



European Network of Councils
for the Judiciary (ENCJ)

Réseau européen des Conseils
de la Justice (RECJ)

To the Speaker of the National Assembly

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To the Chair of Justice Committee of the National Assembly

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

To the Minister of Justice

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To the President of Sodni Svet

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

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

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

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

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

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

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

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

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

On behalf of the ENCJ Executive Board



ENCJ President
Madeleine Mathieu

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