



Sign: Su 216/2025-7
Date: 10th October 2025

European Network of Council for Judiciary (ENCJ)

President

Ms. Madeleine Mathieu
e-mail: office@encj.eu

SUBJECT: Response to the adopted amendments to the Draft Judicial Council Act

Dear Ms. Madeleine Mathieu,

As ENCJ is already aware Slovenia has been undergoing a process of judicial reform, in which the Judicial Council has actively participated, contributing with expert opinions and proposals during the formulation of solutions. In May this year, a package of judicial legislation was submitted to the legislative process. During this process, within this week, the relevant parliamentary committee for justice held a comprehensive discussion on the proposed laws, in which the Judicial Council also took part. Unfortunately, numerous amendments presented during the committee's session have led to significant complications in the process of adopting these legislative changes, causing a lack of clarity in the proceedings and obscuring already complex issues.

This approach has prevented a thorough examination of the legislative solutions and hindered careful consideration of their long-term consequences for the judicial system. Particularly concerning are the changes made through the amendments to the Draft Judicial Council Act, which open the door for the further erosion of trust in the impartiality of the entire judicial system and represent a direct encroachment by the legislative branch on the functioning of the Judicial Council.

The lack of broader expert dialogue regarding these amendments points to irresponsible handling of decisions with potentially far-reaching negative effects. The amendments adopted fail to take into account the specific constitutional position of the Judicial Council and pose a serious threat to the fundamental principles of the rule of law, particularly with respect to safeguarding the independence of the judiciary.

Among the key changes introduced are those that:

1. **limit the discretionary decision-making power** of the Judicial Council and
2. **introduce mechanisms that seek to transfer final substantive decision-making on matters within the Judicial Council's jurisdiction to the Supreme Court.**

These changes not only reduce the autonomy and independence of the Judicial Council but also contradict established international standards (i.e. CCJE Opinion nr. 24/2021 - conclusion par. 5; Summary of the Principles and Recommendations of the ENCJ - par. 9) and practices, which call for a clear separation between the legislative, executive, and judicial branches of government, ensuring that the judiciary operates independently from political influence.

In this context, it is crucial that the adoption of such changes be re-evaluated, taking into account the expert opinions of all relevant stakeholders, and that there is a proper examination of legislative solutions that will not undermine the core values of the rule of law, such as judicial independence and impartiality in decision-making.

We would like to emphasize that the legislative process is still ongoing, and it is still possible to prevent the proposed solutions that undermine the independence of the Judicial Council. Therefore, we would greatly appreciate your support in this process.

Yours sincerely,

President of Sodni svet
dr. Urška Kežmah

For the attention of:

- CCBE
- Directorate-General for Justice and Consumers, Mr. Jože Štrus



**European Network of Councils
for the Judiciary (ENCJ)**

**Réseau européen des Conseils
de la Justice (RECJ)**

To the Speaker of the National Assembly

Mag. Urška Klakočar Zupančič, e-mail: gp@dz-rs.si; kabinet@dz-rs.si

To the Chair of Justice Committee of the National Assembly

Ms. Lena Grgurevič, e-mail: gp@dz-rs.si; pravosodje@dz-rs.si

To the Minister of Justice

Ms. Andreja Katič, e-mail: gp.mp@gov.si; Andreja.Katic@gov.si

To the President of Sodni Svet

Dr. Urška Kežmah, e-mail: sodni.svet@sodisce.si; urska@kezmah.si

20 October 2025, Brussels

On the proposed legislative amendments to laws concerning Sodni svet and the Slovenian judiciary

By the letter of 10 October 2025 of the President of Sodni svet, the European Network of Councils for the Judiciary (hereinafter – the ENCJ) was informed of legislative amendments on the Judicial Act and the Act on the Judicial Council of the Republic of Slovenia, which were passed through a legislative stage at the Committee of Justice of the National Assembly with substantial changes than those previously deliberated.

As the European Network uniting Councils for the Judiciary, the ENCJ wishes to underline that a national Council for the Judiciary is the body which acts to strengthen the Rule of Law by providing support to judicial independence, accountability and quality for the judiciary. In order to fulfil this mission, the Council must have the appropriate mechanisms and procedures in order to defend judicial independence effectively¹. The Court of Justice of the European Union has also ruled on numerous occasions that procedures for the appointment and dismissal of judges and the powers and composition of Councils for the Judiciary are of fundamental importance in safeguarding judicial independence².

Sodni svet is an autonomous body enshrined in the Constitution of the Republic of Slovenia, charged, among other functions, with a substantial role in the selection, promotion, evaluation and disciplining of judges. The proposed legislative amendments to the Act on the Judicial Council and Judicial Act propose to alter the scope of these competences in a manner, the

¹ ENCJ Compendium on the Councils for the Judiciary, p. 5, 9.

² See, for example, decision of the Court of Justice of the European Union of 2 March 2021, *AB and Others* and the references to other cases cited therein.

cumulative effects of which may be detrimental to the independence of the Council for the Judiciary and the judiciary as a whole.

The ENCJ has stressed on numerous occasions the requirement to legislative and executive of proper consultation with the judiciary and the need to adopt legislative changes, which are in line with the European Standards³. This encompasses the involvement of the Council for the Judiciary or an alternative judicial governance body at each stage of development and implementation of legislative proposals that concern the administration of justice. It must be underlined that **this requirement is frustrated in instances, when substantive amendments take place in the advanced stages of the legislative procedure and the Council for the Judiciary is stripped of its right to properly evaluate their effect and give its opinion**. This is especially true in cases, when the amendments concern the core functions of the Council for the Judiciary, as seems to be in the current case.

Taking into consideration all the above the ENCJ Executive Board calls on the National Assembly of the Republic of Slovenia **to halt the adoption of the proposed legislative amendments, until proper consultation on and evaluation of the newly proposed provisions is carried out with the Council for the Judiciary**.

On behalf of the ENCJ Executive Board

ENCJ President
Madeleine Mathieu

³ See, for example, [CCJE Opinion no. 10 \(2007\)](#), [CCJE Opinion no. 24 \(2021\)](#).