

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o ustavnem sodišču obsega:

- Zakon o ustavnem sodišču (Uradni list RS, št. 15/94 z dne 18. 3. 1994),
- Zakon o predlaganju kandidatov iz Republike Slovenije za sodnike mednarodnih sodišč – ZPKSMS (Uradni list RS, št. 64/01 z dne 3. 8. 2001),
- Zakon o spremembah in dopolnitvah Zakona o ustavnem sodišču – ZUstS-A (Uradni list RS, št. 51/07 z dne 8. 6. 2007),
- Zakon o ustavnem sodišču – uradno prečiščeno besedilo – ZUstS-UPB1 (Uradni list RS, št. 64/07 z dne 16. 7. 2007),
- Zakon o spremembi in dopolnitvi Zakona o ustavnem sodišču – ZUstS-B (Uradni list RS, št. 109/12 z dne 31. 12. 2012).

ZAKON o ustavnem sodišču

(neuradno prečiščeno besedilo št. 4)

I. SPLOŠNE DOLOČBE

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The unofficial consolidated version of the Constitutional Court Act comprises:

- Constitutional Court Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 15/94 of 18 March 1994),
- Act on the Nomination of Candidates from the Republic of Slovenia for Judges at International Courts – ZPKSMS (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/01 of 9 August 2001),
- Act Amending the Constitutional Court Act – ZUstS-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 51/07 of 8 June 2007),
- Constitutional Court Act – Official Consolidated Text – ZUstS-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/07 of 16 July 2007),
- Act Amending the Constitutional Court Act – ZUstS-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 109/12 of 31 December 2012).

THE CONSTITUTIONAL COURT ACT (ZUstS)

(Unofficial consolidated version No. 4)

I. GENERAL PROVISIONS

1. člen

(1) Ustavno sodišče je najvišji organ sodne oblasti za varstvo ustavnosti in zakonitosti ter človekovih pravic in temeljnih svoboščin.

(2) Ustavno sodišče je v razmerju do drugih državnih organov samostojen in neodvisen državni organ.

(3) Odločbe ustavnega sodišča so obvezne.

2. člen

(1) Sedež ustavnega sodišča je v Ljubljani.

(2) Svojo organizacijo in delo ureja ustavno sodišče s poslovnikom in drugimi splošnimi akti.

3. člen

(1) Delo ustavnega sodišča je javno v skladu s tem zakonom.

(2) Ustavno sodišče z namenom odločanja o zadevah iz svoje pristojnosti zbira in obdeluje osebne podatke o udeleženkah oziroma udeležencih (v nadaljnjem besedilu: udeleženec) v postopku oziroma podatke, katere mu sporočijo udeleženci ali državni organi, organi lokalnih skupnosti ali nosilci javnih pooblastil za potrebe odločanja ustavnega sodišča.

(3) Glede obdelave in varstva osebnih podatkov iz prejšnjega odstavka ustavno sodišče uporablja zakon, ki ureja varstvo osebnih podatkov.

4. člen

(1) Udeleženci v postopku pred ustavnim sodiščem imajo

Article 1

(1) The Constitutional Court is the highest body of the judicial power for the protection of constitutionality, legality, and human rights and fundamental freedoms.

(2) In relation to other state authorities, the Constitutional Court is an autonomous and independent state authority.

(3) The decisions of the Constitutional Court are binding.

Article 2

(1) The seat of the Constitutional Court is in Ljubljana.

(2) The Constitutional Court regulates its organisation and work by its Rules of Procedure and other general acts.

Article 3

(1) The work of the Constitutional Court is public in accordance with this Act.

(2) In order to decide matters in its jurisdiction, the Constitutional Court collects and processes personal data on participants in proceedings or data communicated to the Court by participants or state authorities, local community authorities, or bearers of public authority that are needed for the Constitutional Court to decide.

(3) With regard to the processing and protection of the personal data referred to in the preceding paragraph, the Constitutional Court applies the Act regulating the protection of personal data.

Article 4

(1) Participants in proceedings before the Constitutional Court

pravico vpogleda v spis ves čas, ko teče postopek, druge osebe pa, če jim to dovoli predsednica oziroma predsednik ustavnega sodišča (v nadaljnjem besedilu: predsednik ustavnega sodišča).

(2) Zoper odklonitev vpogleda v spis je v roku 3 dni od vročitve sklepa dovoljen ugovor. O ugovoru odloči ustavno sodišče na nejavni seji.

5. člen

Državni organi, organi lokalnih skupnosti in nosilci javnih pooblastil morajo dajati ustavnemu sodišču na njegovo zahtevo podatke, spise in listine na vpogled, sodišča pa tudi pravno pomoč.

6. člen

(1) O vprašanih postopka, ki niso urejena s tem zakonom, ustavno sodišče glede na pravno naravo zadeve smiselno uporablja določbe zakonov, ki urejajo postopke pred sodišči.

(2) Ustavno sodišče s poslovnikom podrobneje uredi pravila postopka, določena z zakonom.

7. člen

(1) Ustavno sodišče imenuje generalno sekretarko oziroma generalnega sekretarja ustavnega sodišča (v nadaljnjem besedilu: generalni sekretar), ki opravlja naloge, določene s tem zakonom in poslovnikom ustavnega sodišča.

(2) Ustavno sodišče imenuje svetovalce ustavnega sodišča izmed pravnih in drugih strokovnjakov.

(3) Ustavno sodišče lahko sprejema pripravnike v skladu z zakonom.

have the right to inspect the case file at all times during the proceedings, while other persons may do so if the President of the Constitutional Court allows such.

(2) If the inspection of a case file is denied, an objection may be lodged within three days of the service of such denial. The objection is decided upon by the Constitutional Court at a closed session.

Article 5

State authorities, local community authorities, and bearers of public authority must provide to the Constitutional Court for inspection any data, files, and documents requested, whereas the courts must additionally provide the Constitutional Court with legal assistance.

Article 6

(1) For procedural questions which are not regulated by this Act, the Constitutional Court applies *mutatis mutandis* the statutory provisions regulating court proceedings with due consideration of the legal nature of the case.

(2) By its Rules of Procedure, the Constitutional Court regulates in more detail the rules of procedure determined by an Act.

Article 7

(1) The Constitutional Court appoints a Secretary General of the Constitutional Court, who carries out the tasks determined by this Act and the Rules of Procedure of the Constitutional Court.

(2) The Constitutional Court appoints advisors to the Constitutional Court from among legal and other experts.

(3) The Constitutional Court may accept trainees in accordance with an Act.

8. člen

(1) Sredstva za delo ustavnega sodišča določi državni zbor na predlog ustavnega sodišča in so sestavni del proračuna Republike Slovenije.

(2) O porabi sredstev iz prejšnjega odstavka odloča ustavno sodišče.

(3) Nadzor nad uporabo sredstev iz prvega odstavka tega člena opravlja računsko sodišče.

II. PREDSEDNIK IN SODNIKI USTAVNEGA SODIŠČA

9. člen

Za sodnico oziroma sodnika ustavnega sodišča (v nadaljnjem besedilu: sodnik ustavnega sodišča) je lahko izvoljen državljan Republike Slovenije, ki je pravni strokovnjak in je star najmanj 40 let.

10. člen

(1) Predsednika ustavnega sodišča izvolijo sodniki ustavnega sodišča izmed sebe s tajnim glasovanjem za dobo treh let. Volitve morajo biti opravljene pred iztekom mandata prejšnjega predsednika ustavnega sodišča.

(2) V odsotnosti nadomešča predsednika ustavnega sodišča podpredsednica oziroma podpredsednik ustavnega sodišča (v nadaljnjem besedilu: podpredsednik ustavnega sodišča), ki se izvoli za dobo in na način, določena v prejšnjem odstavku.

11. člen

Article 8

(1) Funds for the work of the Constitutional Court are determined by the National Assembly upon the proposal of the Constitutional Court and constitute a part of the budget of the Republic of Slovenia.

(2) The Constitutional Court decides on the use of the funds referred to in the preceding paragraph.

(3) Supervision of the use of the funds referred to in paragraph one of this Article is performed by the Court of Audit.

II. PRESIDENT AND JUDGES OF THE CONSTITUTIONAL COURT

Article 9

Any citizen of the Republic of Slovenia who is a legal expert and has reached at least 40 years of age may be elected a Constitutional Court judge.

Article 10

(1) The President of the Constitutional Court is elected by secret ballot by the judges of the Constitutional Court from among their own number for a term of three years. The election must be held prior to the expiry of the term of office of the incumbent President of the Constitutional Court.

(2) When absent from office, the President of the Constitutional Court is substituted for by the Vice President of the Constitutional Court, who is elected for the same term and in the same manner as determined in the preceding paragraph.

Article 11

Predsednik ustavnega sodišča obvesti predsednico oziroma predsednika republike (v nadaljnjem besedilu: predsednik republike) in državni zbor o izteku mandata sodnika ustavnega sodišča najpozneje 6 mesecev pred iztekom mandata.

12. člen

(1) Predsednik Republike Slovenije objavi v 30 dneh po prejemu obvestila iz prejšnjega člena v Uradnem listu Republike Slovenije poziv za zbiranje predlogov možnih kandidatov za sodnika ustavnega sodišča.

(2) Predloge je treba poslati v roku, ki ne sme biti krajši od 30 dni, v primeru predčasnega prenehanja mandata pa ne krajši od 15 dni po objavi poziva. Predlogi morajo biti obrazloženi, posebej mora biti priloženo pisno soglasje možnega kandidata, da je kandidaturo pripravljen sprejeti.

13. člen

(1) Predsednik republike predlaga kandidate za prosta mesta sodnikov ustavnega sodišča izmed možnih kandidatov, ki so predlagani na način iz prejšnjega člena, lahko pa predlaga tudi druge kandidate.

(2) Predsednik republike lahko predlaga tudi več kandidatov kot je prostih mest sodnikov ustavnega sodišča. Vsak predlog kandidature mora biti obrazložen, priloženo mora biti tudi pisno soglasje kandidata.

14. člen

(1) Sodnika ustavnega sodišča izvoli državni zbor s tajnim glasovanjem z večino glasov vseh poslancev.

(2) Če sodnik ustavnega sodišča ni izvoljen, predsednik republike najpozneje v 14 dneh po dnevu glasovanja v državnem zboru

The President of the Constitutional Court notifies the President of the Republic and the National Assembly of the expiry of the term of office of a Constitutional Court judge no later than six months before the expiry of the term of office.

Article 12

(1) Within 30 days of receiving the notice referred to in the preceding Article, the President of the Republic publishes a call for candidates for the office of Constitutional Court judge in the Official Gazette of the Republic of Slovenia.

(2) Proposed candidatures must be submitted within a period which may not be shorter than 30 days, or in the event of early termination of office, not shorter than 15 days from the publication of the call for candidates. Proposed candidatures must include a statement of reasons and the written consent of the candidates that they accept their candidature.

Article 13

(1) The President of the Republic proposes candidates for vacant positions on the Constitutional Court from among the candidates proposed in the manner determined in the preceding Article, and he may additionally propose other candidates.

(2) The President of the Republic may propose more candidates than there are vacant positions on the Constitutional Court. Each proposed candidature must include a statement of reasons and the written consent of the candidate.

Article 14

(1) The National Assembly elects Constitutional Court judges by secret ballot by a majority vote of all deputies.

(2) If no Constitutional Court judge is elected, the President of the Republic conducts a new procedure in accordance with Article 12 of

izvede nov postopek po 12. členu tega zakona ali v istem roku za prosta mesta sodnikov ustavnega sodišča predlaga kandidate izmed kandidatov, ki so se prijavili na prejšnji poziv, ali druge kandidate po prvem odstavku 13. člena tega zakona.

(3) Če sodnik ustavnega sodišča tudi na podlagi novega predloga ni izvoljen, se volitve opravijo na podlagi novega postopka po 12. členu tega zakona, s tem da predsednik republike poziv objavi najpozneje v osmih dneh po dnevu glasovanja v državnem zboru. Rok za zbiranje predlogov možnih kandidatov ne sme biti krajši od 15 dni po objavi poziva.

(4) Če je predsednik republike predlagal več kandidatov, kot se voli sodnikov ustavnega sodišča, se vrstni red kandidatov na glasovnici določi z žrebom. Če noben kandidat ni dobil predpisane večine ali če je bilo izvoljenih premalo sodnikov, se volitve ponovijo med kandidati, ki so dobili največ glasov. Glasuje se o toliko kandidatih, kot je potrebno izvoliti sodnikov ustavnega sodišča. Če tudi na ponovljenih volitvah ni izvoljeno toliko kandidatov, kot je potrebno izvoliti sodnikov ustavnega sodišča, se za prosta mesta sodnikov ustavnega sodišča opravijo nove volitve na podlagi novih kandidatur.

(5) Do začetka glasovanja lahko kandidat odstopi od kandidature.

15. člen

Po izvolitvi poda sodnik ustavnega sodišča pred državnim zborom naslednjo prisego:

"Prisegam, da bom sodil po ustavi in zakonu in po svoji vesti in si z vsemi svojimi močmi prizadeval za ustavnost in zakonitost ter za varovanje človekovih pravic in temeljnih svoboščin".

16. člen

(1) Funkcija sodnika ustavnega sodišča ni združljiva:

this Act no later than 14 days after the day of voting in the National Assembly, or within the same period of time proposes candidates for vacant positions on the Constitutional Court from among the candidates who applied to the previous call or from among other candidates in accordance with paragraph one of Article 13 of this Act.

(3) If no Constitutional Court judge is elected on the basis of a new proposal, the election is held on the basis of a new procedure in accordance with Article 12 of this Act, for which the President of the Republic publishes a call no later than eight days after the day of voting in the National Assembly. The period for collecting proposals for possible candidates may not be shorter than 15 days after the call is published.

(4) If the President of the Republic proposes more candidates than there are Constitutional Court judges to be elected, the order of candidates on the ballot is determined by lot. If none of the candidates receives the required majority or if an insufficient number of judges are elected, those candidates who received the highest number of votes are voted on again. As many candidates are voted on as the number of judges required to be elected to the Constitutional Court. If, even after a repeated election, an insufficient number of candidates are elected to the Constitutional Court, a new election is held on the basis of new candidatures.

(5) Candidates may withdraw their candidatures until voting begins.

Article 15

After being elected, a Constitutional Court judge takes the following oath before the National Assembly:

"I swear that I shall judge according to the Constitution, the law, and my conscience and that I shall strive with all my power for constitutionality, legality, and the protection of human rights and fundamental freedoms."

Article 16

(1) The office of Constitutional Court judge is not compatible with:

- s funkcijami v državnih organih, v organih lokalnih skupnostih, v organih političnih strank in v organih sindikatov,
- z delom v državnih organih, v organih lokalnih skupnostih in pri nosilcih javnih pooblastil,
- s članstvom v organih vodenja in nadzora gospodarskih družb, zavodov in zadrug,
- z opravljanjem poklica ali pridobitne dejavnosti, razen dejavnosti visokošolskega učitelja, znanstvenega delavca ali visokošolskega sodelavca.

(2) Z dnem začetka izvrševanja funkcije ustavnega sodnika preneha sodniku ustavnega sodišča funkcija ali delo iz prve oziroma druge alinee prejšnjega odstavka.

(3) Najpozneje v treh mesecih od dneva izvolitve mora izvoljeni sodnik ustavnega sodišča prenehati z opravljanjem dejavnosti iz tretje oziroma četrte alinee prvega odstavka tega člena. Če tega ne stori, mu preneha funkcija sodnika ustavnega sodišča.

17. člen

(1) Izvoljeni sodnik ustavnega sodišča začne izvrševati funkcijo ustavnega sodnika po dani prisegi.

(2) Če prejšnjemu sodniku mandatna doba še ni potekla, začne izvoljeni sodnik ustavnega sodišča izvrševati funkcijo ustavnega sodnika z dnem izteka mandatne dobe prejšnjega sodnika.

(3) V primeru iz tretjega odstavka prejšnjega člena začne izvoljeni sodnik ustavnega sodišča izvrševati funkcijo ustavnega sodnika z dnem prenehanja opravljanja nezdružljive dejavnosti.

17.a člen

(1) Če predsednik republike hkrati predlaga kandidate za več prostih mest sodnikov ustavnega sodišča, ki se jim izteče mandat na isti dan, pa državni zbor ne izvoli kandidatov za vsa prosta mesta, se v primeru, ko izvolitev novih sodnikov pred iztekom mandata prejšnjih

- office in state authorities, in local community authorities, in the bodies of political parties, and in the bodies of trade unions;
- work in state authorities, in local community authorities, and work for bearers of public authority;
- membership in the management and supervisory bodies of companies, institutions, and cooperatives;
- the pursuit of an occupation or gainful activity, except for the position of higher education teacher, researcher, or higher education associate.

(2) From the day a Constitutional Court judge takes office, he ceases to hold the office or perform the work referred to in the first and second indents of the preceding paragraph.

(3) No later than three months after being elected, the Constitutional Court judge elected must cease to perform the activities referred to in the third and fourth indents of paragraph one of this Article. If he does not do so, his office of Constitutional Court judge terminates.

Article 17

(1) An elected Constitutional Court judge takes office after taking the oath of office.

(2) If the term of office of the outgoing judge has not yet expired, the elected Constitutional Court judge takes office on the day the term of office of the outgoing judge expires.

(3) In the instance referred to in paragraph three of the preceding Article, the elected Constitutional Court judge takes the office of Constitutional Court judge on the day he ceases to perform the incompatible activity.

Article 17a

(1) If the President of the Republic proposes candidates for more than one vacant position on the Constitutional Court held by judges whose term of office expires on the same day, and the National Assembly does not elect candidates for all vacant positions, in instances in which

sodnikov ni več mogoča, določi z žrebom, kateri izmed sodnikov, ki se jim mandatna doba izteka, bodo po izteku mandata opravljali funkcijo sodnika do izvolitve novih sodnikov.

(2) Žreb iz prejšnjega odstavka se izvede na seji ustavnega sodišča na način, določen s poslovnikom ustavnega sodišča, ob navzočnosti predsednice oziroma predsednika državnega zbora (v nadaljnjem besedilu: predsednik državnega zbora).

(3) Žreb se opravi najpozneje deset dni pred iztekom mandata sodnika ustavnega sodišča, če to ni mogoče, pa najkasneje naslednji dan, ko je znan izid volitev v državnem zboru.

(4) Po opravljenem postopku žreba iz prejšnjih odstavkov ustavno sodišče v Uradnem listu Republike Slovenije objavi osebno ime sodnika ustavnega sodišča, ki nadaljuje z opravljanjem funkcije.

18. člen

(1) Sodniki ustavnega sodišča uživajo enako imuniteto kot poslanci državnega zbora.

(2) Državni zbor odloči o zahtevi pristojnega organa za začetek kazenskega postopka zoper sodnika ustavnega sodišča po predhodnem mnenju ustavnega sodišča najpozneje v 30 dneh od dneva vložitve zahteve. Ustavno sodišče mora dati predhodno mnenje v roku osmih dni od dneva, ko je seznanjeno z zahtevo pristojnega organa za začetek kazenskega postopka.

19. člen

(1) Državni zbor na predlog predsednika republike predčasno razreši sodnika ustavnega sodišča v primerih, ki jih določa ustava.

the election of new judges is no longer possible before the expiry of the term of office of the outgoing judges, which of the judges whose term of office is due to expire should perform such office after the expiry of their term of office until the required number of new judges are elected is determined by lot.

(2) The drawing of lots referred to in the preceding paragraph is carried out at a Constitutional Court session in a manner determined by the Rules of Procedure of the Constitutional Court in the presence of the President of the National Assembly.

(3) The drawing of lots is carried out no later than ten days before the expiry of the term of office of the Constitutional Court judge; if such is not possible, it is carried out no later than the next day after the result of the voting in the National Assembly is made public.

(4) After the drawing of lots referred to in the preceding paragraphs, the Constitutional Court publishes the name of the Constitutional Court judge who is to continue to perform office in the Official Gazette of the Republic of Slovenia.

Article 18

(1) Constitutional Court judges enjoy the same immunity as deputies of the National Assembly.

(2) The National Assembly decides on a request submitted by a competent authority to initiate criminal proceedings against a Constitutional Court judge, after obtaining the prior opinion of the Constitutional Court, no later than 30 days after the day the request is submitted. The Constitutional Court must provide an opinion no later than eight days after the day it was notified of the request of the competent authority to initiate criminal proceedings.

Article 19

(1) Upon the proposal of the President of the Republic, the National Assembly dismisses a Constitutional Court judge before the expiry of his term of office in the instances determined by the Constitution.

(2) O nastanku primera iz prejšnjega odstavka predsednik ustavnega sodišča obvesti predsednika republike.

(3) Če sodnik ustavnega sodišča sam zahteva razrešitev, pošlje predsednik ustavnega sodišča njegovo zahtevo predsedniku republike. Predsednik republike predlaga razrešitev ustavnega sodnika državnemu zboru, ki sodnika ustavnega sodišča razreši z dnem, ki ga predlaga sodnik ustavnega sodišča.

(4) Ob razrešitvi sodnika ustavnega sodišča zaradi pravnomočne obsodbe za kaznivo dejanje s kaznijo odvzema prostosti ali zaradi trajne izgube delovne zmožnosti za opravljanje funkcije sodniku ustavnega sodišča preneha mandat naslednji dan po objavi odločitve o razrešitvi v Uradnem listu Republike Slovenije.

20. člen

(1) Sodniku ustavnega sodišča pripada službeno oblačilo, to je sodniška toga.

(2) Vrste službenih oblačil in način nošenja predpiše ustavno sodišče s poslovnikom.

III. PRISTOJNOSTI USTAVNEGA SODIŠČA

21. člen

(1) Ustavno sodišče odloča:

- o skladnosti zakonov z ustavo,
- o skladnosti zakonov in drugih predpisov z ratificiranimi mednarodnimi pogodbami in s splošnimi načeli mednarodnega prava,
- o skladnosti podzakonskih predpisov z ustavo in z zakoni,
- o skladnosti predpisov lokalnih skupnosti z ustavo in z zakoni,

(2) The President of the Constitutional Court notifies the President of the Republic of the occurrence of an instance referred to in the preceding paragraph.

(3) If a Constitutional Court judge requests his own dismissal, the President of the Constitutional Court sends his request to the President of the Republic. The President of the Republic proposes the dismissal of the Constitutional Court judge to the National Assembly, which dismisses the Constitutional Court judge on the day proposed by the Constitutional Court judge.

(4) When a Constitutional Court judge is dismissed due to a final conviction for a criminal offence and punished by imprisonment or due to permanent loss of capacity to perform his office, the office of the Constitutional Court judge is terminated the next day after the publication of the decision on dismissal in the Official Gazette of the Republic of Slovenia.

Article 20

(1) Constitutional Court judges have official attire, that is, the judicial robe.

(2) The type of official attire and the manner of wearing such are prescribed by the Rules of Procedure of the Constitutional Court.

III. POWERS OF THE CONSTITUTIONAL COURT

Article 21

(1) The Constitutional Court decides:

- on the conformity of Acts with the Constitution;
- on the conformity of Acts and other regulations with ratified treaties and with the general principles of international law;
- on the conformity of implementing regulations with the Constitution and with Acts;
- on the conformity of local community regulations with the Constitution

- o skladnosti splošnih aktov, izdanih za izvrševanje javnih pooblastil, z ustavo, zakoni in podzakonskimi predpisi,
- o ustavnih pritožbah zaradi kršitev človekovih pravic in temeljnih svoboščin s posamičnimi akti,
- o sporih glede pristojnosti med državo in lokalnimi skupnostmi in med samimi lokalnimi skupnostmi,
- o sporih glede pristojnosti med sodišči in drugimi državnimi organi,
- o sporih o pristojnostih med državnim zborom, predsednikom republike in vlado,
- o odgovornosti predsednika republike iz 109. člena ustave in predsednika vlade ter ministrov iz 119. člena ustave,
- o protiustavnosti aktov in delovanja političnih strank,
- o pritožbah v postopku potrditve poslanskih mandatov,
- v drugih zadevah, ki so mu naložene z zakoni.

(2) V postopku ratifikacije mednarodne pogodbe ustavno sodišče izreka mnenje o njeni skladnosti z ustavo na način, ki ga določa ta zakon.

(3) Pri odločanju o zadevah iz pristojnosti iz prve do pete alinee prvega odstavka tega člena odloča ustavno sodišče tudi o ustavnosti in zakonitosti postopkov, po katerih so bili ti akti sprejeti.

21.a člen

(1) Vloge, naslovljene na ustavno sodišče, za katere po določbah prejšnjega člena ni pristojno ustavno sodišče, rešuje generalni sekretar ustavnega sodišča.

(2) V primerih iz prejšnjega odstavka generalni sekretar pojasni vložniku, zakaj vloge ni mogoče uvrstiti med zadeve, o katerih je pristojno odločati ustavno sodišče, in navede pogoje, pod katerimi je mogoče v skladu z določbami zakona sprožiti postopek pred ustavnim sodiščem.

- and with Acts;
- on the conformity of general acts issued for the exercise of public authority with the Constitution, Acts, 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 accountability of the President of the Republic referred to in Article 109 of the Constitution, and of the President of the Government and ministers referred to in Article 119 of the Constitution;
- on the unconstitutionality of the acts and activities of political parties;
- on appeals in the procedure for confirming the election of deputies to the National Assembly ;
- on other matters vested in the Constitutional Court by Acts.

(2) In the process of ratifying a treaty, the Constitutional Court issues an opinion on the conformity of such treaty with the Constitution in the manner provided by this Act.

(3) When deciding on the matters referred to in indents one to five of paragraph one of this Article, the Constitutional Court also decides on the constitutionality and legality of the procedures by which these acts were adopted.

Article 21a

(1) Applications addressed to the Constitutional Court for which the Constitutional Court does not have jurisdiction in accordance with the provisions of the preceding Article are resolved by the Secretary General of the Constitutional Court.

(2) In the instances referred to in the preceding paragraph, the Secretary General explains to the applicant why the application is not among the types of cases which the Constitutional Court has jurisdiction to decide and states the conditions under which it is possible in accordance with an Act to initiate proceedings before the Constitutional

(3) Generalni sekretar ustavnega sodišča odgovarja s pojasnili tudi na pritožbe in ugovore zoper odločitve ustavnega sodišča ter na vloge, glede katerih tako sklene ustavno sodišče.

IV. OCENA USTAVNOSTI IN ZAKONITOSTI PREDPISOV IN SPLOŠNIH AKTOV, IZDANIH ZA IZVRŠEVANJE JAVNIH POOBLASTIL

1. Zahteva in pobuda za začetek postopka

22. člen

(1) Postopek za oceno ustavnosti in zakonitosti predpisov in splošnih aktov, izdanih za izvrševanje javnih pooblastil, se začne z vložitvijo pisne zahteve predlagatelja oziroma s sklepom ustavnega sodišča o sprejetju pobude za začetek postopka.

(2) Ocena ustavnosti in zakonitosti predpisov in splošnih aktov, izdanih za izvrševanje javnih pooblastil, obsega tudi oceno skladnosti zakonov in drugih predpisov z ratificiranimi mednarodnimi pogodbami in s splošnimi načeli mednarodnega prava.

23. člen

(1) Sodišče, ki pri odločanju meni, da je zakon ali del zakona, ki bi ga moralo uporabiti, protiustaven, prekine postopek in z zahtevo začne postopek za oceno njegove ustavnosti.

(2) Če vrhovno sodišče meni, da je zakon ali del zakona, ki bi ga moralo uporabiti, protiustaven, prekine postopek v vseh zadevah, pri katerih mora pri odločanju o pravnih sredstvih uporabiti takšen zakon ali del zakona, in z zahtevo začne postopek za oceno njegove ustavnosti.

Court.

(3) The Secretary General of the Constitutional Court responds with explanations also to complaints and objections against Constitutional Court decisions and to applications regarding which the Constitutional Court so decides.

IV. REVIEW OF THE CONSTITUTIONALITY AND LEGALITY OF REGULATIONS AND GENERAL ACTS ISSUED FOR THE EXERCISE OF PUBLIC AUTHORITY

1. Requests and Petitions to Initiate the Review Procedure

Article 22

(1) The procedure for the review of the constitutionality and legality of regulations and general acts issued for the exercise of public authority is initiated by the submission of a written request by an applicant or by a Constitutional Court order on the acceptance of a petition to initiate a review procedure.

(2) The review of the constitutionality and legality of regulations and general acts issued for the exercise of public authority also extends to a review of the conformity of Acts and other regulations with ratified treaties and with the general principles of international law.

Article 23

(1) When in the process of deciding a court deems an Act or part thereof which it should apply to be unconstitutional, it stays the proceedings and by a request initiates proceedings for the review of its constitutionality.

(2) If the Supreme Court deems an Act or part thereof which it should apply to be unconstitutional, it stays proceedings in all cases in which it should apply such Act or part thereof in deciding on legal remedies and by a request initiates proceedings for the review of its constitutionality.

(3) Če je vrhovno sodišče z zahtevo začelo postopek za oceno ustavnosti zakona ali dela zakona, lahko sodišče, ki bi moralo pri odločanju uporabiti ta zakon ali del zakona, prekine postopek do končne odločitve ustavnega sodišča, ne da bi s posebno zahtevo tudi samo začelo postopek za oceno ustavnosti zakona ali dela zakona.

23.a člen

(1) Z zahtevo lahko začnejo postopek za oceno ustavnosti oziroma zakonitosti predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil:

- državni zbor,
- tretjina poslancev,
- državni svet,
- vlada,
- varuh človekovih pravic, če meni, da predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, nedopustno posega v človekove pravice ali temeljne svoboščine,
- informacijski pooblaščenec, če nastane vprašanje ustavnosti ali zakonitosti v zvezi s postopkom, katerega vodi,
- Banka Slovenije in računsko sodišče, če nastane vprašanje ustavnosti ali zakonitosti v zvezi s postopki, ki jih vodita,
- generalni državni tožilec, če nastane vprašanje ustavnosti v zvezi z zadevo, ki jo obravnava državno tožilstvo,
- predstavniški organ samoupravne lokalne skupnosti, če se posega v ustavni položaj ali v ustavne pravice samoupravne lokalne skupnosti,
- reprezentativno združenje samoupravnih lokalnih skupnosti, če so ogrožene pravice samoupravnih lokalnih skupnosti,
- reprezentativni sindikat za območje države za posamezno dejavnost ali poklic, če so ogrožene pravice delavcev.

(2) Predlagateljica oziroma predlagatelj (v nadaljnjem besedilu: predlagatelj) iz prejšnjega odstavka ni upravičen vložiti zahteve za oceno ustavnosti oziroma zakonitosti predpisov in splošnih aktov, izdanih za

(3) If by a request the Supreme Court initiates proceedings for the review of the constitutionality of an Act or part thereof, a court which should apply such Act or part thereof in deciding may stay proceedings until the final decision of the Constitutional Court without having to initiate proceedings for the review of the constitutionality of such Act or part thereof by a separate request.

Article 23a

(1) The procedure for the review of the constitutionality or legality of regulations or general acts issued for the exercise of public authority can be initiated by a request submitted by:

- the National Assembly;
- one third of the deputies of the National Assembly;
- the National Council;
- the Government;
- the Ombudsman if he deems that a regulation or general act issued for the exercise of public authority inadmissibly interferes with human rights or fundamental freedoms;
- the Information Commissioner, provided that a question of constitutionality or legality arises in connection with a procedure he is conducting;
- the Bank of Slovenia or the Court of Audit, provided that a question of constitutionality or legality arises in connection with a procedure it is conducting;
- the State Prosecutor General, provided that a question of constitutionality arises in connection with a case the State Prosecutor's Office is conducting;
- representative bodies of local communities, provided that the constitutional position or constitutional rights of a local community are interfered with;
- a representative association of local communities, provided that the rights of local communities are threatened;
- national representative trade unions for an individual activity or profession, provided that the rights of workers are threatened.

(2) The applicants referred to in the preceding paragraph may not submit a request to initiate the procedure for the review of the constitutionality or legality of regulations and general acts issued for the

izvrševanje javnih pooblastil, ki jih je sam sprejel.

24. člen

(1) Pobudo za začetek postopka za oceno ustavnosti oziroma zakonitosti predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil, lahko da, kdor izkaže pravni interes.

(2) Pravni interes je podan, če predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, katerega oceno pobudnica oziroma pobudnik (v nadaljnjem besedilu: pobudnik) predlaga, neposredno posega v njegove pravice, pravne interese oziroma v njegov pravni položaj.

(3) Kadar podzakonski predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, učinkuje neposredno in posega v pravice, pravne interese oziroma v pravni položaj pobudnika, se pobuda lahko vloži v enem letu od njegove uveljavitve oziroma v enem letu od dneva, ko je pobudnik izvedel za nastanek škodljivih posledic.

24.a člen

(1) Če udeleženca v postopku pred ustavnim sodiščem zastopa pooblaščenka oziroma pooblaščenec (v nadaljnjem besedilu: pooblaščenec), mora predložiti pooblastilo, ki je dano posebej za postopek pred ustavnim sodiščem.

(2) Pooblaščenec, ki ni odvetnik, mora imeti posebno pooblastilo za prenos pooblastila za zastopanje v postopku pred ustavnim sodiščem na drugo osebo.

24.b člen

- (1) Zahteva mora vsebovati naslednje podatke:
- navedbo členov predpisa, ki se z zahtevo izpodbijajo,
 - navedbo številke Uradnega lista Republike Slovenije ali drugega

exercise of public authority which they themselves adopted.

Article 24

(1) Anyone who demonstrates legal interest may lodge a petition for the initiation of the procedure for the review of the constitutionality or legality of regulations or general acts issued for the exercise of public authority.

(2) Legal interest is deemed to be demonstrated if a regulation or general act issued for the exercise of public authority whose review has been requested by the petitioner directly interferes with his rights, legal interests, or legal position.

(3) In instances in which implementing regulations or general acts issued for the exercise of public authority have direct effects and interfere with the rights, legal interests, or legal position of the petitioner, a petition may be lodged within one year after such act enters into force or within one year after the day the petitioner learns of the occurrence of harmful consequences.

Article 24a

(1) If a participant in proceedings before the Constitutional Court is represented by an authorised representative, he must submit an authorisation which is provided especially for proceedings before the Constitutional Court.

(2) An authorised representative who is not an attorney must have a special authorisation to transfer the authorisation in proceedings before the Constitutional Court to another person.

Article 24b

- (1) A request must contain the following information:
- a list of the articles of the regulation which is challenged by the request;
 - the number of the Official Gazette of the Republic of Slovenia or

uradnega glasila, v katerem je bil izpodbijani predpis objavljen,

- navedbo razlogov neskladnosti z ustavo ali zakonom,
- podatke o izpolnjevanju z zakonom določenih pogojev za vložitev zahteve, in
- druge podatke, ki jih določi poslovnik ustavnega sodišča.

(2) Pobuda mora vsebovati poleg podatkov iz prejšnjega odstavka še podatke, iz katerih je razvidno, da izpodbijani predpis neposredno posega v pobudnikove pravice, pravne interese oziroma v njegov pravni položaj, in dokazilo o pobudnikovem pravnem statusu, kadar vlagatelj ni fizična oseba. Pobudnik mora predložiti tudi ustrezne listine, na katere se sklicuje za utemeljitev svojega pravnega interesa.

(3) Če se po vložitvi pobude spremenijo okoliščine, ki so pomembne za obstoj pravnega interesa, ustavno sodišče pobudnika pozove, naj v določenem roku izkaže okoliščine, iz katerih je razvidno, da predpis še vedno neposredno posega v njegove pravice, pravne interese oziroma v njegov pravni položaj.

25. člen

(1) Ustavno sodišče zavrže zahtevo, če niso izpolnjeni pogoji iz 21., 23., 23.a, 24.a, prvega odstavka 24.b in 47. člena tega zakona.

(2) Ustavno sodišče ustavi postopek za oceno ustavnosti oziroma zakonitosti, če predlagatelj pred sprejemom odločitve umakne zahtevo.

(3) Ustavno sodišče zavrže pobudo, če niso izpolnjeni pogoji iz 21., 24., 24.a, drugega odstavka 24.b in 47. člena tega zakona.

(4) Ustavno sodišče ustavi postopek za preizkus pobude ali postopek za oceno ustavnosti oziroma zakonitosti:

other official publication in which the challenged regulation is published;

- a statement of reasons for the inconsistency with the Constitution or an Act;
- information on the fulfilment of the conditions determined by an Act for lodging a request; and
- other information determined by the Rules of Procedure of the Constitutional Court.

(2) In addition to the information referred to in the preceding paragraph, a petition must also contain information from which it is evident that the challenged regulation directly interferes with the petitioner's rights, legal interests, or legal position, and proof of the petitioner's legal status in instances in which the applicant is not a natural person. The petitioner must also submit the relevant documents to which he refers to support his legal interest.

(3) If the circumstances which are significant for the existence of a legal interest change after the petition is lodged, the Constitutional Court summons the petitioner to demonstrate within a determined period of time the circumstances from which it is evident that the regulation continues to directly interfere with his rights, legal interests, or legal position.

Article 25

(1) The Constitutional Court rejects a request if the procedural conditions referred to in Articles 21, 23, 23a, 24a, paragraph one of Article 24b, and Article 47 of this Act have not been fulfilled.

(2) The Constitutional Court discontinues the procedure for the review of constitutionality or legality if an applicant withdraws his request before a decision is adopted.

(3) The Constitutional Court rejects a petition if the procedural conditions referred to in Articles 21, 24, 24a, paragraph two of Article 24b, and Article 47 of this Act have not been fulfilled.

(4) The Constitutional Court discontinues the procedure for the review of a petition or the procedure for the review of constitutionality or

- če pobudnik pred sprejemom odločitve pobudo umakne,
- če pobudnik v določenem roku ne da zahtevanih podatkov.

2. Postopek preizkusa pobude

26. člen

(1) Pobudo preizkusi najprej z razporedom dela določeni sodnik ustavnega sodišča, ki zbere podatke in pojasnila, potrebna za odločitev, ali naj ustavno sodišče začne postopek.

(2) Ustavno sodišče pobudo zavrne, če je očitno neutemeljena ali če od odločitve ni pričakovati rešitve pomembnega pravnega vprašanja.

(3) O sprejetju oziroma zavrnitvi pobude odloči ustavno sodišče s sklepom z večino glasov navzočih sodnikov. Sklep o zavrnitvi pobude mora biti obrazložen.

(4) Kadar ustavno sodišče pobudo sprejme, lahko takoj nadaljuje z odločanjem o stvari sami, če je dejansko stanje pojasnjeno in če je bila ob preizkusu pobude nasprotnemu udeležencu dana možnost, da se izjavi.

3. Pripravljalni postopek

27. člen

Zahtevo za oceno ustavnosti in zakonitosti predpisov in splošnih aktov, izdanih za izvrševanje javnih pooblastil, in pobudo, na podlagi katere je ustavno sodišče začelo postopek, obravnava ustavno sodišče v pripravljalnem postopku.

legality:

- if the petitioner withdraws his petition before a decision is adopted;
- if the petitioner fails to submit the information needed by the time limit determined for such.

2. Procedure for Examining a Petition

Article 26

(1) A petition is first examined by the Constitutional Court judge determined by the work schedule, who collects information and obtains clarifications necessary for the Constitutional Court to decide whether to initiate a procedure.

(2) The Constitutional Court dismisses a petition if it is manifestly unfounded or if it cannot be expected that an important legal question will be resolved.

(3) The Constitutional Court decides by an order on the acceptance or dismissal of a petition by a majority vote of judges present. The order to dismiss a petition must include a statement of reasons.

(4) If the Constitutional Court accepts a petition, it may immediately proceed to decide on the merits of the case if the state of the facts has been clarified and if during the examination of the petition the opposing party was given the opportunity to make statements.

3. Preparatory Procedure

Article 27

Requests for the review of the constitutionality and legality of regulations and general acts issued for the exercise of public authority and petitions on the basis of which the Constitutional Court has initiated a review procedure are considered by the Constitutional Court in a preparatory procedure.

28. člen

(1) Ustavno sodišče pošlje organu, ki je izdal predpis oziroma splošni akt za izvrševanje javnih pooblastil (nasprotni udeleženec), zahtevo oziroma pobudo in sklep o sprejetju pobude ter mu določi primeren rok za odgovor oziroma za dopolnitev odgovora, če je bil odgovor že dan v postopku preizkusa pobude.

(2) Ustavno sodišče lahko pridobi potrebna pojasnila tudi od drugih udeležencev v postopku ter od državnih organov, organov lokalnih skupnosti in nosilcev javnih pooblastil; lahko pridobi tudi mnenja strokovnjakov, strokovnih in drugih organizacij, zasliši priče in izvedence ter izvede druge dokaze, ali pridobi posamezne dokaze od drugih sodišč ali drugih organov.

(3) Če predlagatelj zahteve ali pobudnik v določenem roku ne da podatkov, potrebnih za nadaljevanje postopka, lahko ustavno sodišče s sklepom ustavi postopek.

29. člen

Ko je pripravljalni postopek končan, ustavno sodišče odloči, ali bo zadevo obravnavalo na nejavni seji ali na javni obravnavi.

30. člen

Pri odločanju o ustavnosti in zakonitosti predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil, ustavno sodišče ni vezano na predlog iz zahteve oziroma pobude. Ustavno sodišče lahko oceni tudi ustavnost in zakonitost drugih določb istega ali drugega predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil, katerih ocena ustavnosti ali zakonitosti ni bila predlagana, če so te določbe v medsebojni zvezi ali če je to nujno za rešitev zadeve.

Article 28

(1) The Constitutional Court sends the request or petition as well as the order on the acceptance of the petition to the authority which issued the regulation or general act issued for the exercise of public authority (the opposing party), and determines an appropriate period of time for a response or for a supplementary response if a response has already been submitted in the procedure for examining the petition.

(2) The Constitutional Court may obtain necessary clarifications also from other participants in proceedings and from state authorities, local community authorities, and bearers of public authority; it may also obtain opinions from experts and expert and other organisations, examine witnesses and expert witnesses, and examine other evidence, or obtain evidence from other courts or other authorities.

(3) If the applicant of a request or a petitioner fails to submit the information needed for the continuation of the proceedings by the time limit determined for such, the proceedings may be discontinued by a Constitutional Court order.

Article 29

When the preparatory procedure is completed, the Constitutional Court decides whether to consider the case at a closed session or a public hearing.

Article 30

In deciding on the constitutionality and legality of a regulation or general act issued for the exercise of public authority, the Constitutional Court is not bound by the proposal of a request or petition. The Constitutional Court may also review the constitutionality and legality of other provisions of the same or other regulation or general act issued for the exercise of public authority for which a review of constitutionality or legality has not been proposed, if such provisions are mutually related or if such is necessary to resolve the case.

31. člen

(1) Pri odločanju o posamezni zadevi lahko ustavno sodišče sodnika ustavnega sodišča izloči ob smiselni uporabi izločitvenih razlogov v postopkih pred sodišči.

(2) Ni izločitveni razlog po prejšnjem odstavku:

- sodelovanje v zakonodajnem postopku oziroma pri sprejemanju drugih spodbijanih predpisov ali splošnih aktov, izdanih za izvrševanje javnih pooblastil, pred izvolitvijo za ustavnega sodnika,
- izražanje znanstvenega mnenja o pravnemu vprašanju, ki bi lahko bilo pomembno za postopek.

32. člen

Takoj ko sodnik ustavnega sodišča izve za kakšen razlog svoje izločitve iz prejšnjega člena, mora prenehati z delom v tej zadevi in to sporočiti predsedniku ustavnega sodišča.

33. člen

(1) Zahtevo za izločitev lahko vložijo udeleženci v postopku najpozneje do začetka javne obravnave, če je ta razpisana, sicer pa do začetka nejavne seje ustavnega sodišča, na kateri se o zadevi odloča. Zahteva mora biti obrazložena.

(2) Sodnik ustavnega sodišča, katerega izločitev se zahteva, se ima pravico izreči o navedbah v zahtevi, pri odločanju o svoji izločitvi pa ne sodeluje. O izločitvi sodnika ustavnega sodišča odloči ustavno sodišče na nejavni seji. Pri enakem številu glasov odloči glas predsedujočega.

Article 31

(1) In deciding on an individual case, the Constitutional Court may disqualify a Constitutional Court judge by applying, *mutatis mutandis*, the reasons for disqualification in court proceedings.

(2) The following are not reasons for disqualification as referred to in the preceding paragraph:

- participation in legislative procedures or in the adoption of other challenged regulations or general acts issued for the exercise of public authority prior to being elected a Constitutional Court judge;
- the expression of an expert opinion on a legal issue which might be significant for the proceedings.

Article 32

Immediately upon a Constitutional Court judge learning of any reason for his disqualification as referred to in the preceding Article, he must stop working on the case and notify the President of the Constitutional Court of such.

Article 33

(1) A motion for disqualification may be submitted by the participants in proceedings until the beginning of the public hearing, if such hearing is scheduled, or respectively until the beginning of the closed session of the Constitutional Court at which the case is to be decided. The motion must include a statement of reasons.

(2) The Constitutional Court judge whose disqualification has been motioned for has the right to state his position regarding the allegations contained in the motion, but may not participate in the decision on his disqualification. The Constitutional Court decides upon the disqualification of a judge at a closed session. In the event of an equal number of votes in favour and against, the presiding judge has the deciding vote.

34. člen

(1) V postopku pred ustavnim sodiščem nosi vsak udeleženec svoje stroške, če ustavno sodišče ne odloči drugače.

(2) Če udeleženec zaradi neopravičene odsotnosti ali zaradi nepripravljenosti ali iz drugih razlogov ne da za odločanje sodišča potrebnih podatkov in je zato potrebno preložiti obravnavo, lahko ustavno sodišče sklene, da se obravnava preloži na stroške udeleženca.

34.a člen

(1) Ustavno sodišče lahko udeleženca v postopku ali njegovega pooblaščenca kaznuje z denarno kaznijo od 100 eurov do 2.000 eurov, če zlorablja pravice, ki jih ima po tem zakonu.

(2) Ustavno sodišče lahko pooblaščenca udeleženca v postopku, ki je odvetnik, kaznuje z denarno kaznijo iz prejšnjega odstavka, če vloga ne vsebuje bistvenih sestavin, ki so določene z zakonom.

4. Obravnavanje

35. člen

(1) Ustavno sodišče obravnava zadevo na nejavni seji ali na javni obravnavi. Na nejavni seji oziroma na javni obravnavi mora biti navzoča večina vseh sodnikov ustavnega sodišča.

(2) Predsednik ustavnega sodišča lahko razpiše javno obravnavo na lastno pobudo ali na predlog udeležencev v postopku. Predsednik ustavnega sodišča mora razpisati javno obravnavo na predlog treh sodnikov.

Article 34

(1) In procedures before the Constitutional Court, each participant bears his own costs, unless the Constitutional Court decides otherwise.

(2) If a participant does not provide the information needed for the Court to decide due to his unexcused absence, unwillingness, or some other reasons, and thus the hearing must be adjourned, the Constitutional Court may decide that the participant bears the costs of the adjournment of the hearing.

Article 34a

(1) The Constitutional Court may punish a participant in proceedings or his authorised representative by a fine from EUR 100 to EUR 2,000 if he abuses the rights enjoyed in accordance with this Act.

(2) The Constitutional Court may punish the authorised representative of a participant in proceedings who is an attorney by a fine referred to in the preceding paragraph if an application does not contain the essential components determined by an Act.

4. Consideration

Article 35

(1) The Constitutional Court considers a case at a closed session or a public hearing. A majority of all Constitutional Court judges must be present at the closed session or public hearing.

(2) The President of the Constitutional Court may call a public hearing on his own initiative or upon the motion of the participants in proceedings. The President of the Constitutional Court must call a public hearing upon the proposal of three judges.

36. člen

(1) Na javno obravnavo ustavno sodišče povabi udeležence v postopku, predstavnike oziroma zastopnike in pooblaščenca udeležencev v postopku in druge osebe, za katere meni, da je potrebna njihova udeležba na javni obravnavi.

(2) Izostanek udeležencev in drugih vabljenih oseb ne preprečuje ustavnemu sodišču, da izvede postopek in odloči v zadevi.

37. člen

Ustavno sodišče lahko izključi javnost obravnave ali njenega dela, če to zahtevajo razlogi varovanja morale, javnega reda, varnosti države ali pravic zasebnosti in osebnostnih pravic.

38. člen

(1) O izključitvi javnosti odloči ustavno sodišče s sklepom, ki mora biti obrazložen.

(2) Zoper sklep o izključitvi javnosti ni pritožbe.

38.a člen

(1) Udeleženci v postopku, njihovi zakoniti zastopniki ter pooblaščenca udeležencev se v odločbah in sklepih ustavnega sodišča navedejo s polnim osebnim imenom, z navedbo imena pravne osebe oziroma organa ter z navedbo kraja, kjer imajo prebivališče oziroma sedež.

(2) Zaradi varstva zasebnosti udeleženca v postopku lahko ustavno sodišče samo ali na predlog predlagatelja ali pobudnika odloči, da se v odločbi ali sklepu ne navedejo osebni podatki udeleženca v postopku ali osebni podatki drugega posameznika. Predlog mora biti

Article 36

(1) The Constitutional Court invites to public hearings the participants in proceedings, representatives, and persons authorised by the participants in proceedings, as well as other persons whose presence at the public hearing is deemed necessary.

(2) The absence of participants and other invited persons does not prevent the Constitutional Court from conducting the proceedings and deciding on the case.

Article 37

The Constitutional Court may exclude the public from a hearing or a part thereof when so required in order to protect morals, public order, national security, the right to privacy, or personality rights.

Article 38

(1) The Constitutional Court decides on the exclusion of the public by an order, which must include a statement of reasons.

(2) No appeal is allowed against an order on the exclusion of the public.

Article 38a

(1) Constitutional Court decisions and orders state the full names of participants in proceedings, their legal representatives, and persons authorised by the participants, as well as the names of the participating legal entities and authorities and where they reside or are based.

(2) In order to protect the privacy of participants in proceedings, the Constitutional Court may itself or upon the motion of an applicant or a petitioner decide that the personal data of a participant in proceedings or the personal data of other individuals are not to be stated in a decision or

vložen hkrati z zahtevo oziroma s pobudo.

(3) O predlogu iz prejšnjega odstavka odloči ustavno sodišče. Če ustavno sodišče predlog zavrne, mora biti sklep obrazložen.

(4) Kadar ustavno sodišče odloči, da se v odločbi ali sklepu ne navedejo osebni podatki udeleženca v postopku ali drugega posameznika, teh tudi ni mogoče razkriti drugim osebam, ki bi jim bil v skladu z določbami tega zakona dovoljen vpogled v spis, in tudi ne posredovati javnosti. Posredovanje navedenih podatkov javnosti tudi ni dovoljeno, preden ustavno sodišče odloči o predlogu iz drugega odstavka tega člena.

39. člen

(1) Ustavno sodišče sme do končne odločitve v celoti ali delno zadržati izvršitev zakona ali drugega predpisa ali splošnega akta za izvrševanje javnih pooblastil, če bi zaradi njegovega izvrševanja lahko nastale težko popravljive škodljive posledice.

(2) Če udeleženec v postopku predlaga zadržanje iz prejšnjega odstavka, pa ustavno sodišče meni, da niso izpolnjeni pogoji za zadržanje, predlog s sklepom zavrne. Če ustavno sodišče ne odloči drugače, obrazložitev sklepa o zavrnitvi predloga vsebuje le navedbo pravne podlage za sprejem odločitve in sestavo ustavnega sodišča.

(3) Če ustavno sodišče zadrži izvrševanje predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil, lahko hkrati določi, na kakšen način se odločitev izvrši.

(4) Sklep, s katerim se zadrži izvrševanje predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil, mora biti obrazložen.

order. Such motion must be submitted at the same time as the request or petition.

(3) The motion referred to in the preceding paragraph is decided by the Constitutional Court. If the Constitutional Court dismisses the motion, such order must include a statement of reasons.

(4) If the Constitutional Court decides that the personal data of a participant in proceedings or other individual are not to be stated in the decision or order, such data may also not be disclosed to other persons who are allowed to inspect the court file in accordance with this Act, and may not be communicated to the public. Communicating the aforementioned data to the public is also not allowed before the Constitutional Court decides on the motion referred to in paragraph two of this Article.

Article 39

(1) Until a final decision, the Constitutional Court may suspend in whole or in part the implementation of an Act, other regulation, or general act issued for the exercise of public authority if harmful consequences that are difficult to remedy could result from the implementation thereof.

(2) If a participant in proceedings motions for a suspension referred to in the preceding paragraph, and the Constitutional Court deems that the conditions for the suspension are not fulfilled, it dismisses the motion by an order. If the Constitutional Court does not decide otherwise, the statement of reasons of the order by which the motion was dismissed only includes a statement of the legal basis for the adoption of the decision and the composition of the Constitutional Court.

(3) If the Constitutional Court suspends the implementation of a regulation or general act issued for the exercise of public authority, it may at the same time decide in what manner the decision is to be implemented.

(4) An order by which the implementation of a regulation or general act issued for the exercise of public authority is suspended must include a statement of reasons.

(5) Sklep iz prejšnjega odstavka se objavi v Uradnem listu Republike Slovenije in v uradnem glasilu, v katerem je bil objavljen predpis oziroma splošni akt za izvrševanje javnih pooblastil. Zadržanje začne učinkovati naslednji dan po objavi sklepa v Uradnem listu Republike Slovenije, v primeru javne razglasitve sklepa, pa z dnevom njegove razglasitve.

5. Odločanje

40. člen

(1) Po končanem obravnavanju ustavno sodišče odloči na nejavni seji z odločbo.

(2) Če je potrebno, določi ustavno sodišče, kateri organ mora izvršiti odločbo in na kakšen način. Odločba mora biti obrazložena.

(3) Sodnik, ki ne soglaša z odločitvijo ali z obrazložitvijo odločbe, lahko napove ločeno mnenje, ki ga mora predložiti v roku, določenem s poslovnikom ustavnega sodišča.

41. člen

(1) Na nejavni seji mora biti navzoča večina vseh sodnikov ustavnega sodišča.

(2) O glavni stvari v zadevah iz 21. člena tega zakona odloči ustavno sodišče z večino glasov vseh sodnikov, če ni s tem zakonom določeno drugače. O drugih vprašanih odloči s sklepom z večino glasov navzočih sodnikov. O ustavitvi postopka zaradi umika zahteve ali pobude odloči z razporedom dela določeni sodnik ustavnega sodišča.

(3) Predsednik in sodniki ustavnega sodišča se ne smejo

(5) The order referred to in the preceding paragraph is published in the Official Gazette of the Republic of Slovenia as well as in the official publication in which the respective regulation or general act issued for the exercise of public authority was published. Such suspension takes effect the day following the publication of the order in the Official Gazette of the Republic of Slovenia, and in the event of a public announcement of the order, the day of its announcement.

5. Deciding

Article 40

(1) After the consideration has been concluded, the Constitutional Court decides at a closed session by a decision.

(2) If necessary, the Constitutional Court determines which authority must implement the decision and in what manner. The decision must include a statement of reasons.

(3) A judge who does not agree with a decision or with the reasoning of a decision may declare that he will write a separate opinion, which must be submitted within the period of time determined by the Rules of Procedure of the Constitutional Court.

Article 41

(1) A majority of all Constitutional Court judges must be present at closed sessions.

(2) The Constitutional Court decides on the merits regarding the matters referred to in Article 21 of this Act by a majority vote of all judges, provided that this Act does not determine otherwise. The Constitutional Court decides on other issues by an order adopted by a majority vote of the judges present. The Constitutional Court judge determined by the work schedule decides on the discontinuation of the procedure due to the withdrawal of a request or petition.

(3) The President and judges of the Constitutional Court may

vzdržati glasovanja.

(4) Zoper odločbe in sklepe, izdane v zadevah iz pristojnosti ustavnega sodišča, ni dovoljena pritožba.

42. člen

Odločbe ustavnega sodišča se objavljajo v Uradnem listu Republike Slovenije ter v uradnem glasilu, v katerem je bil objavljen predpis oziroma splošni akt, izdan za izvrševanje javnih pooblastil. Po odločitvi ustavnega sodišča se objavljajo tudi njegovi sklepi.

6. Pravne posledice odločitve

43. člen

Ustavno sodišče lahko v celoti ali delno razveljavi zakon, ki ni v skladu z ustavo. Razveljavitev začne učinkovati naslednji dan po objavi odločbe o razveljavitvi, oziroma po poteku roka, ki ga je določilo ustavno sodišče.

44. člen

Zakon ali del zakona, ki ga je ustavno sodišče razveljavilo, se ne uporablja za razmerja, nastala pred dnem, ko je razveljavitev začela učinkovati, če do tega dne o njih ni bilo pravnomočno odločeno.

45. člen

(1) Protiustavne ali nezakonite podzakonske predpise ali splošne akte, izdane za izvrševanje javnih pooblastil, ustavno sodišče odpravi ali razveljavi.

(2) Ustavno sodišče odpravi protiustavne ali nezakonite

not abstain from voting.

(4) No appeal is allowed against decisions and orders issued in cases within the jurisdiction of the Constitutional Court.

Article 42

Constitutional Court decisions are published in the Official Gazette of the Republic of Slovenia as well as in the official publication in which the respective regulation or general act issued for the exercise of public authority was published. Constitutional Court orders are also published when the Constitutional Court so decides.

6. Legal Consequences of Decisions

Article 43

The Constitutional Court may in whole or in part abrogate an Act which is not in conformity with the Constitution. Such abrogation takes effect the day following the publication of the decision on the abrogation, or upon the expiry of a period of time determined by the Constitutional Court.

Article 44

An Act or a part thereof abrogated by the Constitutional Court shall not be applied to relations that had been established before the day such abrogation took effect if by that day such relations had not been finally decided.

Article 45

(1) The Constitutional Court annuls or abrogates implementing regulations or general acts issued for the exercise of public authority that are unconstitutional or unlawful.

(2) The Constitutional Court annuls implementing regulations or

podzakonske predpise ali splošne akte, izdane za izvrševanje javnih pooblastil, kadar ugotovi, da je potrebno odpraviti škodljive posledice, ki so nastale zaradi protiuustavnosti ali nezakonitosti. Odprava učinkuje za nazaj.

(3) V drugih primerih ustavno sodišče razveljavi protiuustavne ali nezakonite podzakonske predpise ali splošne akte, izdane za izvrševanje javnih pooblastil. Razveljavitev učinkuje za naprej od naslednjega dne po objavi odločbe ustavnega sodišča o razveljavitvi oziroma po poteku roka, ki ga določi ustavno sodišče. V primeru razveljavitve se smiselno uporablja določba 44. člena tega zakona.

46. člen

(1) Vsakdo, ki so mu na podlagi odpravljenega podzakonskega predpisa oziroma splošnega akta, izdanega za izvrševanje javnih pooblastil, nastale škodljive posledice, lahko zahteva njihovo odpravo. Če so posledice nastale s posamičnim aktom, sprejetim na podlagi odpravljenega predpisa oziroma splošnega akta, izdanega za izvrševanje javnih pooblastil, ima upravičeni pravico zahtevati spremembo ali odpravo posamičnega akta pri organu, ki je odločil na prvi stopnji.

(2) Spremembo oziroma odpravo posamičnega akta iz prejšnjega odstavka lahko upravičena oseba zahteva v treh mesecih od dneva objave odločbe ustavnega sodišča, če od vročitve posamičnega akta do vložitve pobude ali zahteve ni preteklo več kot eno leto.

(3) Če so posledice nastale neposredno na podlagi predpisa ali drugega splošnega akta, izdanega za izvrševanje javnih pooblastil, ki ga je ustavno sodišče odpravilo, se odprava posledic zahteva od organa, ki je izdal predpis oziroma splošni akt, izdan za izvrševanje javnih pooblastil. Upravičena oseba poda zahtevo v rokih iz prejšnjega odstavka tega člena.

(4) Če ni mogoče odpraviti posledic po prejšnjih odstavkih, lahko upravičena oseba zahteva odškodnino pred sodiščem.

general acts issued for the exercise of public authority that are unconstitutional or unlawful when it determines that it is necessary to remedy harmful consequences arising from such unconstitutionality or unlawfulness. Annulment has retroactive effect.

(3) In other instances, the Constitutional Court abrogates implementing regulations or general acts issued for the exercise of public authority that are unconstitutional or unlawful. Abrogation takes effect the day following the publication of the Constitutional Court decision on the abrogation, or upon the expiry of a period of time determined by the Constitutional Court. In instances of abrogation, Article 44 of this Act is applied *mutatis mutandis*.

Article 46

(1) Any person who suffers harmful consequences due to an implementing regulation or general act issued for the exercise of public authority which has been annulled is entitled to request that such consequences be remedied. If such consequences occurred as a result of an individual act adopted on the basis of the annulled regulation or general act issued for the exercise of public authority, entitled persons have the right to request that the authority which decided in the first instance change or annul such individual act.

(2) Entitled persons may request a change or an annulment of the individual act referred to in the preceding paragraph within three months of the day of the publication of the Constitutional Court decision, provided no more than one year elapsed from the service of the individual act to the lodging of the petition or request.

(3) If the consequences occurred directly on the basis of a regulation or other general act issued for the exercise of public authority which was annulled by the Constitutional Court, the authority which issued such regulation or general act issued for the exercise of public authority is required to remedy such consequences. The entitled person lodges a request within the time limits referred to in the preceding paragraph of this Article.

(4) If such consequences cannot be remedied in accordance with the preceding paragraphs, the entitled person may claim

47. člen

(1) Če se z zahtevo ali s pobudo izpodbija predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, ki v času vložitve zahteve ali pobude ne velja več, niso pa bile odpravljene posledice njegove neustavnosti oziroma nezakonnosti, ustavno sodišče odloči o njegovi ustavnosti oziroma zakonitosti. Pri podzakonskih predpisih ali splošnih aktih, izdanih za izvrševanje javnih pooblastil, ustavno sodišče odloči, ali ima njegova ugotovitev učinek razveljavitve ali odprave.

(2) Če je med postopkom pred ustavnim sodiščem predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, v izpodbijanem delu prenehal veljati ali je bil spremenjen ali dopolnjen, ustavno sodišče odloči o njegovi ustavnosti oziroma zakonitosti, če predlagatelj ali pobudnik izkaže, da so izpolnjeni pogoji iz prejšnjega odstavka.

48. člen

(1) Če ustavno sodišče oceni, da je zakon, drug predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, protiustaven ali nezakonit zato, ker določenega vprašanja, ki bi ga moral urediti, ne ureja ali ga ureja na način, ki ne omogoča razveljavitve oziroma odprave, sprejme o tem ugotovitveno odločbo.

(2) Zakonodajalec oziroma organ, ki je izdal protiustaven oziroma nezakonit predpis ali splošni akt, izdan za izvrševanje javnih pooblastil, mora ugotovljeno protiustavnost oziroma nezakonitost odpraviti v roku, ki ga določi ustavno sodišče.

7. Smiselna uporaba določb tega poglavja v drugih postopkih

compensation in a court of law.

Article 47

(1) If a regulation or general act issued for the exercise of public authority which ceased to be in force when a request or petition is lodged is challenged by the request or petition, and the consequences of its unconstitutionality or unlawfulness were not remedied, the Constitutional Court decides on its constitutionality or legality. In instances of implementing regulations or general acts issued for the exercise of public authority, the Constitutional Court decides whether its decision has the effect of annulment or abrogation.

(2) If during proceedings before the Constitutional Court a regulation or general act issued for the exercise of public authority ceased to be in force in the challenged part or was amended, the Constitutional Court decides on its constitutionality or legality if an applicant or petitioner demonstrates that the conditions referred to in the preceding paragraph are fulfilled.

Article 48

(1) If the Constitutional Court deems an Act, other regulation, or general act issued for the exercise of public authority unconstitutional or unlawful as it does not regulate a certain issue which it should regulate or it regulates such in a manner which does not enable annulment or abrogation, a declaratory decision is adopted on such.

(2) The legislature or authority which issued the unconstitutional or unlawful regulation or general act issued for the exercise of public authority must remedy the established unconstitutionality or unlawfulness within a period of time determined by the Constitutional Court.

7. *Mutatis Mutandis* Application of the Provisions of this Chapter in Other Procedures

49. člen

(1) Določbe IV. poglavja tega zakona se smiselno uporabljajo tudi za postopek in odločanje o drugih zadevah iz pristojnosti ustavnega sodišča, kolikor ni drugače določeno s tem zakonom.

(2) S poslovnikom ustavnega sodišča se določi, katere podatke morajo vsebovati vloge v drugih zadevah iz pristojnosti ustavnega sodišča, če niso določeni že z zakonom.

V. USTAVNA PRITOŽBA

50. člen

(1) Ustavna pritožba se lahko vloži zaradi kršitve človekove pravice ali temeljne svoboščine zoper posamični akt, s katerim je državni organ, organ lokalne skupnosti ali nosilec javnih pooblastil odločil o pravici, obveznosti ali pravni koristi posameznika ali pravne osebe, pod pogoji, ki jih določa ta zakon.

(2) Varuh človekovih pravic lahko ob pogojih, ki jih določa ta zakon, vloži ustavno pritožbo v zvezi s posamično zadevo, ki jo obravnava.

(3) Če pritožnico oziroma pritožnika (v nadaljnjem besedilu: pritožnik) v postopku z ustavno pritožbo zastopa pooblaščenec, mora ta predložiti pooblastilo, ki je dano posebej za postopek z ustavno pritožbo. Pooblastilo mora biti izdano po vročitvi posamičnega akta, zoper katerega se vlaga ustavna pritožba. Za prenos pooblastila za zastopanje velja drugi odstavek 24.a člena tega zakona.

51. člen

(1) Ustavna pritožba se lahko vloži šele, ko so izčrpana vsa pravna sredstva.

Article 49

(1) The provisions of Chapter IV of this Act are applied *mutatis mutandis* for procedures and deciding on other matters in the jurisdiction of the Constitutional Court, unless otherwise provided by this Act.

(2) The Rules of Procedure of the Constitutional Court determine which information must be contained in applications in other matters within the jurisdiction of the Constitutional Court if such is not already determined an Act.

V. CONSTITUTIONAL COMPLAINT

Article 50

(1) Due to a violation of human rights or fundamental freedoms, a constitutional complaint may, under the conditions determined by this Act, be lodged against individual acts by which state authorities, local community authorities, or bearers of public authority decided on the rights, obligations, or legal entitlements of individuals or legal entities.

(2) The Ombudsman may, under the conditions determined by this Act, lodge a constitutional complaint in connection with an individual case that he is dealing with.

(3) If a complainant in a constitutional complaint procedure is represented by an authorised representative, he must submit an authorisation which is given especially for the constitutional complaint procedure. The authorisation must be given after the individual act against which the constitutional complaint is lodged has been served. Paragraph two of Article 24a of this Act applies regarding the transfer of such authorisation.

Article 51

(1) A constitutional complaint may be lodged only after all legal remedies have been exhausted.

(2) Pred izčrpanjem izrednih pravnih sredstev lahko ustavno sodišče izjemoma odloča o ustavni pritožbi, če je zatrjevana kršitev očitna in če bi z izvršitvijo posamičnega akta nastale za pritožnika nepopravljive posledice.

52. člen

(1) Ustavna pritožba se vloži v 60 dneh od dneva vročitve posamičnega akta, zoper katerega je mogoča ustavna pritožba.

(2) Varuh človekovih pravic vloži ustavno pritožbo s soglasjem tistega, katerega človekove pravice ali temeljne svoboščine v posamični zadevi varuje.

(3) V posebno utemeljenih primerih lahko ustavno sodišče izjemoma odloča o ustavni pritožbi, ki je vložena po izteku roka iz prvega odstavka tega člena.

53. člen

- (1) Ustavna pritožba mora vsebovati navedbe o:
- posamičnem aktu, ki se izpodbija, z navedbo organa, ki ga je izdal, z njegovo opravilno številko in z datumom izdaje,
 - domnevno kršenih človekovih pravicah ali temeljnih svoboščinah,
 - razlogih, s katerimi se utemeljujejo kršitve,
 - datumu, ko je bil pritožniku vročen posamični akt, ki ga izpodbija,

 - polnem osebnem imenu pritožnika in naslovu stalnega ali začasnega prebivališča, če gre za fizično osebo, oziroma imenu ter sedežu, če gre za pravno osebo, državni organ, nosilca javnega pooblastila ali drug pravni subjekt, ter o osebnem imenu, nazivu ali funkciji njegovega zastopnika,

 - drugih podatkih, ki jih določa poslovnik ustavnega sodišča.

(2) Before all extraordinary legal remedies have been exhausted, the Constitutional Court may exceptionally decide on a constitutional complaint if the alleged violation is manifestly obvious and if irreparable consequences for the complainant would result from the implementation of the individual act.

Article 52

(1) A constitutional complaint is lodged within 60 days of the day the individual act against which a constitutional complaint is admissible is served.

(2) The Ombudsman lodges a constitutional complaint with the consent of the person whose human rights or fundamental freedoms he is protecting in the individual case.

(3) In especially well-founded cases, the Constitutional Court may exceptionally decide on a constitutional complaint which has been lodged after the expiry of the time limit referred to in paragraph one of this Article.

Article 53

- (1) A constitutional complaint must state the following:
- the individual act which is challenged, the authority which issued it, its reference number, and the date it was issued;
 - the human rights or fundamental freedoms allegedly violated;
 - the reasons that support the violations;
 - the date on which the complainant was served the individual act which he challenges;
 - if the complainant is a natural person, the full name of the complainant and the address of his permanent or temporary residence, or, if the complainant is a legal entity, state authority, bearer of public authority, or other legal subject, its name and where it is based, as well as the name and title or position of its representative;
 - other information determined by the Rules of Procedure of the Constitutional Court.

(2) Ustavna pritožba se vloži pisno. Ustavni pritožbi je treba priložiti kopijo posamičnega akta, ki ga pritožnik izpodbija, in vse druge posamične akte, ki so bili v zvezi z izpodbijanim posamičnim aktom izdani v postopkih pred pristojnimi organi v zadevi, ter ustrezne listine, na katere pritožnik opira svojo ustavno pritožbo.

1. Postopek preizkusa ustavne pritožbe

54. člen

(1) O tem, ali bo začelo postopek na podlagi ustavne pritožbe, odloči ustavno sodišče v senatu treh sodnikov ustavnega sodišča (v nadaljnjem besedilu: senat) na nejavni seji.

(2) V zadevah ustavnih pritožb o predlogu iz drugega odstavka 38.a člena in o kaznovanju po 34.a členu tega zakona odloči senat.

(3) O ustavitvi postopka zaradi umika ustavne pritožbe odloči z razporedom dela določeni sodnik ustavnega sodišča.

55. člen

(1) Če je ustavna pritožba pomanjkljiva, ker ne vsebuje vseh zahtevanih podatkov ali listin iz 53. člena tega zakona, in je ustavno sodišče ne more preizkusiti, z razporedom dela določeni sodnik ustavnega sodišča pozove pritožnika, naj jo v določenem roku dopolni.

(2) Če je pritožnik pred vložitvijo ustavne pritožbe že prejel pojasnilo generalnega sekretarja ustavnega sodišča iz drugega odstavka 21.a člena tega zakona, pod katerimi pogoji je mogoče vložiti ustavno pritožbo in kaj mora ta vsebovati, ustavno sodišče odloči o ustavni

(2) The constitutional complaint must be submitted in writing. A copy of the challenged individual act and all other individual acts that were issued in connection with the challenged individual act in proceedings before the competent authorities in the case, as well as the relevant documents on which the constitutional complaint is based, must be enclosed with the complaint.

1. Procedure for Examining a Constitutional Complaint

Article 54

(1) The Constitutional Court decides in a panel of three Constitutional Court judges (hereinafter referred to as a panel) at a closed session whether to initiate proceedings on the basis of a constitutional complaint.

(2) A panel decides in cases of constitutional complaints on the motion referred to in paragraph two of Article 38a and on the punishment referred to in Article 34a of this Act.

(3) A Constitutional Court judge determined by the work schedule decides on the discontinuation of proceedings due to the withdrawal of a constitutional complaint.

Article 55

(1) If a constitutional complaint is incomplete and the Constitutional Court cannot examine it because it does not contain all the required information or documents referred to in Article 53 of this Act, the Constitutional Court judge determined by the work schedule calls upon the complainant to supplement the constitutional complaint within a determined period of time.

(2) If before lodging a constitutional complaint the complainant had already received the explanation from the Secretary General of the Constitutional Court referred to in paragraph two of Article 21a of this Act regarding under which conditions it is possible to lodge a constitutional

pritožbi, ne da bi pritožnika pozivalo k njeni dopolnitvi.

55.a člen

(1) Ustavna pritožba ni dovoljena, če ne gre za kršitev človekovih pravic ali temeljnih svoboščin, ki bi imela hujše posledice za pritožnika.

(2) Šteje se, da ne gre za kršitev človekovih pravic ali temeljnih svoboščin, ki bi imela hujše posledice za pritožnika, kadar gre za posamične akte:

- izdane v sporih majhne vrednosti po določbah zakona, ki ureja pravdni postopek, oziroma v drugih sporih, če vrednost spornega predmeta za pritožnika ne presega zneska, ki je določen za opredelitev spora majhne vrednosti v zakonu, ki ureja pravdni postopek,
- če se z ustavno pritožbo izpodbija le odločitev o stroških postopka,
- izdane v sporih zaradi motenja posesti,
- izdane v zadevah prekrškov.

(3) Ne glede na določbo prejšnjega odstavka lahko ustavno sodišče v posebno utemeljenih primerih izjemoma odloča o ustavni pritožbi zoper posamične akte iz prejšnjega odstavka. Za posebej utemeljen primer gre, če gre za odločitev o pomembnem ustavnopravnem vprašanju, ki presega pomen konkretne zadeve.

55.b člen

(1) Ustavna pritožba se zavrže:

- če ne gre za posamičen akt državnega organa, organa lokalne skupnosti ali nosilca javnih pooblastil, s katerim bi bilo odločeno o pritožnikovi pravici, obveznosti ali o pravni koristi,
- če pritožnik nima pravnega interesa za odločitev o ustavni pritožbi,
- če ni dovoljena, razen v primeru iz tretjega odstavka prejšnjega

complaint and what it must contain, the Constitutional Court decides on the constitutional complaint without calling upon the complainant to supplement such.

Article 55a

(1) A constitutional complaint is not admissible if the violation of human rights or fundamental freedoms did not have serious consequences for the complainant.

(2) It is deemed that there has been no violation of human rights or fundamental freedoms which had serious consequences for the complainant with regard to individual acts:

- issued in small-claims disputes in accordance with the Act regulating civil procedure, or in other disputes if the value in dispute for the complainant does not exceed the amount which is determined by the definition of small claims disputes in the Act regulating civil procedure;
- if only a decision on the costs of proceedings is challenged by the constitutional complaint;
- issued in trespass to property disputes;
- issued in minor offence cases.

(3) Irrespective of the preceding paragraph, in especially well-founded cases the Constitutional Court may exceptionally decide on a constitutional complaint against the individual acts referred to in the preceding paragraph. An instance of an especially well-founded case is a decision that concerns an important constitutional question which exceeds the importance of the concrete case.

Article 55b

(1) A constitutional complaint is rejected:

- if it is not an individual act by which a state authority, local community authority, or bearer of public authority decided on the rights, obligations, or legal entitlements of the complainant;
- if the complainant does not have a legal interest for a decision on the constitutional complaint;
- if it is not admissible, except in the instance referred to in paragraph

- členu,
- če je prepozna, razen v primeru iz tretjega odstavka 52. člena tega zakona,
- če niso izčrpana pravna sredstva, razen v primeru iz drugega odstavka 51. člena tega zakona,
- če jo je vložila neupravičena oseba,
- če v primeru iz prvega odstavka 55. člena tega zakona pritožnik vloge ne dopolni v skladu s pozivom ustavnega sodišča,
- če je v primeru iz drugega odstavka 55. člena tega zakona tako nepopolna, da je ustavno sodišče ne more preizkusiti.

(2) Ustavna pritožba se sprejme v obravnavo:

- če gre za kršitev človekovih pravic ali temeljnih svoboščin, ki je imela hujše posledice za pritožnika, ali
- če gre za pomembno ustavnopravno vprašanje, ki presega pomen konkretne zadeve.

(3) Postopek za preizkus ustavne pritožbe oziroma postopek odločanja o ustavni pritožbi se ustavi, če pritožnik umakne ustavno pritožbo.

55.c člen

(1) O zavrženju oziroma o sprejetju ustavne pritožbe odloči senat soglasno s sklepom.

(2) Če senat ni soglasen o tem, ali so izpolnjeni pogoji iz prvega odstavka 55.b člena, se ustavna pritožba zavrže, če se za njeno zavrženje v 15 dneh pisno izreče pet sodnikov ustavnega sodišča.

(3) Če senat ni soglasen o tem, ali so izpolnjeni pogoji iz drugega odstavka 55.b člena, je ustavna pritožba sprejeta v obravnavo, če se za njen sprejem v 15 dneh izrečejo katerikoli trije sodniki ustavnega sodišča.

(4) Če senat ne odloči drugače, obrazložitev sklepa o zavrženju ali o nesprejemu ustavne pritožbe vsebuje samo navedbo razloga iz prvega ali drugega odstavka prejšnjega člena tega zakona in sestavo

- three of the preceding Article;
- if it was not lodged in time, except in the instance referred to in paragraph three of Article 52 of this Act;
- if all legal remedies have not been exhausted, except in the instance referred to in paragraph two of Article 51 of this Act;
- if it was lodged by a person not entitled to do so;
- if in the instance referred to in paragraph one of Article 55 of this Act the complainant does not supplement the application in accordance with a call to do so by the Constitutional Court;
- if in the instance referred to in paragraph two of Article 55 of this Act it is so incomplete that the Constitutional Court cannot examine it.

(2) The constitutional complaint is accepted for consideration:

- if there is a violation of human rights or fundamental freedoms which had serious consequences for the complainant; or
- if it concerns an important constitutional question which exceeds the importance of the concrete case.

(3) If the complainant withdraws the constitutional complaint, the procedure for examining the constitutional complaint or the proceedings for deciding the constitutional complaint are discontinued.

Article 55c

(1) The panel decides on the rejection or acceptance of the constitutional complaint unanimously by an order.

(2) If the panel is not unanimous with regard to whether the conditions referred to in paragraph one of Article 55b are fulfilled, the constitutional complaint is rejected if any five Constitutional Court judges decide in favour of rejection in writing within 15 days.

(3) If the panel is not unanimous with regard to whether the conditions referred to in paragraph two of Article 55b are fulfilled, the constitutional complaint is accepted for consideration if any three Constitutional Court judges decide in favour of acceptance within 15 days.

(4) If the panel does not decide otherwise, the statement of reasons of the order on the rejection or non-acceptance of the constitutional complaint only includes a reason referred to in the first or

senata ustavnega sodišča.

2. Obravnavanje in odločanje

56. člen

(1) Če ustavno sodišče sprejme ustavno pritožbo v obravnavo, o tem obvesti organ, ki je izdal izpodbijani posamični akt. Z razporedom dela določeni sodnik ustavnega sodišča lahko od organa, ki je izdal izpodbijani posamični akt, zahteva podatke in pojasnila, potrebne za odločitev.

(2) V primeru iz prejšnjega odstavka se ustavna pritožba pošlje osebam, ki so bile udeležene v postopku izdaje izpodbijanega posamičnega akta, če je bilo z njim odločeno o njihovi pravici, obveznosti ali pravni koristi, da se o njej v določenem roku izjavijo.

57. člen

Če je ustavna pritožba sprejeta, jo obravnava ustavno sodišče praviloma na nejavni seji, lahko pa razpiše javno obravnavo.

58. člen

Če je ustavna pritožba sprejeta, lahko senat ali ustavno sodišče na nejavni seji zadrži izvršitev posamičnega akta, ki se z ustavno pritožbo spodbija, če bi z izvršitvijo lahko nastale težko popravljive škodljive posledice.

59. člen

(1) Ustavno sodišče z odločbo ustavno pritožbo kot

second paragraphs of the preceding Article of this Act and the composition of the Constitutional Court.

2. Consideration and Deciding

Article 56

(1) If the Constitutional Court accepts the constitutional complaint for consideration, it notifies the authority which issued the challenged individual act thereof. The Constitutional Court judge determined by the work schedule may require from the authority which issued the challenged individual act information and clarifications necessary for the Constitutional Court to decide.

(2) In the instances referred to in the preceding paragraph, the constitutional complaint is sent to the persons who participated in the proceedings in which the challenged individual act was issued by which their rights, obligations, or legal entitlements were decided, in order for them to make statements within a determined period of time.

Article 57

If a constitutional complaint is accepted, as a general rule it is considered by the Constitutional Court at a closed session, or a public hearing may be held.

Article 58

If a constitutional complaint is accepted, the panel or the Constitutional Court may suspend the implementation of the individual act which is challenged by the constitutional complaint at a closed session if harmful consequences that are difficult to remedy could result from the implementation thereof.

Article 59

(1) By a decision the Constitutional Court either dismisses a

neutemeljeno zavrne ali pa ji ugotovi in posamični akt v celoti ali deloma odpravi ali razveljavi in zadevo vrne organu, ki je pristojen za odločanje.

(2) Če izpodbijani posamični akt temelji na predpisu ali na splošnem aktu, izdanem za izvrševanje javnih pooblastil, za katerega ustavno sodišče oceni, da bi bil lahko protiustaven ali nezakonit, začne postopek za oceno ustavnosti oziroma zakonitosti takšnega predpisa ali splošnega akta, izdanega za izvrševanje javnih pooblastil, in odloči ob uporabi določb IV. poglavja tega zakona.

(3) Če je ustavno sodišče že odločilo o enakem ustavnopravnem primeru tako, da je pritožniku ugodilo, izda odločbo, s katero ugotovi ustavni pritožbi, posamični akt v celoti ali deloma razveljavi ali odpravi in vrne zadevo organu, ki je pristojen za odločanje, senat, ki lahko v takšnem primeru odloči tudi po 60. členu tega zakona.

60. člen

(1) Če ustavno sodišče razveljavi ali odpravi posamični akt, lahko odloči tudi o sporni pravici oziroma svoboščini, če je to nujno zaradi odprave posledic, ki so na podlagi odpravljenega posamičnega akta že nastale ali če to terja narava ustavne pravice oziroma svoboščine, in če je na podlagi podatkov v spisu možno odločiti.

(2) Odločbo iz prejšnjega odstavka izvrši organ, ki je pristojen za izvršitev posamičnega akta, ki ga je ustavno sodišče razveljavilo ali odpravilo in nadomestilo s svojo odločbo. Če po veljavnih predpisih ni pristojnega organa, ga določi ustavno sodišče.

VI. SPORI GLEDE PRISTOJNOSTI

61. člen

(1) Zahtevo za odločitev o sporu glede pristojnosti med sodišči

constitutional complaint as unfounded or grants such and in whole or in part annuls or abrogates the individual act, and remands the case to the authority competent to decide thereon.

(2) If the Constitutional Court deems that the challenged individual act is based on a potentially unconstitutional or unlawful regulation or general act issued for the exercise of public authority, it initiates proceedings for the review of the constitutionality or legality of such regulation or general act issued for the exercise of public authority and decides by applying the provisions of Chapter IV of this Act.

(3) If the Constitutional Court has already decided on the same constitutional matter and granted the complaint, a decision by which it grants the constitutional complaint, in whole or in part abrogates or annuls the individual act, and remands the case to the authority competent to decide thereon is issued by the panel, which may in such instances also decide in accordance with Article 60 of this Act.

Article 60

(1) If the Constitutional Court abrogates or annuls an individual act, it may also decide on a disputed right or freedom if such is necessary in order to remedy consequences that have already occurred on the basis of the annulled individual act, or if such is required by the nature of the constitutional right or freedom, and if such decision can be reached on the basis of information contained in the case file.

(2) The decision referred to in the preceding paragraph is implemented by the authority competent to implement the individual act which the Constitutional Court abrogated or annulled and replaced by its decision. If there is no competent authority according to the regulations in force, the Constitutional Court determines one.

VI. JURISDICTIONAL DISPUTES

Article 61

(1) A request for a decision on jurisdictional disputes between

in drugimi državnimi organi in o sporu glede pristojnosti med državnim zborom, predsednikom republike in vlado lahko prizadeti organ vloži v roku 90 dni od dneva, ko je zvedel, da je drug organ posegel v njegovo pristojnost ali jo prevzel.

(2) Če pride do spora o pristojnosti zato, ker več organov zavrača pristojnost v posamezni zadevi, lahko zahteva rešitev spora o pristojnosti organ, kateremu je bila zadeva odstopljena, pa meni, da zanjo ni pristojen.

(3) Pobudo za rešitev spora o pristojnosti lahko vloži tudi stranka v postopku, zaradi katerega je prišlo do spora o pristojnosti.

(4) Ustavno sodišče z odločbo ugotovi, kateri organ je pristojen, lahko pa tudi razveljavi oziroma odpravi predpis, splošni akt, izdan za izvrševanje javnih pooblastil, katerega protiustavnost ali nezakonnost je pri tem ugotovilo.

62. člen

Za spore glede pristojnosti med državo in lokalnimi skupnostmi in med samimi lokalnimi skupnostmi se smiselno uporabljajo določbe prejšnjega člena.

VII. POSTOPEK UGOTAVLJANJA ODGOVORNOSTI PREDSEDNIKA REPUBLIKE, PREDSEDNIKA VLADE ALI MINISTROV

63. člen

(1) Državni zbor odloča o obtožbi zoper predsednika republike z večino glasov vseh poslancev. Sklep o obtožbi pošlje predsednik državnega zbora predsedniku ustavnega sodišča.

courts and other state authorities and on jurisdictional disputes between the National Assembly, the President of the Republic, and the Government may be submitted by an affected authority within 90 days of the day it ascertains that another authority has interfered with or assumed its jurisdiction.

(2) If a jurisdictional dispute arises because several authorities refuse jurisdiction in a particular matter, a decision on such jurisdictional dispute may be requested by the authority to which the matter was assigned but which is of the opinion that the matter is not within its jurisdiction.

(3) A petition to resolve a jurisdictional dispute may also be lodged by a party in the proceedings due to which the jurisdictional dispute arose.

(4) By a decision the Constitutional Court establishes which authority has jurisdiction, and it may also abrogate or annul a regulation or general act issued for the exercise of public authority whose unconstitutionality or unlawfulness has been established in deciding on such.

Article 62

In jurisdictional disputes between the state and local communities and among local communities themselves, the provisions of the preceding Article are applied *mutatis mutandis*.

VII. PROCEDURE FOR ESTABLISHING THE ACCOUNTABILITY OF THE PRESIDENT OF THE REPUBLIC, THE PRESIDENT OF THE GOVERNMENT, OR MINISTERS

Article 63

(1) The National Assembly decides on the impeachment of the President of the Republic by a majority vote of all deputies. The resolution on impeachment is sent by the President of the National Assembly to the President of the Constitutional Court.

(2) Sklep o obtožbi zoper predsednika republike mora vsebovati opis zatrjevanе kršitve ustave oziroma hujše kršitve zakona in predlog dokazov o kršitvi ustave oziroma hujše kršitve zakona.

(3) V času od razpisa volitev za predsednika republike pa do razglasitve volilnih rezultatov za predsednika republike ni dopustno vložiti sklepa o obtožbi zoper predsednika republike.

64. člen

(1) Sklep o obtožbi pošlje ustavno sodišče predsedniku republike, ki lahko na obtožbo odgovori.

(2) Ustavno sodišče opravi javno obravnavo, na kateri od državnega zbora pooblaščenі predstavnik zastopa obtožbo.

(3) Z dvotretjinsko večino glasov vseh sodnikov lahko ustavno sodišče odloči, da predsednik republike do odločitve o obtožbi začasno ne sme opravljati svoje funkcije.

(4) Na javni obravnavi ima pravico biti navzoč predsednik republike.

65. člen

(1) Če ustavno sodišče ugotovi, da obtožba ni utemeljena, z odločbo oprosti obtoženega.

(2) Če ustavno sodišče ugotovi kršitev ustave ali hujšo kršitev zakona, z odločbo ugotovi utemeljenost obtožbe, lahko pa odloči tudi, da predsedniku republike preneha funkcija. Odločitev o utemeljenosti obtožbe in odločitev o prenehanju funkcije sprejme ustavno sodišče z dvotretjinsko večino glasov vseh sodnikov.

(2) The resolution on the impeachment of the President of the Republic must contain a description of the alleged violation of the Constitution or serious violation of an Act and the proposed evidence on the violation of the Constitution or serious violation of an Act.

(3) During the period from the calling of the election for President of the Republic until the announcement of the results of the election for President of the Republic, a resolution on impeachment against the President of the Republic may not be submitted.

Article 64

(1) The Constitutional Court sends the resolution on impeachment to the President of the Republic, who may reply to the impeachment.

(2) The Constitutional Court conducts a public hearing at which the impeachment is presented by the authorised representative of the National Assembly.

(3) The Constitutional Court may decide by a two-thirds majority vote of all judges that pending a decision on impeachment the President of the Republic may not perform his office.

(4) The President of the Republic has the right to be present at the public hearing.

Article 65

(1) If the Constitutional Court finds the impeachment to be unfounded, it issues a decision acquitting the accused.

(2) If the Constitutional Court establishes a violation of the Constitution or a serious violation of an Act, by a decision it establishes that the impeachment is justified and it may also decide that the President of the Republic ceases to hold office. The decision that the impeachment is justified and the decision that he cease to hold office is adopted by the Constitutional Court by a two-thirds majority vote of all judges.

(3) Če je zoper predsednika republike uveden kazenski postopek, lahko ustavno sodišče počaka s svojo odločitvijo do odločitve v kazenskem postopku.

(4) Če predsednik republike med postopkom odstopi oziroma če mu preneha mandat, ustavno sodišče ustavi postopek. Ustavno sodišče postopek nadaljuje, če obtoženi ali državni zbor to zahteva.

66. člen

Določbe tega poglavja se smiselno uporabljajo v postopku obtožbe zoper predsednika vlade ali ministra.

67. člen

V postopku ugotavljanja odgovornosti predsednika republike, predsednika vlade ali ministrov se ustavno sodišče o vprašanjih, ki niso urejena v določbah tega poglavja, ravna po načelih kazenskega postopka, ki so določena v ustavi in zakonu.

VIII. ODLOČANJE O PROTIUSTAVNOSTI AKTOV IN DELOVANJA POLITIČNIH STRANK

68. člen

(1) Vsakdo lahko da pobudo, predlagatelj iz 23. člena tega zakona pa zahtevo za oceno protiustavnosti aktov in delovanja političnih strank.

(2) V pobudi ali zahtevi morajo biti navedeni sporni akti oziroma dejanske okoliščine protiustavnega delovanja politične stranke.

(3) Ustavno sodišče protiustaven akt politične stranke z

(3) If criminal proceedings are initiated against the President of the Republic, the Constitutional Court may postpone its decision until a decision is reached in the criminal proceedings.

(4) If the President of the Republic resigns or if his term of office expires during the proceedings, the Constitutional Court discontinues the proceedings. The Constitutional Court continues the proceedings if the accused or the National Assembly so requests.

Article 66

The provisions of this Chapter are applied *mutatis mutandis* in impeachment procedures against the President of the Government or ministers.

Article 67

In the procedure for establishing the accountability of the President of the Republic, the President of the Government, or ministers regarding matters that are not regulated in the provisions of this Chapter, the Constitutional Court acts in accordance with the principles of criminal procedure referred to in the Constitution and Acts.

VIII. DECIDING ON THE UNCONSTITUTIONALITY OF THE ACTS AND ACTIVITIES OF POLITICAL PARTIES

Article 68

(1) Anyone may lodge a petition and the applicants referred to in Article 23 of this Act may submit a request to review the unconstitutionality of the acts and activities of political parties.

(2) The petition or request must state the disputed acts or factual circumstances regarding the unconstitutional activities of the political party.

(3) The Constitutional Court abrogates the unconstitutional act

odločbo razveljavi, protiustavno delovanje politične stranke pa prepove z odločbo.

(4) Z dvotretjinsko večino glasov vseh sodnikov lahko ustavno sodišče odredi izbris politične stranke iz registra.

IX. ODLOČANJE O POTRĐITVI POSLANSKIH MANDATOV

69. člen

(1) Kandidat ali predstavnik liste kandidatov, katerega pritožbo zoper odločitev volilne komisije, ki lahko vpliva na potrditev poslanskih mandator, je državni zbor v postopku potrditve poslanskih mandator zavrnil, lahko vložil pritožbo na ustavno sodišče. Pritožbo lahko vložil tudi kandidat, ki je bil na podlagi odločitve volilne komisije izvoljen, pa državni zbor njegovega mandata ni potrdil.

(2) Rok za vložitev pritožbe iz prejšnjega odstavka je 8 dni od dneva odločitve državnega zbora.

(3) Če ustavno sodišče ugotovi, da je pritožba utemeljena in da je odločitev državnega zbora v nasprotju z ustavo ali zakonom, razveljavi odločitev državnega zbora in odloči, ali se poslanski mandat potrdi ali ne.

X. MNENJE O SKLADNOSTI MEDNARODNE POGODBE Z USTAVO

70. člen

Na predlog predsednika republike, vlade ali tretjine poslancev državnega zbora daje ustavno sodišče v postopku ratifikacije mednarodne pogodbe mnenje o njeni skladnosti z ustavo. Mnenje sprejme ustavno

of the political party by a decision and prohibits the unconstitutional activities of the political party by a decision.

(4) The Constitutional Court may order that the political party be removed from the register of political parties by a two-thirds majority vote of all judges.

IX. DECIDING ON THE CONFIRMATION OF THE ELECTION OF DEPUTIES TO THE NATIONAL ASSEMBLY

Article 69

(1) A candidate or representative of a list of candidates whose appeal against a decision of the Election Commission which may affect the confirmation of the election of deputies to the National Assembly was dismissed by the National Assembly in the procedure for the confirmation of the election of deputies to the National Assembly may lodge an appeal before the Constitutional Court. An appeal may also be lodged by a candidate who was elected on the basis of a decision of the Election Commission and the National Assembly did not confirm his election.

(2) The appeal referred to in the preceding paragraph must be lodged within 8 days of the decision of the National Assembly.

(3) If the Constitutional Court decides that the appeal is justified and that the decision of the National Assembly is not in conformity with the Constitution or an Act, it abrogates the decision of the National Assembly and decides whether the election of the deputy to the National Assembly is confirmed.

X. OPINION ON THE CONFORMITY OF TREATIES WITH THE CONSTITUTION

Article 70

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

sodišče na nejavni seji.

XI. MATERIALNI IN DRUGI POGOJI ZA DELO SODNIKOV

1. Plača in nadomestila

71. člen

Predsednik ustavnega sodišča ima pravico do plače in funkcijskega dodatka v višini, ki se določi za predsednika državnega zbora. Sodnik ustavnega sodišča ima pravico do plače in funkcijskega dodatka v višini, ki se določi za podpredsednika državnega zbora. V sorazmerju s plačo sodnika ustavnega sodišča določi ustavno sodišče plačo sekretarju ustavnega sodišča.

72. člen

Sodnik ustavnega sodišča ima pravico do nadomestila plače v višini plače za čas letnega dopusta.

2. Delovna doba in socialno zavarovanje

73. člen

Sodniku ustavnega sodišča se šteje čas opravljanja funkcije v delovno dobo. Sodnik ustavnega sodišča je v času opravljanja funkcije socialno zavarovan po predpisih o socialnem zavarovanju, ki veljajo za osebe v delovnem razmerju.

3. Drugi osebni prejemki in povračila

conformity of such treaty with the Constitution. The Constitutional Court adopts such opinion at a closed session.

XI. CONDITIONS OF EMPLOYMENT OF JUDGES

1. Salary and Allowances

Article 71

The President of the Constitutional Court is entitled to a salary and additional allowance based on such office in the amount determined for the President of the National Assembly. A Constitutional Court judge is entitled to a salary and additional allowance based on such office in the amount determined for the Vice President of the National Assembly. The salary of the Secretary General of the Constitutional Court is determined by the Constitutional Court as a proportion of the salary of a Constitutional Court judge.

Article 72

Constitutional Court judges are entitled to compensation in the amount of their salary for the period of their annual leave.

2. Years of Service and Social Insurance

Article 73

The period a Constitutional Court judge performs his office is counted in his years of service. During the period in which he performs his office, a Constitutional Court judge is covered by social insurance in accordance with the social insurance regulations which apply for persons in employment relationships.

3. Other Personal Remunerations and Reimbursements

74. člen

- (1) Sodnik ustavnega sodišča ima pravico:
- do povračila stroškov za prevoz na delo in z dela,
 - do povračila stroškov v zvezi s službenimi potovanji (dnevnice, stroški prevoza, stroški prenočevanja),
 - do regresa za prehrano med delom,
 - do regresa za letni dopust,
 - do nadomestila za ločeno življenje,
 - do povračila stroškov prevoza ob dela prostih dnevih iz kraja, kjer ima službeno stanovanje, do kraja stalnega prebivališča in nazaj,

 - do povračila stroškov selitve iz kraja stalnega prebivališča v kraj, kjer ima službeno stanovanje, in nazaj,
 - do povračila stroškov za izobraževanje,
 - do jubilejne nagrade,
 - do odpravnine ob odhodu v pokoj.

(2) Pogoje in višino prejemkov in povračil iz prejšnjega odstavka določi ustavno sodišče.

4. Dopusti

75. člen

(1) Sodnik ustavnega sodišča ima pravico do letnega dopusta v trajanju 40 delovnih dni.

(2) Sodnik ustavnega sodišča ima pravico do izrednega plačanega dopusta do 7 delovnih dni v posameznem koledarskem letu zaradi osebnih razlogov.

(3) V izjemnih primerih se lahko sodniku ustavnega sodišča odobri izredni dopust do 30 dni v koledarskem letu.

(4) Primere in pogoje iz prejšnjih odstavkov določi ustavno

Article 74

- (1) Constitutional Court judges are entitled to:
- reimbursement of travel expenses to and from work;
 - reimbursement of expenses related to business trips (daily allowance, travel expenses, accommodation expenses);
 - allowance for meals during work time;
 - pay for annual leave;
 - allowance for living apart from one's family;
 - reimbursement of travel expenses for travelling between a residence provided by the employer and one's permanent residence on non-working days;
 - reimbursement of expenses for moving from one's permanent residence to a residence provided by the employer, and vice versa;
 - reimbursement of expenses related to education;
 - a bonus based on years of service;
 - a retirement bonus.

(2) The conditions for and the amounts of the remunerations and reimbursements referred to in the preceding paragraph are determined by the Constitutional Court.

4. Annual and Other Leave

Article 75

(1) Constitutional Court judges are entitled to annual leave of 40 working days.

(2) Constitutional Court judges are entitled to up to 7 days of paid extraordinary leave for personal reasons each calendar year.

(3) In exceptional cases, Constitutional Court judges may be approved up to 30 days of extraordinary leave for each calendar year.

(4) The instances and conditions referred to in the preceding

sodišče.

5. Pravice sodnikov ustavnega sodišča po prenehanju funkcije ustavnega sodnika

76. člen

Sodnik ustavnega sodišča, ki je do izvolitve opravljal funkcijo sodnika sodišča ali drugo trajno funkcijo v državnem organu, ima po prenehanju funkcije sodnika ustavnega sodišča pravico nadalje opravljati prejšnjo funkcijo, če izpolnjuje pogoje za opravljanje te funkcije in če v treh mesecih po prenehanju funkcije sodnika ustavnega sodišča sporoči pristojnemu organu, da želi nadalje opravljati prejšnjo funkcijo.

77. člen

Sodnik ustavnega sodišča, ki je bil do izvolitve v delovnem razmerju v državnem organu oziroma v javnem podjetju in javnem zavodu, ima pravico, da se v treh mesecih po prenehanju funkcije sodnika ustavnega sodišča vrne na delo, ki ga je opravljal, ali na drugo delo, ki ustreza vrsti in stopnji njegove strokovne izobrazbe.

78. člen

(1) Sodnik ustavnega sodišča, ki mu je prenehala funkcija in iz objektivnih razlogov ne more nadaljevati z opravljanjem prejšnje funkcije ali dobiti druge ustrezne zaposlitve in ne izpolnjuje minimalnih pogojev za pridobitev pravice do starostne pokojnine brez zmanjšanja v skladu s predpisi, ki urejajo obvezno pokojninsko in invalidsko zavarovanje, oziroma s posebnimi predpisi, v katerih je urejena pravica do starostne pokojnine, ima, dokler ne začne opravljati funkcije, se ne zaposli ali začne opravljati pridobitne dejavnosti oziroma dokler ne izpolni navedenih pogojev za upokožitev, pravico do nadomestila plače v višini 80 odstotkov zadnje mesečne plače, ki jo je prejel, ko je opravljal funkcijo sodnika ustavnega sodišča, vendar najdlje eno leto od prenehanja te funkcije. Če

paragraphs are determined by the Constitutional Court.

5. The Rights of Constitutional Court Judges after the Termination of Their Term of Office

Article 76

A Constitutional Court judge who held the office of court judge or other permanent office in a state authority when he was elected Constitutional Court judge has the right after the termination of his office of Constitutional Court judge to return to his previous office if he fulfils the conditions for performing such office and if within three months of the termination of his office of Constitutional Court judge he notifies the competent authority that he would like to return to his previous office.

Article 77

A Constitutional Court judge who was regularly employed in a state authority, public corporation, or public institution when he was elected Constitutional Court judge has the right to return to the position he had held or to another position appropriate to his professional field and level of education within three months of the termination of his office of Constitutional Court judge.

Article 78

(1) A Constitutional Court judge whose office has terminated and who for objective reasons cannot return to his previous office or find other suitable employment, and does not fulfil the minimal conditions for the right to the full amount of an old age pension according to the regulations on compulsory pension and disability insurance or special regulations on the right to an old age pension, has the right to compensation in the amount of 80% of the last monthly salary that he received when performing the office of Constitutional Court judge until he assumes public office, is employed, starts performing a profit-making activity, or fulfils the above-mentioned conditions for retirement, but for no longer than one year from the termination of this office. If a judge of the

je sodnik ustavnega sodišča namesto zadnje plače prejel nadomestilo, se nadomestilo plače iz tega člena odmeri od zadnje mesečne plače, ki bi jo prejel, če bi opravljal funkcijo.

(2) Pravica do nadomestila plače iz prejšnjega odstavka se lahko podaljša do izpolnitve pogojev za upokojitev, navedenih v prejšnjem odstavku, vendar najdlje še za eno leto.

(3) Čas prejemanja nadomestila plače se sodniku ustavnega sodišča, ki mu je prenehala funkcija, šteje v pokojninsko dobo. V tem času je socialno zavarovan po predpisih, ki urejajo socialno zavarovanje oseb v delovnem razmerju, ob upokojitvi pa mu pripada pravica do odpravnine.

(4) Sodnik ustavnega sodišča, ki mu je funkcija prenehala pred potekom enega leta od izvolitve v državnem zboru, nima pravice do nadomestila plače.

78.a člen

(1) O pravici do nadomestila plače in obveznostih v zvezi z nadomestilom po tem zakonu odloča predsednik ustavnega sodišča. Zoper odločitev predsednika ustavnega sodišče je dovoljen ugovor v roku osmih dni od vročitve odločbe. O ugovoru odloči ustavno sodišče na nejavni seji.

(2) Za uveljavljanje pravice do nadomestila plače mora sodnik ustavnega sodišča, ki mu je prenehala funkcija, najkasneje v 15 dneh po prenehanju funkcije predložiti ustavnemu sodišču vlogo za uveljavljanje pravice do nadomestila plače in dokazila o izpolnjevanju pogojev za njeno pridobitev. V primeru nemogućnosti vrnitve na funkcijo ali na delovno mesto v okviru prejšnjega delodajalca, mora izkazati, zakaj vrnitev ni mogoča. Ustavno sodišče odloči v roku 14 dni.

(3) Pravica do prejemanja nadomestila plače preneha, če

Constitutional Court received salary compensation instead of the last salary, the salary compensation under this Article is calculated on the basis of the last monthly salary that he would have received if he had been performing his office.

(2) The right to salary compensation referred to in the preceding paragraph may be extended until the conditions for retirement referred to in the preceding paragraph have been fulfilled, but for no longer than one additional year.

(3) The period for which salary compensation is received is counted in the years of service for retirement of a Constitutional Court judge whose office has terminated. During such period the judge is covered by social insurance in accordance with the social insurance regulations that apply for persons in employment relationships and he is entitled to a retirement bonus upon retiring.

(4) A Constitutional Court judge whose office terminates less than one year from his election in the National Assembly does not have the right to salary compensation.

Article 78a

(1) The President of the Constitutional Court decides on the right to salary compensation and the obligations in relation to compensation under this Act. An objection against the decision of the President of the Constitutional Court is allowed within eight days of the service of the decision. The Constitutional Court decides on the objection in a closed session.

(2) In order to exercise the right to salary compensation, a judge of the Constitutional Court whose office has terminated must submit to the Constitutional Court an application for the exercise of the right to salary compensation and proof of the fulfilment of the conditions for qualifying for such compensation within 15 days of the termination of his office. In the event he is unable to return to his previous office or position of employment, he must demonstrate why such return is not possible. The Constitutional Court decides thereon within 14 days.

(3) The right to receive salary compensation ceases if a judge

sodnik ustavnega sodišča, ki mu je prenehala funkcija, pred potekom obdobja, za katerega mu pripada nadomestilo plače, začne opravljati drugo funkcijo, se zaposli, prične opravljati pridobitno dejavnost ali izpolni minimalne pogoje za pridobitev pravice do starostne pokojnine brez zmanjšanja v skladu s predpisi, ki urejajo obvezno pokojninsko in invalidsko zavarovanje, oziroma v skladu s posebnimi predpisi, v katerih je urejena pravica do starostne pokojnine.

(4) Sodnik ustavnega sodišča, ki mu je prenehala funkcija, mora v času prejemanja nadomestila plače obvestiti ustavno sodišče o vseh izplačanih prejemkih iz naslova opravljanja dela najkasneje v sedmih dneh po prejetem plačilu. Za prejete zneske po plačilu davkov in obveznih prispevkov se sodniku ustavnega sodišča, ki mu je prenehala funkcija, zniža znesek nadomestila plače, ki mu pripada v skladu s prvim ali drugim odstavkom prejšnjega člena, kar se obračuna pri prvem naslednjem izplačilu nadomestila plače.

(5) Sodnik ustavnega sodišča, ki mu je prenehala funkcija, v času prejemanja nadomestila plače ne sme sklepati dogovorov o odloženih plačilih ali drugih podobnih dogovorov, ki bi bili v nasprotju z namenom pravice do nadomestila plače.

(6) Če sodnik ustavnega sodišča, ki mu je prenehala funkcija, ravna v nasprotju s četrtem ali petim odstavkom tega člena, preneha pravica do nadomestila plače in mora vrniti zneske nadomestila plače, ki so bili prejeti neupravičeno.

(7) Nadomestila plače, prispevki za socialno zavarovanje in odpravnine se izplačujejo iz proračunskih sredstev ustavnega sodišča.

(8) Z globo v višini 1.000 eurov se za prekršek kaznuje sodnik ustavnega sodišča, ki mu je prenehala funkcija, če v času prejemanja nadomestila plače ne obvesti pristojni organ iz prvega odstavka tega člena o vseh prejemkih iz naslova opravljanja dela (četrti odstavek tega člena) ali, če v času prejemanja nadomestila plače sklene dogovor o odloženem plačilu ali drug podobni dogovor (peti odstavek tega člena).

(9) Proračunski inšpektorji izvajajo nadzor nad izvajanjem

of the Constitutional Court whose office has terminated before the expiry of the period for which he is entitled to salary compensation assumes a different office, is employed, starts performing a profit-making activity, or fulfils the minimum conditions for the right to the full amount of the old age pension according to the regulations on the compulsory pension and disability insurance or special regulations on the right to an old age pension.

(4) A judge of the Constitutional Court whose office has terminated must notify the Constitutional Court of all income received as payment for work performed during the period he receives salary compensation within seven days after receiving such payment. The salary compensation of a judge of the Constitutional Court whose office has terminated that he is entitled to on the basis of the first or second paragraph of the previous Article is reduced by the amount received after the payment of taxes and compulsory contributions, and such reduction is applied when the first subsequent salary compensation is paid.

(5) While receiving salary compensation, a judge of the Constitutional Court whose office has terminated must not conclude deferred payment agreements or other similar arrangements that would be contrary to the purpose of the right to salary compensation.

(6) If a judge of the Constitutional Court whose office has terminated acts contrary to the fourth or fifth paragraphs of this Article, his right to salary compensation ceases and he must return the amount of salary compensation that was wrongly received.

(7) Salary compensations, social security contributions, and bonuses are paid from the budget of the Constitutional Court.

(8) A fine for a minor offence in the amount of EUR 1,000 is imposed on a judge of the Constitutional Court whose office has terminated if during the period he receives salary compensation he does not notify the competent authority referred to in paragraph one of this Article of all income received as payment for work performed (paragraph four of this Article) or if during the period he receives salary compensation he concludes a deferred payment agreement or some other similar arrangement (paragraph five of this Article).

(9) Budgetary inspectors oversee the implementation of the

določb četrtega in petega odstavka tega člena ter odločajo o prekrških.

provisions of the fourth and fifth paragraphs of this Article and decide on minor offenses.

6. Plače, nadomestila ter drugi osebni prejemki in povračila v službah
ustavnega sodišča

6. Salaries, Allowances, Other Personal Remunerations, and
Reimbursements in the Services of the Constitutional Court

79. člen

Article 79

Za pravice generalnega sekretarja ustavnega sodišča do nadomestil ter drugih osebnih prejemkov in povračil ter o drugih pravicah se smiselno uporabljajo predpisi, ki urejajo te pravice za funkcionarje v državnih organih.

Regarding the rights of the Secretary General of the Constitutional Court to allowances, other personal remunerations, and reimbursements, as well as other rights, the regulations which determine such rights for officials in state authorities apply *mutatis mutandis*.

XII. PREDLAGANJE KANDIDATOV IZ REPUBLIKE SLOVENIJE ZA
SODNIKA EVROPSKEGA SODIŠČA ZA ČLOVEKOVE PRAVICE

XII. PROPOSING CANDIDATES FROM THE REPUBLIC OF SLOVENIA
FOR THE OFFICE OF JUDGE OF THE EUROPEAN COURT OF
HUMAN RIGHTS

(prenehalo veljati)

(Ceased to be in force)

80. člen

Article 80

(prenehal veljati)

(Ceased to be in force)

XIII. PREHODNE IN KONČNE DOLOČBE

XIII. TRANSITIONAL AND FINAL PROVISIONS

81. člen

Article 81

Postopki, začeti do uveljavitve tega zakona, se nadaljujejo po določbah tega zakona, s tem da predlagatelji po prejšnjih predpisih obdržijo položaj predlagatelja.

Procedures that began prior to the entry into force of this Act continue in accordance with the provisions of this Act, whereby applicants according to the previous regulation retain the status of applicant.

82. člen

Article 82

Ustavne pritožbe, vložene do uveljavitve tega zakona, se štejejo kot pravočasne, dovoljene so zoper posamične akte, izdane po uveljavitvi ustave Republike Slovenije.

Constitutional complaints lodged before the entry into force of this Act are deemed to have been lodged in time and are admissible against individual acts issued after the Constitution of the Republic of Slovenia entered into force.

83. člen

Do ustanovitve računskega sodišča opravlja nadzor nad uporabo sredstev za financiranje ustavnega sodišča Služba družbenega knjigovodstva Slovenije.

84. člen

Z dnem, ko začne veljati ta zakon, prenehajo veljati zakon o postopku pred ustavnim sodiščem SRS (Uradni list SRS, št. 39/74 in 28/76), zakon o plačah sodnikov ustavnega sodišča (Uradni list RS, št. 10/93) in 8. člen zakona o poslancih (Uradni list RS, št. 48/92).

85. člen

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije.

Article 83

Until the Court of Audit is constituted, supervision of the use of the funds for the financing of the Constitutional Court is performed by the Public Accounting Service of Slovenia.

Article 84

On the day this Act enters into force, the SRS Constitutional Court Procedure Act (Official Gazette of the Socialist Republic of Slovenia [*Uradni list SRS*], Nos 39/74 and 28/76), Salaries of Constitutional Court Judges Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 10/93), and Article 8 of the Deputies Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 48/92) shall cease to be in force.

Article 85

This Act enters into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia.