this position he mainly worked in the areas of state and administrative law. In 2011, he went on a one-month study visit to the European Court of Human Rights in Strasbourg. He has published several articles on constitutional law, particularly on the functioning of the Constitutional Court. He is also the co-author of two monographs (*Ustavno pravo Evropske unije* [Constitutional Law of the European Union], 2007; *Zakonodajni referendum: pravna ureditev in praksa v Sloveniji* [The Legislative Referendum: Regulation and Practice in Slovenia], 2011), and co-author of *Komentar Ustave Republike Slovenije* [The Commentary on the Constitution of the Republic of Slovenia], 2011. He has been a member of the Constitutional Law Association of Slovenia since 2001. He occasionally participates in lectures on constitutional procedural law at the Faculty of Law of the University of Ljubljana. He was appointed Secretary General of the Constitutional Court on 3 October 2012.
5.3. The Judges of the Constitutional Court of the Republic of Slovenia since Independence, 25 June 1991

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<th>Presidents of the Constitutional Court</th>
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<td>Dr. Peter Jambrek</td>
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<td>Dr. Anton Jerovšek</td>
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<td>Franc Testen</td>
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<td>11.11.1998–10.11.2001</td>
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<td>Dr. Dragica Wedam Lukić</td>
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<td>11.11.2004–10.11.2007</td>
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<th>Judges of the Constitutional Court</th>
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<td>Dr. Lovro Šturm</td>
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<td>Dr. Dragica Wedam Lukić</td>
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<th>Secretary Generals of the Constitutional Court</th>
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<td>Dr. Janez Čebulj</td>
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6. **The Organisation of the Constitutional Court**

6.1. **The President of the Constitutional Court**

The President of the Constitutional Court, who officially represents the Constitutional Court, is elected by secret ballot by the judges of the Constitutional Court from among their own number for a term of three years. When absent from office, the President of the Constitutional Court is substituted for by the Vice President of the Constitutional Court, who is elected in the same manner as determined above. In addition to performing the office of judge, the President also performs other tasks: coordinating the work of the Constitutional Court, calling and presiding over hearings and sessions of the Constitutional Court, signing decisions and orders of the Constitutional Court, and managing relations with other state authorities and cooperation with foreign constitutional courts and international organisations, etc.

6.2. **The Secretariat of the Constitutional Court**

In order to carry out its legal advisory work, judicial administration tasks, and financial tasks and in order to provide administrative technical assistance, the Constitutional Court has a Secretariat composed of different organisational units (the Legal Advisory Department, the Analysis and International Cooperation Department, the Documentation and Information Technology Department, the Office of the Registrar, and the General and Financial Affairs Department). The Secretary General of the Constitutional Court coordinates the work of all services of the Secretariat.

6.3. **Sessions**

The Constitutional Court decides on matters within its jurisdiction at sessions, presided over by the President, at which all the Constitutional Court judges as well as the Secretary General are present. The sessions of the Constitutional Court are determined by the work schedule for the spring (between 10 January and 15 July) and autumn (between 10 September and 20 December) terms. Cases within the jurisdiction of the Constitutional Court are as a general rule assigned to a Judge Rapporteur who prepares drafts of a decision or order and in more demanding cases also presents reports on disputed issues. The cases are assigned to Constitutional Court judges according to a predetermined order (the alphabetical order of their last names). The Constitutional Court decides on questions that are connected with its organisation and work at administrative sessions.
## 6.4. The Internal Organisation of the Constitutional Court

**The Constitutional Court – the Constitutional Court judges**

- The Secretariat – the Secretary General

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<th>Legal Advisory Department (legal advisors)</th>
<th>Analysis and International Cooperation Department</th>
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6.5. Advisors and Department Heads

ADVISORS
Tina Bitenc Pengov
Vesna Božič
Diana Bukovinski
Mag. Tadeja Cerar
Mag. Polona Farmany
Uroš Ferjan
Dr. Aleš Galič
Nada Gatej Tonkli
Mag. Marjetka Hren, LL.M.
Andreja Kelvišar
Andreja Krabonja
Jernej Lavenočič
Simon Leohar
Marcela Lukman Hvastiža
Maja Matičič Marinšek
Katja Mramor
Lilijana Munh
Constanza Pirnat Kavčič
Andreja Plazl
Janja Plevnik
Ana Marija Polutnik
Maja Pušnik
Mag. Vesna Ravnik Koprivec
Heidi Starman Kališ
Jerica Trefalt
Dr. Katja Triller Vrtovec, LL.M.
Katarina Vatovec, LL.M.
Igor Vukšanovič
Dr. Renata Zagradnišnik, spec., LL.M.
Mag. Lea Zore
Mag. Barbara Žemva

DEPARTMENT HEADS
Ivan Biščak, Director of the General and Financial Affairs Department
Nataša Lebar, Head of the Office of the Registrar
Tina Prešeren, Head of the Analysis and International Cooperation Department
Mag. Miloš Torbič Grlj, Head of the Documentation and Information Technology Department
7. Publication of the Decisions of the Constitutional Court

7.1. Official Publication of Decisions

Decisions and those orders of the Constitutional Court which the Constitutional Court or an individual panel of the Constitutional Court so decides are published in the Official Gazette of the Republic of Slovenia or in the official publication of the local community in question if a decision or order refers to a regulation of the local community.

7.2. Other Publications

In addition to the official publication, the decisions and orders of the Constitutional Court are also published:

- in the Collected Decisions and Orders of the Constitutional Court (full texts of the more important decisions and orders with separate opinions),
- on the website of the Constitutional Court at www.us-rs.si,
- in the IUS-INFO web databases at www.ius-software.si and in other legal databases,
- in the legal journal Pravna praksa [Legal Practice],
- in the CODICES web database, on CD-Rom, and in the Bulletin on Constitutional Case-law of the European Commission for Democracy through Law (the Venice Commission) of the Council of Europe (summaries of selected decisions and orders in Slovene, English, and French, together with the full texts of some decisions and orders in Slovene and English).
Plečnik’s Palace – the Seat of the Constitutional Court

The Constitutional Court is located in a building with a rich history. The building was originally built for apartments in 1882 in the then typical Neo-Renaissance style. With its strongly accentuated rustication and renaissance decoration, the exterior of the building does not reveal that the interior boasts a Plečnik masterpiece.

At the beginning of the 20th century the building became the property of the Chamber of Commerce and Trade of Carniola, later renamed the Chamber of Commerce, Trade, and Industry, for which the rooms of the former tenant house were no longer adequate. The Chamber needed a large conference hall and several representative offices for its top officials. In 1925 they entrusted the reconstruction of the building to architect Jože Plečnik (1872–1957), who was at the height of his creative powers at that time. Due to a number of other projects that Plečnik was engaged in at the time, he assigned this task to his assistant France Tomažič, who completed it following Plečnik’s precise instructions.

Plečnik drew architectural elements of the ingeniously designed interior from the art of antiquity. Each detail has a deep symbolic meaning linking modern architecture to its classical foundations, the heirs of which are, in Plečnik’s firm belief, also Slovenes. Despite many technical problems arising in the course of the renovation, in the end Plečnik managed to create a symbolically, aesthetically, and functionally balanced whole, representing a foundational work of modern Slovene architecture.

The inner staircase adjoined to the existing building is a hymn to the classical column. The downward-tapering Minoan columns made of polished Pohorje tonalite granite and stone-clad walls create the archaic, dim look of the staircase. Richly profiled stone portals, carefully designed landing ceilings, and brass candelabra reminiscent of ancient torches give individual parts of the staircase a highly solemn emphasis. As in many of Plečnik’s creations, classical forms are intertwined with motifs from folk tradition. Folk proverbs engraved on the reddish decorative column on the last landing are eloquent proof thereof.

A mighty portal above the entrance to the large conference hall, nowadays called the session hall, is modelled on the pattern of temples. The walls of the hall are panelled high with dark walnut wood, the ceiling is made of wood as well, while the space on the wall between the ceiling and the wall panelling is covered with golden leaves. Plečnik used gilt loops on the wall panelling and the ceiling to create an image of sheets of cloth tied to one another. The hall thus symbolically depicts a solemn tent in which people would gather on particularly solemn occasions in ancient times.
Plečnik used classical patterns also in furnishing the large hall. The carefully designed presidency platform with a podium and nine armchairs is set against the longer, windowed side of the hall, while plain wooden desks with white marble desk tops were originally positioned in a line in front of the podium. The relatively simple construction of the furniture complemented with brass accessories and the leather upholstery of the seats contributes to the elegant, archaic appearance of the hall. Apart from the presidency platform with the armchairs, of the other original furniture only the desks which stood in the hall until the renovation in 1997 were partially preserved.

As a significant part of Slovene cultural heritage, Plečnik’s palace became the seat of the Slovene Constitutional Court in 1964, which proudly continues to use it as its home up to the present day.
The Constitutional Court of the Republic of Slovenia
An Overview of the Work for 2014

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