



# **CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

# **CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

Ljubljana 2015

Constitution of the Republic of Slovenia  
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Proceeding from the will of the Slovene nation and residents of the Republic of Slovenia as expressed in the plebiscite on the sovereignty and independence of the Republic of Slovenia on 23 December 1990;

considering the fact that the Republic of Slovenia has been a state under the hitherto valid constitutional order and has exercised only a part of its sovereign rights within the Socialist Federal Republic of Yugoslavia;

with regard to the fact that the SFRY\* does not function as a state governed by law and that within it human rights, national rights, and the rights of the republics and autonomous provinces are grossly violated;

with regard to the fact that the federal system of Yugoslavia does not allow for the resolution of the political and economic crisis and that no agreement was reached between the Yugoslav republics which would enable the republics to gain independence concurrently with the transformation of the Yugoslav federal state into a union of sovereign states;

firmly determined that the Republic of Slovenia shall respect the equal rights of other Yugoslav republics, and together with them gradually regulate all issues arising from their hitherto common existence equally, democratically, and peacefully, and respect their sovereignty and territorial integrity; and

willing to further negotiate institutional and other ties with other Yugoslav republics as a sovereign and independent state,

the Assembly of the Republic of Slovenia at the joint session of all three chambers held on 25 June 1991, on the basis of amendments LXVIII, LXXII, and XCIX to the Constitution of the Republic of Slovenia and in accordance with Article 4 of the Plebiscite on the Sovereignty and Independence of the Republic of Slovenia Act,

hereby adopts

## **THE BASIC CONSTITUTIONAL CHARTER ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF SLOVENIA**

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\* Socialist Federal Republic of Yugoslavia (SFRY).

# **THE BASIC CONSTITUTIONAL CHARTER ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF SLOVENIA**

## **I**

The Republic of Slovenia is a sovereign and independent state.

The Constitution of the SFRY hereby ceases to be in force for the Republic of Slovenia.

The Republic of Slovenia assumes all the rights and duties which under the Constitution of the Republic of Slovenia and the Constitution of the SFRY were transferred to the authorities of the SFRY.

The assumption of the exercise of these rights and duties shall be regulated by constitutional act.

## **II**

The state borders of the Republic of Slovenia are the internationally recognised state borders between the hitherto SFRY and the Republic of Austria, the Republic of Italy, and the Republic of Hungary in the part where these states border the Republic of Slovenia, and the border between the Republic of Slovenia and the Republic of Croatia within the hitherto SFRY.



### **III**

The Republic of Slovenia guarantees the protection of human rights and fundamental freedoms to all persons in the territory of the Republic of Slovenia irrespective of their national origin, without any discrimination whatsoever, in accordance with the Constitution of the Republic of Slovenia and the treaties in force.

The Italian and Hungarian national communities in the Republic of Slovenia and their members are guaranteed all rights deriving from the Constitution of the Republic of Slovenia and the treaties in force.

### **IV**

In order to implement this constitutional charter a constitutional act shall be passed at a joint session of all chambers of the Assembly of the Republic of Slovenia by a two-thirds majority of delegates of all chambers.

### **V**

This Constitutional Charter shall enter into force upon its promulgation at a joint session of all chambers of the Assembly of the Republic of Slovenia.

Proceeding from  
the Basic Constitutional Charter on the Sovereignty and  
Independence of the Republic of Slovenia, and  
fundamental human rights and freedoms, and the  
fundamental and permanent right of the Slovene nation  
to self-determination; and from the historical fact that in a  
centuries-long struggle for national liberation we Slovenes  
have established our national identity and asserted our  
statehood, the Assembly of the Republic of Slovenia  
hereby adopts

## **THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

# **THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

(consolidated text)

## **I. GENERAL PROVISIONS**

### **Article 1**

Slovenia is a democratic republic.

### **Article 2**

Slovenia is a state governed by the rule of law and a social state.

### **Article 3**

Slovenia is a state of all its citizens and is founded on the permanent and inalienable right of the Slovene nation to self-determination.

In Slovenia power is vested in the people. Citizens exercise this power directly and through elections, consistent with the principle of the separation of legislative, executive, and judicial powers.

### **Article 3a**

Pursuant to a treaty ratified by the National Assembly by a two-thirds majority vote of all deputies, Slovenia may transfer the exercise of part of its sovereign rights to international organisations which are based on respect for human rights and fundamental freedoms, democracy, and the principles of the rule of law and may enter into a defensive alliance with states which are based on respect for these values.

Before ratifying a treaty referred to in the preceding paragraph, the National Assembly may call a referendum. A proposal is passed in the referendum if a majority of voters who have cast valid votes vote in favour of the same. The National Assembly is bound by the result of such referendum. If such referendum has been held, a referendum regarding the law on the ratification of the treaty concerned may not be called.

Legal acts and decisions adopted within international organisations to which Slovenia has transferred the exercise of part of its sovereign rights shall be applied in Slovenia in accordance with the legal regulation of these organisations.

In procedures for the adoption of legal acts and decisions in international organisations to which Slovenia has transferred the exercise of part of its sovereign rights, the Government shall promptly inform the National Assembly of proposals for such acts and decisions as well as of its own activities. The National Assembly may adopt positions thereon, which the Government shall take into consider-

ation in its activities. The relationship between the National Assembly and the Government arising from this paragraph shall be regulated in detail by a law adopted by a two-thirds majority vote of deputies present.

#### **Article 4**

Slovenia is a territorially unified and indivisible state.

#### **Article 5**

In its own territory, the state shall protect human rights and fundamental freedoms. It shall protect and guarantee the rights of the autochthonous Italian and Hungarian national communities. It shall maintain concern for the autochthonous Slovene national minorities in neighbouring countries and for Slovene emigrants and workers abroad and shall foster their contacts with the homeland. It shall provide for the preservation of the natural wealth and cultural heritage and create opportunities for the harmonious development of society and culture in Slovenia.

Slovenes not holding Slovene citizenship may enjoy special rights and privileges in Slovenia. The nature and extent of such rights and privileges shall be regulated by law.

#### **Article 6**

The coat-of-arms of Slovenia has the form of a shield. In the middle of the shield, on a blue background, is a repre-

sentation of Mount Triglav in white, under which there are two undulating blue lines symbolising the sea and rivers and above which there are three golden, six-pointed stars forming a downward-pointing triangle. The shield is bordered in red. The coat-of-arms is designed in accordance with a set standard of geometry and colour.

The flag of Slovenia is the white-blue-red Slovene national flag with the coat-of-arms of Slovenia. The ratio of the width of the flag to the length thereof is one to two. The colours of the flag are in the following order: white, blue, and red. Each colour occupies a horizontal band covering one third of the area of the flag. The coat-of-arms is positioned in the upper left portion of the flag such that it lies with one half in the white field and the other in the blue field.

The national anthem of Slovenia is "Zdravljica".

The use of the coat-of-arms, the flag, and the national anthem shall be provided by law.

## **Article 7**

The state and religious communities shall be separate.

Religious communities shall enjoy equal rights; they shall pursue their activities freely.

## **Article 8**

Laws and other regulations must comply with generally accepted principles of international law and with treaties that are binding on Slovenia. Ratified and published treaties shall be applied directly.

## **Article 9**

Local self-government in Slovenia is guaranteed.

## **Article 10**

The capital of Slovenia is Ljubljana.

## **Article 11**

The official language in Slovenia is Slovene. In those municipalities where Italian or Hungarian national communities reside, Italian or Hungarian shall also be official languages.

## **Article 12**

Slovene citizenship shall be regulated by law.

## **Article 13**

In accordance with treaties, aliens in Slovenia enjoy all the rights guaranteed by this Constitution and laws, except

for those rights that pursuant to this Constitution or law only citizens of Slovenia enjoy.

## **II. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS**

### **Article 14 (Equality before the Law)**

In Slovenia everyone shall be guaranteed equal human rights and fundamental freedoms irrespective of national origin, race, sex, language, religion, political, or other conviction, material standing, birth, education, social status, disability, or any other personal circumstance.

All are equal before the law.

### **Article 15 (Exercise and Limitation of Rights)**

Human rights and fundamental freedoms shall be exercised directly on the basis of the Constitution.

The manner in which human rights and fundamental freedoms are exercised may be regulated by law whenever the Constitution so provides or where this is necessary due to the particular nature of an individual right or freedom.



Human rights and fundamental freedoms shall be limited only by the rights of others and in such cases as are provided by this Constitution.

Judicial protection of human rights and fundamental freedoms, and the right to obtain redress for the violation of such rights and freedoms, shall be guaranteed.

No human right or fundamental freedom regulated by legal acts in force in Slovenia may be restricted on the grounds that this Constitution does not recognise that right or freedom or recognises it to a lesser extent.

### **Article 16**

#### **(Temporary Suspension and Restriction of Rights)**

Human rights and fundamental freedoms provided by this Constitution may exceptionally be temporarily suspended or restricted during a war and state of emergency. Human rights and fundamental freedoms may be suspended or restricted only for the duration of the war or state of emergency, but only to the extent required by such circumstances and inasmuch as the measures adopted do not create inequality based solely on race, national origin, sex, language, religion, political, or other conviction, material standing, birth, education, social status, or any other personal circumstance.

The provision of the preceding paragraph does not allow any temporary suspension or restriction of the rights provided by Articles 17, 18, 21, 27, 28, 29, and 41.

**Article 17**  
**(Inviolability of Human Life)**

Human life is inviolable. There is no capital punishment in Slovenia.

**Article 18**  
**(Prohibition of Torture)**

No one may be subjected to torture or to inhuman or degrading punishment or treatment. The conducting of medical or other scientific experiments on any person without his free consent is prohibited.

**Article 19**  
**(Protection of Personal Liberty)**

Everyone has the right to personal liberty.

No one may be deprived of his liberty except in such cases and pursuant to such procedures as are provided by law.

Anyone deprived of his liberty must be immediately informed in his mother tongue, or in a language which he understands, of the reasons for being deprived of his liberty. Within the shortest possible time thereafter, he must also be informed in writing of why he has been deprived of his liberty. He must be instructed immediately that he is not obliged to make any statement, that he has the right to immediate legal representation of his own free choice and that

the competent authority must, on his request, notify his relatives or those close to him of the deprivation of his liberty.

## **Article 20**

### **(Orders for and Duration of Detention)**

A person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

Upon detention, but no later than twenty-four hours thereafter, the person detained must be handed the written court order with a statement of reasons. The person detained has the right to appeal against the court order, and such appeal must be decided by a court within forty-eight hours. Detention may last only as long as there are legal reasons for such, but no longer than three months from the day of the deprivation of liberty. The Supreme Court may extend the detention a further three months.

If no charges are brought by the end of these terms, the suspected person shall be released.

## **Article 21**

### **(Protection of Human Personality and Dignity)**

Respect for human personality and dignity shall be guaranteed in criminal and in all other legal proceedings, as well as during the deprivation of liberty and enforcement of punitive sanctions.

Violence of any form against any person whose liberty has been restricted in any way is prohibited, as is the use of any form of coercion in obtaining confessions and statements.

## **Article 22**

### **(Equal Protection of Rights)**

Everyone shall be guaranteed equal protection of rights in any proceeding before a court and before other state authorities, local community authorities, and bearers of public authority that decide on his rights, duties, or legal interests.

## **Article 23**

### **(Right to Judicial Protection)**

Everyone has the right to have any decision regarding his rights, duties, and any charges brought against him made without undue delay by an independent, impartial court constituted by law.

Only a judge duly appointed pursuant to rules previously established by law and by judicial regulations may judge such an individual.

## **Article 24**

### **(Public Nature of Court Proceedings)**

Court hearings shall be public. Judgements shall be pronounced publicly. Exceptions shall be provided by law.

## **Article 25**

### **(Right to Legal Remedies)**

Everyone shall be guaranteed the right to appeal or to any other legal remedy against the decisions of courts and other state authorities, local community authorities, and bearers of public authority by which his rights, duties, or legal interests are determined.

## **Article 26**

### **(Right to Compensation)**

Everyone has the right to compensation for damage caused through unlawful actions in connection with the performance of any function or other activity by a person or authority performing such function or activity within a state or local community authority or as a bearer of public authority.

Any person suffering damage has the right to claim, in accordance with the law, compensation also directly from the person or authority that has caused such damage.

## **Article 27**

### **(Presumption of Innocence)**

Any person charged with criminal conduct shall be presumed innocent until found guilty by a final judgement.

## **Article 28**

### **(Principle of Legality in Criminal Law)**

No one may be punished for an act which had not been declared a criminal offence under law or for which a penalty had not been prescribed at the time the act was performed.

Acts that are criminal shall be established and the resulting penalties pronounced according to the law that was in force at the time the act was performed, except where a more recent law adopted is more lenient towards the offender.

## **Article 29**

### **(Legal Guarantees in Criminal Proceedings)**

Anyone charged with a criminal offence must, in addition to absolute equality, be guaranteed the following rights:

- the right to have adequate time and facilities to prepare his defence;
- the right to be present at his trial and to conduct his own defence or to be defended by a legal representative;
- the right to present all evidence to his benefit;
- the right not to incriminate himself or his relatives or those close to him, or to admit guilt.

### **Article 30**

#### **(Right to Rehabilitation and Compensation)**

Any person unjustly convicted of a criminal offence or deprived of his liberty without due cause has the right to rehabilitation and compensation, and other rights provided by law.

### **Article 31**

#### **(Prohibition of Double Jeopardy)**

No one may be sentenced or punished twice for the same criminal offence for which criminal proceedings were dismissed finally, or for which the charge was finally rejected, or for which the person was acquitted or convicted by a final judgement.

### **Article 32**

#### **(Freedom of Movement)**

Everyone has the right to freedom of movement, to choose his place of residence, to leave the country and to return at any time.

This right may be limited by law, but only where this is necessary to ensure the course of criminal proceedings, to prevent the spread of infectious diseases, to protect public order, or if the defence of the state so demands.

Entry into the country by aliens, and the duration of their stay in the country, may be limited on the basis of law.

**Article 33**  
**(Right to Private Property and Inheritance)**

The right to private property and inheritance shall be guaranteed.

**Article 34**  
**(Right to Personal Dignity and Safety)**

Everyone has the right to personal dignity and safety.

**Article 35**  
**(Protection of the Rights to Privacy and Personality Rights)**

The inviolability of the physical and mental integrity of every person and his privacy and personality rights shall be guaranteed.

**Article 36**  
**(Inviolability of Dwellings)**

Dwellings are inviolable.

No one may, without a court order, enter the dwelling or other premises of another person, nor may he search the same, against the will of the resident.

Any person whose dwelling or other premises are searched has the right to be present or to have a representative present.



Such a search may only be conducted in the presence of two witnesses.

Subject to conditions provided by law, an official may enter the dwelling or other premises of another person without a court order, and may in exceptional circumstances conduct a search in the absence of witnesses, where this is absolutely necessary for the direct apprehension of a person who has committed a criminal offence or to protect people or property.

### **Article 37** **(Protection of the Privacy of Correspondence and Other Means of Communication)**

The privacy of correspondence and other means of communication shall be guaranteed.

Only a law may prescribe that on the basis of a court order the protection of the privacy of correspondence and other means of communication and the inviolability of personal privacy be suspended for a set time where such is necessary for the institution or course of criminal proceedings or for reasons of national security.

### **Article 38** **(Protection of Personal Data)**

The protection of personal data shall be guaranteed. The use of personal data contrary to the purpose for which it was collected is prohibited.

The collection, processing, designated use, supervision, and protection of the confidentiality of personal data shall be provided by law.

Everyone has the right of access to the collected personal data that relates to him and the right to judicial protection in the event of any abuse of such data.

### **Article 39** **(Freedom of Expression)**

Freedom of expression of thought, freedom of speech and public appearance, freedom of the press, and other forms of public communication and expression shall be guaranteed. Everyone may freely collect, receive, and disseminate information and opinions.

Except in such cases as are provided by law, everyone has the right to obtain information of a public nature in which he has a well founded legal interest under law.

### **Article 40** **(Right to Correction and Reply)**

The right to correct published information which has damaged a right or interest of an individual, organisation, or body shall be guaranteed, as shall be the right to reply to such published information.

## **Article 41**

### **(Freedom of Conscience)**

Religious and other beliefs may be freely professed in private and public life.

No one shall be obliged to declare his religious or other beliefs.

Parents have the right to provide their children with a religious and moral upbringing in accordance with their beliefs. The religious and moral guidance given to children must be appropriate to their age and maturity, and be consistent with their free conscience and religious and other beliefs or convictions.

## **Article 42**

### **(Right of Assembly and Association)**

The right of peaceful assembly and public meeting shall be guaranteed.

Everyone has the right to freedom of association with others.

Legal restrictions of these rights shall be permissible where so required for national security or public safety and for protection against the spread of infectious diseases.

Professional members of the defence forces and the police may not be members of political parties.

**Article 43**  
**(Right to Vote)**

The right to vote shall be universal and equal.

Every citizen who has attained the age of eighteen years has the right to vote and be elected.

The law may provide in which cases and under what conditions aliens have the right to vote.

The law shall provide measures for encouraging the equal opportunity of men and women in standing for election to state authorities and local community authorities.

**Article 44**  
**(Participation in the Management of Public Affairs)**

Every citizen has the right, in accordance with the law, to participate either directly or through elected representatives in the management of public affairs.

**Article 45**  
**(Right to Petition)**

Every citizen has the right to file petitions and to pursue other initiatives of general significance.

## **Article 46**

### **(Right to Conscientious Objection)**

Conscientious objection shall be permissible in cases provided by law where this does not limit the rights and freedoms of others.

## **Article 47**

### **(Extradition)**

No citizen of Slovenia may be extradited or surrendered unless such obligation to extradite or surrender arises from a treaty by which, in accordance with the provisions of the first paragraph of Article 3a, Slovenia has transferred the exercise of part of its sovereign rights to an international organisation.

## **Article 48**

### **(Asylum)**

Within the limits of the law, the right of asylum shall be recognised to foreign nationals and stateless persons who are subject to persecution for their commitment to human rights and fundamental freedoms.

## **Article 49**

### **(Freedom of Work)**

Freedom of work shall be guaranteed.

Everyone shall choose his employment freely.

Everyone shall have access under equal conditions to any position of employment.

Forced labour shall be prohibited.

### **Article 50 (Right to Social Security)**

Citizens have the right to social security, including the right to a pension, under conditions provided by law.

The state shall regulate compulsory health, pension, disability, and other social insurance, and shall ensure its proper functioning.

Special protection in accordance with the law shall be guaranteed to war veterans and victims of war.

### **Article 51 (Right to Health Care)**

Everyone has the right to health care under conditions provided by law.

The rights to health care from public funds shall be provided by law.

No one may be compelled to undergo medical treatment except in cases provided by law.

## **Article 52**

### **(Rights of Disabled Persons)**

Disabled persons shall be guaranteed protection and work-training in accordance with the law.

Physically or mentally handicapped children and other severely disabled persons have the right to education and training for an active life in society.

The education and training referred to in the preceding paragraph shall be financed from public funds.

## **Article 53**

### **(Marriage and the Family)**

Marriage is based on the equality of spouses. Marriages shall be solemnised before an empowered state authority.

Marriage and the legal relations within it and the family, as well as those within an extramarital union, shall be regulated by law.

The state shall protect the family, motherhood, fatherhood, children, and young people and shall create the necessary conditions for such protection.

## **Article 54**

### **(Rights and Duties of Parents)**

Parents have the right and duty to maintain, educate, and raise their children. This right and duty may be revoked

or restricted only for such reasons as are provided by law in order to protect the child's interests.

Children born out of wedlock have the same rights as children born within it.

### **Article 55** **(Freedom of Choice in Childbearing)**

Everyone shall be free to decide whether to bear children.

The state shall guarantee the opportunities for exercising this freedom and shall create such conditions as will enable parents to decide to bear children.

### **Article 56** **(Rights of Children)**

Children shall enjoy special protection and care. Children shall enjoy human rights and fundamental freedoms consistent with their age and maturity.

Children shall be guaranteed special protection from economic, social, physical, mental, or other exploitation and abuse. Such protection shall be regulated by law.

Children and minors who are not cared for by their parents, who have no parents or who are without proper family care shall enjoy the special protection of the state. Their position shall be regulated by law.



**Article 57**  
**(Education and Schooling)**

Freedom of education shall be guaranteed.

Primary education is compulsory and shall be financed from public funds.

The state shall create the opportunities for citizens to obtain a proper education.

**Article 58**  
**(Autonomy of Universities and Other Institutions of Higher Education)**

State universities and state institutions of higher education shall be autonomous.

The manner of their financing shall be regulated by law.

**Article 59**  
**(Freedom of Science and the Arts)**

The freedom of scientific and artistic endeavour shall be guaranteed.

**Article 60**  
**(Intellectual Property Rights)**

The protection of copyright and other rights deriving from artistic, scientific, research, and invention activities shall be guaranteed.

**Article 61**  
**(Expression of National Affiliation)**

Everyone has the right to freely express affiliation with his nation or national community, to foster and give expression to his culture, and to use his language and script.

**Article 62**  
**(Right to Use One's Language and Script)**

Everyone has the right to use his language and script in a manner provided by law in the exercise of his rights and duties and in procedures before state and other authorities performing a public function.

**Article 63**  
**(Prohibition of Incitement to Discrimination and  
Intolerance and Prohibition of Incitement to  
Violence and War)**

Any incitement to national, racial, religious, or other discrimination, and the inflaming of national, racial, religious, or other hatred and intolerance are unconstitutional.

Any incitement to violence and war is unconstitutional.

## **Article 64**

### **(Special Rights of the Autochthonous Italian and Hungarian National Communities in Slovenia)**

The autochthonous Italian and Hungarian national communities and their members shall be guaranteed the right to use their national symbols freely and, in order to preserve their national identity, the right to establish organisations and develop economic, cultural, scientific, and research activities, as well as activities in the field of public media and publishing. In accordance with laws, these two national communities and their members have the right to education and schooling in their own languages, as well as the right to establish and develop such education and schooling. The geographic areas in which bilingual schools are compulsory shall be established by law. These national communities and their members shall be guaranteed the right to foster relations with their nations of origin and their respective countries. The state shall provide material and moral support for the exercise of these rights.

In order to exercise their rights, the members of these communities shall establish their own self-governing communities in the geographic areas where they live. On the proposal of these self-governing national communities, the state may authorise them to perform certain functions under national jurisdiction, and shall provide funds for the performing of such functions.

The two national communities shall be directly represented in representative bodies of local self-government and in the National Assembly.

The position of the Italian and Hungarian national communities and the manner in which their rights are exercised in the geographic areas where they live, the obligations of the self-governing local communities for the exercise of these rights, and those rights which the members of these national communities exercise also outside these areas, shall all be regulated by law. The rights of both national communities and their members shall be guaranteed irrespective of the number of members of these communities.

Laws, regulations, and other general acts that concern the exercise of the constitutionally provided rights and the position of the national communities exclusively, may not be adopted without the consent of representatives of these national communities.

### **Article 65** **(Status and Special Rights of the Romany Community in Slovenia)**

The status and special rights of the Romany community living in Slovenia shall be regulated by law.

### **III. ECONOMIC AND SOCIAL RELATIONS**

#### **Article 66 (Security of Employment)**

The state shall create opportunities for employment and work, and shall ensure the protection of both by law.

#### **Article 67 (Property)**

The manner in which property is acquired and enjoyed shall be established by law so as to ensure its economic, social, and environmental function.

The manner and conditions of inheritance shall be established by law.

#### **Article 68 (Property Rights of Aliens)**

Aliens may acquire ownership rights to real estate under conditions provided by law or a treaty ratified by the National Assembly.

#### **Article 69 (Expropriation)**

Ownership rights to real estate may be revoked or limited in the public interest with the provision of

compensation in kind or monetary compensation under conditions established by law.

### **Article 70** **(National Assets and Natural Resources)**

Special rights to use national assets may be acquired, subject to conditions established by law.

The conditions under which natural resources may be exploited shall be established by law.

The law may provide that natural resources may also be exploited by foreign persons and shall establish the conditions for such exploitation.

### **Article 71** **(Protection of Land)**

The law shall establish special conditions for land utilisation in order to ensure its proper use.

Special protection of agricultural land shall be provided by law.

The state shall promote the economic, cultural, and social advancement of the population living in mountain and hill areas.

## **Article 72**

### **(Healthy Living Environment)**

Everyone has the right in accordance with the law to a healthy living environment.

The state shall promote a healthy living environment. To this end, the conditions and manner in which economic and other activities are pursued shall be established by law.

The law shall establish under which conditions and to what extent a person who has damaged the living environment is obliged to provide compensation. The protection of animals from cruelty shall be regulated by law.

## **Article 73**

### **(Protection of the Natural and Cultural Heritage)**

Everyone is obliged in accordance with the law to protect natural sites of special interest, rarities, and cultural monuments.

The state and local communities shall promote the preservation of the natural and cultural heritage.

## **Article 74**

### **(Free Enterprise)**

Free economic initiative shall be guaranteed.

The conditions for establishing commercial organisations shall be established by law. Commercial activities may not be pursued in a manner contrary to the public interest.

Unfair competition practices and practices which restrict competition in a manner contrary to the law are prohibited.

**Article 75**  
**(Participation in Management)**

Employees shall participate in the management of commercial organisations and institutes in a manner and under conditions provided by law.

**Article 76**  
**(Freedom of Trade Unions)**

The freedom to establish, operate, and join trade unions shall be guaranteed.

**Article 77**  
**(Right to Strike)**

Employees have the right to strike.

Where required by the public interest, the right to strike may be restricted by law, with due consideration given to the type and nature of activity involved.



**Article 78**  
**(Proper Housing)**

The state shall create opportunities for citizens to obtain proper housing.

**Article 79**  
**(Aliens Employed in Slovenia)**

Aliens employed in Slovenia and members of their families have special rights provided by law.

## **IV. ORGANISATION OF THE STATE**

### **a) The National Assembly**

**Article 80**  
**(Composition and Election)**

The National Assembly is composed of deputies of the citizens of Slovenia and comprises ninety deputies.

Deputies are elected by universal, equal, direct, and secret voting.

One deputy of the Italian and one deputy of the Hungarian national communities shall always be elected to the National Assembly.

The electoral system shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Deputies, except for the deputies of the national communities, are elected according to the principle of proportional representation with a four-percent threshold required for election to the National Assembly, with due consideration that voters have a decisive influence on the allocation of seats to the candidates.

### **Article 81** **(Term of the National Assembly)**

The National Assembly is elected for four years.

If the term of the National Assembly expires during a war or state of emergency, its term shall expire six months after the end of the war or state of emergency, or earlier if the National Assembly itself so decides.

Elections to the National Assembly are called by the President of the Republic. A new National Assembly shall be elected no sooner than two months and no later than fifteen days before the expiry of four years from the date of the first session of the previous National Assembly. If the National Assembly is dissolved, a new National Assembly shall be elected no later than two months after the dissolution of the previous one. The term of the previous National Assembly shall end on the first session of the new National Assembly, which shall be called by the President of the Republic no

later than twenty days after the election of the new National Assembly.

## **Article 82 (Deputies)**

Deputies of the National Assembly are representatives of all the people and shall not be bound by any instructions.

The law shall establish who may not be elected a deputy, and the incompatibility of the office of deputy with other offices and activities.

The National Assembly confirms the election of deputies. In accordance with the law, an appeal may be made before the Constitutional Court against a decision of the National Assembly.

## **Article 83 (Immunity of Deputies)**

No deputy of the National Assembly shall be criminally liable for any opinion expressed or vote cast at sessions of the National Assembly or its working bodies.

No deputy may be detained nor, where such deputy claims immunity, may criminal proceedings be initiated against him without the permission of the National Assembly, except where such deputy has been apprehended committing a criminal offence for which a prison sentence of over five years is prescribed.

The National Assembly may also grant immunity to a deputy who has not claimed such immunity or who has been apprehended committing such criminal offence as referred to in the preceding paragraph.

#### **Article 84** **(President of the National Assembly)**

The National Assembly has a president who is elected by a majority vote of all deputies.

#### **Article 85** **(Sessions of the National Assembly)**

The National Assembly meets in regular and extraordinary sessions.

Regular and extraordinary sessions are called by the President of the National Assembly; an extraordinary session must be called if so required by at least a quarter of the deputies of the National Assembly or by the President of the Republic.

#### **Article 86** **(Decision-making)**

The National Assembly may pass decisions if a majority of deputies are present at the session. The National Assembly adopts laws and other decisions and ratifies treaties by a majority of votes cast by those deputies present,

except where a different type of majority is provided by the Constitution or by law.

**Article 87**  
**(Legislative Power of the National Assembly)**

The rights and duties of citizens and other persons may be determined by the National Assembly only by law.

**Article 88**  
**(Legislative Initiative)**

Laws may be proposed by the Government or by any deputy. Laws may also be proposed by at least five thousand voters.

**Article 89**  
**(Legislative Procedure)**

The National Assembly shall pass laws in a multiphase procedure unless otherwise provided by its rules of procedure.

**Article 90**  
**(Legislative Referendum)**

The National Assembly shall call a referendum on the entry into force of a law that it has adopted if so required by at least forty thousand voters.

A referendum may not be called:

- on laws on urgent measures to ensure the defence of the state, security, or the elimination of the consequences of natural disasters;
- on laws on taxes, customs duties, and other compulsory charges, and on the law adopted for the implementation of the state budget;
- on laws on the ratification of treaties;
- on laws eliminating an unconstitutionality in the field of human rights and fundamental freedoms or any other unconstitutionality.

The right to vote in a referendum is held by all citizens who are eligible to vote in elections.

A law is rejected in a referendum if a majority of voters who have cast valid votes vote against the law, provided at least one fifth of all qualified voters have voted against the law.

Referendums are regulated by a law passed in the National Assembly by a two-thirds majority vote of deputies present.

### **Article 91 (Promulgation of Laws)**

Laws are promulgated by the President of the Republic no later than eight days after they have been passed.

The National Council may within seven days of the passing of a law and prior to its promulgation require the National Assembly to decide again on such law. In deciding again, a majority of all deputies must vote for such law to be passed unless the Constitution envisages a higher majority for the passing of the law under consideration. Such new decision by the National Assembly is final.

### **Article 92** **(War and State of Emergency)**

A state of emergency shall be declared whenever a great and general danger threatens the existence of the state. The declaration of war or state of emergency, urgent measures, and their repeal shall be decided upon by the National Assembly on the proposal of the Government.

The National Assembly decides on the use of the defence forces.

In the event that the National Assembly is unable to convene, the President of the Republic shall decide on matters from the first and second paragraphs of this article. Such decisions must be submitted for confirmation to the National Assembly immediately upon its next convening.

### **Article 93** **(Parliamentary Inquiry)**

The National Assembly may order inquiries on matters of public importance, and it must do so when required by

a third of the deputies of the National Assembly or when required by the National Council. For this purpose it shall appoint a commission which in matters of investigation and examination has powers comparable to those of judicial authorities.

**Article 94**  
**(Rules of Procedure of the National Assembly)**

The National Assembly has rules of procedure which it adopts by a two-thirds majority vote of deputies present.

**Article 95**  
**(Remuneration of Deputies)**

Deputies of the National Assembly receive such salary or remuneration as are established by law.

**b) The National Council**

**Article 96**  
**(Composition)**

The National Council is the representative body for social, economic, professional, and local interests. The National Council has forty members.



It is composed of:

- four representatives of employers;
- four representatives of employees;
- four representatives of farmers, crafts and trades, and independent professions;
- six representatives of non-commercial fields;
- twenty-two representatives of local interests.

The organisation of the National Council is regulated by law.

### **Article 97** **(Powers of the National Council)**

The National Council may:

- propose to the National Assembly the passing of laws;
- convey to the National Assembly its opinion on all matters within the competence of the National Assembly;
- require the National Assembly to decide again on a given law prior to its promulgation;
- require inquiries on matters of public importance as referred to in Article 93.

Where required by the National Assembly, the National Council must express its opinion on an individual matter.

### **Article 98 (Election)**

Election to the National Council shall be regulated by a law passed by the National Assembly by a two-thirds majority vote of all deputies.

Members of the National Council are elected for a term of five years.

### **Article 99 (Decision-Making)**

The National Council may pass decisions if a majority of members are present at the session.

The National Council decides by a majority of votes cast by those members present.

### **Article 100 (Immunity and Incompatibility of Office)**

A member of the National Council may not at the same time be a deputy of the National Assembly.

Members of the National Council enjoy the same immunity as deputies. Immunity is decided upon by the National Council.

**Article 101**  
**(Rules of Procedure of the National Council)**

The National Council has rules of procedure which it adopts by a majority vote of all members.

**c) President of the Republic**

**Article 102**  
**(Office of President of the Republic)**

The President of the Republic represents the Republic of Slovenia and is commander-in-chief of its defence forces.

**Article 103**  
**(Election of the President of the Republic)**

The President of the Republic is elected in direct, general elections by secret ballot.

The candidate who receives a majority of the valid votes cast is elected President of the Republic.

The President of the Republic is elected for a term of five years and may be elected for a maximum of two consecutive terms. If the term of office of the President of the Republic expires during a war or state of emergency, the President's term shall expire six months after the cessation of such war or state of emergency.

Only a citizen of Slovenia may be elected President of the Republic.

Elections to the office of President of the Republic are called by the President of the National Assembly. The President of the Republic must be elected no later than fifteen days before the expiry of the term of the incumbent President.

#### **Article 104** **(Oath of Office of the President of the Republic)**

Before taking office, the President of the Republic shall swear the following oath before the National Assembly:

"I swear that I shall uphold the constitutional order, that I shall act according to my conscience and that I shall do all in my power for the good of Slovenia."

#### **Article 105** **(Incompatibility of the Office of President of the Republic)**

The office of President of the Republic is incompatible with any other public office or occupation.

#### **Article 106** **(Deputisation of the President of the Republic)**

In the event of permanent absence, death, resignation,

or other cessation of performing the office of President, the President of the National Assembly shall temporarily perform the duties of the office of President of the Republic until the election of a new President of the Republic. In such event, elections for a new President of the Republic must be called no later than fifteen days after the cessation of office of the previous President of the Republic.

The President of the National Assembly also temporarily performs the duties of the office of President of the Republic during any absence of the President of the Republic.

### **Article 107** **(Powers of the President of the Republic)**

The President of the Republic:

- calls elections to the National Assembly;
- promulgates laws;
- appoints state officials where provided by law;
- appoints and recalls ambassadors and envoys of the Republic, and accepts the letters of credence of foreign diplomatic representatives;
- issues instruments of ratification;
- decides on the granting of clemency;
- confers decorations and honorary titles;
- performs other duties determined by this Constitution.

Where required by the National Assembly, the President of the Republic must express his opinion on an individual issue.

### **Article 108** **(Decrees with the Force of Law)**

In the event that the National Assembly is unable to convene due to a state of emergency or war, the President of the Republic may, on the proposal of the Government, issue decrees with the force of law.

Such decrees may, in exception, restrict individual rights and fundamental freedoms as provided by Article 16 of this Constitution.

The President of the Republic must submit decrees with the force of law to the National Assembly for confirmation immediately upon it next convening.

### **Article 109** **(Accountability of the President of the Republic)**

If in the performance of his office the President of the Republic violates the Constitution or seriously violates the law, he may be impeached by the National Assembly before the Constitutional Court. The Constitutional Court shall decide either that the impeachment charges are justified or it shall dismiss the charges, and it may further decide on relieving the President of office by a two-thirds majority

vote of all judges. Upon receiving a resolution on impeachment from the National Assembly, the Constitutional Court may decide that pending a decision on impeachment the President of the Republic may not perform his office.

## **č) The Government**

### **Article 110 (Composition of the Government)**

The Government is composed of the president and ministers. Within the scope of their powers, the Government and individual ministers are independent and accountable to the National Assembly.

### **Article 111 (Election of the President of the Government)**

After consultation with the leaders of deputy groups the President of the Republic proposes to the National Assembly a candidate for President of the Government.

The President of the Government is elected by the National Assembly by a majority vote of all deputies unless otherwise provided by this Constitution. Voting is by secret ballot.

If such candidate does not receive the necessary majority of votes, the President of the Republic may after

renewed consultation propose within fourteen days a new candidate, or the same candidate again, and candidates may also be proposed by deputy groups or a minimum of ten deputies. If within this period several candidates have been proposed, each one is voted on separately beginning with the candidate proposed by the President of the Republic, and if this candidate is not elected, a vote is taken on the other candidates in the order in which they were proposed.

If no candidate is elected, the President of the Republic dissolves the National Assembly and calls new elections, unless within forty-eight hours the National Assembly decides by a majority of votes cast by those deputies present to hold new elections for President of the Government, whereby a majority of votes cast by those deputies present is sufficient for the election of the candidate. In such new elections a vote is taken on candidates individually in order of the number of votes received in the earlier voting and then on the new candidates proposed prior to the new vote, wherein any candidate proposed by the President of the Republic takes precedence.

If in such elections no candidate receives the necessary number of votes, the President of the Republic dissolves the National Assembly and calls new elections.

## **Article 112**

### **(Appointment of Ministers)**

Ministers are appointed and dismissed by the National Assembly on the proposal of the President of the Government.



Prior to appointment a proposed minister must appear before a competent commission of the National Assembly and answer its questions.

### **Article 113** **(Oath of Office of the Government)**

Upon election and appointment respectively, the President of the Government and ministers shall swear before the National Assembly the oath of office provided by Article 104.

### **Article 114** **(Organisation of the Government)**

The President of the Government is responsible for ensuring the unity of the political and administrative direction of the Government and coordinates the work of ministers. Ministers are collectively accountable for the work of the Government, and each minister is accountable for the work of his ministry.

The composition and functioning of the Government, and the number, competencies, and organisation of ministries shall be regulated by law.

**Article 115**  
**(Termination of Office of the President**  
**of the Government and Ministers)**

The President of the Government and ministers cease to hold office when a new National Assembly convenes following elections; ministers also cease to hold office whenever the President of the Government ceases to hold office and whenever such ministers are dismissed or resign; ministers must, however, continue to perform their regular duties until the election of a new President of the Government or until the appointment of new ministers.

**Article 116**  
**(Vote of No Confidence)**

The National Assembly may pass a vote of no confidence in the Government only by electing a new President of the Government on the proposal of at least ten deputies and by a majority vote of all deputies. The incumbent President of the Government is thereby dismissed, but together with his ministers he must continue to perform his regular duties until the swearing in of a new Government.

No less than forty-eight hours must elapse between the lodging of a proposal to elect a new President of the Government and the vote itself, unless the National Assembly decides otherwise by a two-thirds majority vote of all deputies, or if the country is at war or in a state of emergency.

Where the President of the Government has been elected on the basis of the fourth paragraph of Article 111, a vote of no confidence is expressed in him if on the proposal of at least ten deputies, the National Assembly elects a new President of the Government by a majority of votes cast.

### **Article 117 (Vote of Confidence)**

The President of the Government may require a vote of confidence in the Government. If the Government does not receive the support of a majority vote of all deputies, within thirty days the National Assembly must elect a new President of the Government or in a new vote express its confidence in the incumbent President of the Government, or failing this, the President of the Republic dissolves the National Assembly and calls new elections. The President of the Government may tie the issue of confidence to the adoption of a law or to some other decision in the National Assembly. If such decision is not adopted, it is deemed that a vote of no confidence in the Government has been passed.

No less than forty-eight hours must elapse between the requirement of a vote of confidence and the vote itself.

### **Article 118 (Interpellation)**

An interpellation with respect to the work of the Government or an individual minister may be initiated in the National Assembly by at least ten deputies.

If, after the debate following such interpellation, a majority of all deputies carries a vote of no confidence in the Government or in an individual minister, the National Assembly dismisses the Government or said minister.

### **Article 119** **(Impeachment of the President** **of the Government and Ministers)**

The National Assembly may impeach the President of the Government or ministers before the Constitutional Court on charges of violating the Constitution and laws during the performance of their office. The Constitutional Court considers the charges in such a manner as determined in Article 109.

## **d) State Administration**

### **Article 120** **(Organisation and Work of the State Administration)**

The organisation of the state administration, its competence and the manner of appointment of its officers are regulated by law.

Administrative authorities perform their work independently within the framework and on the basis of the Constitution and laws.

Judicial protection of the rights and legal interests of citizens and organisations is guaranteed against decisions and actions of administrative authorities and bearers of public authority.

### **Article 121 (Public Authority)**

By law or on the basis thereof, legal entities and natural persons may be vested with the public authority to perform certain duties of the state administration.

### **Article 122 (Employment in the State Administration)**

Employment in the state administration is possible only on the basis of open competition, except in cases provided by law.

## **e) National Defence**

### **Article 123 (Duty to Participate in the National Defence)**

Participation in the national defence is compulsory for citizens within the limits and in the manner provided by law.

Citizens who due to their religious, philosophical, or humanitarian convictions are not willing to perform military duties, must be given the opportunity to participate in the national defence in some other manner.

### **Article 124 (National Defence)**

The form, extent, and organisation of the defence of the inviolability and integrity of the national territory shall be regulated by a law adopted by the National Assembly by a two-thirds majority vote of deputies present.

The conducting of defence is supervised by the National Assembly.

In the provision of security the state proceeds principally from a policy of peace, and an ethic of peace and non-aggression.

## **f) The Judiciary**

### **Article 125 (Independence of Judges)**

Judges shall be independent in the performance of the judicial function. They shall be bound by the Constitution and laws.

**Article 126**  
**(Organisation and Jurisdiction of Courts)**

The organisation and jurisdiction of courts are determined by law.

Extraordinary courts may not be established, nor may military courts be established in peacetime.

**Article 127**  
**(The Supreme Court)**

The Supreme Court is the highest court in the state.

It decides on ordinary and extraordinary legal remedies and performs other functions provided by law.

**Article 128**  
**(Participation of Citizens in the Exercise of Judicial Power)**

The circumstances and form of the direct participation of citizens in the exercise of judicial power are regulated by law.

**Article 129**  
**(Permanence of Judicial Office)**

The office of a judge is permanent. The age requirement and other conditions for election are determined by law.

The retirement age of judges is determined by law.

### **Article 130** **(Election of Judges)**

Judges are elected by the National Assembly on the proposal of the Judicial Council.

### **Article 131** **(Judicial Council)**

The Judicial Council is composed of eleven members. The National Assembly elects five members on the proposal of the President of the Republic from among university professors of law, attorneys, and other lawyers, whereas judges holding permanent judicial office elect six members from among their own number. The members of the council select a president from among their own number.

### **Article 132** **(Termination of and Dismissal from Judicial Office)**

A judge ceases to hold judicial office where circumstances arise as provided by law.

If in the performance of the judicial office a judge violates the Constitution or seriously violates the law, the National Assembly may dismiss such judge on the proposal of the Judicial Council.

If a judge is found by a final judgement to have deliberately committed a criminal offence through the abuse of the judicial office, the National Assembly dismisses such judge.



### **Article 133** **(Incompatibility of Judicial Office)**

Judicial office is not compatible with office in other state authorities, in local self-government authorities, and in bodies of political parties, and with other offices and activities as provided by law.

### **Article 134** **(Immunity of Judges)**

No one who participates in making judicial decisions may be held accountable for an opinion expressed during decision-making in court.

If a judge is suspected of a criminal offence in the performance of judicial office, he may not be detained nor may criminal proceedings be initiated against him without the consent of the National Assembly.

## **g) The State Prosecutor's Office**

### **Article 135 (State Prosecutor)**

State Prosecutors file and present criminal charges and have other powers provided by law.

The organisation and powers of state prosecutor offices are provided by law.

### **Article 136 (Incompatibility of the Office of State Prosecutor)**

The office of State Prosecutor is not compatible with office in other state authorities, in local self-government authorities, and in bodies of political parties, and with other offices and activities as provided by law.

## **h) Attorneyship and Notariat**

### **Article 137 (Attorneyship and Notariat)**

Attorneyship is an independent service within the system of justice, and is regulated by law.

The notariat is a public service regulated by law.

## **V. SELF-GOVERNMENT**

### **a) Local Self-Government**

#### **Article 138 (Exercise of Local Self-Government)**

Residents of Slovenia exercise local self-government in municipalities and other local communities.

#### **Article 139 (Municipalities)**

Municipalities are self-governing local communities.

The territory of a municipality comprises a settlement or several settlements bound together by the common needs and interests of the residents.

A municipality is established by law following a referendum by which the will of the residents in a given territory is determined. The territory of the municipality is also defined by law.

#### **Article 140 (Scope of Local Self-Government)**

The competencies of a municipality comprise local affairs which may be regulated by the municipality

autonomously and which affect only the residents of the municipality.

By law, the state may transfer to municipalities the performance of specific duties within the state competence if it also provides the financial resources to enable such.

State authorities shall supervise the proper and competent performance of work relating to matters vested in local community authorities by the state.

### **Article 141 (Urban Municipalities)**

A town may attain the status of an urban municipality in accordance with such procedure and under such conditions as provided by law.

An urban municipality performs, as being within its original competence, particular duties within the state competence relating to urban development as provided by law.

### **Article 142 (Municipal Revenue)**

A municipality is financed from its own sources. Municipalities that are unable to completely provide for the performance of their duties due to insufficient economic development are ensured additional funding by the state in accordance with principles and criteria provided by law.

### **Article 143 (Region)**

A region is a self-governing local community that manages local affairs of wider importance, and certain affairs of regional importance provided by law.

Regions are established by a law which also determines their territory, seat, and name. Such law is adopted by the National Assembly by a two-thirds majority vote of deputies present. The participation of the municipalities must be ensured in the procedure for adopting the law.

By law, the state transfers the performance of specific duties within the state competence to the regions and must provide to them the necessary financial resources to enable such.

### **Article 144 (Supervision by State Authorities)**

State authorities supervise the legality of the work of local community authorities.

## **b) Other Forms of Self-Government**

### **Article 145**

#### **(Self-Government in the Field of Social Activities)**

Citizens may form self-governing associations to promote their interests.

Citizens may be given the authority by law to manage through self-government particular matters within the state competence.

## **VI. PUBLIC FINANCE**

### **Article 146**

#### **(Financing of the State and Local Communities)**

The state and local communities raise funds for the performance of their duties by means of taxes and other compulsory charges as well as from revenues from their own assets.

The state and local communities disclose the value of their assets by means of balance sheets.

## **Article 147 (Taxes)**

The state imposes taxes, customs duties, and other charges by law. Local communities impose taxes and other charges under conditions provided by the Constitution and law.

## **Article 148 (Budgets)**

All revenues and expenditures for the financing of public spending must be included in the budgets of the state.

Revenues and expenditures of the budgets of the state must be balanced in the medium-term without borrowing, or revenues must exceed expenditures. Temporary deviation from this principle is only allowed when exceptional circumstances affect the state.

The manner and the time frame of the implementation of the principle referred to in the preceding paragraph, the criteria for determining exceptional circumstances, and the course of action when they arise, shall be determined by a law adopted by the National Assembly by a two-thirds majority vote of all deputies.

If a budget has not been adopted by the first day it is due to be implemented, the beneficiaries financed by the budget are temporarily financed in accordance with the previous budget.

**Article 149**  
**(State Borrowings)**

State borrowings and guarantees by the state for loans are only permitted on the basis of law.

**Article 150**  
**(The Court of Audit)**

The Court of Audit is the highest authority for supervising state accounts, the state budget, and all public spending.

The organisation and powers of the Court of Audit are provided by law.

The Court of Audit is independent in the performance of its duties and bound by the Constitution and laws.

**Article 151**  
**(Appointment of Members to the Court of Audit)**

Members of the Court of Audit are appointed by the National Assembly.

**Article 152**  
**(The Central Bank)**

Slovenia has a central bank. In its functioning the bank is independent and directly accountable to the National Assembly. The central bank is established by law.



The governor of the central bank is appointed by the National Assembly.

## **VII. CONSTITUTIONALITY AND LEGALITY**

### **Article 153 (Conformity of Legal Acts)**

Laws, regulations, and other general acts must be in conformity with the Constitution.

Laws must be in conformity with generally accepted principles of international law and with valid treaties ratified by the National Assembly, whereas regulations and other general acts must also be in conformity with other ratified treaties.

Regulations and other general acts must be in conformity with the Constitution and laws.

Individual acts and actions of state authorities, local community authorities, and bearers of public authority must be based on a law or regulation adopted pursuant to law.

### **Article 154**

#### **(Validity and Publication of Regulations)**

Regulations must be published prior to entering into force. A regulation enters into force on the fifteenth day after its publication unless otherwise determined in the regulation itself.

State regulations are published in the official gazette of the state, whereas local community regulations are published in the official publication determined by the local community.

### **Article 155**

#### **(Prohibition of the Retroactive Effect of Legal Acts)**

Laws and other regulations and general acts cannot have retroactive effect.

Only a law may establish that certain of its provisions have retroactive effect, if this is required in the public interest and provided that no acquired rights are infringed thereby.

### **Article 156**

#### **(Constitutional Review)**

If a court deciding some matter deems a law which it should apply to be unconstitutional, it must stay the proceedings and initiate proceedings before the Constitutional Court. The proceedings in the court may be continued after the Constitutional Court has issued its decision.

### **Article 157** **(Judicial Review of Administrative Acts)**

A court having jurisdiction to review administrative acts decides the legality of final individual acts with which state authorities, local community authorities, and bearers of public authority decide the rights or obligations and legal entitlements of individuals and organisations, if other legal protection is not provided by law for a particular matter.

If other legal protection is not provided, the court having jurisdiction to review administrative acts also decides on the legality of individual actions and acts which intrude upon the constitutional rights of the individual.

### **Article 158** **(Finality of Legal Decisions)**

Legal relations regulated by the final decision of a state authority may be annulled ab initio, abrogated, or amended only in such cases and by such procedures as are provided by law.

### **Article 159** **(Ombudsman for Human Rights and Fundamental Freedoms)**

In order to protect human rights and fundamental freedoms in relation to state authorities, local self-government authorities, and bearers of public authority, the office of the

ombudsman for the rights of citizens shall be established by law.

Special ombudsmen for the rights of citizens may also be established by law for particular fields.

## **VIII. THE CONSTITUTIONAL COURT**

### **Article 160 (Powers of the Constitutional Court)**

The Constitutional Court decides:

- on the conformity of laws with the Constitution;
- on the conformity of laws and other regulations with ratified treaties and with the general principles of international law;
- on the conformity of regulations with the Constitution and with laws;
- on the conformity of local community regulations with the Constitution and with laws;
- on the conformity of general acts issued for the exercise of public authority with the Constitution, laws, and regulations;
- on constitutional complaints stemming from the violation of human rights and fundamental freedoms by individual acts;

- on jurisdictional disputes between the state and local communities and among local communities themselves;
- on jurisdictional disputes between courts and other state authorities;
- on jurisdictional disputes between the National Assembly, the President of the Republic, and the Government;
- on the unconstitutionality of the acts and activities of political parties; and
- on other matters vested in the Constitutional Court by this Constitution or laws.

In the process of ratifying a treaty, the Constitutional Court, on the proposal of the President of the Republic, the Government, or a third of the deputies of the National Assembly, issues an opinion on the conformity of such treaty with the Constitution. The National Assembly is bound by the opinion of the Constitutional Court.

Unless otherwise provided by law, the Constitutional Court decides on a constitutional complaint only if legal remedies have been exhausted. The Constitutional Court decides whether to accept a constitutional complaint for adjudication on the basis of criteria and procedures provided by law.

## **Article 161**

### **(Abrogation of a Law)**

If the Constitutional Court establishes that a law is unconstitutional, it abrogates such law in whole or in part. Such abrogation takes effect immediately or within a period of time determined by the Constitutional Court. This period of time may not exceed one year. The Constitutional Court annuls *ab initio* or abrogates other regulations or general acts that are unconstitutional or contrary to law. Under conditions provided by law, the Constitutional Court may, up until a final decision, suspend in whole or in part the implementation of an act whose constitutionality or legality is being reviewed.

If in deciding on a constitutional complaint the Constitutional Court establishes the unconstitutionality of a regulation or general act, it may, in accordance with the provisions of the first paragraph of this article, annul *ab initio* or abrogate such regulation or act.

The legal consequences of Constitutional Court decisions shall be regulated by law.

## **Article 162**

### **(Proceedings before the Constitutional Court)**

Proceedings before the Constitutional Court shall be regulated by law.

The law determines who may require the initiation of proceedings before the Constitutional Court. Anyone who

demonstrates legal interest may request the initiation of proceedings before the Constitutional Court.

The Constitutional Court decides by a majority vote of all its judges unless otherwise provided for individual cases by the Constitution or law. The Constitutional Court may decide whether to initiate proceedings following a constitutional complaint with fewer judges as provided by law.

### **Article 163 (Composition and Election)**

The Constitutional Court is composed of nine judges, elected on the proposal of the President of the Republic by the National Assembly in a manner provided by law.

The judges are elected from among legal experts.

The President of the Constitutional Court is elected by the judges from among their own number for a term of three years.

### **Article 164 (Early Termination of Office of a Constitutional Court Judge)**

A Constitutional Court judge may be subject to early termination of office in a manner provided by law only:

- if the judge himself so requests,

- if the judge is punished by imprisonment for a criminal offence, or
- due to permanent loss of capacity to perform his office.

### **Article 165** **(Term of Office of Judges)**

Constitutional Court judges are elected for a term of nine years. Constitutional Court judges may not be re-elected.

Upon the expiry of the term for which a Constitutional Court judge has been elected, he continues to perform his office until the election of a new judge.

### **Article 166** **(Incompatibility of Office)**

The office of Constitutional Court judge is not compatible with office in state authorities, in local self-government authorities, and in bodies of political parties, and with other offices and activities that are not compatible by law with the office of Constitutional Court judge.

### **Article 167** **(Immunity)**

Constitutional Court judges enjoy the same immunity as National Assembly deputies. The National Assembly decides on such immunity.



## **IX. PROCEDURE FOR AMENDING THE CONSTITUTION**

### **Article 168**

#### **(Proposal to Initiate the Procedure)**

A proposal to initiate the procedure for amending the Constitution may be made by twenty deputies of the National Assembly, the Government, or at least thirty thousand voters.

Such proposal is decided upon by the National Assembly by a two-thirds majority vote of deputies present.

### **Article 169**

#### **(Acts Amending the Constitution)**

The National Assembly adopts acts amending the Constitution by a two-thirds majority vote of all deputies.

### **Article 170**

#### **(Confirmation of Constitutional Amendments by Referendum)**

The National Assembly must submit a proposed constitutional amendment to voters for adoption in a referendum if so required by at least thirty deputies.

A constitutional amendment is adopted in a referendum if a majority of those voting voted in favour of

the same, provided that a majority of all voters participated in the referendum.

**Article 171**  
**(Promulgation of Constitutional Amendments)**

Constitutional amendments enter into force upon their promulgation in the National Assembly.

## **X. TRANSITIONAL AND FINAL PROVISIONS**

**Article 172**

This Constitution shall enter into force upon its promulgation.

**Article 173**

The provisions of this Constitution shall apply from the day of its promulgation, unless otherwise provided in the constitutional act implementing this Constitution.

**Article 174**

A constitutional act shall be passed in order to implement this Constitution and to ensure transition to the application of the provisions of this Constitution.

The constitutional act shall be passed by a two-thirds majority vote of all deputies in all chambers of the Assembly of the Republic of Slovenia.

# **CONSTITUTIONAL ACTS**

# **CONSTITUTIONAL ACT IMPLEMENTING THE BASIC CONSTITUTIONAL CHARTER ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF SLOVENIA**

## **Article 1**

The authorities of the Republic of Slovenia assume, in accordance with this Act, the exercise of the rights and the performance of the duties that had been transferred by the Constitution of the Republic of Slovenia and the Constitution of the SFRY to the authorities of the SFRY.

## **Article 2**

Delegates from the Republic of Slovenia in the Federal Chamber of the Assembly of the SFRY hereby cease to hold office.

Delegates of the Assembly of the Republic of Slovenia in the Chamber of Republics and Provinces of the Assembly of the SFRY in office at the time of the entry into force of this Act, and delegates of the Assembly of the Republic of Slovenia who were elected at the joint session of all chambers of the Assembly of the Republic of Slovenia on 30 July 1990 to the Chamber of Republics and Provinces of the Assembly of the SFRY, hereby cease to hold office.

The Assembly of the Republic of Slovenia shall elect a twelve-member delegation authorised to negotiate in the Assembly of the SFRY the procedure of the dissolution of the hitherto SFRY, the resolution of current issues and the possible formation of a community of sovereign states on the territory of the hitherto SFRY.

The hitherto member of the Presidency of the SFRY from the Republic of Slovenia is hereby authorised to act in the Presidency of the SFRY as the representative of the Republic of Slovenia in accordance with the directives of the Assembly of the Republic of Slovenia.

The authorities of the Republic of Slovenia shall cooperate with the corresponding authorities of the hitherto SFRY in the performance of tasks resulting from this Act.

### **Article 3**

Treaties concluded by Yugoslavia which apply to the Republic of Slovenia remain in force on the territory of the Republic of Slovenia.

The Executive Council of the Assembly of the Republic of Slovenia shall within three months submit to the Assembly of the Republic of Slovenia a survey of the treaties which apply to the Republic of Slovenia, on the basis of which the Assembly of the Republic of Slovenia shall adopt an act on the notification of other parties to such treaties.

## **Article 4**

Until the issuance of appropriate regulations by the Republic of Slovenia, those federal regulations that were in force in the Republic of Slovenia when this Act entered into force shall be applied *mutatis mutandis* as regulations of the Republic of Slovenia, insofar as they are not contrary to the legal order of the Republic of Slovenia and unless otherwise provided by this Act.

The competencies held by authorities and organisations of the SFRY under the regulations referred to in the preceding paragraph shall in accordance with this Act be transferred to the authorities and organisations of the Republic of Slovenia. If such authority or organisation does not exist, the Executive Council of the Assembly of the Republic of Slovenia shall determine a provisionally competent authority or organisation.

## **Article 5**

On the day this Act enters into force, the Bank of Slovenia, the Customs Administration of the Republic of Slovenia, the Foreign Exchange Inspectorate of the Republic of Slovenia, the Civil Aviation Authority of the Republic of Slovenia, the Telecommunications Administration of the Republic of Slovenia, the Standards and Metrology Institute of the Republic of Slovenia and the Office of the Republic of Slovenia for the Protection of Industrial Property Rights shall begin operating.

The authorities referred to in the preceding paragraph assume their competencies in accordance with the law and may also do so by agreement with the appropriate authorities of the hitherto SFRY.

## **Article 6**

Those administrative authorities of the SFRY, their units or parts which have hitherto managed affairs within their competence on the territory of the Republic of Slovenia shall be transformed into administrative authorities of the Republic of Slovenia.

The employees of the authorities referred to in the preceding paragraph shall continue working as employees of the administrative authorities of the Republic of Slovenia. The time limit by which such employees must fulfil the general requirements prescribed for employment in the authorities of the Republic of Slovenia shall be determined by law.

## **Article 7**

Diplomatic and consular missions, cultural and information centres and other SFRY representative offices abroad established under the Act on the Conduct of Foreign Affairs within the Competence of Federal Administrative Authorities and Federal Organisations (Official Gazette of the SFRY, No. 56/81) shall cease to perform the tasks within their competence for the Republic of Slovenia, unless otherwise regulated by an agreement with the appropriate authorities of the hitherto SFRY.



The missions and representative offices referred to in the preceding paragraph shall perform tasks for citizens of the Republic of Slovenia and legal entities from the Republic of Slovenia abroad, within the competencies and powers of the authorities of the Republic of Slovenia.

The Executive Council of the Assembly of the Republic of Slovenia may, with the prior consent of the Commission for International Relations of the Assembly of the Republic of Slovenia, conclude an agreement within the framework of the hitherto SFRY whereby diplomatic and consular missions, cultural and information centres and other representative offices of the SFRY abroad assume the representation and protection of the interests of the Republic of Slovenia.

## **Article 8**

All judicial and administrative proceedings initiated before the authorities of the SFRY shall continue before the competent authorities of the Republic of Slovenia.

Individual legal acts issued by the authorities of the SFRY or the authorities of other republics of the SFRY which have not hitherto been enforced shall be enforceable on the territory of the Republic of Slovenia following the principle of actual reciprocity unless they are contrary to the legal order of the Republic of Slovenia.

Individual legal acts issued by the authorities of other republics of the hitherto SFRY after this Act has entered into force apply to the Republic of Slovenia where, in the manner and under the conditions applicable to individual legal acts of foreign countries.

## **Article 9**

The Republic of Slovenia shall assume the administration of all movable and immovable property that was administered by federal authorities and the commands, units and institutions of the Yugoslav People's Army on the territory of the Republic of Slovenia until the entry into force of this Act.

The takeover of the property of the Yugoslav People's Army shall be carried out gradually and completed no later than by the end of 1993, in accordance with the orders of the Presidency of the Republic of Slovenia on the renaming of the units of the Yugoslav People's Army as units of the Territorial Defence of Slovenia.

In accordance with a law or agreement, the republic administrative authority competent for defence shall ensure that, in accordance with the decisions of the Presidency of the Republic of Slovenia, the commands, units and institutions of the Territorial Defence of the Republic of Slovenia assume the administration of the property referred to in the preceding paragraph that was administered by the commands, units and institutions of the Yugoslav People's Army until the entry into force of this Act.

## **Article 10**

The Executive Council of the Assembly of the Republic of Slovenia shall within three months submit to the Assembly of the Republic of Slovenia negotiating positions regarding the establishment of the Republic of Slovenia's appropriate share in the division of the immovable and movable property of the SFRY located on the territory of the SFRY and in third countries, taking into account the share contributed by the Republic of Slovenia to the assets of the SFRY.

## **Article 11**

On the basis of the agreement on the legal succession to the SFRY, the Republic of Slovenia will assume that share of the SFRY national debts which pertains to the Republic of Slovenia, as well as the share of the debts guaranteed by the SFRY whose beneficiaries are legal entities based in the territory of the Republic of Slovenia.

The Republic of Slovenia will assume the appropriate share of the SFRY national debts whose direct beneficiaries can not be established.

The Executive Council of the Assembly of the Republic of Slovenia is authorised to negotiate the assumption of the shares of the SFRY national debts referred to in the first and second paragraphs of this article.

## **Article 12**

The national archives of the SFRY located in the territory of the Republic of Slovenia shall fall under the domain of the Republic of Slovenia.

All national archives of the SFRY that pertain to the Republic of Slovenia shall fall under the domain of the Republic of Slovenia.

The Republic of Slovenia shall assume SFRY claims concerning the national archives that are located in third countries and originate in the territory of the Republic of Slovenia, as well as the national archives that are located in third countries and pertain to the Republic of Slovenia.

The Executive Council of the Assembly of the Republic of Slovenia is obliged to take all necessary measures to acquire the national archives referred to in the second and third paragraphs of this article, and to establish the equitable share of other SFRY national archives that fall under the domain of the Republic of Slovenia.

## **Article 13**

Citizens of other republics who on the day of the plebiscite on the independence and sovereignty of the Republic of Slovenia, 23 December 1990, were registered as permanent residents of and actually live in the Republic of Slovenia shall have, except in the cases specified in Article 16 of this Act, equal rights and duties as the citizens of the

Republic of Slovenia until they acquire citizenship of the Republic of Slovenia under Article 40 of the Citizenship of the Republic of Slovenia Act or until the expiry of the time limits determined in Article 81 of the Aliens Act.

## **Article 14**

In accordance with the agreement referred to in Article 9 of this Act, the Republic of Slovenia guarantees military personnel, enlisted persons and civilians employed by the Yugoslav People's Army the status, social and other rights they acquired prior to the entry into force of this Act under federal regulations, in commands, units and institutions of the Yugoslav People's Army that, under Article 4 of the Constitutional Act Implementing Amendments XCVI and XCVII to the Constitution of the Republic of Slovenia regulating national defence, have been renamed as the commands, units and institutions of the Territorial Defence of the Republic of Slovenia if, in the period determined in the act on renaming, they continue their work as members of the Territorial Defence of the Republic of Slovenia.

The Republic of Slovenia also guarantees the rights referred to in the preceding paragraph to other military personnel, enlisted persons and civilians employed by the Yugoslav People's Army who continue to serve in the Territorial Defence of the Republic of Slovenia.

## **Article 15**

The citizens of the Republic of Slovenia who on the day this Act enters into force are performing their military service in the Yugoslav People's Army are no longer obliged to perform their military service in the Yugoslav People's Army. Their discharge from the Yugoslav People's Army shall be regulated by the competent authorities of the Republic of Slovenia in agreement with the authorities of the SFRY.

The Republic of Slovenia shall offer legal protection to all citizens of the Republic of Slovenia who, in accordance with this Act, are no longer obliged to perform their military service.

## **Article 16**

Natural persons who on the entry into force of this Act do not have citizenship of the Republic of Slovenia and legal entities who on the entry into force of this Act are based outside the Republic of Slovenia are, subject to actual reciprocity and pending the regulation of the rights of foreign persons concerning real estate, guaranteed ownership rights and other real rights to real estate to the same extent as on the entry into force of this Act.

Pending the regulation of the rights of foreign persons to real estate, the persons referred to in the preceding paragraph can not acquire ownership rights or other real rights to real estate in the territory of the Republic of Slovenia, except on the basis of inheritance and on condition of actual reciprocity.

## **Article 17**

The Republic of Slovenia shall guarantee the delegates of the Republic of Slovenia to the Federal Chamber of the Assembly of the SFRY and the delegates of the Assembly of the Republic of Slovenia to the Chamber of Republics and Provinces of the Assembly of the SFRY who, in accordance with Article 2 of this Act, cease to hold office, rights arising from the regulations that apply to officials of the Republic of Slovenia or those that apply to officials of the hitherto SFRY, if such are more favourable for them.

The Republic of Slovenia shall guarantee persons who were elected to office or appointed to a position in the authorities of the hitherto SFRY on the proposal of the authorities of the Republic of Slovenia, rights arising from the regulations that apply to officials or employees of the state authorities of the Republic of Slovenia or the hitherto SFRY, if such are more favourable for them.

## **Article 18**

The Republic of Slovenia shall guarantee the protection of the rights of veterans, war-disabled veterans, members of the families of combatants killed in action and beneficiaries of military pensions with permanent residence in the Republic of Slovenia as well as veterans, war-disabled veterans, members of the families of combatants killed in action in the Yugoslav national liberation war in the Friuli Venezia Giulia region in the Republic of Italy and in the state of Carinthia

in the Republic of Austria, to the extent and under the conditions provided by SFRY regulations prior to the entry into force of this Act.

### **Article 19**

The Bank of Slovenia shall assume the guarantee of dinar savings deposits and funds in citizens' current accounts deposited in banks in the territory of the Republic of Slovenia which prior to the entry into force of this Act were guaranteed by the National Bank of Yugoslavia, as of the date of the entry into force of this Act.

The Bank of Slovenia shall assume the guarantee of dinar savings deposits and funds in the current accounts of citizens with permanent residence in the territory of the Republic of Slovenia deposited in the Postal Savings Bank which prior to the entry into force of this Act were guaranteed by the National Bank of Yugoslavia, as of the date of the entry into force of this Act.

The Republic of Slovenia shall assume the guarantee of foreign currency in foreign currency accounts and foreign currency savings accounts deposited in banks in the territory of the Republic of Slovenia which prior to the entry into force of this Act were guaranteed by the SFRY, as of the date of the entry into force of this Act.



## **Article 20**

The provisions of the Criminal Code of the SFRY (Official Gazette of the SFRY, Nos. 44/76, 34/84, 74/87, 57/89, 3/90 and 38/90) whereby the SFRY, its legal order, its authorities, representatives or national symbols are subject to protection under criminal law or whereby such protection is otherwise determined with regard to the hitherto territory of the SFRY or the hitherto citizenship of the SFRY, shall apply in the Republic of Slovenia as provisions by which the Republic of Slovenia, its legal order, its authorities, representatives or national symbols are protected, or whereby protection under criminal law is restricted to the territory or citizenship of the Republic of Slovenia, insofar as these are not protected under the Criminal Code of the Republic of Slovenia (Official Gazette of the SRS, Nos. 12/77, 3/78, 19/84, 47/87, 33/89 in 5/90).

With regard to the application of the criminal law of the Republic of Slovenia for criminal offences committed outside the territory of the Republic of Slovenia, the provisions of Chapter XII of the SFRY Criminal Code shall apply provided that such application is restricted to the criminal law of the Republic of Slovenia and to the citizenship of the Republic of Slovenia and that criminal offences committed abroad are considered to be criminal offences committed outside the territory of the Republic of Slovenia.

## **Article 21**

The Executive Council shall provide for the implementation of this Act and within the scope of its powers adopt acts and measures necessary for its implementation, and report thereon to the Assembly of the Republic of Slovenia at least every three months.

## **Article 22**

Notwithstanding Article 74 of the Foreign Affairs Act, Article 39 of the Organisation and Competence of the Republic Administration Act and Article 18 of the Prices Act, these Acts shall enter into force on the day of the entry into force of this Act.

## **Article 23**

This Constitutional Act shall enter into force upon its promulgation.

Proceeding from the fact that

due to the insufficient willingness of certain other states that have emerged on the territory of the former Socialist Federative Republic of Yugoslavia (hereinafter referred to as the former SFRY) and of banks based in those states,

due to factual and legal reasons conditioned by: war on part of the territory of the former SFRY, international sanctions against the so-called FRY (Serbia and Montenegro) and the breakdown of financial and economic systems in certain states that have emerged on the territory of the former SFRY, and the unlawful and fraudulent use of common financial assets of the former SFRY by the so-called FRY, including its use of such to finance the war of aggression on part of the territory of the former SFRY,

an agreement on legal succession and on the assumption of obligations and claims of the former SFRY and legal entities on its territory is impossible at this time and will also be substantially hindered in the immediate future

and due to the fact that the enforcement of the claims of foreign creditors as well as of the entities from the so-called FRY (Serbia and Montenegro) who have become creditors on the basis of the acquisition of claims under the New Financing Agreement (hereinafter referred to as the NFA) pursuant to which also banks based in the Republic of Slovenia are jointly and severally liable for the repayment of the entire debt, would pose a significant threat to the financial and economic system of the Republic of Slovenia

and with the intention to arrive, through negotiations with foreign creditors, at a fair solution to the assumption of an appropriate share of the national debts of the former SFRY whose direct beneficiary can not be established,

the National Assembly of the Republic of Slovenia hereby adopts

**THE CONSTITUTIONAL ACT  
AMENDING THE CONSTITUTIONAL  
ACT IMPLEMENTING THE BASIC  
CONSTITUTIONAL CHARTER ON THE  
SOVEREIGNTY AND INDEPENDENCE  
OF THE REPUBLIC OF SLOVENIA**

# **THE CONSTITUTIONAL ACT AMENDING THE CONSTITUTIONAL ACT IMPLEMENTING THE BASIC CONSTITUTIONAL CHARTER ON THE SOVEREIGNTY AND INDEPENDENCE OF THE REPUBLIC OF SLOVENIA**

## **Article 1**

In the Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia (Official Gazette of the Republic of Slovenia No. 1/91-I, hereinafter: the Constitutional Act) new Articles 22a through 22h are hereby added after Article 22 and read as follows:

## **Article 22a**

The Republic of Slovenia, the Bank Rehabilitation Agency of the Republic of Slovenia and the banks named herein will regulate the obligations and implement the measures provided by this Constitutional Act.

## **Article 22b**

Ljubljanska banka d.d., Ljubljana and Kreditna banka Maribor d.d., Maribor shall relinquish their operations and assets to the new banks established under the provisions of this Constitutional Act.

Notwithstanding the provision of the preceding paragraph, Ljubljanska banka d.d., Ljubljana and Kreditna banka Maribor d.d., Maribor shall retain:

- all potential liabilities arising from joint and several liability under the NFA and other potential liabilities arising from their relations to the NBY and the former SFRY for that part for which the debtors are located in other republics of the former SFRY;
- the appropriate share of potential claims arising therefrom;
- all liabilities for foreign currency in foreign currency deposit and savings accounts which the Republic of Slovenia has not assumed the guarantee of under Article 19 of the Constitutional Act;
- liabilities to the NBY and those liabilities to foreign creditors which were guaranteed by the former SFRY, the funds of which, however, were used by final beneficiaries from other republics of the former SFRY;
- pertinent claims arising therefrom.

Ljubljanska banka d.d., Ljubljana shall retain its relation to the existing branches and subsidiaries of Ljubljanska banka d.d. based in other republics in the territory of the former SFRY, provided that it also retains the appropriate share of claims against the NBY resulting from foreign currency savings deposits.

### **Article 22c**

The competent court shall register ex officio:

- the Bank Rehabilitation Agency of the Republic of Slovenia as the owner and the management board of Ljubljanska banka d.d., Ljubljana, Trg republike 3, and Kreditna banka Maribor d.d., Ljubljana, Trg republike 3;
- the management of the remaining assets as the subject matter of their business activity.

### **Article 22č**

Two new banks shall be established on the day this Constitutional Act enters into force.

The company names of the new banks shall be:

- Nova Ljubljanska banka d.d., Ljubljana, Trg republike 2;
- Nova Kreditna banka Maribor d.d., Maribor, Vita Kraigherja 4.

The founder of the new banks shall be the Bank Rehabilitation Agency of the Republic of Slovenia.

The subject matter of the business activity of the new banks shall be banking transactions as provided by Article 2 of the Banks and Savings Banks Act (Official Gazette of the Republic of Slovenia Nos. 1/91-I and 46/93).

The new banks shall have the status of banks under rehabilitation. They shall be administered by interim management boards appointed by decisions of the Bank Rehabilitation Agency of the Republic of Slovenia.

The management boards of the new banks must adopt the closing balance sheets of the banks referred to in Article 22b of this Constitutional Act as of the date of the entry into force of this Constitutional Act. The balance sheets shall disclose the banks' liabilities to the NBY and liabilities to foreign creditors resulting from relations with entities from the former SFRY as well as their appropriate assets.

The management boards of the new banks must also produce the respective opening balance sheets as of the date of the entry into force of this Constitutional Act.

The closing and opening balance sheets referred to in the sixth and seventh paragraphs of this Article must be audited within 90 days at the latest from the entry into force of this Constitutional Act by an audit firm and approved by the Board of Directors of the Bank Rehabilitation Agency of the Republic of Slovenia.

Upon the date of their establishment, the new banks shall become owners of all funds in the accounts abroad.

Payments in transit on the day this Constitutional Act enters into force shall be taken into account in the assets of the balance sheets of the new banks.

The new banks shall begin operating on the day following their establishment.

The Bank Rehabilitation Agency of the Republic of Slovenia shall remain the owner of the banks referred to in Article 22b of this Constitutional Act and become the owner



of the new banks as of the date of the entry into force of this Constitutional Act.

On the day this Constitutional Act enters into force, the Bank Rehabilitation Agency of the Republic of Slovenia shall be returned the bonds issued to banks under rehabilitation in exchange for claims which under the provisions of this Constitutional Act shall not be transferred to the new banks. The Bank Rehabilitation Agency of the Republic of Slovenia shall transfer such bonds to the new banks as paid-in capital.

The competent court shall ex officio enter the new banks into the court register as of and on the date of the entry into force of this Constitutional Act.

Upon the completion of rehabilitation, the banks referred to in this article shall continue operating pursuant to banking regulations.

## **Article 22d**

The new banks shall assume all other assets, including the remaining claims and liabilities of banks referred to in Article 22b of this Constitutional Act.

The new banks from the preceding paragraph shall also assume:

- the share of claims against the NBY resulting from foreign currency savings deposits paid out to depositors in the Republic of Slovenia;

- the share of contingent liabilities to foreign creditors under the NFA for final beneficiaries based in the Republic of Slovenia, which shall become a direct liability of the new banks in accordance with the agreement made with foreign commercial banks.

### **Article 22e**

The share of the debt referred to in the second paragraph of Article 11 of the Constitutional Act will be assumed by the Republic of Slovenia in accordance with the provisions of the new agreement with foreign commercial banks and new bilateral agreements with the members of the Paris Club once they have been concluded and ratified by the National Assembly of the Republic of Slovenia.

### **Article 22f**

The Republic of Slovenia and the new banks shall not recognise debt owed to foreign creditors that are subject to sanctions by the United Nations in accordance with UN Security Council Resolutions 757/1992 and 820/1993.

Even in the event of the lifting of the UN sanctions referred to in the preceding paragraph or until the conclusion and ratification of the complete or partial agreement on legal succession to the former SFRY or an agreement with foreign creditors, the submission of claims and legal or other instituted proceedings aimed at the seizure of the banks' assets shall not have legal consequences and will not be recognised by the courts of the Republic of Slovenia.

## **Article 22g**

Mutual legal relations between banks based in the Republic of Slovenia arising from the NFA shall be transferred to the new banks in their entirety.

Legal relations with depositors which the Bank of Slovenia or the Republic of Slovenia have assumed the guarantee of in accordance with Article 19 of the Constitutional Act, as well as legal relations with other entities resulting from the business transferred to the new banks, shall remain unchanged.

The new banks shall guarantee their depositors and other clients continuous and uninterrupted operations.

## **Article 22h**

The creditors of the banks referred to in Article 22b of this Constitutional Act and the receiver may not challenge legal acts pursuant to Articles 125 through 130 of the Compulsory Composition, Bankruptcy and Liquidation Act (Official Gazette of the Republic of Slovenia, No. 67/93).

Notwithstanding the provisions of Article 30 of the Preliminary Rehabilitation, Rehabilitation, Bankruptcy and Liquidation of Banks and Savings Banks Act (Official Gazette of the Republic of Slovenia, Nos. 1/91-I and 46/93), in bankruptcy proceedings for banks referred to in Article 22b of this Constitutional Act the following priority sequence shall apply:

1. claims arising from bank deposits which the Republic of Slovenia, the Bank of Slovenia or the Bank and Savings Deposits Insurance Agency have assumed the guarantee of;
2. claims of the Republic of Slovenia, its agencies, bodies and organisations as well as of the Bank of Slovenia;
3. claims of creditors other than the bank owners;
4. claims of the bank owners.

The provisions of Articles 347 through 358 of the Companies Act (Official Gazette of the Republic of Slovenia, Nos. 10/93 and 29/94) shall not apply to the reduction of the share capital of the banks referred to in Article 22b of this Constitutional Act.

The provisions of Article 9 of the Banks and Savings Banks Act (Official Gazette of the Republic of Slovenia, Nos. 1/91-I and 46/93) shall not apply to the new banks.

The form required under the first paragraph of Article 184 of the Companies Act shall not apply to the statutes of the new banks.

## **Article 2**

This Act shall enter into force upon its promulgation.

# **CONSTITUTIONAL ACT IMPLEMENTING THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

## **Article 1**

Regulations and other general acts in force on the day of the promulgation of the Constitution shall remain in force. The provisions of regulations which are not in conformity with the Constitution must be brought into conformity no later than 31 December 1993.

No constitutional review proceedings may be initiated with regard to regulations and other general acts that were adopted prior to the promulgation of the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia or which apply pursuant to the Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia until these regulations and other general acts are brought into conformity with the Constitution or until the expiry of the term for such, unless they infringe on human rights and fundamental freedoms.

## **Article 2**

The Assembly of the Republic of Slovenia shall continue to operate until the first session of the National Assembly.

The first elections to the National Assembly and the National Council shall be held no later than one year after the adoption of the Constitution.

Until the National Assembly and the National Council are constituted, the chambers of the Assembly of the Republic of Slovenia shall adopt laws and other acts in such manner and according to such procedures as provided by the 1974 Constitution of the Republic of Slovenia and its amendments.

Laws regulating the electoral system shall be adopted by the chambers by a two-thirds majority vote of all deputies. If the laws regulating the electoral system are not adopted within the term for holding elections in accordance with the second paragraph of this Article, the provisions of the regulations on elections currently in force shall apply *mutatis mutandis*.

### **Article 3**

Until the election of the President of the Republic of Slovenia such office shall be performed by the Presidency of the Republic of Slovenia as provided by the Constitution.

The first elections of the President of the Republic shall be held simultaneously with the elections to the National Assembly.

#### **Article 4**

The Executive Council of the Assembly of the Republic of Slovenia shall continue to operate as the Government in accordance with the provisions of the Constitution, with the exception of the provision of Article 117 of the Constitution.

#### **Article 5**

Until the state assumes state functions hitherto performed by municipalities, such functions shall be performed by municipal authorities.

#### **Article 6**

The courts, the offices of public prosecutors and public attorneys as well as the social attorneys of self-management shall continue to operate in accordance with hitherto regulations until the adoption of new regulations.

#### **Article 7**

The Constitutional Court of the Republic of Slovenia shall operate in accordance with the Constitution; with regard to procedural issues before the Constitutional Court and the legal consequences of the decisions of the Constitutional Court which are not regulated by the Constitution, the hitherto constitutional and legal provisions shall apply *mutatis mutandis* until the adoption of the Constitutional Court Act.

## **Article 8**

Constitutional Court judges, judges of other courts and public prosecutors shall perform their office until the expiry of the term for which they were elected or appointed.

Judges of ordinary courts and of the courts of associated labour as well as public prosecutors may, in the event of a new organisation of the courts and the state prosecutor's office, complete their term of office in new judicial bodies in accordance with the first paragraph of this article.

The term of office of judges of ordinary courts and of the courts of associated labour as well as public prosecutors whose term of office expires prior to the entry into force of new regulations on the organisation of the courts and the state prosecutor's office, shall be extended and shall terminate within six months after the entry into force of new regulations.

## **Article 9**

Until the adoption of the law referred to in Article 68 of the Constitution, aliens may not acquire ownership rights to real estate.

Foreign countries may acquire ownership rights to real estate used for the activity of their diplomatic-consular missions.



### **Article 10**

This Constitutional Act may be amended by a two-thirds majority vote of all deputies at a joint session of all chambers of the Assembly or at a session of the National Assembly.

### **Article 11**

This Constitutional Act shall enter into force upon its promulgation.

# **CONSTITUTIONAL ACT AMENDING THE CONSTITUTIONAL ACT IMPLEMENTING THE CONSTITUTION OF THE REPUBLIC OF SLOVENIA**

## **Article 1**

In the Constitutional Act Implementing the Constitution of the Republic of Slovenia (Official Gazette of the Republic of Slovenia, No. 33/91-I) a second paragraph is hereby added to Article 5 and reads as follows:

“The term of municipal and special socio-political community assemblies shall be extended until 31 December 1994.”

## **Article 2**

This Constitutional Act shall enter into force upon its promulgation





