

Slovenia/Republika Slovenija Sodni Svet

Словения/Съдебен съвет на Република Словения

1. To which of the three classic branches of government does the respective Council belong

From decision of the Constitutional Court of the Republic of Slovenia, No.: U-224/96, 22 May 1997: "[...] it is not possible to conclude that the Judicial Council is a body of judicial authority. Judges who are members of Judicial Council are not performing a judicial office but share in deciding on the rights and duties of the judges. ... The Judicial Council is thus not a representative of the judicial authority before the other two branches of authority. The Judicial Council is a state body in which the elected representatives of holders of the judicial branch of authority appear in majority. ... From the point of view of the organisation of state power, the Judicial Council is a special body (state body *sui generis*) which cannot be classified into any of the three branches of authority."

2. Duration of the mandate of the members of the respective Council

The Judicial Council members are elected for a non-renewable six-year term.

3. Powers, Functions, Services, Mission of the respective Council

The position and the competence of the Judicial Council were defined only in 1994, when the Courts Act has been settled out. Article 28 established in fact that the Council shall propose candidates to the National Assembly to be elected to judicial office; to propose the dismissal of a judge; decide on the incompatibility, give an opinion on the status, rights and duties as well as judicial personnel; and exercise other administrative functions (Courts Act 1994).

4. Criteria for nomination and appointment of the members of the respective Council

President of the National Assembly shall announce the election of the Judicial Council members at least three months before the expiration of the term of office of the Judicial Council members (Art. 20 Courts Act). Members of Judicial Council are elected from among the judges in a direct and secret ballot. All judges who are on the voting day performing the judicial office and are registered in the Judicial Electoral Register have the right to vote. Any judge may be elected as a member of the Judicial Council. Judges who exercise a permanent judicial office in the Supreme Court of the Republic of Slovenia, in courts with the position of high courts, in courts with the position of district courts, and in local courts, will elect one Judicial Council member each. All judges referred in the previous paragraph will elect two members of the Judicial Council. When putting up candidates for the Judicial Council members, the even representation of members from the territories of all high courts in the Republic of Slovenia must be taken into account.

5. Composition of the respective Council:

The Judicial Council is composed of eleven members elected for a non-renewable six-year term; five of them are elected by the National Assembly on the proposal of the President of the Republic from among university professors of law, notaries and other lawyers (currently, there are three

professors, one attorney and one notary) and the other six members are elected by judges holding permanent judicial office from among their own number (one judge of the Supreme Court, one judge of the high court, two judges of a first level court and two judges from among all judges).

6. Staff:

Number of staff: 10

Qualifications: General secretary of the Judicial Council also performs duties as higher court judge in High court of Ljubljana, appointed judge is also district court judge at District court of Ljubljana, three judicial advisers, one analyst, one head of office and three secretaries of the Office.

7. Structure

The Judicial Council consists of eleven elected members and Judicial Council office which is run by general secretary of the Judicial Council. The president and vice-president of the Judicial Council are elected from among members in a secret ballot.

8. What different commissions do you have as part of the respective Council

At this point Judicial Council does not have any commissions; therefore all Judicial Council competences are performed by its main body.

9. Important historical events: creation of the respective Council, further changes in its structure, functions, etc.

The Judicial Council was established in 1994. It is composed by the 11 members with a term of six-year mandate period; every three years, two or three members of the Judicial Council shall be elected by the National Assembly and three members of the Judicial Council shall be elected by and from among judges performing a permanent judicial function.

Over the years The Judicial Council gained new competences, the last in 2010. So now in addition to the basic liability, the Judicial Council appoints and dismisses presidents of courts, except for the President of the Supreme Court of the Republic of Slovenia; decides on promotion of judges; decides on an appeal against a decision on reassignment and/or appointment to a judicial post, a judicial title and/or a higher judicial title and against a decision on a classification into a salary rank; adopts quality criteria for the work of judges for assessment of judicial performance and criteria for the work of courts; specifies the number of posts of judges at particular court; monitors, establishes and analyses the efficiency and effectiveness of courts, and produces an annual report on the efficiency and effectiveness of courts; hears and decides on the justifiability of an appeal of a judge who believes that his/her legal rights, his/her independent position or the independence of the judiciary have been violated.

10. Present and future important projects and events of the respective Council

The Judicial Council recently placed emphasis on cooperation with countries of the European Union; so the Judicial Council of individual countries and also with the ENCJ.

11. How is the independence of the respective Council guaranteed

The Judicial Council as a sui generis constitutional authority operates independently of any branch, thus ensuring its independence.

12. Budget of the judiciary:

The budget of the Judicial Council in 2011 is 279,919.00 EUR; the largest share of it, 62,000.00 EUR, is allocated for attendance at meetings and involvement of members abroad. Budget of the Judicial Council is approved by Supreme court.

13. Present composition of the Council:

The Judicial Council in its current composition was elected in 2009, the mandate lasts until 2015.