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COMMISSION STAFF WORKING DOCUMENT

2024 Rule of Law Report Country Chapter on the rule of law situation in Slovenia

Accompanying the document

COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT, THE COUNCIL, THE EUROPEAN ECONOMIC AND SOCIAL COMMITTEE AND THE COMMITTEE OF THE REGIONS

2024 Rule of Law Report

The rule of law situation in the European Union

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ABSTRACT

Further significant steps have been made on introducing safeguards for judicial independence and the autonomy of prosecutors in parliamentary inquiries. Draft amendments to the Judicial Council Act envisage, on the judiciary's initiative, an overhaul of the disciplinary framework for judges. Some steps were made on ensuring that the reform of judicial appointments contains adequate safeguards for judicial independence, as the previously envisaged probationary period without prescribed guarantees was abandoned. The Supreme Court is prioritising further expansion of the electronic communication tools for court users. Some steps were made on increasing the level of remuneration of judges and state prosecutors, largely unchanged since 2012, as Government proposed a partial increase and Constitutional Court prescribed how its judgment should be implemented. The efficiency gains in past years have slowed down, as backlogs slightly increased and length of trials remained a challenge particularly in money laundering and corruption cases. The Supreme Court aims to address the decreasing number of resolved cases in courts.

Work on a new national anti-corruption strategy and action plan continued but has not yet been tabled to Parliament for adoption. There have been some improvements in establishing a track record of investigations, prosecutions, and final judgments in corruption offences. Investigations about possible high-level political influence in police decision-making are ongoing and plans to regulate the prevention of any such influence have been postponed. The Commission for the Prevention of Corruption started recruiting following a delay in the expected increase in financial resources. Legislation on supervision of conflicts of interest and incompatibility of office is being reviewed and Parliament has called for an analysis of the laws on the prevention of corruption. Changes to the legislation on political party and campaign finance should increase the Court of Audit's oversight over the largest political parties and over a larger proportion of state funding. The Commission for the Prevention of Corruption carried out a risk-analysis of corruption and conflicts of interest in the healthcare sector and made recommendations as risks in public procurement persist.

The media regulator is expected to expand its competences although challenges persist regarding its resources and the lack of safeguards against risks of political influence. There is a functioning self-regulation system for journalists. The new governance model improved the independence of the public service media, although changes to the financing model are needed to address its deteriorating financial situation. Stakeholders called for strengthening the media ownership transparency framework, while new measures are expected to foster state advertising transparency. A handbook was prepared to improve the handling of access to information requests, while the Government took steps to address journalists' concerns on legislative initiatives regulating the access to judicial information. Some steps were taken to introduce safeguards for the protection of journalists, although online harassment remains a source of concern. A new framework for public contributions to the media is under development.

The share of laws adopted by urgent parliamentary procedure decreased while the duration of public consultations on draft laws remains generally shorter than the recommended period. Parliament continued discussing the constitutional amendments to reduce the Constitutional Court's considerable caseload. The Ombudsperson raised concerns regarding the draft amendments to the act on its functioning. The situation of civil society has further improved.

RECOMMENDATIONS

Overall, concerning the recommendations in the 2023 Rule of Law Report, Slovenia has made:

- Significant further progress on taking forward the process to ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Some progress on ensuring that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence.
- Some progress on taking measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system.
- Some further progress on the recommendation to adopt the new anti-corruption strategy and action plan with concrete measures and a timeframe for their implementation, and some progress to step up efforts to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases.
- Some progress on starting the legislative process and taking forward the process of adopting non-legislative safeguards in relation to the protection of journalists, particularly online, taking into account European standards on the protection of journalists.

On this basis, and considering other developments that took place in the period of reference, and in addition to recalling the relevant commitments made under the Recovery and Resilience Plan, it is recommended to Slovenia to:

- Finalise the legislative process to amend the rules on parliamentary inquiries with adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence.
- Take further measures to ensure that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence.
- Finalise the measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system.
- Complete the adoption of the new anti-corruption strategy and action plan and begin implementation and take measures to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases.
- Further advance with the process of adopting legislative and non-legislative safeguards to improve the protection of journalists, particularly online, taking into account European standards on the protection of journalists.
- Ensure that rules or mechanisms are in place to provide funding for public service media that is appropriate for the realisation of its public service remit while guaranteeing its independence.

I. JUSTICE SYSTEM

The Slovenian justice system has three levels, with Local and District Courts (dealing with civil, commercial and criminal cases), Labour Courts, a Social Court and an Administrative Court at first instance¹, five Higher Courts (including Higher Labour and Social Court) at second instance and the Supreme Court at third instance (dealing mainly with appeals on points of law and requests for the protection of legality against judgments of Higher Courts and of the Administrative Court). The Constitutional Court carries out constitutional review. The Constitution provides for a Judicial Council, a *sui generis* body outside of the three branches of Government, which is tasked with protecting the independence as well as promoting and ensuring the accountability, efficiency and quality of work of the judiciary². Candidate judges are selected by the Judicial Council and then proposed for election by the National Assembly (the first chamber of Parliament)³. If the Judicial Council selects a candidate who has already been elected to judicial office, the candidate is promoted to the new judicial position by the Council itself. However, a Supreme Court judge shall always be appointed/elected by the National Assembly. The State Prosecution, while being part of the executive power, is an independent authority, with the main powers regarding the career of state prosecutors and its functioning resting with the State Prosecutorial Council and the Prosecutor General. The State Prosecutorial Council is an independent and autonomous state body that performs the tasks of self-governance of the State Prosecution and participates in ensuring the uniformity of prosecution and safeguarding the independence and autonomy of state prosecutors. Slovenia participates in the European Public Prosecutor's Office (EPPO). The Slovene Bar Association is an autonomous and independent body. It is responsible for supervising the professional activities of lawyers and deciding on disciplinary measures regarding its members⁴.

Independence

The level of perceived judicial independence in Slovenia continues to be average among both the general public and companies. Overall, 45% of the general population and 40% of companies perceive the level of independence of courts and judges to be 'fairly or very good' in 2024⁵. The perceived level of judicial independence among the general public has

¹ There are in total 60 first instance courts with one Social Court also dealing with social security cases. The Administrative Court has the status of a higher court.

² The primary responsibility of the Judicial Council is the selection of candidates for judicial offices. Under the Constitution, the majority of members of the Judicial Council are judges, elected by their peers. The remaining five members are representatives of other legal professions, elected by the National Assembly based on the nomination of the President of the Republic. The Judicial Council manages its own budget.

³ Since the initial re-election of judges after the independence of Slovenia in 1990s, Parliament has rejected a candidate judge for first appointment only once. It should be noted that a candidate judge, who is not appointed, cannot request judicial review of the decision of Parliament, which has no obligation to state reasons when rejecting a proposed appointment.

⁴ According to the Constitution, the Bar is part of the judiciary. Disciplinary Commissions of 1st and of 2nd Instance, each consisting of 16 lawyers elected for 3 years by the assembly of the Bar, decide (in three-member panels) regarding disciplinary sanctions at first instance and at second instance, respectively. The Disciplinary Court, consisting of three lawyers elected for 2 years by the assembly of the Bar and of two Supreme Court judges, decides on violations that could lead to a lawyer being disbarred.

⁵ Figures 51 and 53, 2024 EU Justice Scoreboard, and 50 and 52, 2022 EU Justice Scoreboard. The level of perceived judicial independence is categorised as follows: very low (below 30% of respondents perceive judicial independence as fairly good and very good); low (between 30-39%), average (between 40-59%), high (between 60-75%), very high (above 75%).

decreased in comparison with 2023 (53%), inverting a previous increasing trend, although it remains higher in comparison with 2020 (42%). The perceived level of judicial independence among companies remains at the same level as in 2023 (40%), but is higher than in 2020 (36%)⁶.

Further significant progress has been achieved on introducing safeguards for judicial independence and autonomy of prosecutors in parliamentary inquiries. The 2023 Rule of Law Report recommended Slovenia to ‘take forward the process to ensure that rules on parliamentary inquiries contain adequate safeguards for independence of judges and state prosecutors, taking into account European standards on judicial independence’⁷. Following discussions in January 2024 between the Parliament Secretariat and the Ministry of Justice on the implementation of the Constitutional Court’s decisions⁸, on 19 April 2024 the President of Parliament submitted draft amendments to the Parliamentary Inquiries Act into the parliamentary procedure, the Government supported them and they were adopted in Parliament on 15 July 2024⁹. As regards the envisaged safeguards, the amendments, as adapted in the legislative procedure, allow a request to the Constitutional Court to decide on the constitutional conformity of any parliamentary inquiry, including in relation to judicial independence and autonomy of prosecutors¹⁰. Until the decision of the Court, the proposed parliamentary inquiry could not be established. Considering that Parliament adopted the amendments to the rules on parliamentary inquiries, further significant progress has been achieved regarding the recommendation made in the past reports.

Draft amendments to the Judicial Council Act envisage, on the judiciary’s initiative, an overhaul of the disciplinary framework for judges. The 2022 and 2023 Rule of Law Reports noted that on the judiciary’s initiative, amendments to the disciplinary framework for judges and to the provisions on elections and status of Judicial Council members were in preparation¹¹. On 6 October 2023, the Ministry of Justice published draft amendments to the Judicial Council Act, which would address the unconstitutionality of certain provisions on

⁶ 65% of the companies in Slovenia are either fairly or very confident that their investments are protected by the law and courts in the Member State. Only 18% of the surveyed companies see the quality, efficiency or independence of justice as one of the main reasons for concern about investment protection in the country. Figures 55 and 56, 2024 EU Justice Scoreboard.

⁷ 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Slovenia, p. 2. In the 2023 Rule of Law Report, the Commission concluded that some progress was made in the implementation of the 2022 recommendation.

⁸ Contribution from Parliament for the 2024 Rule of Law Report, p. 14. In January 2021, the Constitutional Court found the Parliamentary Inquiries Act and the Rules of Procedure on Parliamentary Inquiry to be unconstitutional, insofar as they lack procedural safeguards for ensuring the independence of judges when establishing a parliamentary inquiry. Judgment of the Constitutional Court of 7 January 2021, *U-I-246/19-41*. In July 2021, the Constitutional Court found similar deficiencies in the rules in relation to safeguards for ensuring the independence of state prosecutors. Judgment of the Constitutional Court of 8 July 2021, *U-I-214/19*.

⁹ On 19 July 2024, the second chamber of Parliament, the National Council, voted the amendments, which requires the first chamber, the National Assembly, to vote again on the amendments, with absolute majority, before the amendments could enter into force.

¹⁰ According to amendments, such a request could either be made by one third of all deputies (who haven’t submitted the request for the parliamentary inquiry), Judicial Council, State Prosecutorial Council, Central Bank, Court of Audit, any municipality or the person who is being investigated. Proposed Articles 1.a and 1.b., draft amendments to the Parliamentary Inquiries Act.

¹¹ 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Slovenia, p. 8 and p. 4.

disciplinary proceedings¹² by removing the Judicial Council's power to initiate disciplinary proceedings regarding judges¹³. It would also introduce a wider reform of the disciplinary framework, as requested by the judiciary¹⁴. The draft amendments also include more detailed provisions on withdrawal and recusal with the aim of preventing potential conflicts of interests and ensure impartiality of Judicial Council members, both in disciplinary matters and judicial appointments¹⁵. Additionally, the draft amendments would provide for a register of disciplinary offences and would introduce clarifications regarding the procedure used in disciplinary matters¹⁶. Finally, the amendments would provide additional guarantees, including judicial review, in the procedure for the election of judge-members of the Judicial Council¹⁷. Most of the comments from the Judicial Council appear to have been taken into account. However, the draft amendments do not follow the Council's position to discontinue the disciplinary procedure regarding a person who no longer holds the position of a judge, and to keep the disciplinary sanction of termination of a judge's office¹⁸. In the Judicial Council's view, the draft amendments also contain overly strict requirements on withdrawal and recusal of judge-members of the Judicial Council, which could lead to non-judge members deciding on judicial appointments¹⁹. According to the Supreme Court, the criteria for evaluating how the judges perform the judicial service and the disciplinary responsibility

¹² In 2021, the Constitutional Court found that the Judicial Council should not have the possibility of initiating disciplinary proceedings against a judge in a situation where in the Disciplinary Court, appointed by the Council itself, also members of the Council are participating, Judgment of the Constitutional Court of 14 October 2021, *U-I-445/18-13*, para. 28. To prevent an unconstitutional situation, the Judicial Council after the judgment decided not to start any disciplinary proceedings on its own initiative, until the amendments are adopted resolving the issue. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 8. For a comparative overview of authorities deciding on disciplinary sanctions regarding judges, see Figure 49, 2020 EU Justice Scoreboard.

¹³ Proposed new article 45 of the Judicial Council Act. According to the current provisions of the Judicial Council Act, disciplinary proceedings could be initiated either by the Judicial Council, court president, president of a higher court, Supreme Court President or the Minister of Justice.

¹⁴ In its analysis of March 2021, the Judicial Council identified, amongst others, the need for establishing a special disciplinary procedure instead of using criminal procedure, updating the list of disciplinary offences, revising the right of the Judicial Council to initiate disciplinary proceedings, revising disciplinary sanctions to allow for more proportionality, and clarifying the length of suspension of a judge. 2023 and 2021 Rule of Law Reports, Country Chapter on the rule of law situation in Slovenia, p. 8 and p. 5, respectively.

¹⁵ With the same objective of ensuring impartiality and responding to Judicial Council's suggestion, the draft amendments would increase the number of investigators, from one to three judges (either Supreme Court or also Higher Court judges), in charge of formal disciplinary proceedings regarding judges, who would remain to be appointed by the Judicial Council. Proposed new or amended articles 30, 30.a, 38, 39, 40, 40.a and 41 of the Judicial Council Act. For a comparative overview of investigators in charge of formal disciplinary proceedings regarding judges see Figure 50, 2020 EU Justice Scoreboard.

¹⁶ Offences would appear in the register until their erasure according to the existing provisions. Proposed new or amended articles 40.a, 44, 44.a and 45 of the Judicial Council Act.

¹⁷ Proposed new or amended articles 19, 20, 21, 21.a, 21.b, 22, 34 and 36 of the Judicial Council Act.

¹⁸ The Judicial Council also proposed that the Senate, which decides on legal remedies against disciplinary decisions, would consist not only of judges, but also external legal experts. Written contribution received from the Judicial Council in the context of the country visit to Slovenia. The list of disciplinary sanctions would be amended through the draft new Judicial Service Act.

¹⁹ According to the Judicial Council, this relates to the requirement for withdrawal in case a judge-member of the Council sits in a court whose president gives an opinion in the proceedings. According to the Council, in practice, this could lead to a situation where (Supreme Court) judges would need to withdraw from decision-making and therefore the majority would automatically be obtained by non-judge members of the Judicial Council. It is to be noted that the current law, as well as proposed constitutional changes, provide that the judicial appointment decisions have to be made with two third majority of all Judicial Council members. Written contribution received from the Judicial Council in the context of the country visit to Slovenia.

of judges should be further defined as to exclude overlapping of the two²⁰. The reform of disciplinary proceedings appears to be in line with EU law and takes also into account Council of Europe recommendations²¹.

Some progress was achieved on ensuring that the reform of judicial appointments contains adequate safeguards for judicial independence, as the previously envisaged probationary period without prescribed guarantees was abandoned. The 2023 Rule of Law Report recommended Slovenia to ‘ensure that the reform of judicial appointments contains adequate safeguards for judicial independence, taking into account European standards on judicial independence’²². In autumn 2023, Parliament continued the process of constitutional revision regarding appointment of judges with the aim of transferring the power to appoint first-time judges from Parliament to the President of the Republic²³. After discussions and opposition from the representatives of the judiciary, the idea of introducing a probationary period without any specific prescribed guarantees (either in the Constitution or laws) was abandoned. Based on the guidance adopted by Parliament, in November 2023, the Expert group on judicial appointment prepared draft amendments to the Constitution, which are to be discussed before the Constitutional Commission²⁴. As for other safeguards on judicial independence, neither the draft Constitutional amendments nor the legislation²⁵ specify whether the President of the Republic would be obliged to follow the proposal of the Judicial Council and appoint the proposed candidate as a judge, nor is it made clear whether the President’s decision not to appoint a candidate would need to be reasoned or would be subject to judicial review²⁶. As noted in the 2023 Rule of Law Report, the Ministry of Justice stated that the President of the Republic should be bound by the Judicial Council’s proposal, and the Judicial Council expressed the view that the President’s decisions should be both reasoned and subject to judicial review²⁷. It is important that the reform of judicial appointments guarantees judicial independence, taking into account Council of Europe recommendations that provide that the Judicial Council should be authorised to make recommendations on a candidate judge which the appointing authority follows in practice²⁸.

²⁰ Contribution from the Supreme Court for the 2024 Rule of Law Report, p. 1.

²¹ 2022 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 4, footnote 8.

²² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 2.

²³ In accordance with the parliamentary Rules of Procedure, the Constitutional Commission on 16 November 2022 first voted on starting the constitutional revision. On 19 October 2024, Parliament voted on starting the procedure and gave guidance to the Constitutional Commission on the drafting of the constitutional amendments. In the next stage, after a new round of discussions and drafting in the Constitutional Commission, Parliament will need to approve the amendments to the Constitution with two third of all members (at least 60, out of 90 members in total). 30 members of Parliament can request a referendum.

²⁴ The draft amendments also provide that the Judicial Council would need to approve a candidate judge with two-third majority of its members. Expert group on judicial appointments, draft amendments to Articles 129, 130, 131, 132 and 134 of the Constitution, 6 November 2023.

²⁵ There are no such provisions in the draft amendments to the Judicial Council Act, the draft new Courts Act or the draft new Judicial Service Act, launched in public consultation in October 2023.

²⁶ The only reference to this issue was made by the Expert group on judicial appointments in the explanations to the draft amendment to Article 130 of the Constitution, which states that ‘the appointment [of judges] will no longer be a discretionary act of a political body [n.b.: Parliament], as the President of the Republic will have an obligation to follow the proposal [for appointment] of the Judicial Council’. Expert group on judicial appointments, draft amendments to Articles 129-132 and 134 of the Constitution, 6 November 2023, p. 5.

²⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 7.

²⁸ ‘47. Where the constitutional or other legal provisions prescribe that the head of state, the government or the legislative power take decisions concerning the selection and career of judges, an independent and competent authority drawn in substantial part from the judiciary [...] should be authorised to make

In parallel, on 9 October 2023, the Ministry of Justice launched the public consultation on the new Judicial Service Act and the new Courts Act, which would transfer the power to appoint Supreme Court judges and the Supreme Court President from Parliament to the Judicial Council²⁹. In both reforms, the Judicial Council would retain its power to select and propose the candidates for first-time judges, Supreme Court judges and Supreme Court President. However, the Supreme Court expressed its opposition to the proposal that the Supreme Court President would be appointed by the Judicial Council, instead of by the Supreme Court judges themselves³⁰. Parliament's guidance also envisaged a change in the composition of the Judicial Council, from currently 11 to 15 members, where 8 would be judge-members elected by their peers (currently 6) and 7 would be non-judge members elected by Parliament among university professors of law, lawyers, and other distinguished jurists (currently 5 members are elected by Parliament on a proposal from the President of the Republic)³¹. Representatives of the judiciary have opposed such an amendment as unnecessarily cumbersome for the decision-making in the Judicial Council and raised doubts regarding the process for selection of non-judge members³². Considering that the idea of a probationary period for judges without explicit safeguards has been abandoned, while other safeguards for judicial independence are outstanding, there has been some progress on the implementation of the recommendation made in the 2023 Rule of Law Report.

Quality

The Supreme Court is prioritising further expansion of the electronic communication tools for court users. Courts continue to utilise advanced case management tools. Data in the 2024 EU Justice Scoreboard show that considerable room for improvement remains, notably

recommendations or express opinions which the relevant appointing authority follows in practice.' Recommendation CM/Rec(2010)12 of the Committee of Ministers of the Council of Europe, para. 47. As regards the tenure and irremovability, see paras. 49-51 of the same Recommendation.

²⁹ Draft new Judicial Service Act envisages that Supreme Court judges would be appointed by the Judicial Council (if the candidate is already a judge). Parliament would appoint candidates for Supreme Court judges, who are not yet judges (until the amendments to the Constitution would transfer this power to the Judicial Council). Draft new Courts Act envisages that the President of the Supreme Court would be appointed by the Judicial Council, on prior opinion of the Minister of Justice and the Supreme Court plenary session.

³⁰ Input from the Supreme Court for the 2024 Rule of Law Report, p. 1.

³¹ Previous idea to count the Supreme Court President, who would be an *ex officio* member of the Judicial Council, as a representative of the judges, was abandoned after opposition from the Judicial Council expressed before the Constitutional Commission, where compliance with European standards was raised.

³² According to the Supreme Court, the current proposal to change the composition of the Judicial Council does not contain sufficient safeguards against politicisation. While the recommendation on a two third majority vote for the appointment of judges is observed, the other four safeguards envisaged by the Venice Commission are not, namely, firstly: a guarantee that the selection of non-judge members will be an open and transparent process (also with a clear determination of who nominates them), secondly: a stipulation that Parliament representatives may not be Judicial Council members, thirdly: a stipulation that non-judge members may not be politically active and fourthly, that safeguards in the nomination process are as important as safeguards in the election process of non-judge members of the Judicial Council. The Supreme Court therefore proposed to the Constitutional Commission to request the Venice Commission's opinion on the appropriateness of the proposed amendments to Article 131. Input from the Supreme Court for the 2024 Rule of Law Report, p. 6. According to the Judicial Council, increasing the number of Council members from 11 to 15 would weaken the operational efficiency of the work of the Council, and would impair the effectiveness of discussions. Furthermore, according to the Judicial Council, the election of non-judge Council members by Parliament with a two third majority would lead to a marked politicisation of the process as the appointment of those members would only be subject to coordination between political parties. Written contribution from the Judicial Council in the context of country visit to Slovenia.

regarding electronic communication tools in the State Prosecution, and before courts in criminal, civil and administrative cases³³. On 8 August 2023, the Supreme Court President issued a decree which prioritises further expansion of the electronic communication tools for court users. Among others, the policy priorities are to improve the possibilities to initiate and follow proceedings online, to receive court documents, and to expand the online access to published judgments, which remains limited for first instance courts³⁴. In January 2024, e-communication in family matters and inheritance matters became possible for all participants in court proceedings. Full transition to e-communication in administrative, criminal, civil and commercial cases for all courts and participants, and between courts, parties and lawyers in criminal cases is ongoing³⁵. The State Prosecution's digital integration with the judicial system does not solely depend on securing funds for upgrading prosecution's case management system but also on establishing relevant operational procedures in the State Prosecutor's Office³⁶. Under the Recovery and Resilience Plan, an investment in new tools for the support of court management was proposed and in 2023, the Supreme Court began with the preparation of investment documentation for this project³⁷.

Some progress was made on increasing the level of remuneration of judges and state prosecutors, largely unchanged since 2012, as Government proposed a partial increase and Constitutional Court prescribed how its judgment should be implemented. The 2023 Rule of Law Report recommended Slovenia to 'take measures to increase the remuneration of judges and state prosecutors, taking into account European standards on resources and remuneration for the justice system'³⁸. On 3 January 2024, the deadline set by the Constitutional Court to implement its June 2023 judgment declaring the judges' salary system unconstitutional expired³⁹. In January 2024, the failure to implement the June 2023

³³ Figures 46, 47 and 48, 2024 EU Justice Scoreboard. Currently, the possibility of e-communication (electronic filing, electronic service) is provided to enforcement agents, notaries, lawyers, insolvency administrators, as well as parties and other participants in court proceedings via the courts' web portal eSodstvo (a digital certificate is required) in civil enforcement cases, land registry cases, insolvency cases and in family cases. Input from the Supreme Court for the 2024 Rule of Law Report, p. 3.

³⁴ Figure 49, 2024 EU Justice Scoreboard. The Decree sets June 2025 deadline to implement the project.

³⁵ From June 2024, requests for extraordinary review in civil cases before the Supreme Court can be submitted digitally. Written contribution from the Supreme Court in the context of the country visit to Slovenia and input from the Supreme Court for the 2024 Rule of Law Report, pp. 3-4.

³⁶ Among other improvements, the information system for centralised, long-term storage of digital content (Archeia) is being connected to the case management system for civil enforcement cases, and will in future be connected with the case management systems for misdemeanour, insolvency and criminal cases. In the scope of the Slovenia's RRP, investments in the digital tools for court participants and about court proceedings (eSodišče) have been proposed. In 2023, the Supreme Court began with the preparation of investment documentation. Input from the Supreme Court for the 2024 Rule of Law Report, p. 4.

³⁷ Input from the Supreme Court for the 2024 Rule of Law Report, p. 5. In line with Target #105 of the Recovery and Resilience Plan, Slovenia should develop or upgrade a total of 11 IT systems for use in the judicial system by mid-2026. The investment *Digitalisation in the field of justice* is part of the component on *Digital transformation of the public sector and public administration*.

³⁸ The salaries of judges and state prosecutors have been largely unchanged in nominal terms since 2012, while the salaries of civil servants and functionaries (ministers, members of Parliament) in the legislative and the executive branches have been increased. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 2, and p. 9.

³⁹ On 30 June 2023, the Constitutional Court, upon a request from the Judicial Council, declared the judges' salaries system unconstitutional and contrary to the principle of judicial independence due to the disrespect of the constitutional requirement of their stability. The Court also considered the imbalance of the salary grades of the judiciary as compared to those of the legislative and the executive branches and the delay in judges' salaries increase as compared to the increase of the average salary in Slovenia. The Court declared

judgment led to a two-week strike of judges and a one-day strike of prosecutors (repeated in mid-March), and since February, every first Wednesday in the month, a one-hour warning protest has been conducted in courts⁴⁰. The Government informed that it would implement the June 2023 judgment of the Constitutional Court promptly, in the framework of the public sector salaries system, albeit with a delay⁴¹. Judicial authorities and the representatives of judges and state prosecutors have raised serious concerns regarding their financial situation and the non-implementation of the Constitutional Court judgment⁴². The representative organisations of European judges and prosecutors agreed with these concerns and recommended Slovenia to take all necessary measures to remedy the situation⁴³. Until 10 July 2024, 468 judges submitted requests to the State Attorney's Office for mediation with the State regarding their salaries, representing a first step in a compensation claim before courts⁴⁴. Following the appointment of a new Minister of Justice in early March, the negotiations on remuneration resumed and on 24 May 2024 the Government submitted into parliamentary procedure a special law for partially increasing the salaries of judges and state prosecutors. On 13 June 2024, the Constitutional Court published, on its own motion, a supplementary judgment in which it specified how its previous judgment on unconstitutionality of salaries should be implemented⁴⁵. In particular, the Court mandated the

the provision on the annual adjustment of judges' salaries unconstitutional, as it does not guarantee that the salaries would actually be adjusted. Judgment of the Constitutional Court of 1 June 2023, *U-I-772/21-37* (published on 30 June 2023).

⁴⁰ Supreme Court, Press release: Notice to court users on the ending of the warning protest of judges, 24 January 2024; Supreme Court, Press release: Notice to court users on the work of courts during protest of judges, 6 February 2024.

⁴¹ According to the Government, the Ministry of Public Administration and the Ministry of Justice have been working continuously on harmonising the salaries of judicial officials to prevent a significant decline in real value of judges' salaries in relation to the inflation in the compared period (1 June 2012 until May 2023), and to ensure their alignment with those of functionaries in executive and legislative branches of government. Input from Slovenia for the 2024 Rule of Law Report, p. 1. The general negotiations on salaries of all public officials in the public sector are planned to be concluded in the course of 2024.

⁴² Letters of 28 December 2023, 15 January 2024 and 22 January 2024 from the Judicial Council to the Commission; Supreme Court, Press release: Supreme Court judges support the efforts to implement the Constitutional Court judgment, 7 February 2024; Association of Slovenian Judges, Protest declaration of the Slovenian judges, 4 January 2024; Association of State Prosecutors of Slovenia, Letter to Commissioner Reynders, 5 January 2024; Association of Slovenian Judges, Letter to the European Commission: The violation of material independence of Slovenian judges may hinder the European elections 2024, 14 January 2024. Information received from the Supreme Court, Judicial Council, Association of Slovenian Judges, and the Supreme State Prosecution Office in the context of the country visit to Slovenia. State Attorney's Office, Press release: Support to judges and state prosecutors, 4 January 2024.

⁴³ Consultative Council of European Judges (CCJE), Opinion of the CCJE Bureau following a Protest Declaration of the Slovenian Association of Judges concerning the failure to enforce a decision of the Constitutional Court of Slovenia aimed at remedying the established unconstitutionality regarding substantial differences between the salaries of judges and other public officials, 16 February 2024; Consultative Council of European Prosecutors (CCPE), Opinion of the CCPE Bureau following a letter of the Deputy Prosecutor General and Temporary Head of the State Prosecutor's Office of Slovenia, [...] regarding significant disproportions between the salary grades of judges' positions compared to the salary grades of executive and legislative branch functions, 18 March 2024. European Association of Judges, Resolution on the independence of judges in Slovenia, 26 April 2024, which the European Network of Councils for the Judiciary endorsed on 12 June 2024.

⁴⁴ Each judge calculated the compensation based on the Constitutional Court judgment on remuneration, ranging from three to five years back. Information received from the State Attorney's Office and the Association of Judges in the context of the country visit to Slovenia.

⁴⁵ Judgment of the Constitutional Court of 30 May 2024, *U-I-8/24-23* (published on 13 June 2024). While the Judicial Council on 16 January 2024 submitted a new request to the Constitutional Court and proposed that

Government and Parliament to adjust the 2012 salary grades to the inflation, using the data of the Statistical Office, and start paying the adjusted salaries from August 2024 onwards. Whereas first concrete measures were proposed to address the remuneration of judges and state prosecutors there has therefore been some progress on the implementation of the recommendation made in the 2023 Rule of Law Report.

Amendments on a judicial map reform are being prepared, which would merge first instance District and Local Courts. The 2020 and 2023 Rule of Law Reports noted that the split between the first instance courts has long been identified as affecting the efficiency of the courts, and the previous attempts, in 2019 and 2020, to conclude this reform have not been successful⁴⁶. On 9 October 2023, the Ministry of Justice launched a public consultation on a new Courts Act which would merge District and Local Courts (and keep 11 District Courts only), while retaining the geographical distribution of court units⁴⁷. The explanatory memorandum listed the inefficient management of the judicial map, the limited specialisation of judges, uneven workload, inconsistent case law and high proportion of small courts as some of the reasons for the proposed reform⁴⁸. The planned introduction of a unified first instance judge/court would, according to the Supreme Court, significantly contribute to even out the workload of judges and enable more efficient court operations⁴⁹. However, the Judicial Council expressed its reservations about the added value of the planned judicial map reform⁵⁰.

the Court itself determines the manner of execution of its June 2023 judgment, the Court found that the Council lacks procedural grounds for its request but issued a supplementary judgment on its own motion (*sua sponte*). Written contribution received from the Judicial Council in the context of country visit to Slovenia.

⁴⁶ Currently, the court system has 55 first instance courts, with 44 Local Courts dealing primarily with low (financial) value civil litigious and non-litigious cases, and certain criminal cases. It also counts 11 District Courts dealing primarily with high-value civil cases and commercial cases among legal persons, and with certain criminal cases. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 9. As a partial remedy, the 2009 and 2015 reforms brought Local Courts under the stronger control of District Courts in order to even-out the caseload and reduce jurisdictional conflicts. 2020 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 5.

⁴⁷ Information received from the Ministry of Justice in the context of the country visit to Slovenia. The new Courts Act would give the new District Court Presidents the power to submit an initiative for the establishment or abolition of an external unit to the president of the higher court, who shall formulate a reasoned proposal, considering access to justice, caseload, and geographical location. The President of the Supreme Court shall decide on the proposal, after obtaining the prior opinion of the Minister of Justice.. Among the 11 District Courts there would be a single Ljubljana District Court, to benefit from flexibility in court management in the jurisdiction that receives the most cases. The new Courts Act would also slightly adapt the judicial map regarding Higher (appeal) Courts, to relieve the caseload from the Ljubljana Higher Court.

⁴⁸ Draft new Courts Act, pp. 8-9.

⁴⁹ According to the Supreme Court, current judicial map together with principles of immobility of judges pose a significant constraint on efficiency of court management and work of courts. Some of calls for new judges can be attributed to the current (inefficient) division to local and district courts within court districts. The planned introduction of a unified first instance judge/court would provide wider »pools« of human resources and therefore significantly contribute to evening-out the workload of judges and enable more efficient court operations, including possibilities to effectively address issues with sudden absence of judges(s) or substantial increase in case flow in specific legal area(s). Contribution from the Supreme Court for the 2024 Rule of Law Report, p. 1. Supreme Court, Press release: The judiciary needs a single judge more than changes to the Constitution regarding the composition of the Judicial Council, 30 November 2023.

⁵⁰ Written contribution from the Judicial Council in the context of country visit to Slovenia.

Efficiency

The efficiency gains in past years have slowed down, as backlogs slightly increased and length of trials remained a challenge particularly in money laundering and corruption cases. According to data in the 2024 EU Justice Scoreboard, based on 2022 comparative data, the justice system generally continued to function efficiently, except in administrative cases, where courts continued to experience challenges in managing the caseload⁵¹. In 2023, according to the latest Supreme Court data, in total, all courts received 1% more cases and resolved 1% fewer cases than in 2022, which reversed the previous positive trend of many years and slightly increased, by 2%, the total backlog of cases at the end of 2023⁵². This slight decrease in efficiency in 2023 could be seen in most courts, except in commercial and local courts. In 2023, the average length of proceedings slightly increased both at first and second instance courts⁵³. The time needed for the first instance courts to conduct the first hearing further increased in nearly all type of cases, taking up to 21 months in civil and 11 months in criminal cases⁵⁴. At first instance criminal courts, the average length in 2022 in more complex money laundering offences decreased to 631 days (1 043 days in 2021) which was the second longest in the EU and was 889 days in corruption offences (793 days in 2021) – the longest in the EU⁵⁵. The increasing caseload in administrative courts (by 6% in 2023, compared to 2022) has led to a further increase in pending cases (by 6% end 2023), despite a further 4% increase in resolved cases⁵⁶. The amendments to the Administrative Disputes Act, adopted in April 2023, which allow simpler administrative cases to be decided by a single judge⁵⁷, and which increased procedural discipline and introduced new incentives for reaching a court settlement, are yet to show their full effect⁵⁸.

The Supreme Court is working on proposals to address the decreasing number of resolved cases in courts. In recent years, the overall number of resolved cases in courts has been decreasing, while the caseload remained stable⁵⁹. In December 2023, the Supreme Court

⁵¹ Figures 5 – 15, 2024 EU Justice Scoreboard.

⁵² Written contribution from the Supreme Court in the context of the country visit to Slovenia.

⁵³ The average length of proceedings at first instance courts further increased to above 2 years in large value (23,9 months in 2022) and to 16,7 months in small value litigious civil cases (16 months in 2022), and remained around 13 months in litigious commercial cases. In criminal cases, the average length remained stable in lesser offences (12 months) and further increased to 21,2 months in more serious offences (18,5 months in 2022). In appeal, the average length is much shorter, but also increased further in 2023, namely to 3,2 months in civil (2,1 in 2022) and to 3,4 months in commercial cases (2,9 in 2022). Written contribution from the Supreme Court in the context of the country visit to Slovenia.

⁵⁴ Time from the start of court proceedings until the first hearing further increased to 21 months in high-value civil litigious cases (19,3 in 2022), 11,2 months in more serious criminal offences (10,4 in 2022) and to 18 months in low-value litigious civil cases (16,9 months in 2022). It stagnated at 8,3 months in lesser criminal offences. Written contribution from the Supreme Court in the context of the country visit to Slovenia.

⁵⁵ Figures 22 and 23, 2024 EU Justice Scoreboard.

⁵⁶ Written contribution from the Supreme Court in the context of the country visit to Slovenia.

⁵⁷ Instead of a panel of judges as is currently the case. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 11.

⁵⁸ The Supreme Court designated the administrative judiciary as a priority area in the Opening of the Judicial Year 2023. The Supreme Court noted a tendency of the Government to expand the jurisdiction of the judiciary in the administrative field and to omit the administrative appeal by higher administrative bodies. Input from the Supreme Court for the 2024 Rule of Law Report, p. 6.

⁵⁹ In total, the courts resolved around 814 000 cases in 2021, 799 000 cases in 2022 and 794 000 cases in 2023, while caseload remained stable around 800 000. Written contribution from the Supreme Court in the context of country visit to Slovenia.

President appointed a new working group to propose measures to ensure that the number of resolved cases in courts remains at the level of previous years or increases⁶⁰. Additionally, in 2023, the project group on timeframes at the Supreme Court prepared a proposal that determines the timeframes for additional types of court proceedings, so that they are now set for most court proceedings at all instances⁶¹. In 2023, activities have been undertaken to unburden the District Court of Ljubljana (the largest first instance district court) of its workload in the criminal law area⁶².

II. ANTI-CORRUPTION FRAMEWORK

The main law setting up the institutional and legislative framework to prevent corruption in Slovenia is the Integrity and Prevention of Corruption Act. The Commission for the Prevention of Corruption (CPC) is an autonomous and independent state body, responsible for the prevention of corruption through administrative oversight of rules on integrity and conflicts of interests. It cooperates regularly with the police and the State Prosecution. The National Bureau of Investigation is specialised in detecting and investigating serious crimes, including corruption. The Specialised State Prosecution Office is responsible for the prosecution of corruption offences and directs the work of the police. The National Review Commission for Public Procurement is an independent and autonomous body that decides on the legality of the awarding of public contracts and can refer potential illegal acts to the police and the State Prosecution. The Court of Audit is the highest independent supervisory body for all public spending in Slovenia, and reviews political party finances.

The perception among experts and business executives is that the level of corruption in the public sector remains relatively high. In the 2023 Corruption Perceptions Index by Transparency International, Slovenia scores 56/100 and ranks 17th in the EU and 42nd globally⁶³. This perception has been deteriorating over the past 5 years⁶⁴. The 2024 Special Eurobarometer on Corruption shows that 95% of respondents consider corruption widespread in their country (EU average 68%) and 44% of respondents feel personally affected by

⁶⁰ Input from the Supreme Court for the 2024 Rule of Law Report, p. 5. This working group continued the work of the previous working group, mentioned in the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 11-12.

⁶¹ The timeframes for the 2024 have been adopted by the President of the Supreme Court after obtaining the prior consent of the Ministry of Justice. Input from the Supreme Court for the 2024 Rule of Law Report, p. 5.

⁶² Measures at the court level included the preparation of the programme for resolving of older criminal cases, organisational measures to even out the pending cases, while at the level of the Supreme Court/judiciary, meetings have been held with relevant courts and the Judicial Council to discuss the problems and possible solutions, analysis of the caseload and human resources in criminal justice for all district courts was made (to assess the possibility of redistribution of pending cases to other, less burdened courts), additional (eight) judicial posts for the District Court of Ljubljana were approved along with assistance from other courts. Input from the Supreme Court for the 2024 Rule of Law Report, p. 7.

⁶³ Transparency International (2024), 'Corruption Perceptions Index 2023', pp.2-3. The level of perceived corruption is categorised as follows: low (the perception among experts and business executives of public sector corruption scores above 79); relatively low (scores between 79-60), relatively high (scores between 59-50), high (scores below 50).

⁶⁴ In 2019, the score was 60, while in 2023 the score is 56. The score significantly increases/decreases when it changes more than five points; improves/deteriorates (changes between 4-5 points); is relatively stable (changes from 1-3 points) in the last 5 years.

corruption in their daily lives (EU average 27%)⁶⁵. As regards businesses, 83% of companies consider that corruption is widespread (EU average 65%) and 35% consider that corruption is a problem when doing business (EU average 36%)⁶⁶. Furthermore, 17% of respondents find that there are enough successful prosecutions to deter people from corrupt practices (EU average 32%)⁶⁷, while 15% of companies believe that people and businesses caught for bribing a senior official are appropriately punished (EU average 31%)⁶⁸.

Some further progress has been made regarding the adoption of an anti-corruption strategy and action plan. The 2023 Rule of Law Report recommended Slovenia to ‘adopt the new anti-corruption strategy and action plan with concrete measures and a timeframe for their implementation [...]’⁶⁹. Throughout 2022 and 2023, the CPC conducted a series of inter-institutional discussions and consultations with civil society organisations and other stakeholders⁷⁰. On 12 December 2023, the CPC transmitted the draft ‘Resolution on the Prevention of Corruption’ to the Government for review⁷¹. On 16 November 2023, Parliament adopted a Recommendation to the Government on the fight against corruption, which, among others, called on the Government to swiftly adopt the draft Resolution⁷². Inter-departmental coordination was concluded by the end of April 2024. As the results are still being assessed, the Government has not yet transmitted the draft Resolution to Parliament for its consideration and final adoption⁷³. The CPC has already begun drafting the corresponding ‘Action Plan for the Implementation of the Resolution’⁷⁴, with concrete measures and a timeframe for their implementation, which it must adopt within three months of Parliament’s adoption of the Resolution⁷⁵. On 16 May 2024, the Government presented the second joint interim implementation report on the 2023-2026 ‘Government Programme to Strengthen Integrity and Transparency in the Public Sector’ covering the period 1 September 2023 to 29

⁶⁵ Special Eurobarometer 548 on Citizens’ attitudes towards corruption in the EU (2024). The Eurobarometer data on citizens’ corruption perception and experience is updated every year. The previous data set is the Special Eurobarometer 534 (2023).

⁶⁶ Flash Eurobarometer 543 on Businesses’ attitudes towards corruption in the EU (2024). The Eurobarometer data on business attitudes towards corruption is updated every year. The previous data set is the Flash Eurobarometer 524 (2023).

⁶⁷ Special Eurobarometer 548 on Citizens’ attitudes towards corruption in the EU (2024).

⁶⁸ Flash Eurobarometer 543 on Businesses’ attitudes towards corruption in the EU (2024).

⁶⁹ 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Slovenia, p. 2. The 2023 Report found that some progress was made in implementing the 2022 recommendation.

⁷⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 13, found that some progress had been achieved as regards the adoption and implementation of the anti-corruption strategy.

⁷¹ Input from Slovenia for the 2024 Rule of Law Report, p. 7 and information received from the Ministry of Justice, the CPC and the Parliament Secretariat in the context of the country visit to Slovenia.

⁷² Parliament, Recommendation to the Government of the Republic of Slovenia on the Fight against Corruption in the Republic of Slovenia, 16 November 2023. In the Recommendation, Parliament asked the Government – in view of increasing corruption – to conduct a thorough analysis of the laws and implementing regulations governing corruption prevention, integrity, transparency, and criminal law and, if necessary, make proposals for legislative amendments. Input from Parliament for the 2024 Rule of Law Report, p. 17.

⁷³ Amendments to the Resolution are still possible under normal parliamentary procedures.

⁷⁴ Information received from the CPC in the context of the country visit to Slovenia.

⁷⁵ Information received from the Ministry of Public Administration and the CPC in the context of the country visit to Slovenia. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 13. Transparency International Slovenia regretted the delay and called on decision-makers to allow for a public debate on the revised resolution and a swift adoption. See Corruption Perception Index 2023, ‘Once again without progress in the field of anti-corruption in Slovenia.’

February 2024⁷⁶. Given that the draft national anti-corruption strategy is still being assessed and is not yet in the parliamentary procedure some further progress has been achieved regarding the implementation of the recommendation made in the previous reports.

Some progress has been achieved towards establishing a track record of investigations, prosecutions and final judgments in corruption offences. The 2023 Rule of Law Report recommended Slovenia to ‘[...] step-up efforts to ensure a track record of investigations, prosecutions and final judgments in corruption offences, including in high-level cases’⁷⁷. The 2023 Report identified serious concerns about the low number of investigations, indictments and judgments in corruption cases and the length of proceedings⁷⁸. In 2023, the police investigated 212 cases of corruption offences and crimes with elements of corruption, a considerable decrease compared to an overall total of 623 cases in 2022⁷⁹. The number of indictments for corruption offences launched by the prosecution services in 2023 increased only slightly compared to 2022. Decisions in corruption cases before first instance courts increased considerably and the number of convictions almost doubled with also many more prison sentences imposed⁸⁰. The State Prosecution Service managed to reduce the backlog of unresolved criminal notifications⁸¹. Like in the previous year, no high-level corruption judgments were delivered in 2023⁸² nor were there any reported cases or investigations of foreign bribery⁸³. Nevertheless, the Specialised State Prosecution Office dealt with at least six cases in 2023 that could qualify as high-level corruption⁸⁴, but which are not included in the

⁷⁶ Government of Slovenia (2024), Second Joint Interim Report on the Implementation of the Slovenian Government’s Integrity and Transparency Programme in the Public Sector 2023-2026 (for the period 1.9.2023 – 29.2.2024). Ministries reported their activities supporting the permanent measures included in the Programme. Among the measures were raising awareness among public employees especially in areas considered riskier from the viewpoint of integrity, such as public procurement procedures.

⁷⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 2.

⁷⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 15-17 and related footnotes. According to the 2024 EU Justice Scoreboard (Figure 23), at first instance criminal courts, the average length in corruption offences in 2022 increased to 889 days, up from 793 days in 2021, which remained the highest in the EU.

⁷⁹ Although the ten-year trend in the number of corruption offences and those with elements of corruption (such as abuse of position or trust in economic activity, abuse of official position or officials’ rights, and damage to public funds) dealt with by the police is on the rise, there are significant or minor variations in the number of offences dealt with annually due to lengthy, large and demanding pre-trial proceedings. Information and written contribution from the Police and the National Bureau of Investigation in the context of the country visit to Slovenia and input from Slovenia for the 2024 Rule of Law Report, pp. 12 and 24 (Appendix 3).

⁸⁰ In 2023, state prosecutors requested investigative judges to conduct 89 investigations (54 in 2022) and launched 33 indictments (26 in 2022). Courts published 29 decisions involving corruption offences in first instance, considerably higher than the 12 in 2022, and imposed 21 convictions (11 in 2022) and 12 prison sentences (2 in 2022). The number of acquittals (4 in 2023 and 0 in 2022) and dismissals (4 in 2023 and 1 in 2022) were also slightly higher. Input from Slovenia for the 2024 Rule of Law Report, pp. 12 and 23 (Appendix 2). Data provided is for the period from 1 January 2022 to 4 December 2023. Data on abuse of position offences are not normally included in the main statistics. For the latter, in 2023 there were 74 adjudicated cases (28 in 2022) and 12 prison sentences (3 in 2022).

⁸¹ In 2023, 375 criminal notifications to the State Prosecution Office remained unresolved (405 in 2022).

⁸² Since 2019, there has only been one judgment in 2020 involving a mayor. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 16.

⁸³ In 2023, state prosecutors underwent training to improve their skills to investigate and prosecute corruption offenses, including foreign bribery. Input from Slovenia to the 2024 Rule of Law Report and written contribution from the Supreme State Prosecutor’s Office in the context of the country visit to Slovenia.

⁸⁴ Written contribution from the Specialised State Prosecution Office in the context of the country visit to Slovenia. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 16

overall data for ‘classic’ corruption offences⁸⁵. The Supreme State Prosecution Office concluded its analysis to assess the quality of work and effectiveness of prosecutions in criminal cases against officials of local authorities⁸⁶. Cooperation between the European Public Prosecutor’s Office and the prosecution and police continues to work well⁸⁷. On 19 June 2024, the Parliament adopted amendments to the Criminal Procedural Code⁸⁸ that limit the possibilities to use certain investigative measures such as secret surveillance or access to electronic communications data or banking data, in line with a July 2023 Constitutional Court decision⁸⁹. Certain drafting suggestions proposed by the prosecution and the police on the original draft law were taken into consideration by the Ministry⁹⁰. However, concerns remain that these changes could hinder their ability to effectively investigate and prosecute corruption offences although the real effects can only be assessed once the provisions have entered into force and put into practice⁹¹. In light of the improvement in the numbers relating

and footnote 97. As reported last year, the pre-trial phase of an investigation against the Prime Minister and other persons was closed in May 2023. As for the other cases, on 1 February 2024, the Court approved the start of an investigation in the case involving three persons, among them a deputy mayor and a mayor, and other pre-trial proceedings against three persons, among them a mayor, are still ongoing (due to delays in the Police).

⁸⁵ High-level officials such as state secretaries or mayors are usually prosecuted under offences such as abuse of office that are not included in the data for ‘corruption offences’ even though they contain elements of corruption or a corrupt background. These offences carry a lower evidentiary bar and although the law provides for lower penalties, courts often impose sentences that are comparable to, or even higher than, those for ‘classic’ corruption offences, such as bribery. As noted in the input from Slovenia to the 2024 Rule of Law Report (p. 23, footnote 69), the Specialised State Prosecution Office has obtained convictions in several cases where officials and/or high-ranking officials and/or directors of state-owned enterprises were prosecuted for these offences. Were these cases included in the statistics on corruption offences, the overall picture of the track record would be more positive.

⁸⁶ The internal peer-review assessed the quality of work and the effectiveness of prosecution in criminal cases against officials at local level in relation to the performance of official duties and the use of public funds. It concerned the lack of indictments or convictions in the majority of 243 cases against 35 officials at local level (e.g., mayors and deputy mayors) in the period 2007-2020. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 16. The report is not yet final pending appeal procedures from several prosecutors. In principle, the findings of the internal professional reviews are not public. Preliminary findings (end Feb. 2024) indicate that out of a total of 221 files examined, there were 169 dismissals, 10 convictions, 13 acquittals, 5 rejections and 24 terminations of criminal proceedings. Information received from the Supreme State Prosecution Office in the context of the country visit to Slovenia.

⁸⁷ Input from EPPO for the 2024 Rule of Law Report. In 2023, the EPPO did not investigate any corruption offences in Slovenia, EPPO (2024), Annual Report 2023.

⁸⁸ Act on Amendments to the Criminal Procedure Act (ZKP-P), adopted by Parliament on 19 June 2024.

⁸⁹ Judgment of the Constitutional Court of 6 July 2023, *U-I-144/19* that will come into effect on 12 Aug. 2024.

⁹⁰ For instance, the Ministry partially took on board some of the suggestions by the prosecution so that certain investigative measures can still be applied for the offences of abuse of office and official duties and abuse of position or trust in business activity. Other suggestions could not be taken into account due to the explicit requirements in the July 2023 Constitutional Court judgement. Written contribution from the Supreme State Prosecution Office and the Ministry of Justice in the context of the country visit to Slovenia.

⁹¹ The proposed changes to the Criminal Procedure Code would increase the standard of proof to obtain certain telecommunications data to the same level for ordering more invasive measures such as secret surveillance measures or taping and recording of electronic communications. The use of certain investigative measures to obtain communications and financial data would also be confined to a more limited list of offences and for a more limited period. Information and written contribution from the Supreme State Prosecution Services, the Specialised State Prosecution Service and the Police in the context of the country visit to Slovenia. Challenges to the effective prosecution of corruption cases such as high evidentiary standards and the lack of the probative value of certain witness statements were also highlighted in the 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia pp. 16-17 and related footnotes.

to the investigation, prosecution and adjudication of corruption offences, there has been some progress in the implementation of the recommendation made in the 2023 Rule of Law Report.

Investigations about possible high-level political influence in police decision-making are ongoing and plans to regulate the prevention of any such influence have been postponed. The expected amendments to the Police Tasks and Powers Act to better regulate the supervision of police work and prevent any political influence in decision-making have been postponed⁹². A parliamentary inquiry about possible political influence in the work of the police and the appointment of the Director General of the Police, that had resulted in the resignation of the then Minister of the Interior, began in June 2023 and is still ongoing⁹³. In November 2023, CPC opened an investigation against the Prime Minister regarding potential breaches of integrity rules⁹⁴. In January 2024, the CPC temporarily suspended its investigation in the interest of the ongoing pre-trial criminal investigation initiated by the Specialised State Prosecution Office⁹⁵. On 22 February 2024, the Government submitted to Parliament a draft Resolution on the National Programme for the Prevention and Suppression of Crime 2024-2028 which was adopted on 26 April 2024. The Resolution takes a strategic approach to providing internal and public security, including the fight against corruption⁹⁶.

Resources and training for the police continued to improve. The National Bureau of Investigation reported that it recruited five new officers (as indicated in the 2023 Rule of Law Report⁹⁷) and is hiring another two⁹⁸. In 2023, 116 criminal police investigators were trained

⁹² The Ministry of the Interior's priority is adjusting the Act to the normative obligations under EU law, after which further amendments to the Act are planned. Information and written contribution from the Ministry of the Interior in the context of the country visit to Slovenia.

⁹³ A lawsuit before the Administrative Court initiated by the rejected candidate for the post of Director General (the former acting Director General) who claimed that the chosen candidate did not fulfil the necessary requirements is also pending. Commission for the Prevention of Corruption, Press release: 'Notice of initiation of an inquiry against the Prime Minister', 20 November 2023. These issues have also been extensively reported in the press. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 14 and footnote 76.

⁹⁴ This investigation is in connection to reports of alleged unauthorised pressure having been exerted on the former Minister of the Interior and other employees at the Ministry.

⁹⁵ The CPC clarified that given the on-going pre-trial investigation, it had to suspend certain procedural rights of the person concerned so as not to prejudice the ongoing criminal investigation. Commission for the Prevention of Corruption, Press release: 'In the interests of the proceedings before the Prosecutor's Office and the police, the Commission had to suspend the investigation against the Prime Minister', 22 January 2024. In April 2024, the Administrative Court dismissed the Prime Minister's request for recusal of the CPC's member on procedural grounds, which, if successful, could have blocked the CPC's work in this matter. The CPC President already withdrew from decision-making in this matter. Both the CPC and the Prime Minister's lawyer appealed to the Supreme Court, acting as a second instance court in administrative cases, asking the Court to decide on the merit of the recusal request. RTV, 'Administrative Court dismisses Prime Minister Golob's lawsuit over the decision of the CPC', 5 April 2024.

⁹⁶ Resolution on the National Programme for the Prevention and Suppression of Crime 2024-2028 (RENPPZK24-28). The resolution's objectives include improving and harmonising legal provisions and public procurement practices in order to reduce corruption and increase the efficiency of public procurement, and ensuring adequate law enforcement capacity to detect, investigate and prosecute corruption-related crime. See also input from Slovenia for the 2024 Rule of Law Report, p. 8, and written contribution from the Ministry of Interior in the context of the country visit to Slovenia.

⁹⁷ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 14.

⁹⁸ 166 criminal investigators (203 posts in total) in the police administration are responsible for investigating economic crime and corruption. There are 13 criminal investigators (19 posts in total) in the Economic Crime Division of the General Police Directorate (2 are in the Corruption Division). 55 out of 65 senior

to investigate corruption and economic crime more effectively while training for local police to better detect corruption is also taking place⁹⁹. The police has established a register of conflicts of interest that is currently in a pilot phase. No breaches or violations due to conflicts of interest were detected in the police in 2023¹⁰⁰.

The expected increase in human and technological resources for the Commission for the Prevention of Corruption was delayed as financial resources were only allocated in early 2024 due to the budget cuts on account of a national crisis situation. Once the financial resources were allocated in early 2024 it was possible to start recruitment procedures for the additional staff which had been expected in 2023¹⁰¹. However, attracting qualified experts is not easy¹⁰². The CPC's plans to replace and renew its internal IT system to facilitate and simplify the input and availability of data on asset declarations, lobbying and whistleblowing¹⁰³ may be delayed due to recent changes to the way the public sector's IT systems are managed¹⁰⁴. In 2023, the CPC enforced administrative sanctions for omission of reporting to 18 registered lobbyists¹⁰⁵. It carried out an analysis of the asset declarations of the current members of Government and Parliament (following the change of government in 2022) and an analysis of asset declarations in the healthcare sector. In 2023, overall, it

criminal investigators (70 posts in total) in the NBI investigate economic crime and corruption. Written contribution from the Police in the context of the country visit to Slovenia.

⁹⁹ Written contribution and information from the Police in the context of the country visit to Slovenia. See also input from Slovenia to the 2024 Rule of Law Report, p. 8.

¹⁰⁰ Corruption offences in the police are investigated by police officers of the Department for Investigation and Prosecution of Officials with Special Powers, which operates as an independent internal organisational unit of the Specialised State Prosecution Office. The Police has established a register of conflicts that includes the recording of police proceedings when a police officer has a conflict of interest. The statistics can be used to identify potential systemic risks in specific areas of police work. The records are also used in intelligence gathering to detect and mitigate corruption risks. Written contribution and information from the Police in the context of the country visit to Slovenia.

¹⁰¹ According to input from Slovenia for the 2024 Rule of Law Report, the 2024 allocated budget is EUR 2.95 million (compared to EUR 2.4 million in 2022). Annual fluctuations in staff levels are partly explained by retirements or resignations. In June 2024, the CPC was finalising the employment procedure of the IT system administrator (ongoing for the last two years). By 1 July 2024, the CPC expects to employ five additional persons - three for an indefinite and two for a definite period of time - and a further two and an intern later in the year. Written contribution and information received from the CPC in the context of the country visit to Slovenia.

¹⁰² Remuneration scales for CPC senate officials have not changed since 2004. According to the CPC, their officials are among the least paid among the independent state bodies. This leads to an anomalous situation where some CPC employees have a higher salary than the officials. Out of 41 current CPC employees, 3 have a higher salary and 2 have the same salary as the Chief Commissioner, while 9 have a higher salary than the CPC Deputies. This has discouraged top experts from applying. Information and written contribution received from the CPC in the context of the country visit to Slovenia.

¹⁰³ See also 2023 Rule of Law Report, p. 18.

¹⁰⁴ The CPC submitted a revised budget for 2025 in mid-June, which includes an application for an increase in IT funds. A final decision on the budget will be available in November 2024. An agreement between the CPC and the Ministry of Digital Transformation, that took over responsibility for the management of the public sector's servers from the Ministry of Public Administration, will be concluded in August 2024. Written contribution from the CPC in the context of the country visit to Slovenia.

¹⁰⁵ As of 31 December 2023, there were 84 lobbyists registered in the Registry of Lobbyists, of which 46 sent reports on lobbying activities performed in 2023. CPC Annual report 2023 and written contribution in the context of the country visit to Slovenia. According to the 2024 OECD Anti-Corruption and Integrity Outlook: Country Fact Sheet 2024 (p. 6), Slovenia is among the top performers fulfilling 75% of criteria for regulations and 78% for practice, compared to the OECD average of 38% and 35% respectively.

imposed 4 fines, 20 reprimands, 26 warnings and 13 dismissals relating to asset declarations¹⁰⁶.

Legislation on supervision of conflicts of interest and incompatibility of office is being reviewed. The 2023 Rule of Law Report had identified a gap between the oversight and supervision of conflicts of interests of high-level officials, covered by the CPC, and of public servants, covered by the Public Employees Act (PEA)¹⁰⁷ supervised by their hierarchical superiors¹⁰⁸. The Government is considering legislative changes to the PEA, but the CPC is concerned that it does not have the resources to take on the additional responsibility for the integrity oversight of all public servants¹⁰⁹. In 2023, the CPC received more reports on corruption and other breaches of the Integrity and Prevention of Corruption Act (IPCA) such as incompatibility of office (817 compared to 695 in 2022) of which the majority related to corruption (617 compared to 353 in 2022)¹¹⁰. Of the 38 reports received on incompatibility of office the CPC concluded 26¹¹¹. It received 76 conflict of interest reports and concluded 69 cases¹¹². It reported 123 cases to the police or the State Attorney's Office (82 in 2022).

The frequency of the Court of Audit's checks over the largest political parties is expected to increase following changes to the law on political party financing. In July 2023, Parliament revised the system of political party financing¹¹³. The new rules now require the Court of Audit to carry out mandatory audits over a four-year period of all parties that receive public funds of at least EUR 100 000, up from the EUR 10 000 threshold under the previous rules. In practice, mandatory audits will only be carried out for the largest parties while smaller parties will be audited if the Court of Audit sees a risk of possible irregularities or if other corruption prevention bodies detect irregularities¹¹⁴. Penalties for breaches of the

¹⁰⁶ Written contribution from the CPC in the context of the country visit to Slovenia.

¹⁰⁷ The Public Employees Act covers national and local level public servants and does not necessarily prohibit them from engaging in any paid professional or other activities, meaning they would not be in breach of incompatibility of office or function. The amount of additional income deriving from certain activities in associations, foundations or political parties is not limited and is not taken into consideration when assessing incompatibilities of office or conflict of interest. Article 27 (1) of the IPCA. Written contribution from the CPC in the context of the country visit to Slovenia. See also Rule of Law Report 2022, p. 13, footnote 85, and 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 8.

¹⁰⁸ Instead, the supervisory bodies of companies owned by local municipalities (e.g., Council of a health institution owned by the municipality) would carry out such checks although these are not done very often. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 8.

¹⁰⁹ There are more than 160 000 public officials in Slovenia. See input from Slovenia for the 2024 Rule of Law Report, and information received from the Ministry of Justice and the CPC in the context of the country visit to Slovenia.

¹¹⁰ CPC annual report 2023, 27 May 2024 and written contribution from the CPC in the context of the country visit to Slovenia. 405 of these corruption cases were concluded, 205 were dismissed, 190 reports reviewed and transferred to other competent bodies, 2 reports transferred to other competent bodies, 8 reports rejected and 1 opinion adopted.

¹¹¹ Of which 20 were dismissed while 6 were dismissed and assigned to designated bodies. Ibid.

¹¹² Of which 12 findings on a concrete case - 4 violations and 8 dismissals; 47 dismissed cases; 10 dismissed cases and assigned to designated bodies. Ibid.

¹¹³ ZPolS-E, Official Gazette RS, no. 99/2013 of 3/12/2013 (2013 Political Parties Act) has now been replaced by ZPolS-G, Official Gazette, no. 78/2023 of 19/7/2023 valid as from 4 August 2023.

¹¹⁴ The relevant provision is Article 24b, paragraph 1 in both the previous and current versions of the law. Under the previous rules, over a four-year cycle, the Court of Audit was obliged to carry out audits of all parties that received more than EUR 10 000 and to audit at least one-third of parties each year. Consequently, each party was only risk-assessed for the preceding one year and not for the remainder of the cycle. See 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 18.

rules were reduced and will now be determined according to the gravity of the offence¹¹⁵. Focusing on the largest political parties should enable the Court of Audit to carry out more frequent audits of them. The Court also expects to make more efficient use of its resources while still maintaining the necessary oversight over all parties and campaign financing¹¹⁶. While Parliament considers that these changes will provide more transparency and control since much larger amounts of money will be audited¹¹⁷, a civil society organisation considers there will be less transparency in keeping track of public funds and that it would have been more appropriate to increase the Court's resources¹¹⁸. Last year, the Court of Audit finalised 13 audits relating to the campaign finances of nine political parties and four presidential candidates who participated in the 2022 parliamentary and presidential elections. In 2023 and 2024, it completed three political party audits and is finalising three others for the financial year 2022¹¹⁹.

Parliament has called for an analysis of the laws on the prevention of corruption.

Parliament adopted a Recommendation on 16 November 2023¹²⁰ requesting the Government to conduct a thorough analysis of the laws and implementing regulations governing corruption prevention, integrity, transparency, and criminal law and, if necessary, to make proposals for legislative amendments. The Government has not planned any concrete follow-up at this stage¹²¹. Although the CPC has welcomed the Recommendation, it has signalled the need for additional resources, especially legal analysts, should it be called upon to carry out the 'corruption-proofing' of existing or new legislation¹²². Parliament did not receive or review any possible breaches of the Code of Ethics in 2023¹²³.

Reporting channels for whistleblowers have been put in place. In April 2023, the CPC set up a new unit (the Centre for the Protection of Whistleblowers), which represents an external reporting channel, but also provides consultation and trainings, and assistance to reporting persons that suffer retaliation. So far, the CPC has had to tap into its existing resources to carry out these additional responsibilities rather than receiving extra staff as it had

¹¹⁵ The Court of Audit pointed to the disproportionate amount of fines and the severity of collateral sanctions when it audited the political parties, arguing that the fines were disproportionately high compared to the individual amounts of unlawful contributions or other irregularities revealed by the Court of Audit in its reports. Written contribution from the Ministry of Interior in the context of the country visit to Slovenia.

¹¹⁶ Information received from the Court of Audit and written contribution from the Ministry of Interior in the context of the country visit to Slovenia.

¹¹⁷ Information from the Parliament Secretariat and written contribution from the Ministry of Interior in the context of the country visit to Slovenia. In May 2024, it was reported that Parliament set up a parliamentary inquiry targeting a company owned by the current Prime Minister and the alleged siphoning off of funds for the illegal financing of his party Freedom Movement in the campaign ahead of the 2022 general election, in which the party emerged as a winner. The Slovenia Times (2024), Parliament launches inquiry into PM's firm, political party.

¹¹⁸ Information from Transparency International-Slovenia in the context of the country visit to Slovenia.

¹¹⁹ Written contribution from the Court of Audit in the context of the country visit to Slovenia.

¹²⁰ 'The National Assembly of the Republic of Slovenia proposes that the Government of the Republic of Slovenia carries out a thorough analysis of the legislation and implementing regulations governing the prevention of corruption, integrity, transparency and punitive law in view of the increase in corrupt acts.' Parliament, Recommendation to the Government of the Republic of Slovenia on the Fight against Corruption in the Republic of Slovenia of 16 November 2023.

¹²¹ A similar exercise had already been carried out in 2020. Information received from the Ministry of Justice in the context of the country visit to Slovenia.

¹²² Information received from the CPC in the context of the country visit to Slovenia.

¹²³ Input from Parliament for the 2024 Rule of Law Report, p. 19.

anticipated¹²⁴. In April 2024, the CPC published its first statistical report on the number of whistleblowing reports¹²⁵. Parliament adopted internal Guidelines on the Establishment of an Internal Reporting Channel under the 2023 Whistleblower Protection Act and appointed an internal trustee. The trustee did not receive any whistleblower reports in 2023 and forwarded its report to the CPC in early March¹²⁶.

A risk analysis of corruption and conflicts of interest in the healthcare sector was carried out and risks in public procurement persist. The Flash Eurobarometer on Businesses' attitudes towards corruption in the EU shows that 34% of companies in Slovenia (EU average 27%) think that corruption has prevented them from winning a public tender or a public procurement contract in practice in the last three years¹²⁷. In July 2023, the CPC concluded its Analysis of the Functioning of the Public Sector in Healthcare that identified risks of both corruption and integrity violations¹²⁸. It made various recommendations for risk management, corruption prevention and strengthening of integrity, transparency, and accountability. The CPC is carrying out another analysis of the operation of the two largest hospitals in Ljubljana and expects to present its report by mid-October 2024¹²⁹. The CPC has identified decision-making in local government, public procurement (including in relation to the recovery and resilience plan) and spatial planning and environmental matters among the sectors at a high risk of corruption. The Specialised State Prosecution Office identified risks in the building, energy, and health sectors¹³⁰. The Medium-Term Plan for the Development

¹²⁴ Information received from the CPC in the context of the country visit to Slovenia.

¹²⁵ Commission for the Prevention of Corruption (2024), Annual report on the handling of whistleblower protection cases for 2023. The report is based on data collected from 2 038 obliged entities that have received a total of 433. See p. 4. The statistics, however, do not indicate if the reports were related to corruption offences. The CPC stated that it is too early to fully evaluate the numbers since this is the first dataset available while acknowledging there is still room for improvement regarding the general effectiveness of the legal framework. CPC (2024), First reporting after the introduction of the PRTR: good response and room for improvement.

¹²⁶ Input from Parliament for the 2024 Rule of Law Report, p. 16. According to information from the Specialised State Prosecution Office in the context of the country visit to Slovenia, the detection and reporting of corruption offences remains low and the situation from a criminal law perspective has not improved despite the Whistleblower Protection Act. A similar view was expressed in 2023 Rule of Law Report, p. 19.

¹²⁷ Flash Eurobarometer 543 on Businesses' attitudes towards corruption in the EU (2024). This is 7 percentage points above the EU average.

¹²⁸ Commission for the Prevention of Corruption, Press release: 'Health analysis highlighted a number of risks for both corruption and integrity violations', Press Release 5 July 2023. The analysis covered the period from 1 January 2018 to 31 December 2022 and focused on the 10 largest suppliers to 26 selected public healthcare institutions in the procurement of medical equipment, pharmaceutical products, and personal care products. See also input from Slovenia to the 2024 Rule of Law Report, pp. 10-11.

¹²⁹ Information from the CPC in the context of the country visit to Slovenia. The analysis of the operation of the University Medical Center Ljubljana and the University Medical Center Maribor concerns the additional work performed by doctors or other employees (via contracts for additional work or other forms of contracts) for those two medical centres including for the consultations that are performed outside of the public health system, paid by the patients themselves, but performed by the same doctors in the same premises with the same medical equipment. It will also assess the extent of the problem whereby patients that consult doctors privately are given preferential treatment to access public health services where the doctor is assigned.

¹³⁰ Information received from the Specialised State Prosecutor's Office in the context of the country visit to Slovenia. See also Specialised State Prosecutor's Office (2024), '2023 Report on the operations of the Specialised Public Prosecutor's Office of the Republic of Slovenia – key highlights', press release 21 February 2024. The most classic corruption crimes related to public contracts and public tenders or official

and Work of the Police 2023-2027 focuses on the detection and investigation of crimes in areas where corruption risks are high, such as major investments and projects and related public procurement at the European, national, and local levels¹³¹. The National Review Commission, responsible for reviewing public procurement award procedures¹³², indicated a decline in the number of reviews it is carrying out¹³³. As a possible reason for this decline, it referred to recent legislative improvements and increased transparency arising from the digitalisation of the public procurement procedures¹³⁴.

III. MEDIA PLURALISM AND MEDIA FREEDOM

In Slovenia, the legal framework for freedom of expression and information is established in the Constitution¹³⁵, while media plurality is ensured through specific secondary legislation¹³⁶. The regulator for audiovisual media services is the Agency for Communication Networks and Services (AKOS), which is legally and functionally distinct from the Government. The Access to Public Information Act¹³⁷ guarantees access to information held by public authorities, while the implementation of the new governance framework of the public service broadcaster Radio Television Slovenia was completed in the second half of 2023¹³⁸. The Government has put forward a proposal to reform the Mass Media Act with a view to overhaul and update the media legal framework¹³⁹.

procedures, which are supported by the state or municipality, or state and municipal institutions and entities that manage public money.

¹³¹ Input from Slovenia to the 2024 Rule of Law Report, pp. 7-8. The draft resolution on the National Programme for the Prevention and Suppression of Crime states that to protect public funds, more attention will need to be paid to procurement practices as they are strongly linked to corruption. Improving these practices could help reduce corruption and increase the efficiency of public procurement. See pp. 8, 40-41 and 45 of the draft resolution.

¹³² The former Minister of Justice resigned on 16 February 2024 after she took responsibility for a controversial purchase and mismanagement of public funds relating to a building in Ljubljana meant to house several courts. RTV, Prime Minister Golob sent the resignation letter of Minister Švarc Pipan to Parliament; the Government dismissed Igor Šoltes, 15 February 2024. Necenzurirano (2024), 'House searches in case of overpaid court building. Today, the National Bureau of Investigation (NPU) conducts house searches for the controversial purchase of a building on Litijska cesta in Ljubljana'. In a separate procedure under the same former Minister, the National Review Commission (NRC) twice annulled a public procurement bid to digitise notary services that was twice offered to the same contractor without experience in such services. The NRC found that the Ministry of Justice did not follow the public procurement rules. Information received from the National Review Commission in the context of the country visit to Slovenia. Delo, The NRC annuls the selection for the second time, 14 February 2024.

¹³³ In 2023, the National Review Commission received 160 requests for review compared to 170 in 2022. In 2023, by value, 69% concerned reviews of public procurement of medical equipment and pharmaceutical supplies. As for the number of judicial reviews before the Administrative Court, in 2023 four judgments were published and one was launched. National Review Commission, Report 2023, pp. 22, 41 and 69.

¹³⁴ Information received from the National Review Commission in the context of the country visit to Slovenia. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 21.

¹³⁵ Constitution of Slovenia, Article 39. Slovenia ranks 42nd in the 2024 Reporters without Borders World Press Freedom Index compared to 50th in the previous year.

¹³⁶ Mass Media Act, Audiovisual Media Services Act, Electronic Communication Act 2022.

¹³⁷ Access to Public information Act.

¹³⁸ Amendments to the Radio Television Slovenia Act. According to European Parliament's Flash Eurobarometer: News & Media Survey 2023, 48% of respondents in Slovenia stated that they trust public TV and radio stations, in line with the EU average of 48%.

¹³⁹ Draft new Mass Media Act. The Government conducted the public consultation on the draft between 12 December 2023 and 31 January 2024. Following the comments received in the context of the public

The media regulator is expected to acquire further regulatory competences, while challenges persist regarding its resources and the lack of safeguards against risks of political influence. The designated media authority AKOS also serves as the independent regulatory authority for telecommunications, postal services and railway services¹⁴⁰. In this respect, AKOS is expected to acquire further digital regulation competences as Digital Service Coordinator under the Digital Services Act¹⁴¹, as well as new tasks in the assessment of media market concentrations¹⁴². To perform the broad variety of tasks it has been entrusted with, AKOS relies on a self-financing system based on contributions collected from the undertakings that operate under its regulatory remit¹⁴³. However, challenges remain¹⁴⁴ with respect to the adequacy of AKOS' resources to effectively fulfil its increasing competences¹⁴⁵. Concerns persist with respect to AKOS' effective independence¹⁴⁶, stemming from the lack of safeguards against risks of political influence¹⁴⁷.

There is a well-established self-regulatory system for journalists. The Journalists' Court of Honour, a body co-funded by the Union of Journalists and the Association of Journalists, provides for a well-functioning self-regulatory system for journalists¹⁴⁸. The Journalists' Court of Honour is tasked with overseeing journalists' compliance with the professional and ethical standards embodied in the relevant Code of Ethics¹⁴⁹. To this end, it handles complaints about alleged breaches of the Code of Ethics¹⁵⁰ and can seek to settle disputes between journalists and complainants through conciliation¹⁵¹. The initial version of the draft new Mass Media Act envisaged the establishment of the National Board for Media, serving

consultation, the hearing of the draft in the National Assembly is planned to take place in the September or October 2024 session.

¹⁴⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 22.

¹⁴¹ 2024 Media Pluralism Monitor, country report for Slovenia, p. 12; Government (2024), Press release - 86th regular session of the Government, as confirmed by information received from AKOS, Peace Institute and the National NGO umbrella network (CNVOS) in the context of the country visit to Slovenia.

¹⁴² Draft new Mass Media Act, Article 20. as confirmed by information received in the context of the country visit to Slovenia from AKOS, Peace Institute and the National NGO umbrella network (CNVOS).

¹⁴³ To carry out its regulatory competences in the media sector, AKOS relies on 11 employees and on a budget amounting to EUR 706 000 in 2023, which, according to the financial plan, is expected to increase to EUR 821 000 in 2024, Written contribution received from AKOS in the context of the country visit to Slovenia.

¹⁴⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 22-23; 2023 Media Pluralism Monitor, country report for Slovenia, p. 12.

¹⁴⁵ 2024 Media Pluralism Monitor, country report for Slovenia, p. 12; Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 7-8, as confirmed by information received from Peace Institute and National NGO umbrella network (CNVOS) in the context of the country visit to Slovenia.

¹⁴⁶ In particular, the Director General is still appointed by the Government upon a proposal from the responsible minister, after a public selection and there are no rules for the Director General to avoid conflict of interests during the term of office with the Government or the political parties, Electronic Communication Act; 2023 and 2022 Rule of Law Reports, Country Chapter on the rule of law situation in Slovenia, pp. 23 and 17.

¹⁴⁷ Euromedia Ownership Monitor (2023), Slovenia Country report 2022; contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 7, as confirmed by information received in the context of the country visit to Slovenia from the Peace Institute and the National NGO umbrella network (CNVOS).

¹⁴⁸ The Journalists' Court of Honour operates at national level and consists of representatives of journalists and the public, contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 8; 2024 Media Pluralism Monitor, country report for Slovenia, p. 18. Further information is available on the Journalists' Court of Honour's website (razsodisce.org).

¹⁴⁹ Journalists' Court of Honour (2019), Codes of Ethics for Journalists of Slovenia.

¹⁵⁰ The Journalists' Court of Honour adopted 23 decisions in 2023 and 6 decisions in first three months of 2024, Journalists' Court of Honour (2024), Judgments adopted; contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 8.

¹⁵¹ Journalists' Court of Honour (2015), Rules on the work of the Journalists' Court of Honour.

as an advisory body entrusted with monitoring and advisory tasks on matters of public interest in the media¹⁵². It would have been composed of seven members with expertise on media matters or managerial experience in media, who would have been appointed by Parliament upon a proposal of the Government following a public call¹⁵³.

While the new governance model contributed to improving the independence of Radio Television Slovenia, the public service broadcaster is facing a financial crisis and changes to its funding are needed to guarantee appropriate resources. Following the Constitutional Court's decision in May 2023 to lift the temporary suspension of the amendments to the RTV Slovenia Act¹⁵⁴, the new governing and management bodies of RTV Slovenia were established and started their operation¹⁵⁵. The new governance structure, characterised by members who are no longer politically appointed, contributed to improving the independence of RTV Slovenia¹⁵⁶. This improved capacity to operate more independently in the fulfilment of its public service mission was also reflected in the positive trend concerning public trust in RTV Slovenia¹⁵⁷. Despite these positive developments, some stakeholders reported certain challenges related to the implementation of the new governance structure, which also affected the effective operation of the RTV Council and of the management board¹⁵⁸. Other stakeholders still maintain reservations on the ability of the new

¹⁵² In particular, the tasks of the National Board for Media would include analysing the state of media pluralism, provide opinions in the procedures concerning the assessment of media market concentrations, and develop targeted proposal on media regulation, Draft new Mass Media Act, Article 30; Input from Slovenia for the 2024 Rule of Law Report, p. 13.

¹⁵³ Draft new Mass Media Act, Article 31. Following the public discussion and the first sectorial comments on the draft Mass Media Act, the establishment of the National Board for Media is no longer envisaged. Written contribution received from the Government in the context of the country visit to Slovenia.

¹⁵⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 23-25.

¹⁵⁵ The constitutional review of the Act amending the RTV Slovenija Act is still ongoing. In November 2023, the new RTV Slovenia management withdrew the original constitutional review petition filed by the former President of the RTV Slovenia's Programme Council. In December 2023, the National Council, the upper chamber of Parliament, submitted a request to the Constitutional Court for an assessment of the constitutionality of the new provisions introduced by the Act amending the RTV Slovenia Act. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 23-25; STA (2023), Broadcaster management withdraws Constitutional Court petition; STA (2023), National Council opts for constitutional review of two laws; 2024 Media Pluralism Monitor, country report for Slovenia, p. 12.

¹⁵⁶ This view is shared by several stakeholders: contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 12-13, as confirmed by information received in the context of the country visit to Slovenia from AKOS, the Union of Journalists, the Association of Journalists, Peace Institute and the National NGO umbrella network (CNVOS). The 2024 MPM still reported a high risk of 77% for the independence of public service media indicator. However, compared to the 96% figure registered in 2022, there was a drop of 19 percentage points. The 2024 MPM attributes this improvement to the entering into force of the new governance structure of RTV Slovenija, 2024 Media Pluralism Monitor, country report for Slovenia, p. 18.

¹⁵⁷ According to an independent annual survey, RTV Slovenia was the entity with the highest increase in trust compared to 2022 results, Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 16. Further information is available on the researcher website: <https://www.valicon.net/sl/2023/11/valicon-ogledalo-slovenije-jesen-2023/>.

¹⁵⁸ These challenges arose from inconsistencies in some of the rules on the distribution of competences between the governing and management bodies, miscommunication or conflicts between members of such bodies, and non-cooperation of the previous management in the transition phase. Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 13, as confirmed by information received in the context of the country visit to Slovenia from the President of the RTV Council, the Union of Journalists, the Association of Journalists, Peace Institute and the National NGO umbrella network (CNVOS). In May 2024, the President

model to guarantee RTV Slovenia's independence¹⁵⁹. Some¹⁶⁰ have raised concerns regarding cases of directors' replacements and internal reassignments of editors and journalists¹⁶¹, as well as with respect to the cancellation of a daily news programme¹⁶² introduced under the previous management¹⁶³. Stakeholders have also noted some issues as regards the risks of conflicts between employees and the new management in terms of the ability of the latter to implement editorial and professional changes in a non-confrontational manner¹⁶⁴. A very difficult financial situation has brought RTV Slovenia under serious economic distress and is affecting its viability and programme planning¹⁶⁵. This has prompted the Government to directly support RTV Slovenia with additional funding for particular content and programmes to secure the rights of minorities¹⁶⁶. The Government intervention was considered necessary but not sufficient to address the issue¹⁶⁷. The financial difficulties, as also stressed by several stakeholders, are mostly related to the fact that the current funding model is based on a TV

of the management board resigned following disagreements between the management board and members of RTV Council, STA (2024), Zvezdan Martić resigns as general manager of RTV Slovenija.

¹⁵⁹ In particular, there are concerns as regards the new appointment procedures of the RTV Council that, in certain stakeholders' view, are based on non-transparent criteria which do not ensure its full political independence. Written contribution received from the Association of Journalists and Publicists in the context of the country visit to Slovenia. See also 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 24.

¹⁶⁰ Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 13; Written contribution received from the Association of Journalists and Publicists in the context of the country visit to Slovenia.

¹⁶¹ In particular, following internal reassignment, some editors and journalists were offered new employment contracts with reduced salaries not corresponding, in certain instances, to the relevant qualifications and work experience, Written contribution received from the Association of Journalists and Publicists in the context of the country visit to Slovenia.

¹⁶² RTV Slovenia's management offered new employment contracts to all the staff affected by the cancellation of the programme, RTV (2024), RTV SLO: Most Panorama journalists accept contracts. This was confirmed in information received from the President of RTV Management Board, the President of RTV Council, the Union of Journalists, the Association of Journalists, the Peace Institute and the National NGO umbrella network (CNVOS) in the context of the country visit to Slovenia.

¹⁶³ The daily news programme was cancelled from the 2024 production plan of RTV Slovenija for reasons related to its low performance and viewership, Information received from the President of RTV management board, the President of RTV Council, the Union of Journalists, the Association of Journalists, Peace Institute and the National NGO umbrella network (CNVOS) in the context of the country visit to Slovenia. The Union of Journalists had warned about the risks to the editorial autonomy and economic viability of RTV Slovenia brought by the decision to create a new daily news programme for the second RTV Slovenia channel. Union of Journalists (2022), The management of RTV should withdraw from the proposed amendments to the statutes, as confirmed by information received from the Union of Journalists in the context of the country visit to Slovenia.

¹⁶⁴ Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 13; Written contribution received from the Association of Journalists and Publicists in the context of the country visit to Slovenia.

¹⁶⁵ Following a EUR 7 million deficit in 2023, RTV Slovenia was forced to curtail its programming and production plan for 2024. STA, Public broadcaster RTV Slovenia in the red last year, 23 February 2024; information received in the context of the country visit to Slovenia from the President of RTV management board the President of RTV Council.

¹⁶⁶ The Government provided RTV Slovenia with additional EUR 5 million in 2023 and EUR 10 million in 2024 to cover the financing of minority programmes, which the public service broadcaster is required to provide by law, 2024 Media Pluralism Monitor, country report for Slovenia, p. 19; STA (2023) RTV to get more funds for ethnic minority programmes; Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 13-14; Information received from the President of RTV Management Board, the President of RTV Council and the Ministry of Culture in the context of the country visit to Slovenia.

¹⁶⁷ Information from the President of RTV Management Board, the President of RTV Council, the Union of Journalists, the Association of Journalists, Peace Institute and the National NGO umbrella network (CNVOS) received in the context of the country visit to Slovenia.

license fee that has not been adjusted to inflation rates for more than a decade, and thus fails to provide RTV Slovenia with the appropriate resources needed to be financially viable and properly fulfil its public service mission¹⁶⁸. In this light, stakeholders stressed the importance of a comprehensive reform of RTV Slovenia's funding system that could secure its financial independence and viability¹⁶⁹.

Stakeholders called for further strengthening of the media ownership transparency framework, which is currently under revision. The cross-chaining of ownership in the media market, which stems from shortcomings of the national rules regulating the disclosure of media ownership, remains a challenge¹⁷⁰. The draft new Mass Media Act envisages further measures in the field of media market transparency, which include targeted disclosure obligations for media outlets¹⁷¹ and the establishment of a new media transparency register¹⁷². Although the broadening of publicly available data is considered a positive step forward, stakeholders call for stronger rules, such as the removal of the 5% minimum threshold, to ensure complete transparency of media ownership¹⁷³. The high level of concentration of the media market, particularly in the radio sector, coupled with shortcomings affecting the implementation and enforcement of the relevant anti-concentration rules, remains a challenge in terms of risks for media pluralism¹⁷⁴. The draft new Mass Media Act envisages the introduction of a new system for the assessment of media market concentration in situations where it could represent a significant threat to the public interests in the media sector¹⁷⁵. However, stakeholders stressed that further changes and clarifications of the

¹⁶⁸ The TV license fee amounts to EUR 12,75 per month and has remained unchanged since 2012, notwithstanding labour and productions costs have increased due to inflation, Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p.14; 2024 Media Pluralism Monitor, country report for Slovenia, p. 19, as confirmed by information received from the President of RTV Management Board, the President of RTV Council, the Union of Journalists, the Association of Journalists, Peace Institute and the National NGO umbrella network (CNVOS) in the context of the country visit to Slovenia.

¹⁶⁹ Ibidem.

¹⁷⁰ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 26; 2023 Media Pluralism Monitor, country report for Slovenia, p. 14.

¹⁷¹ Most notably, media actors will be required to disclose actual or potential conflicts of interest and to make publicly available, at least on their websites, information on their ownership structures, Proposal for the Media Act, Articles 18 and 19.

¹⁷² In particular, the new media register will provide relevant, up-to-date and publicly available information on media, such as their ownership structures, their beneficial owners and the sources of their financing, including data on the amount of state advertising and public fundings allocated to them, Proposal for the Media Act, Article 16; Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 12; Information received in the context of the country visit to Slovenia from the Ministry of Culture.

¹⁷³ Contribution from the Human Rights Ombudsman for the 2024 Rule of Law Report, p. 20; Information received in the context of the country visit to Slovenia from the Union of Journalists, the Association of Journalists, the Peace Institute and the National NGO umbrella network (CNVOS). To be noted that the draft amendments to the Mass Media Act, presented in public consultation in July 2020 by the previous Government envisaged to remove the 5% minimum threshold, 2021 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 16.

¹⁷⁴ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 26; 2023 Media Pluralism Monitor, country report for Slovenia, p. 14; Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 8-10. The 2024 MPM reported a high risk of 73% for the plurality of media providers indicator, 2024 Media Pluralism Monitor, country report for Slovenia, pp. 14-15.

¹⁷⁵ Under the envisaged rules, the Slovenian Competition Protection Agency (the AVK) will assess the impact of media market concentrations on media pluralism, while the National Board for Media and AKOS will provide the AVK with opinions when such concentrations concern audiovisual media services, draft new Mass Media Act, Article 20.

relevant provisions would be needed to ensure that this system can effectively work in practice and help reduce the concentration of the media market¹⁷⁶.

The Government has adopted a set of recommendations and is developing new legislative measures that are expected to improve the fairness and transparency of state advertising. The Government has put forward several initiatives aimed at increasing state advertising transparency and preventing its political misuse¹⁷⁷, given that the lack of dedicated rules ensuring a fair and transparent allocation of state advertising to the media has been a long-standing source of concern¹⁷⁸. In December 2023, the Government Communication Office adopted a set of recommendations for the implementation of advertising campaigns by ministries, ministerial bodies and government offices¹⁷⁹. Their main purpose is to ensure a transparent, fair, and rational allocation of Government's advertising resources while also increasing the Government's accountability with respect to its advertising practices¹⁸⁰. In a similar vein, the draft new Mass Media Act would introduce targeted rules on the transparent and fair allocation of state advertising to the media, which would apply to national and local authorities, state-owned enterprises, and state-controlled entities¹⁸¹. Overall, stakeholders welcomed these rules as a positive step forward but also indicated that further adjustments would be needed to make sure that the new framework for state advertising transparency is proportionate and effective¹⁸².

¹⁷⁶ In particular, stakeholders referred to possible enforcement shortcomings due to the lack of relevant expertise of the regulators involved in the media pluralism assessment and also stressed that the concept of public interest as well as the relevant assessment criteria need to be further specified in order to ensure an effective implementation of the new framework, information received in the context of the country visit to Slovenia from AKOS, the Union of Journalists, the Association of Journalists, the Peace Institute and the National NGO umbrella network (CNVOS).

¹⁷⁷ The 2024 MPM reported improvements in this area, as illustrated by the State regulation of resources indicator, which scored a low risk of 29% compared to the medium risk of 38% registered in 2022, 2024 Media Pluralism Monitor, country report for Slovenia, p. 18.

¹⁷⁸ This has also prompted the launch of a Parliamentary inquiry in 2022 to investigate alleged misuse of state advertising to finance political parties; 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 27. Some stakeholders raised concerns regarding this inquiry, which they considered to be intended to discredit and investigate media outlets critical to the ruling Government. In particular, they referred to the negative financial consequences for the investigated outlets, stemming from the alleged undue pressure on public bodies not to engage in advertising activities with such outlets, written contribution received from the Association of Journalists and Publicists in the context of the country visit to Slovenia, p. 2.

¹⁷⁹ Government Communication Office (2023), Press release - Government adopts Recommendations for transparent financing of advertising with public funds; contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 11-12.

¹⁸⁰ In particular, ministries, ministerial bodies and government offices are required to publish on their websites annual reports of their advertising campaigns and to obtain the Government's approval in order to carry out advertising campaigns the value of which exceeds EUR 50 000, Government Communication Office (2023), Press release - Government adopts Recommendations for transparent financing of advertising with public funds; contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 11-12.

¹⁸¹ Most notably, the new rules will require all the relevant actors to follow transparent and objective procedures, prepare and publish yearly reports on their advertising expenditure, and obtain an authorization from the Government to carry out advertising campaigns of a value exceeding EUR 50 000, draft new Mass Media Act, Art. 49.

¹⁸² In particular, stakeholders referred to the opportunity for the Government, following the inputs received in the context of the public consultation and before submitting the final draft to the Parliament, to reconsider the extension of the governmental authorisation also to advertising campaigns carried out by state-owned enterprises and state-controlled entities as well as to consider the introduction of a clear definition of the

A new handbook aims at improving state authorities' handling of access to information requests, while the Government took steps to address journalists' concerns over proposed rules for access to judicial information. The general framework regulating the right of access to information held by public bodies is set out in the Access to Public Information Act¹⁸³. The number of complaints over failures by state authorities to respond to requests of access to information have decreased¹⁸⁴ and a new handbook was published to provide the relevant public bodies and applicants with useful information and guidance that could enhance the effective handling of requests for access to information¹⁸⁵. As regards the right of access to judicial information, the Government pledged¹⁸⁶ to address the concerns raised by journalists in relation to the draft new Courts Act, submitted to public consultation on 9 October 2023, which faced criticism for restricting the access to final judgments and the access to certain information about the judicial service, such as information on salaries or on the termination of the employment relationship of judges¹⁸⁷.

Some progress was made to introduce safeguards for the protection of journalists. The 2023 Rule of Law Report recommended Slovenia to 'take forward the process of adopting non-legislative safeguards and start the legislative process in relation to the protection of journalists, particularly online, taking into account European standards on the protection of journalists'¹⁸⁸. The draft new Mass Media Act is expected to introduce a specific protection for journalistic sources as well as the prohibition to install intrusive surveillance software on devices used by journalists¹⁸⁹. In addition, the proposal would introduce safeguards against hate speech to foster the protection of journalists targeted by smear campaigns¹⁹⁰. From a

state-owned enterprises that would be covered by the transparency requirements, Information received from AKOS, the Association of Journalists, Peace Institute and the National NGO umbrella network (CNVOS) in the context of the country visit to Slovenia.

¹⁸³ The Access to Public Information Act provides for a set of targeted exceptions on the grounds of which access to certain information can be limited and ensures that requesters can rely on appeal mechanisms to challenge public bodies' decisions to refuse or dismiss a request of access, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 27.

¹⁸⁴ In particular, pursuant to the latest data available, in 2022 the total number of complaints decreased by 16% compared to 2021 (Information Commissioner (2022), 2022 Annual Report, p. 35); Input from Slovenia for the 2024 Rule of Law Report, p. 14.

¹⁸⁵ Input from Slovenia for the 2024 Rule of Law Report, p. 14; Information Commissioner (2023), Collection of Cases with Simple Answers to Frequently Asked Questions.

¹⁸⁶ Work is ongoing to revise the original proposal with the aim to ensure that access to court decisions is always allowed unless sensitive information needs to be protected, information received in the context of the country visit to Slovenia from the Ministry of Justice.

¹⁸⁷ In particular, the draft new Article 117 of the Courts Act envisaged that final judgments would not be public information and that access to these acts is not possible even upon request, while the proposal to amend Article 37 of the Judicial Service Act and Articles 39 and 40 of the Courts Act would render not accessible to the public information on judges which is public for all other public officials, including members of Parliament and Ministers. Association of Journalists, Comments by the Association of Journalists on the proposed amendments to the Courts Act and the Judicial Service Act, November 2023.

¹⁸⁸ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 2. The 2023 Report found that in relation to the 2022 recommendation, some progress was made on establishing non-legislative safeguards and no progress on establishing legislative safeguards to protect journalists.

¹⁸⁹ Draft new Mass Media Act, Article 6, as confirmed by information received from the Ministry of Culture in the context of the country visit to Slovenia.

¹⁹⁰ Draft new Mass Media Act, Article 34. However, although the new envisaged rules were generally considered a positive step forward as they would ensure greater legal certainty in the application of the safeguards against hate speech, some stakeholders expressed reservations with respect to the lack of the inclusion of specific sanctions for actors allowing the publication of hate speech as well as with respect to

more general perspective, a less hostile climate towards journalists confirms the positive trend already reported last year¹⁹¹, with the media community facing decreased pressure from the Government and operating in a safer environment¹⁹². No new alerts were reported by the Council of Europe's Platform to promote the protection of journalism and safety of journalists¹⁹³ and four incidents, one of which related to verbal attacks on journalists, were registered by the Mapping Media Freedom platform since the publication of the 2023 Rule of Law Report - a significant decrease compared to 2022 when 12 incidents were reported¹⁹⁴. This declining trend is also confirmed by the number of attacks on journalists reported at national level by the Association of Journalists, which were 15 in 2023, as opposed to 20 cases reported in 2022 and 33 cases reported in 2021¹⁹⁵. However, stakeholders pointed to SLAPPs and cases of online harassment, including by politicians¹⁹⁶, as a persisting source of concern for media professionals¹⁹⁷. In light of the developments so far, some progress to introduce safeguards for the protection of journalists was made to address the recommendation made in the 2023 Rule of Law report.

The Government is working on a new framework for public contributions to the media.

The economic crisis of the media sector and the deterioration of journalists' working conditions remain issues of major concern¹⁹⁸. Stakeholders stressed that the constant decrease of revenues, the shrinking of newsrooms' staff and a general trend of divestment from the media market negatively affect media pluralism as they lead to a shortage of pluralistic content and a decrease of the quality of the offering both at national and local level¹⁹⁹. In this

the effective implementation of the relevant rules, which would rely mainly on the initiative of the media inspector rather than through the judicial system, Contribution from the Human Rights Ombudsman for the 2024 Rule of Law Report, pp. 8-9; Information received in the context of the country visit to Slovenia from the Union of Journalists and the Association of Journalists.

¹⁹¹ 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 27-29.

¹⁹² Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, p. 16, as confirmed by information received in the context of the country visit to Slovenia from the Association of Journalists, the Union of Journalists, Peace Institute and the National NGO umbrella network (CNVOS).

¹⁹³ Council of Europe, Platform to promote the protection of journalism and safety of journalists, Slovenia.

¹⁹⁴ The other incidents related to cases of censorship and attacks to property of journalists, Mapping Media Freedom, Slovenia country profile.

¹⁹⁵ 2024 Media Pluralism Monitor, country report for Slovenia, p. 12. Since 2021, the Association of Journalists manages the Report an attack online platform, which is intended for reporting cases of physical and verbal attacks and threats against journalists in Slovenia, 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, pp. 28-29.

¹⁹⁶ 2024 Media Pluralism Monitor, country report for Slovenia, p. 13.

¹⁹⁷ 2024 Media Pluralism Monitor, country report for Slovenia, pp. 8 and 12; Contribution from Liberties (Peace Institute) for the 2024 Rule of Law Report, pp. 17-18, as confirmed by information received in the context of the country visit to Slovenia from the Association of Journalists, the Union of Journalists, Peace Institute and the National NGO umbrella network (CNVOS).

¹⁹⁸ 2024 Media Pluralism Monitor, country report for Slovenia, p. 8 and 15. According to a survey on the working and living conditions of journalists and other media workers, carried out by the University of Ljubljana's Centre for Social Communication Research of the Faculty of Social Sciences, on average media workers did not have an employment contract for 1/3 of their working life and 34% of them are dissatisfied with their salary. Moreover, 85% of media workers already looked for other jobs, with 2/3 of them seeking employment outside of journalism, University of Ljubljana's Centre for Social Communication Research of the Faculty of Social Sciences (2023), Report on the survey Empowering the trade union for the drafting of a new collective agreement, as confirmed by information received from the Union of Journalists in the context of the country visit to Slovenia.

¹⁹⁹ Contribution from the Human Rights Ombudsman for the 2024 Rule of Law Report, p. 21; Information received in the context of the country visit to Slovenia from the Association of Journalists, the Union of Journalists, , and Peace Institute & National NGO umbrella network (CNVOS).

respect, the draft new Mass Media Act would envisage the introduction of a new framework for the financial support to the media sector, which would no longer be based only on measures of co-financing of media programmes. Under the new framework, it would be possible to adopt further initiatives aimed at ensuring the existence and development of free and pluralistic media and the production of quality content²⁰⁰. However, stakeholders maintain that more public resources need to be allocated to effectively support the media sector and professional journalism²⁰¹.

IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES

Slovenia has a parliamentary system of government where only the National Assembly (the first chamber of Parliament), and not the National Council (the second chamber of Parliament), adopts laws²⁰². Draft legislation can be tabled by the Government, any member of Parliament (the National Assembly), the National Council or at least 5 000 ‘voters’. The Constitutional Court carries out *ex post* constitutional review, including in concrete cases on the basis of a constitutional complaint. In addition to the justice system and other bodies, the Human Rights Ombudsperson and the Advocate of the Principle of Equality (which functions as the equality body) are also in charge of the protection of the rights of individuals.

The share of laws adopted by urgent procedure in Parliament decreased while the duration of public consultations on draft laws remains generally shorter than the recommended period. In 2023, the share of laws adopted by urgent procedure decreased to 28%, while remaining high compared to recent years (outside the pandemic)²⁰³. As regards the Government’s public consultations on draft laws, their duration remained mostly shorter than the recommended 30-day period²⁰⁴. In 2023, the Supreme Court reported on shortcomings in the preparation or coordination of legislative proposals, particularly short deadlines for comments which made it difficult to prepare appropriate responses to proposed solutions, often involving substantive issues²⁰⁵. Furthermore, in the draft legislative

²⁰⁰ For example, under the new framework, initiatives might be taken to support the creation of media startups, subsidise shortage media professions, or support the development of new media content or new distribution channels to the public, draft new Mass Media Act, Article 49, as confirmed by information received in the context of the country visit to Slovenia from the Ministry of Culture.

²⁰¹ In particular, stakeholders stressed that, besides the introduction of a new legal framework regulating the state contributions to the media sector, there is a need to increase the financial support and ensure a more structural and systematic intervention, including at the local and regional level, information received in the context of the country visit to Slovenia from AKOS, the Association of Journalists, the Union of Journalists, the Peace Institute and the National NGO umbrella network (CNVOS).

²⁰² Judgment of the Constitutional Court of 22 October 2008, *U-I-295/07*. According to the Constitution, the National Council has the right to veto adopted legislation which has to be voted again by absolute majority in the National Assembly to be adopted.

²⁰³ 35% in 2022, 17% in 2021, 32% in 2020, 18% in 2019, and 20% in 2018. Input from Parliament for the 2024 Rule of Law Report.

²⁰⁴ Counter of violations of the 2009 Parliament Resolution on the normative activity, CNVOS: <https://www.cnvos.si/stevec-krsitev/>. After taking office on 1 June 2022 until 8 January 2024, data gathered through this monitoring mechanism revealed that the current Government did not respect provisions concerning public consultations in 64% of the cases. The previous Government, in office from 13 March 2020 until 1 June 2022, did not respect the relevant provisions in 70% of the cases. In 2009, Parliament adopted a Resolution on Legislative Regulation, which provided for a minimum period of 30 to 60 days for consultations with the public. The Government’s Rules of Procedure were later also amended to include the provision related to the minimum period for public consultations. Contribution from Liberties on Slovenia for the 2024 Rule of Law Report, p. 19.

²⁰⁵ Reported in the input from the Supreme Court for the 2024 Rule of Law Report, p. 6.

proposals, the Government often inadequately estimated the financial consequences of the proposed amendments related to the operation of the judiciary which were not reflected in a corresponding increase in the relevant budget²⁰⁶. The number of participants from civil society that attended the sessions of parliamentary working bodies as well as the number of their documents submitted to Parliament significantly increased²⁰⁷.

Parliament continued discussing the constitutional amendments to reduce the Constitutional Court's considerable caseload by transferring certain types of cases to administrative courts. As noted in the 2023 Rule of Law Report, for several years, the Constitutional Court has been raising concerns about its considerable caseload, which prevents the Court from dedicating more attention to the constitutionally most far-reaching cases²⁰⁸. In view of these challenges, in 2023 the average time needed to conclude a constitutionality review was nearly 600 days while constitutional complaints took around 540 days on average²⁰⁹. While there were notable improvements in reduction of oldest pending cases at the end of 2023, a few cases lodged in 2019 remained pending²¹⁰. In total, the backlog decreased considerably (by 17%), also due to a lower number of incoming cases (by 10%)²¹¹. In October 2023, the Parliament's Constitutional Committee discussed the constitutional amendments submitted by the Government in May 2023, which would reduce the Constitutional Court's caseload and the constitutional revision procedure will continue²¹². The Constitutional Court in its submission to Parliament welcomed and supported the proposed constitutional changes²¹³. However, the Judicial Council expressed concerns

²⁰⁶ Input from the Supreme Court for the 2024 Rule of Law Report, p. 6. According to the parliamentary Rules of Procedure, every draft law needs to contain an assessment of financial impact of the proposed legislation.

²⁰⁷ Number of participants attending the sessions of parliamentary working bodies: 1 444 in 2023, 899 in 2022, 1 253 in 2021, and 1 155 in 2020. Number of documents submitted by the civil society: 336 in 2023, 237 in 2022, 203 in 2021, and 461 in 2020. Input from Parliament for the 2024 Rule of Law Report, pp. 19-20. To also be noted that in Slovenia, only 18% of the surveyed companies perceive the quality of law-making and the frequent changes in legislation as a reason for the lack of confidence in investment protection. Figure 56, 2024 EU Justice Scoreboard.

²⁰⁸ Among the possible solutions, a) setting into the Constitution a reduced list of privileged bodies that can request a constitutional review, b) introducing a filtering mechanism for constitutional complaints, and c) transferring the review of legality of bylaws to the administrative courts, have been discussed. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 30.

²⁰⁹ Constitutional Court, Report for 2023, 12 June 2024, p. 134.

²¹⁰ These include cases which are awaiting the decision of the Court of Justice of the EU on a request for a preliminary ruling. On 31 December 2023, a total of 154 cases older than two years remained pending. Information received from the Constitutional Court in the context of the country visit to Slovenia. This is a notable improvement, as at the end of 2021, there were 553 cases pending that were up to 5 years old. Constitutional Court, Report for 2023, 12 June 2024.

²¹¹ End 2023, the Court had 1931 pending cases (2325 end 2022). Constitutional Court, Report for 2023, 12 June 2024, p. 114.

²¹² Among the envisaged changes are setting into the Constitution the current list of privileged bodies that can request constitutional review (and are currently set in several laws) the gradual transfer of review of local government acts (and jurisdiction disputes between local government) and of spatial planning acts to the administrative courts (this would be done through a constitutional law adopted by two third of deputies present), and allowing the Constitutional Court to select constitutional complaints and initiatives for constitutional review based on guidelines defined in the Constitution. The draft constitutional amendments list the 'importance of the constitutional issue' and 'the gravity of the consequences of human rights violations' for the complainant or subject submitting the initiative for constitutional review. 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 30.

²¹³ Constitutional Court, Opinion of the Constitutional Court regarding the amendments to articles 160, 161, 162 of the Constitution, 25 September 2023.

regarding the additional caseload that would be brought by the envisaged transfer of certain types of cases to administrative courts²¹⁴. On 22 April 2024, the Constitutional Court called for amendments to the Constitutional Court Act to introduce a mechanism allowing the Court to establish the incompatibility of office of its members²¹⁵. On 24 May 2024, the Commission for the Prevention of Corruption initiated misdemeanour proceedings against the Constitutional Court judge due to a failure to report in relation to business restrictions²¹⁶.

On 1 January 2024, Slovenia had five leading judgments of the European Court of Human Rights pending implementation, an increase of one compared to the previous year²¹⁷. At that time, Slovenia's rate of leading judgments from the past 10 years that remained pending was only at 14% (compared to 13% in 2023), and the average time that the judgments had been pending implementation was 1 year and 2 months (compared to 1 year and 5 months in 2023)²¹⁸. As regards the respect of payment deadlines, on 31 December 2023 there were no cases in total awaiting confirmation of payments (compared to 1 in 2022)²¹⁹. On 1 July 2024, the number of leading judgments pending implementation had decreased to 4²²⁰.

The Human Rights Ombudsperson raised concerns regarding the draft amendments to the act on its functioning. The Human Rights Ombudsperson is the National Human Rights

²¹⁴ Judicial Council, Opinion of the Judicial Council regarding the amendments to articles 160, 161, 162 of the Constitution, 25 September 2023.

²¹⁵ This issue came up in April 2024 following uncertainties regarding the existing framework when it was reported that one of the Constitutional Court members exercised ancillary professional activities in academia as a sole trader ('samostojni podjetnik - s.p.'). The Constitutional Court suggested a mechanism similar to the one in the European Court of Human Rights, where the judges themselves vote with a qualified majority on the alleged incompatibility of office of a judge. RTV Slovenia, The Ministry of Justice will examine the possibility of amending the Constitutional Court Act due to the Jaklič case, 23 April 2024. In 2022, the Supreme Court ruled that a regular court judge could not exercise ancillary professional activities as a sole trader and her position as a judge was terminated. Supreme Court, Judgment of 25 October 2022, ECLI:SI:VSRS:2022:U.5.2022.27.

²¹⁶ CPC, Press release: "Due to the failure of the constitutional judge to report on business restrictions, the Commission initiated a misdemeanor procedure", 20 June 2024. On 29 April 2024, the CPC transmitted the complaint it received regarding the alleged incompatibility to Parliament, stating the Commission is not competent in that matter and quoting the Supreme Court judgment mentioned above. CPC, Press release: CPC transmits to Parliament the complaint regarding Constitutional Court member's incompatibility, 29 April 2024. However, Parliament declared it is not competent either and the CPC subsequently asked the Ministry of Justice for a non-binding opinion on which body has the competence to decide on the alleged incompatibility of the judge. CPC, Press release: CPC responds regarding the competence in the case involving a constitutional court judge, 8 May 2024. Ministry found a legal gap and stated that the CPC should, temporarily, fill it in.

²¹⁷ The adoption of necessary execution measures for a judgment by the European Court of Human Rights is supervised by the Committee of Ministers of the Council of Europe. It is the Committee's practice to group cases against a State requiring similar execution measures, particularly general measures, and examine them jointly. The first case in the group is designated as the leading case as regards the supervision of the general measures and repetitive cases within the group can be closed when it is assessed that all possible individual measures needed to provide redress to the applicant have been taken.

²¹⁸ All figures are calculated by the European Implementation Network and are based on the number of cases that are considered pending at the annual cut-off date of 1 January 2024. See the Contribution from the European Implementation Network for the 2024 Rule of Law Report, p. 7.

²¹⁹ Council of Europe (2024), Supervision of the execution of judgments decisions of the European Court of Human Rights – 17th Annual Report of the Committee of Ministers – 2023, p. 138.

²²⁰ Data according to the online database of the Council of Europe (HUDOC).

Institution, accredited with A-Status²²¹. After a public consultation in 2023, in February 2024, the Ministry of Justice transmitted to the Ombudsperson the revised draft amendments to the Human Rights Ombudsperson's Act. However, unlike the draft law subject to the public consultation, the revised amendments contain, in the Ombudsperson's view, some provisions that raise concerns²²². In particular, the envisaged transfer of the appointment of the Ombudsperson from Parliament²²³ to the President of the Republic would not be appropriate in the Ombudsperson's view, as the institution reports to Parliament, which is the case for parliamentary ombudspersons²²⁴. Furthermore, contrary to the UN recommendation, the draft amendments do not explicitly establish the Ombudsperson's power to suggest that Slovenia ratifies or accedes to international human rights instruments²²⁵. Finally, the draft amendments do not envisage that the Ombudsperson would become the independent mechanism to promote, protect, and monitor implementation of the United Nations Convention on the Rights of Persons with Disabilities (UNCRPD) – a responsibility that the Ombudsperson is already partly exercising and would be ready to take over if sufficient resources would be granted to fulfill this task²²⁶. In 2023, the Ombudsperson issued 86 new recommendations (84 in 2022),²²⁷. In addition, the Ombudsperson acting in the capacity of National Prevention Mechanism issued further 578 recommendations to various institutions (571 in 2022)²²⁸. In 2023, the Ombudsperson highlighted approximately 80 especially relevant past recommendations that remain either unimplemented or partially implemented (150 in 2022)²²⁹. At the end of 2023, the Advocate of the Principle of Equality operated with 27 employees and a budget of over EUR 1.8 million, with additional funds allocated for the EU project "Let's face discrimination". In 2023, the Advocate issued 84 recommendations in the framework of different procedures, to address the issue of discrimination²³⁰. The Advocate raised concerns about the reduction of its budget for 2024 to EUR 1.58 million and protested against removal of funds dedicated to research about discrimination and for awareness raising about discrimination²³¹.

The situation of civil society has further improved, while some challenges remain. Continuing the trend mentioned in the 2023 Rule of Law Report, the operating space for civil society saw further improvements, particularly as regards the general approach of the

²²¹ Accreditation by the Global Alliance of National Human Rights Institutions (GANHRI).

²²² Information received from the Human Rights Ombudsperson in the context of the country visit to Slovenia. According to the Government, the discussion on amendments to the Ombudsperson Act is still ongoing and stakeholders have different views (also constitutional ones) concerning the Ombudsperson's positions, this being the result of wide and long public consultation. Written contribution from the Government in the context of the country visit to Slovenia.

²²³ Currently, the Slovenian Human Rights Ombudsperson is elected by Parliament with two third majority of all its members. Article 12, Human Rights Ombudsperson's Act.

²²⁴ Information received from the Human Rights Ombudsperson in the context of the country visit to Slovenia.

²²⁵ This was one of the recommendations from GANHRI Sub-Committee on Accreditation (SCA) Report, December 2020, p. 24. Contribution from ENNHRI-Slovenia for the 2024 Rule of Law Report, p. 4.

²²⁶ Information received from the Human Rights Ombudsperson in the context of the country visit to Slovenia; Contribution from ENNHRI-Slovenia for the 2024 Rule of Law Report, p. 14.

²²⁷ Summary of the Human Rights Ombudsperson's work in 2023, p. 8.

²²⁸ Summary of the Human Rights Ombudsperson's work in 2023, p. 25.

²²⁹ Summary of the Human Rights Ombudsperson's work in 2023, p. 8.

²³⁰ Input from Slovenia for the 2024 Rule of Law Report, p. 18.

²³¹ Input from Slovenia for the 2024 Rule of Law Report, p. 17; Advocate of the Principle of Equality, Press release: Protection against discrimination: Lobnik called on the deputies to provide funds in the budget for the implementation of the key tasks of the Advocate, 15 November 2023.

Government²³². However, the civic space in Slovenia continues to be considered as narrowed²³³. Civil society organisations (CSOs) still reported concerns about the attacks stemming from media owned by political parties²³⁴. In spring 2023, the Ministry of Public Administration issued a public call for funding, focused on strengthening the competences of CSOs in the areas of democratic functioning, good governance, transparency and oversight over authorities, and active citizenship²³⁵. In January 2024, the new Minister of Public Administration²³⁶ annulled the public call despite the funds having been already awarded. In an open letter, a number of CSOs expressed disappointment over the minister's decision, which they considered could set a dangerous precedent of annulling already allocated funds and would hamper the functioning of organisations in the field of democracy and civil rights²³⁷. Several of those CSOs that were awarded the funds are preparing legal action against the annulment before the administrative courts²³⁸. The Ministry of Public Administration explained that the allocated funds will remain available to CSOs but the criteria how they will be disbursed are yet to be determined and could be made available to CSOs in all types of activities, not focused only on CSO's in the area of democracy and civil rights²³⁹. On June 7, 2024, the Ministry of Public Administration published the Public Tender for the Development and Professionalization of Non-Governmental Organizations and Volunteering 2024 - 2027. With the public tender, the goal is to co-finance approximately 180 jobs in voluntary and non-governmental organizations in the following years. A total of EUR 12.6 million will be available as part of the public tender for jobs over a period of three fiscal years²⁴⁰.

²³² 2023 Rule of Law Report, Country Chapter on the rule of law situation in Slovenia, p. 32; Information received from the Peace Institute and CNVOS in the context of the country visit to Slovenia; Contribution from FRANET-Slovenia for the 2024 Rule of Law Report, p. 19.

²³³ Rating given by Civicus, Slovenia; ratings are on a five-category scale defined as: open, narrowed, obstructed, repressed and closed.

²³⁴ Contribution from FRANET-Slovenia for the 2024 Rule of Law Report, p. 15.

²³⁵ Contribution from Liberties-Slovenia for the 2024 Rule of Law Report, p. 20.

²³⁶ Following an alleged conflict of interest in the awarding of funds to a specific CSO, the then Minister of Public Administration resigned in autumn 2023. Criminal investigation into the tender process is ongoing. Several CSOs, including the national umbrella CSO, also called on the Minister to resign, highlighting the existence of numerous reports on the suspicious adjustment of the tender conditions after the end of the evaluation procedure, the minister's family and friendship ties with the recipients of the funds and unusual replacement of the head of the tender commission in the middle of the procedure. Contribution from Liberties-Slovenia for the 2024 Rule of Law Report, p. 20.

²³⁷ Contribution from Liberties-Slovenia for the 2024 Rule of Law Report, p. 20; Information received from the Peace Institute and CNVOS in the context of the country visit to Slovenia.

²³⁸ Contribution from Liberties-Slovenia for the 2024 Rule of Law Report, p. 20; Information received from the Peace Institute and CNVOS in the context of the country visit to Slovenia.

²³⁹ Information received from the Ministry of Public Administration in the context of the country visit to Slovenia.

²⁴⁰ Written contribution from the Government in the context of the country visit to Slovenia. Ministry of Public Administration, Press release: A public tender for the development and professionalization of non-governmental organizations and volunteering has been published, 7 June 2024.

Annex I: List of sources in alphabetical order*

* *The list of contributions received in the context of the consultation for the 2024 Rule of Law report can be found at https://commission.europa.eu/publications/2024-rule-law-report-targeted-stakeholder-consultation_en.*

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Annex II: Country visit to Slovenia

The Commission services held virtual meetings in February and March 2024 with:

- Agency for Communication Networks and Services (AKOS)
- Association of Journalists
- Bar Association
- Business association: Advantage Austria
- Commission for the Prevention of Corruption
- Constitutional Court
- Court of Audit
- Faculty of Social Sciences (Prof. dr. Marko Milosavljević)
- Human Rights Ombudsperson
- Judges' Association
- Judicial Council
- Ministry of Culture
- Ministry of Justice
- Ministry of Public Administration
- Ministry of the Interior
- National Bureau of Investigation (NPU) and General Police Directorate (Economic Crime division)
- National NGO umbrella network (CNVOS)
- National Review Commission
- Parliament Secretariat
- Peace Institute
- Radio-television Slovenia (RTV): Council (President)
- Radio-television Slovenia (RTV): Management Board (President)
- State Attorney's Office
- State Prosecution (acting State Prosecutor General, Supreme State Prosecution Office, Specialised State Prosecution Office)
- State Prosecutorial Council
- Supreme Court
- Transparency International Slovenia
- Union of Slovenian Journalists

* The Commission also met the following organisations in a number of horizontal meetings:

- Amnesty International EU
- Centre for Democracy and Technology Europe
- Centre for European Volunteering
- Civil Liberties Union for Europe
- Civil Rights Defenders
- Civil Society Europe
- Culture Action Europe
- Democracy Reporting International

- European Centre for Non-Profit Law
- European Civic Forum
- European Federation of Journalists
- European Partnership for Democracy
- European Youth Forum
- Free Press Unlimited
- International Federation for Human Rights
- International Planned Parenthood Federation
- International Press Institute
- Irish Council for Civil Liberties
- JEF Europe
- Open Society Foundations
- Philanthropy Europe Association
- PICUM
- Reporters Without Borders
- SOLIDAR
- Transparency International EU