

The Rules of Procedure of the Constitutional Court of the Republic of Slovenia

Official Gazette of the Republic of Slovenia, No. 86/07, 54/10 and 56/11.

On the basis of the second paragraph of Article 6 and the second paragraph of Article 2 of the Constitutional Court Act (Official Gazette RS, No. 64/07-official consolidated text), at the administrative session held on 17 September 2007, the Constitutional Court adopted, at the administrative session held on 8 July 2010 and 4 July 2011 amended the **Rules of Procedure of the Constitutional Court**.

I. GENERAL PROVISION

II. THE REPRESENTATION OF THE CONSTITUTIONAL COURT

III. THE POSITION OF CONSTITUTIONAL COURT JUDGES

IV. ORGANISATION AND MODE OF WORK

V. THE PUBLIC CHARACTER OF THE WORK OF THE CONSTITUTIONAL COURT

VI. THE OPERATION OF THE CONSTITUTIONAL COURT

VII. CONSIDERATION AND DECIDING

VIII. OTHER ACTS

IX. FINAL PROVISION

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 referred to as the Constitutional Court) regulates the rules of procedure in cases in its jurisdiction, its organisation, operation, and other questions important for its work.

II. THE REPRESENTATION OF THE CONSTITUTIONAL COURT

Article 2

(Representation)

(1) The Constitutional Court is represented by the President of the Constitutional Court (hereinafter referred to as the President). During the President's absence or upon the authorisation of the President, the Vice President of the Constitutional Court (hereinafter referred to as the Vice President) represents the Constitutional Court and performs other tasks within its jurisdiction.

(2) If the President and the Vice President are absent, the tasks of the President are performed by a judge of the Constitutional Court (hereinafter referred to as a Constitutional Court judge) in accordance with the rule of seniority.

(3) The Constitutional Court is also represented by the Secretary General of the Constitutional Court (hereinafter referred to as the Secretary General) in matters outside judicial proceedings and within the limits of the Secretary General's competence, or within the limits authorised by the President.

Article 3

(External Relations)

(1) The President cooperates with the President of the Republic, the President of the National Assembly, the President of the Government, the President of the National Council, the President of the Supreme Court, and the heads of other state authorities in a manner that ensures the autonomy and independence of the Constitutional Court as the highest body of the judicial power for the protection of constitutionality, legality, and human rights and fundamental freedoms.

(2) The Constitutional Court establishes contacts and cooperates with international organisations, foreign constitutional courts, and other courts of foreign countries which have a position equal to constitutional courts.

(3) The President may authorise one of the Constitutional Court judges to manage the affairs which fall within the area of cooperation referred to in the preceding paragraph.

Article 4

(The Seal)

The Constitutional Court has a seal which contains the coat-of-arms of the Republic of Slovenia in the middle of it, and which is encircled by the inscription

"Ustavno sodišče Republike Slovenije" [The Constitutional Court of the Republic of Slovenia].

III. THE POSITION OF CONSTITUTIONAL COURT JUDGES

Article 5

(The Position of Constitutional Court Judges)

(1) Constitutional Court judges have a position and the rights and obligations arising there from as determined by the Constitution, a law, these Rules of Procedure, and the Constitutional Court regulations which regulate in greater detail the conditions of their work.

(2) The position of Constitutional Court judges within the Constitutional Court, except when deciding, is determined in accordance with the order of precedence of the rule of seniority, and is as follows:

- the President,
- the Vice President,
- the other Constitutional Court judges in the order of the date they began to perform the office of judge; if more than one judge is sworn in at the same time, the older judge has precedence.

(3) In cases in which the National Assembly does not elect candidates for all vacant positions on the Constitutional Court (the first paragraph of Article 17a of the Constitutional Court Act – hereinafter referred to as the CCA), which Constitutional Court judges are to continue to perform the office of Constitutional Court judge after the expiry of their term of office is determined by lot at an administrative session of the Constitutional Court. Before the drawing of lots, the Secretary General reads the rules regulating the drawing of lots.

(4) Before the drawing of lots, the Secretary General inserts slips of paper with the names of the Constitutional Court judges whose terms of office are due to expire into ballot balls of the same colour and shape. The Secretary General draws as many ballot balls as there are Constitutional Court judges who must continue to perform the office of Constitutional Court judge.

Thereafter, the Secretary General announces the names of the Constitutional Court judges who are to continue to perform office until the required number of new Constitutional Court judges are elected. After the announcement, the Secretary General draws the remaining ballot balls and reads the names of the Constitutional Court judges written on the slips of papers inserted in the ballot balls.

(5) The minutes of the administrative session at which the lots have been drawn must state which of the Constitutional Court judges are to continue to perform the office of Constitutional Court Judge.

(6) In the event the President and the Vice President are among the Constitutional Court judges whose terms of office are due to expire, the administrative session at which the drawing of lots is carried out is presided over by the most senior Constitutional Court judge in accordance with the rule of seniority; if also the latter is among the Constitutional Court judges whose terms of office are due to expire, the administrative session is presided over by the next most senior Constitutional Court judge in accordance with the rule of seniority.

Article 6

(The Election of the President and the Vice President)

(1) The President is elected by Constitutional Court judges from among their own number for a term of three years. After the expiration of this term, the same Constitutional Court judge may be re-elected President.

(2) The election of the President is held at an administrative session at least thirty days before the expiry of the term of office of the incumbent President. The election is carried out by secret ballot.

(3) The Vice President is elected in the same manner as the President.

Article 7

(The Manner of Election)

(1) The President is elected by a majority vote of all the Constitutional Court judges.

(2) If no candidate for President is elected in the first round, the two candidates who have received the greatest number of votes qualify for the second round of voting.

Article 8

(The President)

(1) In addition to performing the office of judge, the President:

- coordinates the work of the Constitutional Court;
- calls and presides over hearings and sessions of the Constitutional Court;
- signs decisions and orders of the Constitutional Court, except where otherwise provided by these Rules of Procedure;
- manages relations with other state authorities;
- manages cooperation with foreign constitutional courts and international organizations;
- supervises the performance of the administrative tasks of the Constitutional Court;
- attends to other duties in accordance with the Constitution, a law, these Rules of Procedure, and other Constitutional Court regulations.

(2) The President attends to the duties of his office independently and on the basis of the orders and directions of the Constitutional Court.

Article 9

(The Identity Cards and Professional Attire of Constitutional Court Judges)

(1) Constitutional Court judges have cards with their photographs and identity data, with which they exercise their immunity rights, and other documents on

the basis of which they can be provided assistance from public law enforcement officers.

(2) The Secretary General is responsible for issuing these cards and maintaining records thereof.

(3) Constitutional Court judges are to wear professional attire when publicly performing their office. The professional attire is a judicial robe whose design and colors are determined by the Constitutional Court.

IV. ORGANIZATION AND MODE OF WORK

Article 10

(The Mode of Work)

(1) The Constitutional Court decides on matters from within its jurisdiction at sessions, unless otherwise provided by the CCA or these Rules of Procedure.

(2) The Constitutional Court has three three-member panels for the examination of constitutional complaints. The division of work among the panels and the composition thereof is regulated by the Constitutional Court according to the work schedule.

(3) The Constitutional Court decides on questions that are connected with its organization and work at administrative sessions.

Article 11

(The Work Schedule and Assignment of Cases)

(1) The schedule of sessions and the work schedule of Constitutional Court judges and advisors to the Constitutional Court (hereinafter referred to as advisors) are determined by the Constitutional Court by means of a work schedule adopted at an administrative session.

(2) The sessions of the Constitutional Court are as a general rule determined for a spring term lasting between 10 January and 15 July, and for an autumn term lasting between 10 September and 20 December.

(3) Panel sessions are as a general rule also held during the periods referred to in the preceding paragraph.

(4) Cases within the jurisdiction of the Constitutional Court are as a general rule assigned to Constitutional Court judges according to the alphabetical order of their last names. Constitutional complaint cases are assigned to Constitutional Court judges, with consideration of which panel they have been assigned to, as a general rule according to the alphabetical order of the last names of the members of the panel. Detailed rules on assigning individual types of cases and the division of work between the panels and their composition are determined by the Constitutional Court by means of the work schedule for the spring and autumn terms.

(5) The work schedule is posted on a notice board, and the schedule of sessions, the method of assigning cases to the Constitutional Court judges, and the division of work between the panels of the Constitutional Court and their composition are also published in the Official Gazette of the Republic of Slovenia and on the website of the Constitutional Court.

Article 12

(Working Bodies)

(1) The Constitutional Court has working bodies which are determined by these Rules of Procedure or established by a special act of the Constitutional Court.

(2) The Constitutional Court has the following working bodies:

- the Redaction Commission, which prepares the final texts of decisions and orders of the Constitutional Court, which the Constitutional Court adopts at sessions;
- the Studies Commission, which discusses various questions relating to the proceedings before the Constitutional Court and prepares the proposals of principled positions concerning such;
- the Economic and Organisational Issues Commission, which prepares the proposals of decisions for administrative sessions of the Constitutional Court, particularly in the fields of internal organisation, inventory, remunerations and reimbursements, and the financial plan and its implementation; the Commission decides on various questions in these fields when the general acts of the Constitutional Court so determine or on the basis of authorisation assigned at an administrative session;
- the Personnel Commission, which decides issues regarding employment, promotion, and appointment in accordance with the rules determined by the relevant general act of the Constitutional Court;
- the Appeals Commission, whose panels decide, in accordance with the relevant general act of the Constitutional Court, on appeals against decisions on the rights and obligations of employees of the Secretariat of the Constitutional Court who have the status of civil servants (hereinafter referred to as the court personnel), and on the appeals of employment candidates against decisions in open competition procedures for the appointment of new officials;
- the Editorial Board of the Collected Decisions and Orders of the Constitutional Court.

(3) The composition of working bodies is determined by the Constitutional Court by a general act or a special order.

(4) If a working body is established by a special act, the field of work, the method of its work, and its composition are determined therewith.

Article 13

(The Secretariat)

(1) The Constitutional Court has a Secretariat, which is composed of the following organizational 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.

(2) The Constitutional Court regulates the more detailed organization of the Secretariat of the Constitutional Court, and the number, description, and requisite conditions of employment positions by a special act.

Article 14

(The Secretary General)

(1) The Secretary General manages the work of all services of the Secretariat and carries out other tasks determined by these Rules of Procedure, other acts of the Constitutional Court, and the orders and instructions of the President.

(2) The Secretary General is present at and, within the framework of his tasks, participates in sessions of the Constitutional Court and the work of the panels. The Secretary General is a member of the Redaction Commission and acts as the secretary thereof.

(3) The Secretary General is the head of the Constitutional Court as an authority with the status of a direct budget user and has the position of head of a state authority in relation to the employees of the Secretariat. The Secretary General may, pursuant to the law, authorise another person to exercise his powers.

(4) The Secretary General is appointed and dismissed by the Constitutional Court at an administrative session by a majority vote of all the Constitutional

Court judges. The Secretary General is accountable to the President and the judges of the Constitutional Court.

(5) To be appointed to the position of Secretary General, an individual must hold a university degree in law, have passed the state legal examination, and hold a Master's Degree in Law, or the individual must hold a university degree in law and hold a Doctorate in Law, and in both instances have at least ten years of experience in a position for which a university degree in law is required.

Article 15

(The Deputy and the Assistant Secretary Generals)

(1) When absent from office, the Secretary General is substituted for by the Deputy Secretary General, who is appointed by the Constitutional Court upon the proposal of the Secretary General.

(2) Upon the proposal of the Secretary General, the Constitutional Court appoints one or more Assistant Secretary Generals to lead and manage the work of the advisors of the Constitutional Court, and to carry out other tasks within the competencies of the Secretary General.

Article 16

(Legal Advisory Department)

Within the Legal Advisory Department, advisors of the Constitutional Court prepare reports, draft decisions, orders, and opinions in cases within the jurisdiction of the Constitutional Court and perform other expert work as necessary for consideration and deciding by the Constitutional Court. The employment position and rank of the advisors is determined by the act on the systemization of employment positions.

Article 17

(The Analysis and International Cooperation Department)

(1) Among its tasks, the Analysis and International Cooperation Department:

- gathers data and other information of a legal nature needed for the work of the Legal Advisory Department of the Constitutional Court;
- prepares comparative legal materials and analyses necessary for cases being considered by the Constitutional Court;
- prepares the legal basis for the constitutional court records;
- provides translations of Constitutional Court decisions into English; and
- performs tasks in the field of international cooperation.

(2) The Department is managed by the Head of the Department, who is appointed by the Constitutional Court upon the proposal of the Secretary General.

Article 18

(The Documentation and Information Technology Department)

(1) The Documentation and Information Technology Department ensures IT support for the work of the Constitutional Court, provides for the computer-supported operation of the Constitutional Court, maintains constitutional court records, and performs library services required by the Constitutional Court.

(2) The Department is managed by the Head of the Department, who is appointed by the Constitutional Court upon the proposal of the Secretary General.

Article 19

(The Office of the Registrar)

(1) The Office of the Registrar performs tasks connected to the acceptance and forwarding of applications, decisions, orders, and other documents, and to registers and other auxiliary books of the Constitutional Court, tasks connected with the management of files, the distribution of materials for the

sessions of the Constitutional Court and panels, the publication of decisions and orders in the Official Gazette of the Republic of Slovenia and other official publications, and other tasks determined by the act on internal office operations.

(2) The Office of the Registrar is managed by the Head of the Office of the Registrar, who is appointed by the Constitutional Court upon the proposal of the Secretary General.

Article 20

(The General and Financial Affairs Department)

The General and Financial Affairs Department performs financial and accounting tasks, general legal and personnel management tasks, protocol and other related tasks, administrative tasks in connection with the education of court personnel, and other administrative and technical tasks required by the Constitutional Court.

Article 21

(The Director of the General and Financial Affairs Department)

(1) The Director of the General and Financial Affairs Department (hereinafter referred to as the Director of the Department) appointed by the Constitutional Court upon the proposal of the Secretary General manages the work of the General and Financial Affairs Department. The Director of the Department also performs other tasks as determined by the acts of the Constitutional Court.

(2) To be appointed to the position of the Director of the Department, an individual must fulfill the conditions determined by the act on the systemization of employment positions.

Article 22

(Special Conditions of the Position of Court Personnel)

(1) Court personnel may not publicly express their opinions on questions which are the subject of cases pending before the Constitutional Court. Furthermore, they may not publicly comment on Constitutional Court decisions, except in academic works.

(2) Court personnel may not receive gifts in connection with their work at the Constitutional Court, while official gifts are regulated by the provisions of the act which regulates the position of civil servants.

(3) During a strike by court personnel, the following tasks, which in accordance with the law are essential for the performance of the necessary work of the Constitutional Court, must be ensured:

- tasks related to scheduled public hearings;
- tasks in cases which the Constitutional Court is considering and deciding on a priority basis in accordance with items 1, 2, and 3 of the second paragraph and item 3 of the third paragraph of Article 46 of these Rules of Procedure.

V. THE PUBLIC CHARACTER OF THE WORK OF THE CONSTITUTIONAL COURT

1. Ensuring the Public Character of the Work

Article 23

(The Public Character of the Work)

(1) The public character of the work of the Constitutional Court is ensured in a manner that is regulated by a law and these Rules of Procedure.

(2) The public character of the work of the Constitutional Court is ensured by the President. In particular, the public character of the work of the Constitutional Court is ensured by the public presentation of the annual report on the work of the Constitutional Court and by press conferences.

(3) In accordance with the CCA and the Rules of Procedure, the Constitutional Court ensures the public character of issued decisions and orders by publishing them or making them available in official publications, in the Collected Decisions and Orders of the Constitutional Court, on the website of the Constitutional Court, and in national and other computer databases.

2. The Inspection of a Case File

Article 24

(The Inspection of a Case File)

(1) Participants in proceedings before the Constitutional Court may inspect the case file during office hours in the Office of the Registrar under the supervision of a court employee.

(2) Prior to inspecting a case file, a person who has the right to inspect such must sign a statement on the protection of the personal data which they may inspect. The right to inspect a case file is not related to the internal part of a case file, which encompasses the reports which are a basis for deciding, draft decisions or orders, and the minutes of deliberation and voting.

(3) The right to inspect a case file also encompasses the right to copy certain parts of the case file; participants in proceedings may also be sent a copy by mail.

(4) The Constitutional Court determines a schedule of fees for issuing such copies.

Article 25

(The Inspection of a Case File on the Basis of Permission)

(1) Persons who are not participants in proceedings but who demonstrate legal interest may inspect a case file if they obtain written permission from the President.

(2) Persons who are not participants in proceedings and who demonstrate that they need information on the work of the Constitutional Court to write a bachelor's, master's, or doctoral thesis or to do research regarding the work of the Constitutional Court, may inspect a case file on the basis of written permission from the President.

(3) The persons referred to in the preceding paragraph may not inspect documents that are enclosed with applications and designated as business, official, or other secrets.

3. Information on the Status of Proceedings in a Case

Article 26

(Information on the Status of Proceedings in a Case)

(1) The Constitutional Court judge who is assigned a case according to the work schedule (hereinafter referred to as the judge rapporteur) provides participants in proceedings before the Constitutional Court information on the status of proceedings in the case.

(2) The information referred to in the preceding paragraph is provided in writing and upon the written request of a participant in proceedings.

(3) The Secretary General provides information on the status of proceedings in the case to other persons in the manner referred to in the preceding paragraph.

4. Public Hearings

Article 27

(Public Hearings)

(1) Anyone may be present at a public hearing, except during the parts thereof from which the public is excluded.

(2) The Secretary General informs accredited journalists of public hearings.

(3) An order calling a public hearing is also posted on the notice board and published on the website of the Constitutional Court eight days prior to the public hearing.

Article 28

(Recording Public Hearings)

(1) Filming and photographing during public hearings is not allowed, however, it is allowed prior to a public hearing and at the oral pronouncement of Constitutional Court decisions.

(2) Journalists who attend a public hearing may make an audio recording of the course of the public hearing in order to report on the work of the Constitutional Court, however, they may not publicly broadcast such recordings.

(3) Records of public hearings are made and kept as audio recordings.

(4) Within the framework of the right to inspect a case file, participants in proceedings have the right to listen to the audio recordings of the relevant public hearings and the right to have a copy of such made at their own expense.

5. Media Relations

Article 29

(The Person Responsible for Media Relations)

(1) The Secretary General is responsible for maintaining contact with representatives of the media; among other tasks, the Secretary General:

- provides press releases and information on the work of the Constitutional Court;
- announces which cases are on the agenda of sessions of the Constitutional Court;
- provides information on the manner of the work and proceedings of the Constitutional Court;
- provides information on cases that are resolved outside court proceedings.

(2) The Secretary General may authorise other court personnel to maintain contact with representatives of the media.

Article 30

(Informing the Media)

(1) The Constitutional Court may decide to inform the public through the press and other media of a particular case which is the subject of constitutional review, or which has already been decided by the Constitutional Court, by means of a press release or in some other appropriate manner.

(2) Copies of requests and petitions to initiate the procedure for the review of the constitutionality or legality of regulations and general acts issued for the exercise of public authority may be provided to journalists with the permission of the Secretary General. If such contain data which should not be revealed to the public due to the protection of privacy, the Secretary General determines the manner of providing copies of the request or petition.

(3) In constitutional complaints cases, the Secretary General may provide to journalists information on the status of the proceedings; copies of constitutional complaints may be provided to journalists with the permission of the Secretary General only if they were lodged by legal entities.

(4) An official note in the case file is made concerning every permission granted and copy of a request, petition, or constitutional complaint so provided.

(5) The Secretary General informs the public of the proposed agenda of a session of the Constitutional Court one day prior to the session.

(6) If a motion of a participant in proceedings referred to in the second paragraph of Article 38a of the CCA is submitted or if the Constitutional Court decides that the personal data of participants in proceedings is not to be stated in a decision, the information on the proposed agenda and other information provided by the Secretary General do not contain the personal data of the participants in proceedings.

Article 31

(Accredited Journalists)

(1) The Constitutional Court accredits journalists and maintains a register thereof. It regularly sends accredited journalists press releases and information on its work in a manner determined by the Secretary General. The Secretary General sends press releases and information on the work of the Constitutional Court to other journalists upon their request.

(2) The Secretary General decides on entry into the register of accredited journalists upon the request of an editor in chief of a news medium or upon the request of an independent journalist.

(3) If the Secretary General denies an accreditation request, he issues a decision on such, against which the editor in chief or independent journalist may file an appeal within eight days. The President decides on such appeal.

(4) The editor in chief of the news medium or independent journalist may cancel such accreditation. The cancellation takes effect on the day the Secretary General is informed thereof. If the Constitutional Court establishes that an accredited journalist no longer cooperates with the news medium whose editor in chief requested accreditation, or if an independent journalist has lost his status as an independent journalist, and his accreditation was not cancelled, the Secretary General determines that his accreditation is cancelled. The Secretary General notifies the editor in chief of the cancellation, who may within three days require that the Secretary General issue a decision on the cancellation. The appeal referred to in the preceding paragraph of this article is allowed against such a decision.

6. Access to Constitutional Court Decisions and Related Information

Article 32

(The Inspection of Adopted Decisions)

(1) Everyone has the right to inspect the adopted decisions and orders of the Constitutional Court.

(2) If the Constitutional Court decides that the personal data of a participant in proceedings is not to be stated in the decision or order, the decision or order contains fictitious initials instead of the names of the relevant persons and locations. If such person is represented by an authorized representative who is a lawyer, the name of the lawyer or the name and address of the law firm is nevertheless stated in the decision or order.

(3) Anyone may use the library of the Constitutional Court during office hours to inspect the Collected Decisions and Orders of the Constitutional Court and the computer database of the Constitutional Court, which contain the decisions and orders issued by the Constitutional Court.

Article 33

(Information not Publicly Available)

(1) Personal data from registers and auxiliary books are not public. A person who is not a participant in proceedings may access such only on the basis of an approved inspection of the case file, to the extent and in the manner determined by the CCA and these Rules of Procedure.

(2) Internal materials gathered in proceedings prior to the issuance of the decisions and orders of the Constitutional Court (reports that are the basis for consideration and deciding, draft decisions and orders, and other internal materials gathered for the consideration of a case) are not public and are maintained in the internal part of the case file. These materials are considered confidential even if they are not specifically designated as such.

(3) The Constitutional Court determines by a special act how it treats information which is designated as confidential on the basis of law.

VI. THE OPERATION OF THE CONSTITUTIONAL COURT

1. Applications

1.1. The Acceptance of Application

Article 34

(The Acceptance of Applications)

(1) Requests for the review of the constitutionality of a law, the constitutionality or legality of a regulation, or a general act issued for the exercise of public authority (hereinafter referred to as a request), petitions for instituting proceedings for the review of the constitutionality of a law, the constitutionality or legality of a regulation or a general act issued for the exercise of public authority (hereinafter referred to as a petition),

constitutional complaints, and other applications and documents, are accepted by the Office of the Registrar of the Constitutional Court.

(2) The contents of individual applications are determined by the CCA and in the Annex to these Rules of Procedure.

(3) The Constitutional Court may determine forms for lodging petitions or constitutional complaints. Forms determined for these purposes are published on the website of the Constitutional Court, and are made available in printed form at the Office of the Registrar during office hours.

Article 35

(The Submission of an Application)

(1) The applications referred to in the first paragraph of the preceding article may be submitted in person at the Office of the Registrar during office hours, or sent by mail or other means of communication technology.

(2) Applications that are submitted in electronic form but which do not contain a secure electronic signature based on a qualified certificate are not considered applications that the Constitutional Court receives in the framework of office operations, and thus it is not obliged to respond to them.

1.2. The Entry into Registers and Supplementation of Applications

Article 36

(The Treatment of Applications)

The Head of the Office of the Registrar forwards applications to the Secretary General, who orders the manner of treating such, in conformity with the provisions of the act on internal office operations.

Article 37

(The Entry of an Application into a Register)

(1) The Secretary General determines the type of register into which a matter that is the subject of an application or other document is entered. The Secretary General orders the transfer of a matter into another type of register of his own motion or on the basis of a decision of the Constitutional Court or a panel of the Constitutional Court.

(2) The types of registers, the data which are to be entered into such, and the manner of their operation are regulated by the act on internal office operations.

(3) Applications that do not refer to the operation or jurisdiction of the Constitutional Court are to be entered into the general register (register R). This register also contains those applications designated as a request, petition, or constitutional complaint regarding which it is evident that they cannot be examined on the basis of the CCA and those regarding which it is evident on the basis of the case-law of the Constitutional Court that they have no possibility of success.

(4) If an application is not entered into the general register, the Head of the Office of the Registrar informs the applicant of the register into which the application has been entered and the registration number it has been assigned, the judge rapporteur who has been assigned the case, and the manner of providing information on the status of proceedings. The Office of the Registrar also informs the applicant if the registration number assigned to the case changes due to a joinder or severance regarding the case.

Article 38

(Activities after Receiving an Application)

(1) When the Secretary General assigns a case to an advisor, the advisor determines the classification of the case and proposes to the Secretary General or the judge rapporteur the activities which must be carried out in the individual case.

(2) The orders of the Secretary General and the advisor are executed by the Office of the Registrar.

Article 38.a

(The Treatment of Applications in the General Register)

(1) If an application is entered into the general register, the Secretary General notifies the applicant thereof and explains the following:

- the reasons why the Constitutional Court cannot examine the lodged application;
- the reasons why the application has no possibility of success;
- that within 30 days of receipt of such explanation the applicant can require that the Constitutional Court decide on his application.

(1) If the Constitutional Court cannot examine the application due to deficiencies that can still be remedied in accordance with the CCA, the Secretary General explains to the applicant how to remedy the deficiencies of the application. At the same time, the Secretary General determines a period within which the applicant can remedy the deficiencies and informs him of the determined consequences if the deficiencies are not remedied within such period of time. This period cannot be determined in such a manner that it expires before the date of the expiry of the period determined in the CCA for lodging the application.

(2) In the case referred to in the first paragraph, the Secretary General can inform the applicant of the possibility of the imposition of a fine in accordance with Article 34.a of the CCA.

(3) If, after receiving the explanation of the Secretary General, the applicant remedies the deficiencies of the application in due time or notifies the Constitutional Court that he requires that the Constitutional Court decide on the application, the application is transferred into the appropriate register in which applications to be decided by the Constitutional Court are registered.

(4) If the applicant does not proceed in accordance with the preceding paragraph, it is deemed that the application was not lodged.

Article 39

(The Supplementation of an Application)

(1) If the explanation of the Secretary General calls on the applicant to supplement his application within a determined period of time, supplementations of his application subsequent thereto are not taken into consideration.

(2) If an applicant does not receive the explanation of the Secretary General determined in the first paragraph of this article and the application was lodged in due time and entered into the register in which applications to be decided by the Constitutional Court are registered, the judge rapporteur invites the applicant to supplement his application if it is not complete, provided that it concerns a constitutional complaint or other application which the law determines must be lodged within a given period of time. The judge rapporteur also informs the applicant of the consequences determined by the CCA if he fails to supplement his application within the determined period of time.

1.3. The Signing and Serving of Constitutional Court Documents

Article 40

(The Signing and Serving of Documents)

(1) The judge rapporteur signs the documents of the Constitutional Court regarding cases in its jurisdiction, except for decisions and orders, which are adopted at sessions or panel sessions.

(2) If the judge rapporteur is absent, the documents which must be immediately sent are signed by another Constitutional Court judge. If all

judges of the Constitutional Court are absent, documents which must be immediately sent are signed by the Secretary General, if they are not orders or decisions of the Constitutional Court.

(3) Documents of the Constitutional Court are served in accordance with the provisions of the law regulating civil procedure, unless these Rules of Procedure determine otherwise.

(4) The information referred to in the third paragraph of Article 37 of these Rules of Procedure is sent by regular mail, unless the Secretary General orders otherwise.

Article 41

(The Person Jointly Authorised to Accept Documents Served)

If a petition is lodged by a number of petitioners by the same application and the petitioners do not have an authorised representative, the judge rapporteur notifies the first signed petitioner that the petitioners are to jointly appoint a person authorised to accept documents served. If the petitioners do not reply within the period of time determined by the Constitutional Court for this purpose, it is deemed that the first signed petitioner is the person jointly authorised to accept documents served.

2. The Participation of Lawyers in Public Hearings

Article 42

(The Attire of Lawyers)

At public hearings and preliminary hearings dealing with procedural matters before the Constitutional Court, lawyers are to wear the attire that is prescribed for representing parties before the court.

3. The Appointment of Court Interpreters

Article 43

(The Appointment of Court Interpreters)

When participants in proceedings before the Constitutional Court are entitled to use a language which is not Slovene, to submit applications in their own language, or to be provided with a court interpreter at public hearings, the Secretary General selects a court interpreter from the list of court interpreters maintained by the Ministry of Justice, and orders a translation.

4. The Disqualification of a Constitutional Court Judge

Article 44

(Decision on Disqualification)

(1) If a participant in proceedings motions for the disqualification of a Constitutional Court judge deciding on a certain case, the Constitutional Court decides upon the motion at a session. If it dismisses the motion for disqualification, it issues an order which must include a statement of reasons and be served on the participants in proceedings.

(2) If the Constitutional Court grants a motion for the disqualification of a Constitutional Court judge, it decides on such by an order which does not include a statement of reasons. The Secretary General notifies the participants in proceedings of the disqualification.

(3) When deciding on a judge's proposal for recusation regarding deciding on a case, the Constitutional Court decides on such by an order which does not contain a statement of reasons. The participants in proceedings are not notified of such an order.

(4) The statement of the composition of the Constitutional Court in a decision or an order always states which if any of the Constitutional Court judges was disqualified from deciding on the case.

5. The Costs of Proceedings

Article 45

(Deciding on Costs)

The costs of proceedings which are claimed by participants in proceedings, and the payment of costs that the court incurs in connection with the proceedings (for expert witnesses, interpreters, etc.), are decided by the Constitutional Court together with the decision on the case.

VII. CONSIDERATION AND DECIDING

1. The Order of Precedence for Considering Cases

Article 46

(The Order of Precedence)

(1) As a general rule, the Constitutional Court considers cases in accordance with the order of their receipt.

(2) The Constitutional Court considers the following types of cases as priority cases:

- cases which the court must consider and decide rapidly in accordance with the regulations that apply on the basis of the CCA;
- cases in which a court has adjourned proceedings and required the review of the constitutionality of a law;
- cases for which a law determines a time limit within which the Constitutional Court must consider and decide a case;
- jurisdictional disputes.

(3) The Constitutional Court may decide to consider the following types of cases as priority cases:

- simpler cases which can be considered and decided in the examination procedure phase or in the preparatory procedure phase;

- cases which concern the resolution of an important legal question;
- in other instances when the Constitutional Court so decides.

(4) If a participant in proceedings motions for priority consideration, the Constitutional Court decides thereon if so proposed by the judge rapporteur or another Constitutional Court judge.

(5) The cases referred to in the second and third paragraphs of this article are as a general rule considered according to the order of precedence of equal priority cases; if there exist especially substantiated circumstances, the Constitutional Court can decide otherwise.

2. Reports of Judge Rapporteurs

Article 47

(Reports)

(1) The Constitutional Court decides on a case which is the subject of proceedings at a session on the basis of the written or oral report of the judge rapporteur or on the basis of a submitted draft decision or order.

(2) If the judge rapporteur assesses that a case is more demanding or if such is required by any Constitutional Court judge at a session, a written report of the case is drawn up. In the event of such, the report comprises whatever is necessary for the Constitutional Court to decide, e.g. a review of whether the procedural requirements have been fulfilled, a presentation of previous relevant constitutional case law, a comparative survey of relevant constitutional reviews or reviews by international courts, other comparative-law information, a presentation of foreign and domestic legal theory, selected preparatory materials for the Constitution and the challenged regulations, and arguments in favour and against possible solutions.

(3) The report may also contain a proposal that a public hearing be called or a proposal on the partial or complete exclusion of the public from a hearing; in the event a matter is considered at a session, as a general rule the draft decision or order of the case is also enclosed with the report.

3. The Joinder or Severance of Cases

Article 48

(Joinder)

If in their applications more than one applicant requests the review of the constitutionality or legality of the same provisions or provisions related in terms of content of a law, regulation, or general act issued for the exercise of public authority, the Constitutional Court may, upon the proposal of the judge rapporteur, decide by an order to join all applications for joint consideration and deciding on their constitutionality or legality.

Article 49

(Severance)

(1) If an application contains a proposal for the review of the constitutionality or legality of the provisions of two or more laws, regulations, or general acts issued for the exercise of public authority, but their joint consideration is not necessary or reasonable, the Constitutional Court may, upon the proposal of the judge rapporteur, decide by an order to separate the application for separate consideration and deciding on their constitutionality or legality.

(2) An application so separated may be entered as an independent case, or may be joined with another case if the requirements referred to in the preceding article are met.

Article 50

(Petitions and Constitutional Complaints)

If a constitutional complaint also contains a petition to initiate proceedings for the review of the constitutionality or legality of regulations or general acts issued for the exercise of public authority, the application is classified and treated as a petition and as a constitutional complaint.

4. Public Hearings

Article 51

(The Calling of Public Hearings)

(1) Public hearings are called by the President.

(2) Participants in proceedings are invited to a hearing by a written summons such that they receive the summons as a general rule eight days prior to the hearing. In certain cases the President may order a shorter time limit.

(3) A copy of the application and a copy of any replies to the application and other necessary documents are enclosed with the summons if these materials have not already been sent to the participant in proceedings during preparatory procedure.

(4) In addition to the participants in proceedings, the Constitutional Court may also decide to summons 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 judge rapporteur also decides which parts of the case file are to be sent to these persons together with the summons.

Article 52

(The Course of Public Hearings)

(1) At the beginning of public hearings, the President informs all present of the case which is the subject of the public hearing, establishes if all those summoned are present, instructs the participants in proceedings to limit their statements to only what has not already been submitted to the Constitutional Court in their applications, and notifies them of the provision of Article 28 of these Rules of Procedure.

(2) If a hearing or a part of a hearing is not public, the President declares this at the beginning of the hearing, or at the beginning of that part which is not public.

(3) In justified instances, particularly when it is necessary to take evidence, the Constitutional Court may adjourn a public hearing and reschedule it for a new date, or it may stay the hearing.

(4) In order to maintain order during public hearings, the provisions which govern civil procedures are applied *mutatis mutandis*.

Article 53

(Deliberation and Voting)

The deliberation and voting on the decision of a case that is the subject of a public hearing is carried out at a closed session. Only those Constitutional Court judges who were present at the public hearing cast votes.

Article 54

(Pronouncing Decisions)

(1) When a decision is pronounced orally, the President pronounces the operative provisions of the decision or the order, and the judge rapporteur states the main reasons for the decision adopted.

(2) The oral pronouncement of the operative provisions of a decision or an order is always made in public.

5. Sessions

Article 55

(The Calling of Sessions)

(1) Sessions of the Constitutional Court are called by the President in accordance with the work schedule of the Constitutional Court.

(2) In accordance with the second paragraph of Article 11 of these Rules of Procedure, sessions of the Constitutional Court are called once a week, unless the work schedule or a Constitutional Court order provides otherwise.

Article 56

(Correspondence Sessions)

(1) If the judge rapporteur does not propose otherwise, the Constitutional Court considers proposals for the temporary suspension of the implementation of laws, regulations, and general acts issued for the exercise of public authority in a manner such that the judge rapporteur submits a report and a draft decision to the other Constitutional Court judges. The Constitutional Court may decide that it will also decide other types of cases in the same manner.

(2) If none of the Constitutional Court judges declares his opposition to the draft decision within eight days or within a time limit determined by an order of the Constitutional Court, such decision is adopted.

(3) If any Constitutional Court judge declares his opposition to the draft decision within the time limit referred to in the preceding paragraph, deciding on the draft decision is placed on the agenda of the next session.

Article 57

(The Agenda)

(1) The proposed agenda, together with the materials prepared for the session, must be delivered to the Constitutional Court judges together with announcement calling the session at least five days before the session.

(2) In exceptional instances, if the judge rapporteur decides that a case is urgent or must be resolved within a prescribed time limit, it may be placed on the agenda without the materials or with incomplete materials.

(3) At a session the President or a judge of the Constitutional Court may propose that a case be placed on the agenda or withdrawn from the agenda.

(4) If an urgent session is called which is not envisaged in the work schedule, the agenda may be proposed and the materials delivered at the session.

Article 58

(Participation at Sessions)

(1) In addition to the President and judges of the Constitutional Court, the Secretary General is present at sessions.

(2) The advisors of the Constitutional Court who have been assigned a case and other advisors who are selected by the President or the judge rapporteur are also present at the session at particular items of the agenda.

Article 59

(Presiding Over and Determining the Agenda)

(1) Sessions of the Constitutional Court are presided over by the President, who is also responsible for maintaining order.

(2) The President first establishes the attendance at the session and if there is a quorum.

(3) After the quorum has been established, the proposed agenda of the session is decided upon. The Constitutional Court first decides upon proposals to withdraw cases from the agenda, then upon proposals to add items to the agenda, and finally upon proposals to change the order of precedence regarding the consideration of cases. The Constitutional Court decides upon proposals by a majority vote of judges present.

(4) After the decisions referred to in the preceding paragraph of this article have been reached, the President submits the entire proposal of the agenda

to a vote. The Constitutional Court decides on the agenda by a majority vote of judges present.

Article 60

(Consideration)

(1) At the beginning of the consideration of each item on the agenda, the President allows the judge rapporteur to speak, and then other Constitutional Court judges, moving clockwise, such that the judge sitting to the left of the judge rapporteur follows first. The President speaks after all other judges have stated their opinion on the matter; the President may then allow the Secretary General and, upon the proposal of the judge rapporteur, the advisor present at particular items of the agenda to speak.

(2) The President allows the following to speak during discussions: Constitutional Court judges, the Secretary General, and advisors, in an order of precedence in accordance with the order they requested to speak, whereby the President and judges of the Constitutional Court have precedence.

(4) Those who have requested to speak have, as a general rule, the right to speak only once in a discussion. They may speak only about matters which concern an item on the agenda. If they do not follow this rule, the President may, after giving them a warning, require them to stop speaking. A Constitutional Court judge may, however, object to being required to stop speaking. The Constitutional Court decides on such an objection immediately and without discussion, by a majority vote of judges present.

(5) Upon the proposal of the President or any other judge of the Constitutional Court, the Constitutional Court may limit the time for Constitutional Court judges to discuss an individual issue.

(6) When the President establishes that there are no further requests to speak, he concludes the discussion.

Article 61

(Deciding)

(1) After the discussion of an item on the agenda is concluded the President submits the proposed decision to a vote.

(2) The vote may be either preliminary or final. In a preliminary vote, a Constitutional Court judge may abstain from voting, but if he votes he is not bound by his vote in the final vote.

(3) A final vote may be carried out only on a draft decision or a draft order which includes the operative provisions and its full reasoning, except in cases when the Constitutional Court pronounces its decision orally, immediately after the conclusion of a hearing.

Article 62

(Circulation before Redaction)

(1) The Constitutional Court may exceptionally decide that a final vote also be carried out on a draft decision or a draft order which includes the operative provisions if it follows from the discussion that a majority of the Constitutional Court judges who are in favour of the decision propose changes to the reasoning which exceed the powers of the Redaction Commission.

(2) In the instances referred to in the preceding paragraph, the Constitutional Court determines one or more Constitutional Court judges to prepare the reasoning. The reasoning of a decision or order so prepared is distributed to all Constitutional Court judges in order to enable them to state their positions thereon (circulation before redaction). Within three days of receiving the reasoning, each Constitutional Court judge may propose that the case be reconsidered by the Constitutional Court at another session.

(3) If, within the time limit referred to in the preceding paragraph, none of the Constitutional Court judges disagrees with the reasoning, the Redaction

Commission prepares the final text of the decision or order on the basis of this reasoning.

Article 63

(Staying, Adjourning, and Concluding Sessions)

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

(2) If the Constitutional Court does not conclude the discussion of an item on the agenda, or if the conditions for reaching a decision are not fulfilled, the Constitutional Court may decide by a majority vote of the judges present to adjourn the decision on such to a later session.

(3) The President concludes a session when all items on the agenda have been addressed.

6. The Minutes

Article 64

(The Minutes)

(1) Minutes of the sessions of the Constitutional Court are taken by the Secretary General.

(2) The operative provisions of a decision or an order are entered into the minutes of a session of the Constitutional Court. The result of the vote is also entered such that the names of the Constitutional Court judges who voted against the adopted decision and the names of the Constitutional Court judges who have declared that they will write separate opinions are entered into the minutes. Procedural and other orders are also entered into the minutes, as well as other notes upon the [adopted] proposal of a Constitutional Court judge. If the proposal for an entry into the minutes is not adopted, Constitutional Court judges have the right to attach their written declarations regarding such to the minutes.

(3) The minutes of a session of the Constitutional Court are signed by the President and the recording secretary. The President signs the minutes when they are confirmed.

(4) The minutes are as a general rule submitted for confirmation at the next session of the Constitutional Court. A correction of the minutes is recorded in the minutes of the session at which the minutes are confirmed, and an official note with the contents of the correction is attached.

(5) The provision of the second paragraph of this article also applies to minutes of the procedure for the taking of evidence and other actions in the preparatory procedure, unless the judge rapporteur decides that only a note should be made of this.

7. Decisions and Orders

Article 65

(Drafts)

(1) The draft of the text of a decision or an order is as a general rule submitted to the Constitutional Court by the judge rapporteur. Each Constitutional Court judge may submit their proposals of the decision for consideration at a session.

(2) If a case was considered at a public hearing, but the Constitutional Court did not decide on it immediately, the draft decision or order is submitted to the Constitutional Court judges at least five days before the day on which the session for deliberation and voting is called.

(3) If the draft decision or order of the judge rapporteur is not accepted, the Constitutional Court may, upon his proposal, determine as judge rapporteur a different Constitutional Court judge.

Article 66

(Contents)

(1) Decisions and orders contain the introduction, the operative provisions, the statement of reasons, the statement of the legal basis for deciding, and the statement of the composition of the Constitutional Court which reached the decision, unless the law provides otherwise.

(2) The introduction of a decision or order states in which proceedings the decision was adopted, the names of the applicants, petitioners, or constitutional complainants, and their representatives and persons authorised by them, and the date of the public hearing, if such was held, and the date of the session at which the decision was adopted.

(4) The operative provisions contain the decision on the commencement of proceedings, the decision on the review of the regulation or general or individual act that was the subject of the review, the decision on the manner of the implementation of the decision or the order, and the decision on the costs of proceedings, if such were claimed by a participant in proceedings.

(5) The statement of reasons contains a summary of the allegations of the participants in proceedings and the reasons for the decision of the Constitutional Court.

(6) If the statement of reasons of a decision or order refers to reasons included in a prior decision or order which was not published, it is attached to the decision served on the participants in proceedings.

(7) The statement of the composition of the Constitutional Court which adopted the decision or order also states the results of the vote and the names of the Constitutional Court judges who voted against the decision, the names of the Constitutional Court judges who submitted separate opinions, and the names of the Constitutional Court judges who were disqualified from deciding.

Article 67

(Redaction)

The final text of a decision or order adopted at a session of the Constitutional Court is edited by the Redaction Commission within seven days at the latest from the day of its adoption or from the expiry of the time limit referred to in the second paragraph of Article 62 of these Rules of Procedure.

Article 68

(Revoting)

(1) Until the annulment of a decision or order, each Constitutional Court judge may propose in writing that the decision or order be decided on again at a session of the Constitutional Court (revoting). Such proposal suspends the annulment of the decision or order.

(2) For a decision or order to be decided on again, the proposal on such must be decided first. If the proposal is accepted, revoting on the already adopted decision is carried out after discussion of the reasons for a different decision. If this is not possible, the procedure for deciding again is adjourned.

Article 69

(The Publication and Serving of Decisions)

(1) It is within the competence of the Secretary General to organise the publication and serving of decisions and orders.

(2) The decisions of the Constitutional Court become public when a decision or an order is sent to the participants in proceedings, and in constitutional complaint cases, when a decision or an order is served on the complainant.

(3) Irrespective of the provision of the preceding paragraph, decisions of the Constitutional Court become public by public pronouncement.

(4) An order on the temporary suspension of the implementation of statutory provisions, regulations, or general acts issued for the exercise of public authority is published in the Official Gazette of the Republic of Slovenia and in the official publication in which the respective regulation or the general act issued for the exercise of public authority was published.

(5) Decisions or orders adopted in proceedings instituted upon a constitutional complaint and decisions in jurisdictional disputes are published in the Official Gazette of the Republic of Slovenia if so decided by the Constitutional Court.

(6) If the Constitutional Court decides that personal data are not to be stated in a published decision or order, the names and the places referred to in the decision or order are replaced with fictitious initials.

(7) Decisions and orders which are published in the Official Gazette of the Republic of Slovenia are also published on the website of the Constitutional Court, as are other decisions and orders by which proceedings are concluded, except for orders which only include a reason for the decision.

Article 70

(The Correction of Inaccuracies)

(1) Inaccuracies in decisions and orders adopted at sessions are corrected by an order issued by the President. The order on the correction is written at the end of the original decision or order; the participants in proceedings are served the order on the correction.

(2) If such a decision or order has already been published, the order on the correction is published in the same manner.

8. Separate Opinions

Article 71

(Type and Purpose)

(1) A Constitutional Court judge who does not agree with a decision adopted at a session of the Constitutional Court may submit a separate opinion, which may be either a dissenting opinion if he disagrees with the operative provisions or a concurring opinion if he disagrees with the statement of reasons. A separate opinion may be submitted by a group of judges, or a Constitutional Court judge may join the separate opinion of another Constitutional Court judge.

(2) A separate opinion may only be submitted by a Constitutional Court judge who has declared after the voting on the decision that he will submit such opinion. Joining a separate opinion is possible also without prior declaration thereof.

(3) The purpose of a separate opinion is to present the arguments that the Constitutional Court judge stated in the discussion and deciding on a case and which dictated his decision.

Article 72

(Time Limit for the Submission of Separate Opinions)

(1) Separate opinions must be submitted within seven days from the day when the Constitutional Court judges receive the text of the decision determined by the Redaction Commission, which is confirmed and signed by the Secretary General.

(2) The Constitutional Court may determine a time limit for submitting separate opinions which is shorter or longer than seven days if so required by the nature of the matter decided on. Immediately after the final vote, the Constitutional Court decides on the extension or reduction of such time limit by a majority vote of the Constitutional Court judges present.

(3) Separate opinions are submitted to other Constitutional Court judges, who may comment on such within three days. A Constitutional Court judge who has submitted a separate opinion may reply to such comments within three days.

(4) If a separate opinion is not submitted within the time limit referred to in the first or second paragraphs, it is deemed that the Constitutional Court judge is not submitting a separate opinion.

Article 73

(Serving and Publication)

(1) A separate opinion is sent together with the decision or order to which the separate opinion refers. If, in accordance with an order of the Constitutional Court, the decision or order is sent immediately, the section stating the composition states which Constitutional Court judges have declared that they would write a separate opinion; the separate opinions are then sent after the expiry of the time limits referred to in the preceding article.

(2) If a decision or an order is published in the Collected Decisions and Orders of the Constitutional Court, on the website of the Constitutional Court, or in other computer databases, separate opinions thereto are published with the decision or order.

Article 74

(Press Release)

(1) If the Constitutional Court decides that it will issue a press release following the adoption of a decision, the text of such is prepared by the judge rapporteur.

(2) The draft press release is submitted to the Constitutional Court judges, who may comment on the draft within a time limit of three days or within a shorter time limit, if the Constitutional Court so decides. If any Constitutional Court judge does not agree with the contents of the draft press release, the Constitutional Court decides on the text thereof at a session.

(3) The final text of a press release is determined by the Redaction Commission, and signed by the President.

9. Panels

Article 75

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

(1) The provisions of these Rules of Procedure which refer to consideration and deciding apply, *mutatis mutandis*, also to the work and deciding of panels, unless these Rules of Procedure determine otherwise.

(2) In constitutional complaint cases, upon the proposal of the judge rapporteur or any other Constitutional Court judge, a panel decides on priority consideration in accordance with the third paragraph of Article 46 of these Rules of Procedure.

(3) The president of the panel, or in the event of his absence or disqualification, the Constitutional Court judge who is presiding over the panel, signs panel orders. The rules determining which member of the panel is to preside over the panel are determined by the Constitutional Court by the work schedule.

Article 76

(Panel Sessions)

(1) A panel decides whether the conditions for the acceptance and consideration of a constitutional complaint determined by law are fulfilled and on other questions so determined by the CCA and these Rules of Procedure.

(2) The manner of deciding referred to in the preceding paragraph is carried out by means of a correspondence session on the basis of the submitted report unless the judge rapporteur proposes otherwise. A panel order is

adopted by means of a correspondence session if all members of the panel are in favour of such.

(3) A member of a panel may request that a constitutional complaint be considered at a session of the panel before deciding whether it should be accepted for consideration.

Article 77

(Circulation after a Panel Session)

(1) If the members of a panel do not agree whether the reasons referred to in the first paragraph of Article 55b of the CCA exist, the constitutional complaint is submitted to the Constitutional Court judges who are not members of the panel in order for them to decide thereon. If all Constitutional Court judges decide on such reasons regarding the constitutional complaint, and at least five votes for its rejection, the order on the rejection of the constitutional complaint may be sent before the expiry of the time limit referred to in the second paragraph of Article 55c of the CCA.

(2) If the members of the panel do not agree whether the conditions referred to in the second paragraph of Article 55b of the CCA exist, the constitutional complaint is submitted to the Constitutional Court judges who are not members of the panel in order for them to decide thereon.

(3) If in the case referred to in the preceding paragraph, all Constitutional Court judges decide on such conditions regarding the constitutional complaint and three Constitutional Court judges do not decide in favour of its acceptance, the order on the non-acceptance of the constitutional complaint may be sent before the expiry of the time limit referred to in the third paragraph of Article 55c of the CCA.

(4) Orders adopted in accordance with the proceedings referred to in this article are signed by the President.

Article 78

(The Disqualification of a Constitutional Court Judge)

If a constitutional complainant motions for the disqualification of a Constitutional Court judge who is not a member of the panel deciding on the constitutional complaint, the Constitutional Court decides on the motion for the disqualification of the Constitutional Court judge only in cases in which the constitutional complaint is accepted for consideration or if such is decided in the proceedings referred to in the first or second paragraphs of the preceding article.

Article 79

(The Statement of Reasons of a Panel Order)

(1) If a panel decides that an order on the non-acceptance of a constitutional complaint is to include a statement of reasons, the constitutional complaint is considered at a session of the panel.

(2) The panel may decide that the statement of reasons of the order whose operative provisions were adopted at the session be supplemented or changed. The supplemented or changed statement of reasons of the order is submitted to the members of the panel before the redaction in order for them to take a position thereon within three days. If within this time period any member of the panel declares in writing that he does not agree with the statement of reasons, the case is put on the agenda of a session of the panel with his proposal that the order be decided on again.

Article 80

(Separate Opinions)

(1) If upon voting on an order on the non-acceptance or rejection of a constitutional complaint a Constitutional Court judge declares that he will write a separate opinion, he writes such within seven days after the session of the panel. If a session of the panel is a correspondence session, he writes the opinion within seven days after the case file was submitted.

(2) If a Constitutional Court judge writes a separate opinion within the time limit referred to in the preceding paragraph and the conditions for deciding referred to in the first or second paragraphs of Article 77 of these Rules of Procedure are fulfilled, the separate opinion is submitted to the other Constitutional Court judges with the constitutional complaint. Within the time limit determined for writing a separate opinion, the time limit referred to in the second and third paragraphs of Article 55c of the CCA does not begin to run.

Article 81

(Panel Decisions)

Decisions on the basis of the third paragraph of Article 59 of the CCA are as a general rule adopted by the panel on the basis of the consideration of the constitutional complaint at a session of the panel.

Article 82

(Termination of the Position of a Judge Rapporteur)

(1) If a judge rapporteur had voted against the acceptance of a constitutional complaint in proceedings for its examination, and the constitutional complaint was subsequently accepted on the basis of the third paragraph of Article 55c of the CCA, he ceases to be the judge rapporteur in the same case.

(2) In such cases as are referred to in the preceding paragraph of this article, a member of the panel who voted for the acceptance of the constitutional complaint becomes the judge rapporteur. If two members of the panel voted for the acceptance of the constitutional complaint, the judge whose last name is alphabetically first becomes the judge rapporteur, if these two Constitutional Court judges do not agree otherwise.

(3) If, in such cases as are referred to in the first paragraph of this article, none of the members of the panel voted for the acceptance of the constitutional complaint, the judge who voted for its acceptance whose last name is alphabetically first becomes the judge rapporteur, if the

Constitutional Court judges who voted for the acceptance do not agree otherwise.

Article 83

(The Editing of Panel Orders and Decisions)

The final text of a panel order is edited by the president of the panel. The final text of a decision referred to in Article 81 of these Rules of Procedure is edited by the panel.

Article 84

(The Decision on Costs)

If a constitutional complaint is not accepted for consideration, the costs of the proceedings, if such were claimed, are decided by an order on non-acceptance or rejection or by an order on the stay of proceedings for the examination of the constitutional complaint.

Article 85

(The Publication of Orders and Decisions)

Upon the proposal of the judge rapporteur, the panel decides on the publication of an order or decision of the panel in the Collected Decisions and Orders of the Constitutional Court and in the Official Gazette of the Republic of Slovenia.

Article 86

(The Correction of Inaccuracies)

(1) Inaccuracies made in panel orders and decisions are corrected by an order issued by the president of the panel; inaccuracies made in orders issued by a judge rapporteur are corrected by an order issued by the judge rapporteur. The order on the correction is written at the end of the original decision or order; the participants in proceedings are served the order on the correction.

(2) If such a decision or order has already been published, the order on the correction is published in the same manner.

VIII. OTHER ACTS

Article 87

(Other Acts of the Court)

By other acts the Constitutional Court regulates questions so determined by these Rules of Procedure, and other questions which refer particularly to the internal organisation and systematization of employment positions, to the rights and obligations of employees, and to internal office operations.

Article 88

(The Acts of the President)

The President issues orders and instructions in the exercise of his powers, and in order to determine the tasks of the Secretary General and the Director of the Department.

Article 89

(The Acts of the Secretary General and the Director of the Department)

Within the limits of their powers, the Secretary General and the Director of the Department issue orders and instructions for the implementation of the orders of the Constitutional Court, the orders of the President, the orders of the working bodies of the Constitutional Court, and their own tasks.

IX. FINAL PROVISION

Article 90

(Entry into Force)

These Rules of Procedure enter into force on the day following their publication in the Official Gazette of the Republic of Slovenia. On the day of their entry into force, the Rules of Procedure of the Constitutional Court (Official Gazette of the Republic of Slovenia, Nos. 93/03 and 98/03 – corr.) cease to be in force.