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REPORT ON THE REPUBLIC OF SLOVENIA

**EVALUATION REPORT ON THE
NINTH ROUND OF MUTUAL EVALUATIONS**

**Ninth round of mutual evaluations on mutual recognition legal instruments in
the field of deprivation or restriction of liberty**

REPORT ON THE REPUBLIC OF SLOVENIA

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1. EXECUTIVE SUMMARY

The evaluation visit to Slovenia, which followed a video conference in 2021 that enabled some preparatory work, was very well organised by the Slovenian authorities. The evaluation team was able to meet representatives of the judicial authorities and representatives of all the national bodies that could potentially be involved in the application of the mutual recognition instruments covered by the ninth round of mutual evaluations, namely Framework Decisions 2002/584/JHA, 2008/909/JHA, 2008/947/JHA and 2009/829/JHA.

The evaluation team particularly appreciated the spirit of kindness, openness and cooperation that characterised the meetings with the Slovenian authorities.

During the visit, the Slovenian authorities showed commitment to implementing the abovementioned instruments effectively and to receiving constructive suggestions for possible improvements, where necessary.

Framework Decisions 2002/584/JHA, 2008/909/JHA, 2008/947/JHA and 2009/829/JHA have been implemented in the Republic of Slovenia by the Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU), as amended, a single Act which comprehensively regulates all areas of international legal cooperation in criminal matters with the Member States of the European Union.

The evaluation team was given the tables as set out in Annex A to this report, clearly illustrating the Slovenian judicial authorities and their competences for each of the legal instruments subject to the ninth evaluation round.

The Slovenian judicial system is a classical inquisitorial system, which comprises three layers of courts of general jurisdiction (local and district courts as first instance courts, high courts and the Supreme Court). There is also a separate Constitutional Court.

The courts are the main judicial authorities competent for the mutual recognition instruments. Although all the courts are involved in the implementation of the four Framework Decisions covered by this evaluation, including the Constitutional Court, the main role, both when the Republic of Slovenia acts as the executing and as the issuing State, is played by the district courts. When Slovenia is the executing State of an EAW, the main actor is the investigating judge. Prosecutors in Slovenia have a limited role in the legal instruments covered by the ninth evaluation round. The Slovenian implementing law does not provide for the designation of a central authority pursuant to Article 7(2) of Framework Decision (FD) 2002/584/JHA.

Due to the small size of the country, there is no specialization of judges, prosecutors and court clerks in EAW proceedings. However, the European judicial network in criminal matters (EJN) contact points have the knowledge and experience to advise their colleagues on the handling of EAW cases and do so proactively, which is considered a best practice by the evaluation team.

In Slovenia, in order to ensure the duration of procedures is reasonable, there are very short procedural time limits, including for lodging appeals. While acknowledging that this streamlines the whole proceedings, the evaluation team believes that this can affect the quality and effectiveness of the defence.

The Slovenian implementing law does not explicitly require a proportionality test prior to the issuing of an EAW and although the Slovenian authorities stressed that the principle of proportionality is consistently applied when issuing a domestic warrant, the evaluation team believes that the issue of an EAW should also require a specific additional proportionality test.

The Slovenian authorities reported having refused to execute an EAW on the grounds of a potential risk of violation of fundamental rights in relation to detention conditions only in one case and never having experienced refusal of Slovenian EAWs on these grounds. At the time of the evaluation visit, the Slovenian authorities did not assess *ex officio* this kind of potential risk in the issuing State of an EAW on a regular basis; however, the Slovenian authorities noted that the practice has been modified in line with the relevant CJEU case law.

Slovenian legislation provides for some mandatory grounds for refusals in some cases where FD 2002/584/JHA provides for optional grounds for refusal. The evaluation team underlines that this approach does not seem to be in compliance with the relevant CJEU case law.

Although Slovenian legislation does not allow trials *in absentia*, Slovenia has not refused to execute EAWs on these grounds, if the issuing State provided the required information and the prerequisites for executing an EAW issued on the basis of a trial *in absentia* were met.

Acceptance by the Slovenian judicial authorities of EAWs also in English is considered a best practice by the evaluation team.

The Slovenian authorities reported no major legal or practical problems related to the practical application of FD 2008/909/JHA. When Slovenia is the issuing State, proceedings under FD 2008/909/JHA usually start at the request of the sentenced person. In Slovenia, sentenced persons are usually not informed about the possibility of serving the sentence in their home country, although the obligation to notify them is stipulated by the national law.

The evaluation team believes that the Slovenian authorities should be more proactive in this respect.

The evaluation team supports the suggestion from the Slovenian authorities to modify the certificate under FD 2008/909/JHA to allow the inclusion of information on the exact dates from when the sentenced person was deprived of their liberty and on the total duration of the sentence imposed in years and months.

The Slovenian authorities did not report any problems relating to the link between FD 2002/584/JHA on the EAW and FD 2008/909/JHA on custodial sentences.

Slovenia has transposed all the provisions of FD 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions and of FD 2009/829/JHA on the European Supervision Order correctly, but at the time of the evaluation, both Framework Decisions had had a very limited application. As for FD 2008/947/JHA, the Slovenian authorities point out that, in practice, probation measures are not imposed on foreigners and that there is no practical need to request another Member State to take over the supervision of the probation measures.

The evaluation team believes that greater efforts should be made by the Slovenian authorities to promote knowledge and use of these judicial cooperation instruments, by providing specific training and by promoting the exchange of information and best practices among practitioners at both national and EU level.

The Judicial Training Centre (JTC) provides systematic and regular training for practitioners in Slovenia on the EAW, but only occasionally on FD 2008/909/JHA and, so far, no training has been provided on FD 2008/947/JHA or FD 2009/829/JHA.

In 2022, JTC organises national seminar in cooperation with ERA under the project “Better applying European Criminal Law”, financially supported by European Commission’s Justice Programme. The seminar consists of presentations and workshops on practical cases and addresses the FD 2008/909/JHA, FD 2008/947/JHA and FD 2009/829/JHA. In addition, the training in form of online presentation for all the judiciary is foreseen in November 2022 to raise the awareness of the above-mentioned framework decisions. FD 2009/829/JHA was presented at one of the past events for prosecutors.

The evaluation team is however of the opinion that regular training courses should be provided on all the mutual recognition instruments.

The Slovenian authorities informed the evaluation team that – apart from the EAW – they do not aggregate the data on the number of cases on the basis of the Framework Decisions which are the subject of the ninth evaluation round. The statistics on the EAW emanate solely from the EU requirements. The lack of aggregated statistics must be deemed as a shortcoming of the Slovenian system and should be remedied with appropriate measures.

In general, the evaluation team has found that, in Slovenia, the system of mutual recognition related to the implementation of the legal instruments covered by the ninth mutual evaluation round is functioning quite well. Some room for improvement has, however, been identified in relation to some specific issues, as highlighted in the conclusions and recommendations in this report.

2. INTRODUCTION

The adoption of Joint Action 97/827/JHA of 5 December 1997 established a mechanism for evaluating the application and implementation at national level of international undertakings in the fight against organised crime.

In line with Article 2 of Joint Action 97/827/JHA of 5 December 1997, the Coordinating Committee in the area of police and judicial cooperation in criminal matters (CATS) decided at its meeting on 21 November 2018 that the ninth round of mutual evaluations would be devoted to the principle of mutual recognition.

Due to the broad range of legal instruments in the field of mutual recognition and their wide scope, it was agreed at the CATS meeting on 12 February 2019 that the evaluation would focus on the following mutual recognition instruments:

- Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedures between Member States ('EAW');
- Framework Decision 2008/909/JHA on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union ('custodial sentences');
- Framework Decision 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions ('probation and alternative measures');
- Framework Decision 2009/829/JHA on the application, between Member States of the European Union, of the principle on mutual recognition to decisions on supervision measures as an alternative to provisional detention ('ESO').

At the above CATS meeting, it was also agreed that the evaluation would focus only on those specific aspects of such instruments which Member States felt warranted particular attention, as set out in detail in 6333/19, and on the link between the legal and operational links between FD 2002/584/JHA on the EAW and FD 2008/909/JHA on custodial sentences.

Referring to FD 2008/947/JHA on probation and alternative measures and FD 2009/829/JHA on the ESO, it was decided that the evaluation would be of a rather general nature and would endeavour to establish the reasons that have led to those two Framework Decisions being applied only infrequently.

The aim of the ninth mutual evaluation round is to provide real added value by offering the opportunity, via on-the-spot visits, to consider not only the legal issues but also – and in particular – relevant practical and operational aspects linked to the implementation of those instruments by practitioners in the context of criminal proceedings. This would allow both shortcomings and areas for improvement to be identified, and best practices to be shared among Member States, thus contributing towards ensuring a more effective and coherent application of the principle of mutual recognition at all stages of criminal proceedings throughout the EU.

More generally, promoting the coherent and effective implementation of this package of legal instruments to its full potential could make a significant contribution towards enhancing mutual trust among the Member States' judicial authorities and ensuring a better functioning of cross-border judicial cooperation in criminal matters within the area of freedom, security and justice.

Furthermore, the current process of evaluation could provide useful input to Member States which may not have implemented all aspects of the various instruments.

The Republic of Slovenia was the 26th Member State to be evaluated during this round of evaluations, as provided for in the order of visits to the Member States adopted by CATS on 13 May 2019 and subsequently amended on the proposal of certain Member States and in the absence of any objections (ST 9278/19 REV 2), as well as further adapted due to the COVID-19 crisis and the related restrictions.

In accordance with Article 3 of the Joint Action, the Presidency has drawn up a list of experts for the evaluations to be carried out. Member States have nominated experts with substantial practical knowledge in the field pursuant to a written request which the General Secretariat of the Council of European Union sent to delegations on Friday 17 May 2019.

The evaluation team consists of three national experts, supported by one or more members of staff from the General Secretariat of the Council, and observers. For the ninth round of mutual evaluations, it was agreed that the European Commission and Eurojust should be invited as observers.

The experts entrusted with the task of evaluating the Republic of Slovenia were Mr Kierzynka Rafał (Poland), Ms Andrea Rohner (Austria) and Ms Piret Paukštys (Estonia), together with Ms Sofia Mirandola (Eurojust), and Ms Giovanna Giglio from the General Secretariat of the Council, as observers.

This report was prepared by the team of experts with the assistance of the General Secretariat of the Council, based on findings arising from the evaluation visit that took place in the Republic of Slovenia between 28 and 31 March 2022, and on the Republic of Slovenia's detailed replies to the evaluation questionnaire, together with its detailed answers to the ensuing follow-up questions.

3. FRAMEWORK DECISION 2002/584/JHA ON THE EUROPEAN ARREST WARRANT (EAW)

National legislation

Framework Decision 2002/584/JHA (EAW FD) has been implemented in the Republic of Slovenia by the Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU-1) of 23 May 2013, which entered into force on 19 June 2013. ZSKZDČEU-1 and regulates cooperation in criminal matters between the competent authorities of the Republic of Slovenia and other Member States of the European Union, including the surrender of requested persons.

When the Republic of Slovenia became a Member State of the European Union, FD 2002/584/JHA was first transposed into the national legislation with the Act on the European Arrest Warrant and Surrender Procedures between Member States (ZENPP). In November 2007, the ZENPP was replaced by the Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU), with the aim of comprehensively regulating all areas of international legal cooperation in criminal matters with the Member States of the European Union in a single Act.

In June 2013 a new Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU-1) entered into force. In accordance with the recommendations received during the fourth round of mutual evaluations, it made a few changes in relation to the EAW and redefined the prerequisites for the mutual recognition of judgments delivered *in absentia* pursuant to FD 2009/299/JHA. In addition, ZSKZDČEU-1 brought about the transposition into national legislation of Framework Decisions 2008/909/JHA, 2009/829/JHA and 2008/947/JHA.

Following ZSKZDČEU-1, three more amendments were adopted: ZSKZDČEU-1A entered into force in June 2015 and transposed Directive 2011/99/EU on the European Protection Order, ZSKZDČEU-1B ensured the proper implementation of Directive 2014/41/EU regarding the European Investigation Order in criminal matters, and ZSKZDČEU-1C from 2021 transposed Directive 2016/1919/EU, Directive 2013/48/EU as well as Regulation 2018/1805/EU.

The Slovenian authorities informed the evaluation team that the Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU-1) is currently in the process of being further revised, with a view to providing for the further adaptations required by the more recent EU legislation (on freezing and confiscation, Eurojust and procedural rights).

The following legislation is also relevant:

- **the Criminal Procedure Act (ZKP)** ¹, which, under Article 2(3) of the ZSKZDČEU-1, shall be used *mutatis mutandis* for issues not specifically regulated by the latter;
- **the Criminal Code (KZ-1)** ², which under Article 2(3) of the ZSKZDČEU-1, shall be used *mutatis mutandis* for issues not specifically regulated by the latter;
- **the enforcement of Criminal Sanctions Act (ZIKS)** ³, which under Article 2(3) of the ZSKZDČEU-1, shall be used *mutatis mutandis* for issues not specifically regulated by the latter.
- **the Constitution of the Republic of Slovenia**, which provides in its Article 3a that ‘Legal acts and decisions adopted within international organisations to which the Republic of Slovenia has transferred the exercise of part of its sovereign rights shall be applied in the Republic of Slovenia in accordance with the legal regulation of these organisations.’

¹ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 32/12 – official consolidated text, 47/13, 87/14, 8/16 – Decision of the Constitutional Court, 64/16 – Decision of the Constitutional Court, 65/16 – Decision of the Constitutional Court, 66/17 – ORZKP153,154 and 22/19.

² Official Gazette of the Republic of Slovenia [Uradni list RS], No. 50/12 – official consolidated version, 6/16 - corr., 54/15, 38/16 and 27/17.

³ Official Gazette of the Republic of Slovenia [Uradni list RS], No. 110/06 – official consolidated version, 76/08, 40/09, 9/11 – ZP-1G, 96/12 – ZPIZ-2, 109/12, 54/15 and 11/18.

3.1. Authorities competent for the European Arrest Warrant (EAW)

The Slovenian court system comprises four layers of courts of general jurisdiction:

- 1 Supreme Court;
- 4 high courts (Ljubljana, Maribor, Celje and Koper);
- 11 district courts;
- 44 local courts.

These authorities of general jurisdiction are involved in international cooperation in criminal matters. These are the sole courts to play a role in matters concerning the Framework Decisions relevant in the context of the ninth round of mutual evaluations.

Issuing authorities

The competent authorities for issuing EAWs in the Republic of Slovenia are judges at the level of local and district courts conducting criminal proceedings (in the case of EAWs for the purpose of prosecution) or judges at the level of district courts competent for enforcing custodial sentences. The EAW for the purposes of prosecution is based on a national arrest warrant, which is also issued by the judge, normally on a motion of a state prosecutor or *ex officio*. An EAW is issued *ex officio* by the judge when the detention of a defendant is ordered in the Republic of Slovenia for a criminal offence prosecuted *ex officio*, the penalty thresholds are met and there is evidence that the person is located abroad. Prosecutors participate in hearings and are expected to give an opinion and to make a motion on the possibility of issuing a national detention order; however, the court can in exceptional cases, prescribed by the law, decide to issue an EAW even in the absence of the prosecutor's motion.

Local courts are competent in cases of criminal offences punishable by a fine or a prison term of up to three years, while the jurisdiction of district courts covers the rest of the decision-making in the first instance.

When the Republic of Slovenia is the issuing Member State, the decision to issue an EAW cannot be challenged. The only legal remedy allowed is against the domestic arrest warrant.

Executing authorities

When the Republic of Slovenia is the executing State of an EAW, the competent national authority for receiving and executing an EAW is the district court in the area of the last permanent or temporary residence of the requested person or where the requested person is located.

The investigating judge of the district court has jurisdiction over all procedural actions (consultations, instructions on the consent and on the speciality rule, explanations, notifications etc.), including the examination of the requested person, followed by a hearing held for the purpose of deciding on the surrender.

Public prosecutors, therefore, have a very limited role in the execution of an EAW: as parties to the proceedings, they participate at the hearing on surrender, present their observations to the court if the requested person does not consent to surrender and may appeal against the decision on surrender.

The procedure for executing an EAW can start in two different ways:

- upon reception of an EAW from the court issued by another Member State, if the requested person is located in the Republic of Slovenia;
- upon reception of an EAW issued by another Member State, if the police, on the basis of a SIS (Schengen Information System) alert, brings the person before the investigating judge.

In practice, when the requested person is arrested, the police immediately inform the investigating judge, who organises the hearing of the requested person, with the necessary participation of their lawyer and prosecutor and, if necessary, a translator. The first hearing is normally organised within 48 hours. The investigating judges, prosecutors and lawyers have a system of on-call duty 24/7. In practice, if the hearing cannot be organised within six hours (for example, if the requested person has chosen a lawyer and they are not available or the translator is not available), it will take place within 48 hours. During this hearing, the judge will decide whether to order detention pending surrender or another alternative measure to avoid the risk of flight. Usually, in the context of EAW proceedings, after the investigating judge has issued the respective decision, the requested person may be held in detention no longer than a month from the date when he was deprived of liberty. Following this time, he shall be detained in custody only on the basis of the decision on the extension of detention.

Detention may be extended under the decision of the non-trial panel of the district court, but it shall **not take more than nine months**. The decision on the extension of detention shall be issued by the panel on the grounded proposal of the investigating judge or the competent state prosecutor. The requested person and his/her counsel must be informed of the proposal at least three days before the expiry of the time term in order to make a statement concerning the allegations prior to the decision. The panel may extend the detention **each time by two months**.

The requested person and his/her legal counsel may appeal the order to renew detention within three days of the day when the order was served on them. A higher court must render a decision on the appeal within three days (Article 24 of Act on Cooperation in Criminal Matters with the European Union Member States).

During the hearing, the requested person will be asked to consent to the surrender in the presence of their defence lawyer. The consent of the requested person to the surrender cannot be revoked. At the same time, the defendant is asked for their opinion on entitlement to the 'speciality rule' and both the consent to the surrender and the possible renunciation of the entitlement to the 'speciality rule' will be recorded in the protocol of the hearing. During the hearing, the prosecutor and the lawyer give their opinion on the surrender.

Subsequently, two different procedures can ensue depending on whether the requested person:

- consents to the surrender (simplified procedure);
- does not consent to the surrender.

If the requested person consents to the surrender, a simplified procedure applies. The investigating judge of the district court renders a decision on the surrender within 48 hours. The decision is served on the requested person, their legal counsel, and a state prosecutor. The requested person, their legal counsel and the state prosecutor may appeal the order within 24 hours of the order being served on them. A panel of three district court judges renders a decision on the appeal within 48 hours. Extraordinary legal remedies against the order granting the surrender are not permitted.

If the requested person consents to the surrender, the EAW must be submitted to the court upon bringing the wanted person before the judge. Detention or other measures for assuring presence can be ordered on the basis of SIS notice.

If the requested person does not consent to the surrender, the investigating judge immediately examines that person on their reasons for refusing to surrender in the presence of a legal counsel and a competent state prosecutor, who are also entitled to present their proposals and opinions. However, the lawyer may request to postpone the hearing by up to a few days if time is needed to prepare the defence. The opinion of the investigating judge on the surrender must be sent to the wanted person and to counsel for them to respond, after that it is sent to the senate (Constitutional Court of SI decision Up-500/15 of 20.7.2015). A non-trial panel of three district court judges renders a decision on the surrender within 48 hours. A decision granting or refusing the surrender is served on the requested person, their legal counsel, and a state prosecutor. The requested person, their legal counsel, or the state prosecutor may appeal the order within three days of the order being served on them. A higher court panel renders a decision on the appeal within three days. The whole surrender procedure (including the appeal) must be concluded within 60 days.

Extraordinary legal remedies against the order granting or refusing the surrender are not permitted.

The issue of the consent of the requested person also affects the procedure for legal remedies. As mentioned above, if there is consent, the appeal is reviewed by a panel of three district court judges, which renders the decision within 48 hours. If the person does not consent to the surrender, a higher court panel reviews the appeal within three days.

The evaluation team finds these time limits extremely short: if there is consent, the time limit is only 24 hours from the time the order was served on the requested person and their legal counsel. Otherwise, without consent, the time limit is only 48 hours from the time of handing over the decision.

It must be pointed out that the question of the very short procedural time limits concerns not only the time limits for appeals. The Slovenian Act on Cooperation in Criminal Matters with the Member States of the European Union generally provides rather short procedural time limits. This is in line with the principle of speed of procedure, stipulated in Article 5 of the Act. This principle is enshrined *inter alia* in the following specific articles pertaining to the EAW procedure:

Article 19(2): 24-hour time limit for bringing the arrested person before the competent investigating judge.

Article 20(2): 24-hour time limit for the investigating judge to hear that person.

Article 22(1): 48-hour time limit for the decision on consensual surrender.

Article 22(5): 24-hour time limit for the appeal against the decision on consensual surrender and 48 hours for the decision on appeal.

Article 24(4): 24-hour time limit for the appeal against the decision on detention and 48 hours for the decision on appeal.

Article 24(8): three-day time limit for the appeal against the decision on the extension of detention and three days for the decision on appeal.

Article 31(4): three-day time limit for the appeal against the decision on the competing EAW.

Article 33(1): three-day time limit for the appeal against the decision on the competing EAW and extradition request.

It should be underlined that the representatives of the Slovenian judiciary confirmed that, under Slovenian law, the requested person should be heard within 48 hours of their arrest. The evaluation team acknowledges that this very ambitious principle can be upheld due to the size of the country and its developed judicial system. However, it is not without effect on the requested person's right to defence and right to a lawyer. This question should be further scrutinised against the provisions set forth in Article 10 of Directive 2013/48/EU of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in EAW proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty.

In the opinion of the evaluation team, the key issue in Article 10(2) of Directive 2013/48/EU is the postulate of 'effective' exercise of rights. Very short time limits for the decision-making process and then – where relevant – for lodging an appeal do streamline the whole proceedings, but may be problematic as they apparently affect the quality and effectiveness of the defence. In theory, such short time limits might be successfully managed by a high-quality defence lawyer with a good knowledge of the EU instruments, namely FD 2002/584/JHA and the aforementioned Directive 2013/48/EU, and professional experience in the field of international cooperation. When Slovenia is the executing State, a legal counsel is mandatory at the hearing and at every subsequent stage of the proceedings, even when the person consents to the surrender. However, it transpired during the meetings with the Slovenian authorities and was subsequently confirmed by a representative of the Slovenian Bar Association that, in practice, the defence lawyers are chosen randomly from a general list of lawyers. Therefore, the lawyers assigned to the EAW case often have neither international experience nor sufficient criminal law knowledge.

Nor might the lawyer have time to learn more, due to the very short procedural time limits. However, the defence lawyer that the evaluation team met did not find the short terms problematic and confirmed that terms do not adversely affect the efficiency of the defence. At the same time, the lawyer admitted that these cases are usually handled by state-appointed lawyers and that their knowledge, experience and motivation is not very high in these cases.

In the case of multiple EAWs against a requested person issued by the judicial authorities of several Member States, a non-trial panel of three district court judges renders a decision on the Member State to which the requested person will be surrendered. In such cases, Slovenian law expressly provides for the possibility to consult Eurojust. An order is served on the requested person, their legal counsel, and a state prosecutor. The requested person, their legal counsel, or the state prosecutor may appeal the order within three days of the order being served on them. A higher court renders a decision on the appeal.

In the case of an EAW and a request for extradition (a final decision is issued against the same person that is to be surrendered to a Member State or extradited to a third country), a panel of three judges of the Supreme Court of the Republic of Slovenia renders a decision on whether the person will be surrendered to a Member State or extradited to a third country. An order is served on the requested person, their legal counsel, and a state prosecutor. A requested person, their legal counsel, or a state prosecutor may appeal the order within three days of the order being served on them. A panel of five judges of the Supreme Court of the Republic of Slovenia renders a decision on the appeal.

Central authority

The implementing law in force at the time of the fourth round of mutual evaluations designated the Ministry of Justice as the central authority. Nonetheless, it already expressly promoted direct contacts between the Slovenian judicial authorities and their counterparts abroad ⁴. In practice, the Ministry of Justice did not play a significant role in this.

⁴ Article 7(1) of the ZENPP reads: ‘The court that issued the warrant shall communicate with the executing judicial authority directly or through the ministry.’

Accordingly, the Slovenian implementing law currently in force does not provide for the designation of a central authority pursuant to Article 7(2) of FD 2002/584/JHA and sets a general rule, according to which the competent Slovenian authorities communicate directly with the competent authorities of other Member States⁵. However, if a Member State did designate a central authority, the Slovenian judicial authorities communicate with that authority and not with the judicial authorities directly⁶. If the Ministry of Justice receives a request from the judicial authority of another Member State, it forwards it to the competent court.

However, in practice, the Ministry of Justice assists the competent judicial authorities in the event of difficulties arising that cannot be resolved directly with the competent authorities of other Member States, e.g. identifying the competent foreign or central authority, sending documentation or verifying its authenticity. That said, the Ministry of Justice does not maintain contacts with the judicial authorities of other Member States, but it does maintain contacts with the justice ministries of other Member States.

Within the Ministry of Justice, the International Legal Assistance Division deals with mutual legal assistance both in civil and criminal matters. The contact point of the European judicial network in criminal matters works in this unit. The European Affairs and International Cooperation Division in the ministry is responsible for planning, coordinating and implementing the tasks of the Ministry of Justice in the field of EU affairs and international cooperation. It therefore acts as a main coordinator between the different national authorities in the implementation of the legal instruments covered by the ninth evaluation round.

The Slovenian authorities informed the evaluation team that, due to the small size of the country, there is no formal specialisation in EAW proceedings of judges, prosecutors and court clerks, who are required to perform different types of functions related to both national and international criminal law proceedings. However, it was underlined that the EJM contact points have the knowledge and experience to advise their colleagues on the handling of EAW cases.

⁵ Article 6(1) of the ZSKZDČEU-1.

⁶ Article 6(2) of the ZSKZDČEU-1.

The inquiries aimed at identifying the competent authorities of other Member States are mainly carried out in the context of the EJM, either via Judicial Atlas or sometimes with the assistance of the experts designated as EJM contact points.

An example of this best practice occurred during the COVID-19 outbreak, when the Slovenian national coordinator of the EJM, Ms Marjeta Švab Širok, judge of the Supreme Court of the Republic of Slovenia, proposed that copies of all urgent requests (such as requests for Mutual Legal Assistance (MLAs), EIOs (European Investigation Orders) and EAWs) are sent to her email address and that she is also informed via her mobile phone when the request is sent.

The International Police Cooperation Division (IPCD) forms part of the Criminal Police Directorate, within the Police General Directorate of the Ministry of Interior. It includes the SIRENE National Office, the Interpol National Central Bureau and the Europol National Unit. It has its own translation service (translation services are also available 24/7 within the Ministry of Interior).

The IPCD operates 24/7 as a Single Point of Check (SPOC) for all international police cooperation channels and is the central point for all SIS and Interpol alerts, responsible for the creation, updating and deletion of national alerts for persons in the SIS and Interpol's electronic filing system eASF. The SIRENE Bureau within the IPCD is in particular responsible for the communication and the exchange of information with the police authorities of other Member States. When the Republic of Slovenia is the issuing State, when they receive an EAW from the Slovenian judicial authorities, the police officers in the SIRENE Bureau, who have a knowledge of criminal law, perform a check of the scope, the content and the form of the EAW before entering an alert in the SIS if the location of the requested person is unknown. When the Republic of Slovenia is the executing State and the Slovenian authorities receive an EAW issued by another Member State, they check if any grounds for refusal apply and if the related offence is punishable under Slovenian criminal law for offences not covered by the list in Article 2(2) of the EAW FD. If any data is missing from the EAW form, they contact the competent Slovenian court or the competent authorities of the issuing Member State. Upon arrest, the requested person is provided with written information on their procedural rights, translated into all EU languages.

Furthermore, the IPCD is responsible for the organisation of the surrender, extradition, transfer of the sentence and transit through the territory of the Republic of Slovenia of apprehended persons for which an EAW or international arrest warrant has been issued. The actual surrender takes place very efficiently, especially with neighboring countries with which Slovenia has specific arrangements on how to carry it out in practice.

The Prison Administration is an authority within the Ministry of Justice. It operates in 15 locations across the country and its Director-General manages its work. The responsibilities and work of the Prison Administration are divided over eight internal organisational units: Head Office, six prisons and a correctional home. Each prison has an open, a semi-open and a closed unit, which have different levels of security and restrictions on the freedom of movement. Some prisons also operate at units in separate locations.

The main objective of the Prison Administration is to ensure the enforcement of criminal sanctions, detention, prison sentences, alternative prison sentences and the enforcement of educational measures involving the placing of a minor in a correctional home. It ensures the legality of work and protects the human rights of imprisoned persons, conducts first-instance administrative procedures, keeps records of imprisoned persons, and ensures the confidentiality of information collected about imprisoned persons. It carries out treatment of imprisoned persons, tasks in the field of health care of imprisoned persons and provides prisoners with material living conditions. According to the information provided by the Slovenian authorities, an increase in the number of foreign inmates has been registered recently; this raises challenges for communication and cooperation with the prison systems of other Member States, as well as for cooperation within EuroPris.

The Slovenian Bar Association is an independent body. It establishes a list of lawyers from which a lawyer can be designated when the suspect does not have their own lawyer. However, no specialisation in criminal law and no mandatory training is required to be eligible to be appointed as a court-appointed lawyer.

However, although the procedure for the execution of EAWs seems to work very effectively and quickly, it is not clear if all the rights of the detained person are respected during this quick process. The representative of the Slovenian Bar Association indicated that the knowledge of the different Framework Decisions among the lawyers is not good as no training courses are organised in this field and the role of the lawyers in the EAW proceedings is quite limited. The representative of the Slovenian Bar Association also indicated that they have almost never raised questions about the detention conditions in other Member States' prisons and would normally do so only if their client raises the issue. The evaluation team is of the opinion that one reason for the lawyers being passive and never raising these questions during EAW proceedings could be their lack of knowledge in the field of judicial cooperation and of CJEU case law.

In the Republic of Slovenia, only judges have the authority to issue and execute an EAW and, because of that, there was no need for changes to the law as a result of the latest CJEU case law. During the visit, the Slovenian authorities reported that they do not normally request additional information from other Member States where the issuing authority is a public prosecutor and that the Eurojust-EJN Compilation on the requirements for issuing and executing judicial authorities in EAW proceedings is very useful to that end.

3.2. The principle of proportionality

The rule of proportionality pertaining to the issuing of an EAW is a key factor for effective and successful cooperation in the Area of Freedom, Security and Justice. The Member States exercise it in different ways, as there is no one single model for all jurisdictions. Bearing in mind the severe consequences that the execution of an EAW has on the requested person's liberty and the restrictions on free movement, the issuing judicial authorities should consider assessing a number of factors in order to determine whether issuing an EAW is justified.

Although the Slovenian implementing law does not explicitly require a proportionality test prior to the issuing of an EAW, the Slovenian authorities underline that the principle of proportionality must be respected when issuing an EAW on several legal bases.

Firstly, the principle of proportionality must be respected already when issuing a domestic arrest warrant. The decision on whether or not to issue an EAW lies within the sole discretion of the judge overseeing the criminal proceedings or the execution of the sentence, provided that the penalty thresholds are met and that a domestic arrest warrant has been issued. Since it is not possible to hold criminal proceedings *in absentia* in Slovenia, a domestic arrest warrant may also be issued to ensure the participation of the accused at trial but only as measure of last resort.

Article 20 of the Constitution of the Republic of Slovenia provides that a person reasonably suspected of having committed a criminal offence may be detained only on the basis of a court order when this is absolutely necessary for the course of criminal proceedings or for reasons of public safety.

In addition, the Criminal Procedure Act explicitly stipulates that, in deciding which measures (detention included) to apply, a more severe measure should not be applied if the same purpose may be attained by applying a more lenient measure ⁷. Moreover, the detention may be ordered only when this is absolutely necessary for the safety of the person or for the course of the proceedings in the specific case ⁸. A further condition is that the duration of the detention must be as short as possible ⁹.

Lastly, the principle of proportionality is one of the general principles of Slovenian law, deriving from several provisions of the Constitution of the Republic of Slovenia, mainly from the principle of the rule of law (Article 2) and exercise and limitation of human rights and fundamental freedoms (Article 15).

The Slovenian authorities pointed out that issuing an EAW itself represents a measure of a public authority that severely interferes with the individual's constitutionally protected human rights to personal freedom and freedom of movement. Therefore, when issuing an EAW, as in the case of all restrictions on constitutional rights, the following conditions, developed in the case law of the Constitutional Court of the Republic of Slovenia, must be met:

⁷ Article 192(2) of the ZKP.

⁸ Article 202(2) of the ZKP.

⁹ Article 200(2) of the ZKP.

- 1).Appropriateness: the measure must be adequate or appropriate to achieve the desired, constitutionally admissible objective (this assessment was already made by the Slovenian and European Union legislature).
- 2) Necessity: the measure must be necessary, meaning the desired objective cannot be attained by a milder measure.
- 3) Proportionality (in the narrower sense): the gravity of the interference with the constitutionally protected human right must be proportional to the benefit of the measure.

In practice, when issuing an EAW, the competent Slovenian authorities take into account the seriousness of the crime and the circumstances in which the crime was committed, the length of the sentence, etc. Moreover, pursuant to the national legislation and the case law of the Supreme Court and the Constitutional Court of the Republic of Slovenia, an EAW must not be misused for trivial offences. The prosecutor is entitled to issue an opinion on the proportionality of an EAW and can propose alternative measures.

According to the Slovenian authorities, in the light of the above, the principle of proportionality is consistently applied when issuing an EAW pursuant to the national legislation, the case law of the Supreme Court, and of the Constitutional Court of the Republic of Slovenia. Therefore, as proportionality is thoroughly examined pursuant to the requirements of national legislation, no further separate proportionality checks are performed when deciding whether to issue an EAW.

Many components of the proportionality test are the same in the domestic and EU environment. Similar criteria are foreseen in the ‘Handbook on how to issue and execute a European Arrest Warrant’ (point 2.4), namely the seriousness of the offence, the likely penalty that could be imposed, the likelihood of detention of the person after surrender and the interest of the victim.

The evaluation team underlines that the Slovenian authorities should ensure that a proportionality test is carried out when issuing an EAW.

The abovementioned ‘Handbook on how to issue and execute a European Arrest Warrant’ is considered useful and beneficial by the Slovenian authorities and is used by judges and other experts on a regular basis. However, some courts said that while the handbook is useful, it is not specific enough.

As already mentioned, when issuing an EAW, the Slovenian authorities take into account different factors, including the guidelines contained in the Commission’s Handbook on the principle of proportionality.

During the visit it was explained that, before issuing a national arrest warrant against a person located abroad, judicial authorities also consider whether it would be possible to resort to other less intrusive EU instruments (such as EIOs for the purposes of hearing the person, including via video conference). For instance, some courts have added that they generally use the EIO during a criminal investigation, whereas they issue an EAW during a criminal procedure. Also, if a suspect, who is not located in the territory of the Republic of Slovenia, needs to be heard and the national court is aware that he/she is located in another Member State, first an EIO is issued, requesting the competent authority of that Member State to hear the suspect.

Given the strict conditions under which a Slovenian arrest warrant may be issued, the principle of proportionality is taken into full account in Slovenian legislation, and EAWs are issued only for serious criminal offences and only when there is a clear indication that pre-trial detention is indispensable and no other less intrusive measures at EU level are available.

During the evaluation visit, different and controversial statements were given to the evaluation team in relation to proportionality issues. Firstly, the Slovenian authorities explained that proportionality is thoroughly examined before issuing a national arrest warrant and that, pursuant to the requirements of national legislation, no further proportionality checks are therefore performed when deciding whether or not to issue an EAW. However, during the discussions, the Slovenian judges confirmed that they also assess the proportionality before issuing an EAW and also consider alternative measures (e.g. the transfer of proceedings). As different explanations were given during the evaluation visit, the evaluation team could not properly assess whether the proportionality test is always done before issuing an EAW and whether all judges are aware of that principle.

3.3. Exchange of information

The basic provisions of the ZSKZDČEU-1 establish a general rule, according to which the competent Slovenian authorities and other Member State authorities communicate directly. They communicate by mail or electronic mail, phone, fax, etc. In doing so, the Slovenian authorities reported positive experiences with this kind of communication, since the other Member States' responses are usually timely and appropriate.

The inquiries are mainly carried out in the context of the EJM. For example, the experts designated as the EJM contact point assist the competent national authorities in identifying the competent foreign authority. The EJM national contact points sometimes face difficulties related to the lack of updated information on the Atlas platform on the EJM website. In such cases, they contact the EJM contact points of the other Member State directly. In addition, communication via the SIS, the SIRENE bureaux and the EJM is considered to be the most effective channel during emergency situations.

As already mentioned, the Ministry of Justice can assist the competent judicial authorities with identifying the competent – foreign or central – authority or with sending or verifying the authenticity of documentation.

In such cases, the Slovenian authorities contact the issuing authority directly and set a deadline for obtaining the information pursuant to Article 15(2) of FD 2002/584/JHA. The deadlines set are generally respected.

The Slovenian authorities noted that the additional information requested by the executing authorities was usually necessary. Attention was also drawn to a few cases where the requested information was not considered necessary and relevant.

In one specific case where an EAW was issued against a sentenced person located in another Member State, the executing authorities of that Member State twice requested new information concerning the allegations (applications) submitted by the convicted person. In their most recent application, the sentenced person referred to the extensive case law of the Supreme Court of the Republic of Slovenia regarding trials *in absentia* at the second instance. The competent authority of the executing Member State has again requested the competent Slovenian authority to take a position in relation to its claims, although it had already explicitly stated that the court at the second instance rendered the judgment *in absentia* in accordance with Slovenian law.

In addition, in the case of EAWs executed by the judicial authorities of other Member States, there are often requests to also provide a decision confirming a reasonable suspicion of committing a crime and/or detention order. However, in such cases, if the requested information was known to the competent Slovenian authority, it was always provided to the other Member State's executing authority.

The Slovenian authorities pointed out that they generally comply with the time limits. Occasionally, translation of the documents may incur delays within the internal national terms, especially if there is a shortage of translators for a specific language (e.g. Estonian, Latvian or Lithuanian etc.). However, even in the case of common languages, time pressure can sometimes lead to translation errors. For example, an EAW was sent to Italy, where the suspect was also found. A problem arose because of the incorrect translation of the word 'detention', which was translated as '*detenzione*' by a national translator, which means police detention under Italian legislation. The correct translation would have been '*custodia cautelare*'.

Nevertheless, in such cases or in cases when the deadlines set for additional information are not respected, the Slovenian authorities never exceed the deadlines set in Article 17 of FD 2002/584/JHA. This is also evident from the statistics on the EAW sent annually to the Commission. In 2018 the surrender procedure (time between the arrest and the decision on surrender) took 4.2 days on average, where the person consented to the surrender, and 40 days, where the person did not consent to the surrender. The Slovenian authorities pointed out that the speed of the procedures is one of the most important priorities for them. The Slovenian authorities indicated that the EAWs received from other Member States are generally properly completed and accompanied by all the necessary documentation. Occasionally, additional information is required, such as the identification of the requested person, the description of the alleged offences, the national legislation concerning trial *in absentia* and related guarantees, the objective of the court decision, the duration of detention in the context of EAW proceedings or whether the issuing judicial authority is an independent body within the meaning of CJEU judgments in cases such as C-508/18 and C-82/19 of 27.5.2019, etc.

When the Republic of Slovenia is the executing Member State, in most cases, the necessary follow-up information can be inferred from the attached judicial decision and other documents, as well as from the information contained in the EAW form. In rare cases, the Slovenian authorities ask the issuing authorities for additional information. As the executing State, the Slovenian authorities transmit such information (e.g. duration of detention period) *ex officio* to the issuing authorities.

3.4. Grounds for refusal

3.4.1. Refusal in the event of a potential risk of violation of fundamental rights in relation to detention

The Slovenian authorities reported that they have never refused to execute an EAW on the grounds of a potential risk of violation of fundamental rights in relation to detention conditions and that they never have experienced refusal of Slovenian EAWs on these grounds.

According to the Slovenian authorities, the detention conditions arguments referred to in the Aranyosi/Căldăraru case are rarely raised in EAW proceedings in Slovenia. They arise more frequently in the classical extradition proceedings. Since the Aranyosi/Căldăraru judgment was issued, the Slovenian Courts have generally not requested any additional information about prison conditions in other Member States, as they did not have any objective, reliable and specific evidence or substantial grounds to believe that following the surrender of the person sought to the issuing Member State, the person would run a real risk of being subject to inhuman or degrading treatment.

The Slovenian authorities indicated that, based on the principle of mutual trust, they would not assess regularly *ex officio* if the person would run a real risk of being subject to inhumane or degrading treatment, but only if it is pointed out by the requested person or their defence lawyer or when there is objective, reliable, and specific evidence or substantial grounds to believe, that following the surrender of the person sought to the issuing Member State the person would run a real risk of being subject to inhumane or degrading treatment.

In these cases, the Slovenian court would consider that matter, if there was an objective, reliable and specific evidence or substantial grounds to believe that, following the surrender of the person sought to the issuing Member State, the person would run a real risk of being subject to inhuman or degrading treatment. If the Slovenian courts had reason to believe that, after the surrender, a person sought might run this risk, the courts would request supplementary information and assurances from the issuing authority about the prison conditions in which the person would be detained (e.g. the personal space available to a detainee in a prison cell, the sanitary conditions and the extent of the detainee's freedom of movement within the prison, health care, legal protection, possibility of violence between prisoners, incidents of violence by prison staff against prisoners and prison conditions, etc.). This information can be obtained from different sources, for example, from assurances given by the issuing authority, country reports on prison conditions in the issuing State, case law of the European Court of Human Rights (ECtHR) and reports by various NGOs and international organisations which courts can obtain *ex officio*, such as reports of the Council of Europe's CPT (Committee for the Prevention of Torture) and the UN's CAT (Committee against Torture).

However, as was already mentioned, the Slovenian authorities, regardless of whether they act as the executing or as the issuing State, do not generally encounter cases in which detention conditions arguments are raised in EAW proceedings. This was also confirmed by a representative of the Slovenian Bar Association.

The Slovenian courts are bound by the case law of the CJEU and the ECtHR on the minimum standards of conditions in prisons and the legal standards on which circumstances create a presumption that the conditions of detention amount to degrading treatment and are in breach of Article 3 of the ECHR (European Convention on Human Rights).

However, the Slovenian authorities also see a difficulty with the *Aranyosi/Căldăraru* judgment in so far as it is a challenge to expect from the issuing State such a degree of self-criticism and objectivity that the additional information obtained would in fact reflect the real prison conditions.

The Slovenian authorities informed the evaluation team that only two cases one court reported that, where such arguments were raised, a request for additional information was sent to the competent authority of the issuing Member State. This did not result in a considerable delay in the execution of the EAW and ultimately did not lead to a refusal to execute the EAW. Only in one case, as issuing authority, a Slovenian court requested by the competent authority of the executing Member State to provide the assurance that the fundamental rights of the surrendered person in relation to detention conditions would be respected. The requested assurance was given within the set period by the Slovenian issuing authority.

The consent of the requested person to their surrender plays an important role in the framework of the checks on the possible risk of violation of fundamental rights in relation to detention conditions in the issuing Member State. If the requested person consents to their surrender, the surrender procedure is shorter. If all conditions are fulfilled, the EAW is executed very quickly. Even in the case that the defence appeals against the detention order, the deadline is just 24 hours; consequently, the expectation of a quick end to the process is realistic, as the court has just 48 hours to decide on the appeal. However, if the requested person consents to their surrender, the Slovenian authorities do not usually check the possible risk of violation of fundamental rights in relation to detention conditions in the issuing Member State.

Nonetheless, when requesting additional information (e.g. regarding guarantees provided in Article 5 of FD 2002/584/JHA), the Slovenian authorities always set a deadline, which is usually respected by the issuing authority. In cases where the additional information is not provided, the Slovenian executing authority decides on the basis of the information available in the court file.

When the Republic of Slovenia is the issuing Member State, the Slovenian authorities have indicated that they generally do not receive requests for additional information on detention conditions and guarantees and that they therefore do not have sufficient experience with diplomatic assurances. Only in one case, as the issuing authority, was a Slovenian court requested by the competent authority of the executing Member State to provide the assurance that the fundamental rights of the surrendered person would be respected. The requested assurance was given within the set period by the Slovenian issuing authority.

In the event of such a request, the issuing judicial authority would obtain information on all relevant aspects of the detention conditions directly from the Prison Administration of the Republic of Slovenia and the specific prison, in the area where the person concerned is likely to be detained. The Office of the Human Rights Ombudsman of the Republic of Slovenia would also be contacted. All assurances would be given by the issuing judicial authority (the court) to the competent authorities of the executing Member State and would include a detailed description about the conditions of the prison where the requested person would be located. The situation would cover specific circumstances such as square footage per person, hygiene and medical conditions, recreation and other activities.

The Slovenian authorities have reported no practical or legal difficulties in finding alternative solutions to avoid impunity in cases where the application of the Aranyosi/Căldăraru two-step test on detention conditions has resulted in a decision to bring the surrender procedure to an end.

Some concerns were raised about how detention conditions arguments, referred to in the Aranyosi/Căldăraru case and the current case law of the ECtHR, on human rights violations concerning detention conditions and the enforcement of sentences, will affect the application of the EAW, especially if the assessment of detention conditions in the issuing Member State will be required every single time when executing an EAW. In this respect, one Slovenian court suggested that the information on the potential risk of violation of fundamental rights in relation to detention conditions should be collected at the level of each individual Member State (e.g. by the Ombudsman or the Ministry of Justice) and made available to the judicial authorities of all Member States. However, as mentioned above, the Slovenian authorities have also expressed doubts on whether the information provided in this context would in fact reflect a real prison situation.

The representative of the Slovenian Bar Association also indicated that, to their knowledge, they have never raised questions about detention conditions in foreign prisons. The evaluation team is of the opinion that, again in this case, one reason for the lawyers being passive and never raising these questions in the EAW procedures could be explained by their lack of knowledge in the field of judicial cooperation and CJEU case law.

Due to the fact that questions relating to detention conditions have very rarely been raised before the Slovenian courts during the execution of an EAW, the evaluation team was unable to determine whether the Slovenian national authorities and lawyers are sufficiently aware of the guidelines resulting from the Aranyosi/Căldăraru judgment of 5 April 2016.

The evaluation team recalls, in this connection, that the vast majority of mutual recognition instruments refer to fundamental rights only in general terms, by including general calls for compliance in their preambles and normative parts (with the exception of Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties and the EIO Directive). It appears, however, that these clauses do not have the effect of mere formal declarations, but prescribe an examination – at each stage of the proceedings – of its compliance with the Charter of Fundamental Rights of the European Union, referred to in Article 6 of the Treaty on European Union, which the Treaty of Lisbon afforded the force of primary EU law.

This view was confirmed in the key judgment of 5.4.2016 from the point of view of cooperation in criminal matters, in Joined Cases C-404/15 and C-659/15 PPU Aranyosi and Căldăraru. In this judgment, the Court stated that mutual trust is the basis on which the mechanism for the application of the EAW is established, and that Member States are, in principle, obliged to take the warrant into account (paragraph 79). It may only be refused in the cases provided for in the Framework Decision itself. However, the CJEU at the same time recognised that ‘in exceptional circumstances’ limitations may be imposed on the principles of mutual recognition and mutual trust between Member States. Indeed, as follows from Article 1(3) of the EAW FD, it does not have the effect of modifying the obligation to respect the fundamental rights contained, *inter alia*, in the Charter. The Court of Justice recalled that the absolute prohibition of inhuman or degrading treatment or punishment is one of the fundamental rights protected by Union law and, moreover, of an irrebuttable nature. It also gave guidance on how to assess whether, in a given case, there is a real risk of a violation of such a right. This particular test (the so-called Aranyosi/Căldăraru test) requires judicial authorities to rely on objective, reliable, accurate and duly updated data (para. 89).

The Court indicated that sources of information on the state of the penitentiary system in the executing State, including as regards social and living conditions in prisons, should be: international judicial decisions (especially ECtHR decisions), national judgments and decisions, reports and other documents drawn up by the Council of Europe bodies or originating from the UN system. Once the existence of such a danger has been generally established, it is necessary to assess the risk of its occurrence in the circumstances of the particular case (paragraph 92). If such a tangible danger cannot be excluded, the authority should decide whether the transfer procedure should be discontinued.

This issue has become the subject of subsequent requests for preliminary rulings, including case C-220/18 PPU, ML. In its judgment of 25.07.2018, the CJEU confirmed the relevance of the Aranyosi/Căldăraru test. In this regard, it referred to the case law of the ECtHR, in particular the judgment of 20.10.2016 in the case Muršič v. Croatia, holding that if the personal space available to a prisoner is less than 3m² in a collective cell, this raises a strong, yet rebuttable, presumption of a violation of Article 3 of the ECHR (prohibition of torture and inhuman or degrading treatment). The indicated ECtHR judgment was also considered as a reference point in the judgment of 15.10.2019 in case C-128/18, Dorobantu. The judgment thus became an indirect benchmark for controlling the standard of prison space per inmate in the EU ¹⁰.

The aforementioned analysis comes to the conclusion that poor prison conditions should be deemed a substantial element of the decision on executing the EAW or transfer of the sentenced person. Therefore, this factor should be taken into account by the executing authority *ex officio*, while – according to representatives of the Slovenian judiciary – this kind of scrutiny is generally carried out at the request of defence lawyers, i.e. *ex parte*. Thus, the evaluation team recommends that Slovenia proactively assess *ex officio* the potential risks of breaches of fundamental rights in relation to detention conditions in the issuing State of an EAW, regardless of the initiative of the defence, in line with CJEU case law. A useful tool to this end is the fundamental rights Agency's (FRA) website, which contains a database on criminal detention conditions (<https://fra.europa.eu/en/databases/criminal-detention/criminal-detention/home>).

¹⁰ In the fourth paragraph of the latter judgment, the Court held that a finding that a person prosecuted under the EAW, after their surrender to the issuing State, will be exposed to the risk of inhuman or degrading treatment because of the conditions in the prison where their confinement is envisaged, cannot, for the purposes of the surrender determination, be offset by considerations relating to the effectiveness of judicial cooperation in criminal matters and the principles of mutual trust and recognition.

3.4.2. Refusal in the event of a judgment *in absentia*

Since FD 2009/299/JHA entered into force, the Slovenian authorities have not faced any major challenges with regard to grounds for refusal in the event of judgments *in absentia*. Nonetheless, the Slovenian authorities usually do require additional information on the reasons and circumstances of the trial *in absentia* pursuant to Article 4a of FD 2002/584/JHA and on the issue of the right to a retrial, especially since the Slovenian legislation does not allow trials *in absentia*, so they are not well-acquainted with that type of procedure ¹¹.

However, this did not lead to the extension of, or non-compliance with, the time limits set by Article 17 of FD 2002/584/JHA. The Slovenian authorities have indicated that the issuing authorities should provide substantially more detailed information whenever Article 4bis of the EAW FD applies.

According to the Slovenian authorities, the impact of the Tupikas ¹², Zdziasek ¹³ and Ardic ¹⁴ judgments in EAW proceedings, which they have dealt with as the executing authorities, has been that the issuing Member State is always required to provide additional information and guarantees.

¹¹ Article 307 of the ZKP.

¹² CJEU: Tupikas, C-270/17 PPU, 10 August 2017, ECLI:EU:C:2017:628.

¹³ CJEU: Zdziasek, C-271/17 PPU, 10 August 2017, ECLI:EU:C:2017:629.

¹⁴ CJEU: Ardic, C-571/17PPU, 22 December 2017, ECLI:EU:C:2017:1026.

The Slovenian authorities estimate that Article 10 point 10 of the implementing law ¹⁵, which provides for mandatory grounds for refusal of surrender unless the prerequisites for executing a warrant issued on the basis of a trial *in absentia* ¹⁶ are met, duly takes into account FD 2009/299/JHA and the abovementioned judgments. Therefore, the Slovenian authorities do not consider any legislative changes or amendments to be necessary as a result of the abovementioned case law. However, the evaluation team considers that the mandatory nature under national law of such a ground for refusal which is optional under the EAW FD might be problematic given the CJEU's Ardic ¹⁷ judgment.

As mentioned above, the Slovenian legislation does not allow trials *in absentia*. Therefore, the Slovenian authorities have indicated that, when the Republic of Slovenia is the executing Member State, the issuing authorities should provide detailed information in the EAW whenever Article 4bis of FD 2002/584/JHA applies.

Although the Slovenian legislation does not allow this kind of trial *in absentia*, Slovenia has not refused the execution of EAWs on these grounds if the issuing States provided the required information and there was compliance with the prerequisites for executing an EAW issued on the basis of a trial *in absentia*.

¹⁵ Article 10 point 10 of the ZSKZDČEU-1 10 reads: ‘The surrender of a requested person shall be refused in the following instances... if the warrant is issued for the purpose of executing a custodial sentence or another measure imposed by a criminal court involving deprivation of liberty, and the requested person was not present at the trial on the basis of which the decision was issued, unless the conditions are met for executing a warrant issued on the basis of a trial *in absentia*.’

¹⁶ Article 13 of the ZSKZDČEU-1.

¹⁷ C-665/20.

3.4.3. *Other grounds for refusal*

The Slovenian authorities reported no major challenges regarding other grounds for refusal. Most often, they come across cases involving the argument of double criminality. These cases refer to descriptions of acts not listed as offences where verification of double criminality is excluded. In such cases, if an act is not a criminal offence under Slovenian legislation, the surrender is refused, as this ground for refusal is also mandatory under Slovenian law.

The Slovenian authorities have reported that some executing Member States still double-check criminality, even if the offence in question falls within the category of offences for which a double criminality check is not required. For example, there was a case where the competent authority of the executing State refused to surrender a person who had transported a certain number of tablets classified as illicit drugs for the purpose of selling them. It was argued that there was not a sufficient number of tablets under their national legislation.

When the Republic of Slovenia is the issuing State, in order to make the case easily understood by the competent authorities of the executing State in relation to the ground for refusal based on lack of double criminality, the Slovenian authorities indicated that they always provide a factual description of the act in question; in particular, they summarise the elements of a criminal offence and the circumstances of the act indicating those elements. Where more specific elements of a criminal offence were needed by the executing State, the Slovenian authorities would provide a more detailed description.

As the executing authorities, the Slovenian authorities are usually able to summarise the relevant facts from the description of the act in the EAW. However, some Member States tend to describe the facts of the crime very briefly. In cases where the description of the act was not sufficiently clear to assess the double criminality, a request for additional information was sent to the issuing authority.

Under Slovenian law, it is mandatory to refuse the execution of the EAW if the act on which it is based does not constitute an offence under Slovenian law or where the criminal prosecution or punishment of the requested person is statute-barred under Slovenian law and the acts fall within Slovenia's jurisdiction. Under Article 4 of the EAW FD, these situations should constitute optional grounds for refusing to execute the EAW. Despite this, Slovenia has implemented FD 584 so that it is mandatory to refuse execution of the EAW if some of these situations occur. In the evaluation team's view, this approach does not seem to be in compliance with CJEU case law. The evaluation team underlines that, in its judgment in case C-665/20, the court ruled that Article 4(5) of Council Framework Decision 2002/584/JHA of 13 June 2002 on the European Arrest Warrant and the surrender procedures between Member States, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that, where a Member State chooses to transpose that provision into its domestic law, the executing judicial authority must have a margin of discretion in order to determine whether or not it is appropriate to refuse to execute a European Arrest Warrant on the ground referred to in that provision.

3.5. Further challenges

3.5.1. Practical and legal problems related to transit (Article 25 of EAW FD)

The implementing law designated the Ministry of Justice and the competent courts as authorities responsible for the tasks in relation to the transit of the sought person pursuant to Article 25 of FD 2002/584/JHA. Accordingly, the Ministry of Justice decides on requests for the transit of a requested person who is being surrendered by a Member State to another Member State through the territory of the Republic of Slovenia. The Ministry of Justice notifies the authority requesting the transit of its decision, as well as the Slovenian police, which escort the person through the territory of the Republic of Slovenia. If permission is required for the transit through the territory of another Member State in order to execute an EAW issued by a Slovenian court, the Slovenian court requests the permission for transit from the competent authorities of that Member State.

In the light of the above, the Ministry of Justice is responsible for arranging all the legal issues relating to the transit of the requested person. In some cases, the information about the citizenship of the person in transit is communicated to the IPCD. Otherwise, the Ministry of Justice has not encountered any major problems from a legal point of view in relation to transit.

From a practical point of view, the organisation of the transit procedure starts when the IPCD receives the permission for transit, issued by the Ministry of Justice, followed by communication with the other Member States that are involved in the case. The IPCD is responsible for all the necessary practical arrangements with the other Member States' competent authorities, including arrangements as regards the place, date and time of the transit. After the execution of the transit, the Ministry of Justice is informed that the case is completed.

The Slovenian authorities did not report any major legal or practical problems related to transit. However, it was reported that difficulties with accommodation (detention) of a person may occur, if onward air travel from the Republic of Slovenia does not continue on the same day and the person in transit has to stay in the Republic of Slovenia.

The problems with air transport were also pointed out, especially as they may lead to further delays in executing the surrender. In addition, it is sometimes difficult for the courts to identify a competent authority to execute the surrender of the requested person and the language requirements of the request for permission, since this information is often not updated.

Lastly, the IPCD representatives referred to some problems experienced in the context of the COVID-19 pandemic with Member States other than neighboring countries, due to the cancellation of several flights that involved delays in the execution of the actual transfer, which often required transit through other States.

3.5.2. *Further challenges*

The Slovenian authorities do not have centralised translation services, but make use of judicial translators for almost all EU languages.

The Slovenian judicial authorities accept EAWs translated into Slovenian or in English and pointed out that, as the translation into Slovenian is usually not the most accurate, they even prefer to receive EAWs in English. Although the official language in court hearings is Slovenian and all the documents presented to the court should be translated into Slovenian, the evaluation team was informed that, in urgent EAW cases, for certain languages, the Slovenian judicial authorities do not require a translation and the decision can be made on the basis of documents which have not been translated into Slovenian. The evaluation team finds this a best practice, worth spreading in other Member States as it speeds up the procedure. This is also a new approach presented in the latest EU criminal law instruments, like the EIO Directive or the Regulation on freezing and confiscation orders, where the Member States are obliged to accept documents in more than one (their own) language. It would also help when dealing with less-known European languages.

CJEU case law has not led to changes in national legislation. Nevertheless, since the CJEU judgments explaining EU's legislation have a factual *erga omnes* effect, the Slovenian authorities stated that, in practice, the Slovenian courts respect all CJEU case law on the EAW FD.

The role of the EJM was also highlighted, since the EJM contact points make sure to distribute all the relevant information, including information about recent CJEU judgments, to all other practitioners, judges and prosecutors.

Generally, the Slovenian authorities do not encounter any major legal or practical problems related to the practical application of the EAW. The process of executing and issuing an EAW and the cooperation between all relevant authorities is well established and the EAW is considered to be the most effective tool of mutual legal assistance among practitioners. Also, from a defence perspective, the practical application of the EAW in Slovenia seems to be unproblematic, despite the short procedural terms .

As regards the speciality rule and the procedure under Article 27 of the EAW FD to obtain the consent of the executing Member State for further prosecution, Slovenian authorities noted that this can be very lengthy, especially where the law of the executing Member State requires the hearing of the requested person, which is often a mere formality.

The Slovenian authorities made a few other suggestions on how to improve EAW procedures. One suggestion was that when the surrender is postponed, after a certain period, the issuing authority should inform the executing State whether the EAW issued is still valid. It was also suggested that the issuing authorities should provide as much information as possible in order to properly establish the identity of the sought person and to make sure that the information provided is correct. As an example, a member of the Slovenian Bar Association mentioned a case where there was a problem establishing the identity of the person, whom the Slovenian authorities had in custody, because the fingerprints of the sought person were not readily available (they only had the photograph), which led to a case of mistaken identity.

Slovenia has formal bilateral agreements in place with other EU Member States with Croatia and bilateral agreements with other EU Member States, that were concluded by the former Yugoslavia and were acceded by Slovenia.

Official EAW statistics for the period 2017-2020 have been provided by the Slovenian authorities and are set out in Annex B.

3.6. Conclusions

- In Slovenia, there is a developed judicial system, composed of 44 local courts, 11 district courts, 4 high courts and the Supreme Court. The office of the Ministry of Justice is not formally designated as the central authority and the Slovenian courts therefore communicate directly with the other Member States' competent authorities. The investigating judge has the main role when issuing or executing EAWs, but local and district courts also have a role as the issuing authorities and High Courts as appeal courts. The Supreme court renders a decision on whether the person shall be surrendered to a Member State or extradited to a third country. Although there is no specialisation among judges, judges dealing with EAW cases are professional and dedicated.
- Generally speaking, FD 2002/584/JHA has been implemented in Slovenia properly and works well in practice. However, under Slovenian law, it is mandatory to refuse the execution of an EAW in some cases where the EAW FD provides for optional grounds for refusal. In the opinion of the evaluation team, this approach does not seem to be in compliance with the relevant provisions of the EAW FD and with the relevant CJEU case law (C-665/20).
- The Slovenian authorities pointed out that the speed of the procedures is one of the most important priorities for them. Indeed, almost all EAW cases are solved within the time limits set in the EAW FD.
- When Slovenia is the executing State, the procedure differs depending on whether or not the requested person consents to the surrender. If they give their consent, a simplified procedure applies. The issue of consent of the requested person also affects the procedure for legal remedies and the competent judicial authority to decide on the appeal.
- The evaluation team finds it challenging that there are very short time limits for hearing the requested person on the surrender and for lodging an appeal against the decision on surrender: with consent 24 hours, without consent 48 hours from handing over the decision. This may have an impact on the requested person's effective exercise of the right of defence.

- When the Republic of Slovenia is the issuing State, the principle of proportionality is always taken into account by the Slovenian authorities before issuing a domestic arrest warrant, which is a pre-requisite for issuing an EAW. However, the evaluation team points out that the Slovenian authorities should ensure that a proportionality test is also done when issuing an EAW.
- The Slovenian authorities informed the evaluation team that they do not regularly assess *ex officio* the risk of fundamental rights infringements, but only if the defence raises the issue or there is objective, reliable and specific evidence or substantial grounds to believe, that following the surrender of the person sought to the issuing Member State, the person would run a real risk of being subject to inhumane or degrading treatment and the evaluation team considers this approach not to be in line with CJEU case law.
- The Slovenian authorities informed the evaluation team that there have been a few cases in Slovenia where detention conditions arguments were raised and a request for additional information was sent to the issuing authority. This did not result in considerable delays in executing the EAW and ultimately led to a refusal to execute the EAW only in one case.
- As the issuing state, the Republic of Slovenia has, in most cases, received surrender decisions or any relevant information related thereto from the executing State.
- The Slovenian authorities have not faced any challenges as regards grounds for refusal in the event of judgments *in absentia*. As the issuing state, the Republic of Slovenia has never issued a judgment *in absentia*, as this is not possible under Slovenian law. As the executing State, the Republic of Slovenia has usually required additional information as the information on the grounds of trial *in absentia* is usually not sufficient in EAWs, but this does not usually lead to a refusal of surrender.
- The Slovenian judicial authorities accept EAWs translated into Slovenian or in English. In the view of the evaluation team, the general and formalised acceptance of EAWs in English should be considered a best practice.

4. FRAMEWORK DECISION 2008/909/JHA ON THE APPLICATION OF THE PRINCIPLE OF MUTUAL RECOGNITION TO JUDGMENTS IN CRIMINAL MATTERS IMPOSING CUSTODIAL SENTENCES OR MEASURES INVOLVING DEPRIVATION OF LIBERTY FOR THE PURPOSE OF THEIR ENFORCEMENT IN THE EUROPEAN UNION

4.1. Authorities competent for the recognition of the judgment and execution of the sentence

The Republic of Slovenia transposed Framework Decision 2008/909/JHA into national legislation with the Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU-1) of 23 May 2013, which entered into force on 19 June 2013.

Pursuant to the aforementioned provisions, the procedure for issuing and executing decisions concerning FD 2008/909/JHA is judicial. The abovementioned implementing law sets a general rule, according to which the competent Slovenian authorities have direct contacts with other Member States' competent authorities. Consequently, it did not formally designate a central authority.

Therefore, in the Republic of Slovenia, proceedings under Framework Decision 2008/909/JHA are judicial, as the Ministry of Justice, as central authority, only assists the competent judicial authorities in case of difficulties which cannot be resolved directly with the competent foreign authority, e.g. identifying the competent foreign or central authority, or sending or verifying the authenticity of the documentation. The Ministry of Justice does not maintain contacts with foreign judicial authorities, but it does maintain contacts with the justice ministries of other Member States.

When acting as the executing State and as the issuing State, the competent authorities in the Republic of Slovenia in both cases are the district courts. The competent district courts have jurisdiction over: all consultations covered in this Framework Decision; all explanations regarding the enforcement of sentences in the Republic of Slovenia; recognition of a decision imposing a custodial sentence; requests to a competent authority of the issuing State for the forwarding of a certificate and judgment on the basis of an application of a sentenced person; proceedings for the enforcement of a sentence; the notification of the issuing State on the sentence served; the discontinuance of enforcement; and other decisions in proceedings under FD 2008/909/JHA.

Prosecutors do not participate in all proceedings, but can challenge decisions of the courts in all cases and in some cases can be asked by the courts to give an opinion.

In addition, in the absence of a response from the authorities of another Member State, the EJN contact points or the national representative of Eurojust may assist with further inquiries or with speeding up the matter. Otherwise, direct communication with the competent authorities of other Member States mostly takes place via email. According to the Slovenian authorities, in general, this kind of communication is fast and effective. Positive experiences with the authorities of some Member States were highlighted.

When Slovenia acts as the issuing State:

Pursuant to Article 2 of Framework Decision 2008/909/JHA, the competent authorities in the Republic of Slovenia are the district courts competent for the enforcement of the sentence. *In concreto*, it is the district court that is territorially competent for the area of the permanent or temporary residence of the convicted person or – if the convicted person has no permanent or temporary residence in Slovenia – the district court competent for the area in which the court of first instance passed the judgment.

The forwarding of the certificate and the decisions are not only initiated *ex officio* by the court having jurisdiction to enforce the sentence, but also on the basis of a motion from the sentenced person or a competent authority of another Member State. In practice, most transfer proceedings start upon the motion of the sentenced person.

The decision about forwarding the certificate to start the proceedings is a factual one and not a written one in the sense of a court ruling. Therefore, there is no legal remedy against this decision, which is in line with Framework Decision 2008/909/JHA. Nevertheless, the evaluation team was informed that one court had rendered a written decision although this is not foreseen in the abovementioned FD or in the national legislation. This does not seem to be a problem, as it did not limit the procedural rights of the person concerned in the case in question.

The national court can withdraw the certificate by providing the reasons for its decision until the commencement of the enforcement of a custodial sentence, safety measure or other measure involving deprivation of liberty in another Member State, under certain circumstances mentioned in Article 156 of the ZSKZDČEU-1.

If the national court withdraws the certificate, it must immediately notify the competent authority of the executing State.

When Slovenia acts as the executing State:

The competent authorities in the Republic of Slovenia pursuant to Article 2 of Framework Decision 2008/909/JHA are the district courts, in the area of which the last permanent residence of the sentenced person was registered in the Republic of Slovenia. If the sentenced person does/did not have a permanent residence in the Republic of Slovenia, the jurisdiction will be determined by the location of their last temporary residence. If the territorial jurisdiction cannot be determined as stated above, the competent court is the Ljubljana District Court.

If a national court, which receives a decision for recognition and enforcement, or the application of a sentenced person for instituting proceedings for a transfer of the enforcement of a sentence, does not have jurisdiction, it will immediately refer the case to a court having jurisdiction, and inform thereof the competent authority of the issuing State which sent the certificate and the judgment, or the sentenced person who filed the application for a transfer of enforcement of the sentence.

Proceedings will be conducted and decisions rendered by a judge conducting the enforcement of custodial sentences.

Institution of proceedings

The proceedings for the recognition of a final decision imposing a custodial sentence or measures involving deprivation of liberty is initiated when a national court receives a certificate (Annex I to FD 2008/909/JHA), or an application of the sentenced person for a transfer of the enforcement of the sentence to the Republic of Slovenia. If a national court receives an application from a sentenced person for a transfer of the enforcement of a sentence to the Republic of Slovenia, and the national court, when necessary, consents to the transfer of the enforcement of the sentence, the court will notify the competent authority of the issuing State without undue delay and request the latter to forward the corresponding instruments.

Under Article 131 of the ZSKZDČEU-1, the national district court will recognise and enforce a final decision of a court of the issuing State imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty for a definite or indefinite period on a person for a criminal offence under the law of the issuing State on the basis of criminal proceedings if the sentenced person is in the territory of the issuing State or the Republic of Slovenia, under the following conditions:

1. Regardless of the sentenced person's consent, if they are a national of the Republic of Slovenia, and

a) the sentenced person is registered as a permanent or temporary resident in the Republic of Slovenia, including in cases where a sentenced person has fled to, or arrived in, the Republic of Slovenia in order to avoid criminal proceedings or the execution of a sentence in the issuing State, or

b) if a person was sentenced to expulsion, forcible removal or other measure resulting in the fact that that person would no longer be permitted to remain in the territory of the State which issued a final decision upon that person's release from serving the sentence or the measure involving deprivation of liberty.

2. With the sentenced person's consent, if it is established under the specific provisions that the special circumstances and ties of the sentenced person to the Republic of Slovenia exist, on the basis of which a reasonable conclusion may be drawn that the enforcement of the sentence in the Republic of Slovenia would facilitate the sentenced person's social rehabilitation.

Decision on recognition:

A national court will decide on the recognition of a foreign decision or on the refusal to recognise that decision by issuing an order within 30 days of receiving the certificate and judgment, or additional explanations. This order must contain: data on the sentenced person; the title of the authority whose decision is being recognised; the reference number and date of the decision; the date on which the decision became final; the duration and type of sentence imposed on the sentenced person in the issuing State; a short description of the facts; the designation of the criminal offence for which the person was sentenced and the regulations of the issuing State which were applied; the type, duration and manner of enforcement of the sentence in the Republic of Slovenia; reasoning of potential reasons for adapting the duration, type and manner of enforcement of the sentence in the Republic of Slovenia; an indication of the opinion of the sentenced person on the transfer of enforcement of the sentence, and other data necessary for enforcement.

The court must also inform the authorities that, when the time limit has expired, recognition will be refused in whole or in part if:

1. The certificate is not sent, is incomplete in its essential parts, or is manifestly contrary to the decision, or
2. Reasonable grounds are present whereby it may be concluded that a reason exists for the inadmissibility of recognition and enforcement under Article 131 of the ZSKZDČEU-1.

In practice, the Slovenian authorities are flexible and very cooperative about the extension of time limits and only refuse the recognition, when it is clear that the required documents will not be sent at all. The evaluation team was also informed that, in most cases, the time limits set are met.

If recognition is refused, the reasons for refusal must be stated in the order.

The order will be served on the sentenced person and the competent state prosecutor before the court rendering a decision on the recognition of the decision.

The sentenced person and the state prosecutor may appeal the order within eight days of the service of the order. A higher court must render a decision on the appeal within 30 days.

The right to get the order served and the right to appeal the order is the state prosecutor's sole competence in FD 2008/909/JHA proceedings.

Extraordinary legal remedies against a final order are not permitted.

In all cases, if no reason exists for postponing the recognition of a decision, a final decision on the recognition must be rendered within 90 days of the receipt of the judgment and the certificate.

The evaluation team was informed that, when the Republic of Slovenia is the executing Member State, the Slovenian authorities always provide detailed reasons for the decision.

If the request for recognition and enforcement is accompanied by a request of the competent authority of the issuing State to order a provisional deprivation of liberty of a person prior to a decision on recognition and enforcement of a foreign decision being rendered, for the purpose of ensuring enforcement or any other measure ensuring attendance, the president of the court will refer the case file to an investigating judge. An investigating judge may order detention or another measure upon applying *mutatis mutandis* the provisions of the law governing criminal procedure, provided that circumstances indicate: the risk of the person absconding in order to evade the enforcement proceedings; serving of a sentence or imposition of a measure; the consent of the person to a transfer of the enforcement of the sentence is not necessary; and the recognition of the decision is not manifestly inadmissible. Provisional deprivation of liberty will be ordered, enforced or renewed by applying *mutatis mutandis* the provisions on detention after a judgment has been rendered, pursuant to the law governing criminal procedure, on the ordering, execution or renewal of detention.

Detention may only last until the final decision is rendered on the transfer of the enforcement of the sentence, or until the serving of the sentence begins (Article 142 of the ZSKZDČEU-1).

In practice, the Slovenian authorities are not aware of any case where a provisional arrest was ordered. Besides, in most cases, the person sentenced abroad is in prison in the foreign country during the recognition proceedings.

4.2. Documents required for recognition of the judgment and execution of the sentence

When the Republic of Slovenia is the issuing Member State:

Under Article 155 of the ZSKZDČEU-1, when the Republic of Slovenia is acting as the issuing State, a national court will forward the following to a competent authority of the executing State:

- a final decision imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty to be enforced;
- a completed and confirmed certificate;
- a translation of the certificate into the official language of the executing State, or into any other language deemed acceptable by that State;
- the written consent to transfer the enforcement of a sentence when necessary under the abovementioned Act, or an opinion of the sentenced person on the transfer of the enforcement of the sentence, when submitted;
- if a sentenced person is already on the territory of another Member State, a completed official notice to the sentenced person on the intended transfer of the enforcement of the sentence, as provided by Annex 7 to the abovementioned Act, and a translation of the notice in a language that the sentenced person understands.

At any given time, the certificate and accompanying instruments may be forwarded to one foreign Member State only.

When the Republic of Slovenia is the issuing Member State, the Slovenian authorities have not encountered situations when additional documents are requested on a regular basis by the executing Member State. In cases where translations of documents are required by the executing State and no translators are available for its specific language, a relay translation is done: first a translation into English and then a translation into the other language.

When the Republic of Slovenia is the executing State:

A Slovenian court will render a decision on recognition on the basis of the following instruments:

- a final decision imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty to be enforced;
- a certificate, completed and confirmed by a competent authority of the issuing State;
- a translation of the certificate into Slovenian or English;
- the written consent of the sentenced person when necessary under the national law, or the opinion of the sentenced person on the transfer of enforcement of the sentence when submitted;
- a completed official notice to the sentenced person on the intended transfer of the enforcement of the sentence, as provided by Annex 7 to the ZSKZDČEU-1 - Annex II to F D 909), when the sentenced person is already on the territory of the Republic of Slovenia.

All the documents must be forwarded by the issuing authorities in their original form, in an authenticated copy, or in another written form. Therefore, as the executing State, the Republic of Slovenia requires a written judgment. Consequently, a national court may require that the competent authority of the issuing State provides it with the original of the decision, or its authenticated copy, and the original of the certificate. The same conclusion can be drawn from the wording of Article 136 of the implementing law. The latter stipulates that a national court renders a decision on the recognition of a judgment and the enforcement of a sentence rendered by another Member State on the basis of the documents explicitly listed, *inter alia* a final decision imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty to be enforced. To date, the Slovenian authorities are not aware of receiving any certificate that was signed only electronically and it is therefore not clear if they would accept such a certificate.

The Slovenian authorities reported that, in practice, there have been no cases where the issuing authority did not attach a judgment, but sometimes the issuing authorities do not respond in a timely manner and only provide other additional documentation after numerous requests.

The Slovenian authorities informed the evaluation team that the information included in the certificate or accompanying the certificate are usually considered sufficient.

If additional information is required, the national district court sets an appropriate time limit within which the competent authority of the issuing State must provide supplementary information.

However, the Slovenian authorities also reported that, if supplementary information is needed, it usually refers to the question of a sentence already served in the issuing State. The Slovenian national authorities have stated that the certificate is rather inconvenient, since it provides information on the total duration of the sentence in days and information on the total duration of the detention (so far) also in days. Pursuant to the case law in Slovenia, a judgment (and an order on the recognition of a foreign decision) must contain a precise statement of a sentence imposed in years and months and the time to be counted in the sentence (deprivation of liberty and detention from...to...).

The expert team agrees that this information cannot be found in the certificate. Therefore, if this information cannot be summarised from the judgment, supplementary information is needed on the exact dates, i.e. when the convicted person was deprived of their liberty.

This is considered valuable input and the evaluation team is of the opinion that the certificate should be adapted in this respect.

It has to be highlighted that, as stated above, the Slovenian courts accept translations into English of the judgment; only the certificate – not the judgment – has to be translated. Only if the data provided in the (translated) certificate and during possible consultation does not suffice for a decision on recognition and enforcement to be rendered, is a translation required of the decision or of those parts of decision which are essential for rendering a decision into Slovenian.

Such essential parts can be the duration of the sentence already served, or facts that are necessary to subsume the facts of the judgment under the relevant Slovenian legal provision.

The Slovenian authorities reported that the translation should be provided by the competent issuing authority. However, in practice, in most cases, the documents are translated into Slovenian.

In exceptional cases, the cost of the translation will be borne by a national court if it is indispensable given the nature of the case.

The evaluation team was told that most Slovenian judges and prosecutors know the English language very well, which makes communication with the authorities of other Member States easier. As mentioned before, as a general rule, the competent Slovenian district courts have direct contacts with their counterparts in the other Member States and the Slovenian Ministry of Justice only acts as an assisting body. In addition, in the absence of a response from the authority of another Member State, the contact points of the EJM or the national representative of the Eurojust may assist with further inquiries or in speeding up the matter.

When Slovenia is acting as the executing State, the Slovenian authorities inform the issuing State, once the judgment is fully enforced.

4.3. Criteria for assessing the facilitation of social rehabilitation

4.3.1. *Exchange of information between the issuing State and the executing State*

When Slovenia acts as the issuing State, Article 154(2) of the ZSKZDČEU-1 provides that, when deciding whether to forward a decision under FD 2008/909/JHA, the court will take into account the special circumstances and the ties that the sentenced person has with that State, and on the basis of which it may be reasonably concluded that the enforcement of the sentence would facilitate the person's social rehabilitation.

The evaluation team was informed that the proceedings are usually initiated by a motion by the sentenced person, who can request to be transferred at any stage of the proceedings.

One judge told the evaluation team that he is not aware of a single case where the request was based on a deportation order. The Slovenian authorities could not explain why this possibility is not used although it could help the social rehabilitation if the person serves the sentence in their home state where they can stay after their release from prison.

Therefore, before issuing a certificate under FD 2008/909/JHA, the Slovenian courts carefully consider all circumstances of the case and especially assess:

- the consent of the sentenced person;
- the length of the stay in the executing state;
- their employment;
- family ties (children, partner or other relatives) in the executing state;
- linguistic, cultural, social, economic or other ties in the executing state, etc.

In order to evaluate the possibility of social rehabilitation, the Slovenian authorities can make enquiries with the person concerned, the Prison Administration, the social services or other relevant sources of information.

As the certificate and the judgment are usually sent to the Member State of nationality of the sentenced person in which they live, (paragraph 1(a) of Article 4 of FD 2008/909/JHA), the Slovenian courts generally assume that the enforcement of the sentence by this Member State will serve the purpose of facilitating the social rehabilitation of the sentenced person. In these cases, consultation with the executing authorities on the basis of Article 4(3) of FD 2008/909/JHA in order to establish whether the sentence would serve the purpose of facilitating the social rehabilitation and successful reintegration of the sentenced person into society is not usual.

The Slovenian authorities reported no cases as referred to in paragraph 1(c) of Article 4 of FD 2008/909/JHA. Therefore, there has been no case of an obligatory consultation on the basis of Article 4(3) of FD 2008/909/JHA.

When the Republic of Slovenia is the issuing Member State, the Slovenian authorities reported no cases in which they have been presented with an opinion by the executing State on the basis of Article 4(4) and (5) of FD 2008/909/JHA.

When Slovenia acts as the executing State, as mentioned before, Article 131(2) of the ZSKZDČEU-1 provides that the national district court will recognise and enforce a final decision of a court of the issuing State with the consent of the sentenced person, if it is established under certain provisions that special circumstances and ties of the sentenced person to the Republic of Slovenia exist, on the basis of which a reasonable conclusion may be drawn that the enforcement of the sentence in the Republic of Slovenia would facilitate the sentenced person's social rehabilitation.

When the Republic of Slovenia is the executing Member State, the Slovenian authorities always provide information to the issuing Member State without delay, as required by Article 21 of FD 2008/909/JHA.

The Slovenian authorities have not established practical arrangements on a bilateral basis with other Member States for facilitating the application of FD 2008/909/JHA.

4.3.2. *Opinion and notification of the sentenced person*

In practice, the Slovenian judicial authorities always allow the sentenced person to express their opinion in all circumstances surrounding the recognition of a judgment and the enforcement of a sentence on the basis of FD 2008/909/JHA, not only in all cases where the person is in the issuing State, as provided for in Article 6(3) of FD 2008/909/JHA, but also in cases where the person is in the Republic of Slovenia and the latter is the executing State.

The Republic of Slovenia as the executing State

When the Republic of Slovenia is the executing State, under the implementing law, if the sentenced person is already in the territory of the Republic of Slovenia, the national court having jurisdiction in the particular case, prior to rendering a decision on the recognition of the sentence rendered in the issuing State, notifies the sentenced person of the intended transfer of the enforcement of the sentence by the official notice provided in Annex 7 to the implementing law (ZSKZDČEU-1).

Furthermore, in order to allow the sentenced person to state their opinion, if the certificate and the decision are not accompanied by the consent or opinion of the sentenced person, and the sentenced person is in the territory of the Republic of Slovenia, the district court examines that person upon serving them with the form provided in Annex 7 to the ZSKZDČEU-1; alternatively, the district court acquires the sentenced person's written statement if this is more appropriate for the cost-effectiveness of the proceedings given the reasons for the inadmissibility of the recognition and enforcement and given other circumstances related to the recognition and enforcement of the decision.

Usually, the proceedings are written but it is also possible to have an oral hearing. If an oral hearing takes place, the prosecutor also participates and gives an opinion. If the person concerned is represented by a lawyer, they are also allowed to participate in the oral hearing. The involvement of a lawyer in these proceedings is not mandatory. If there is no oral hearing, then the court order is sent to the sentenced person and to the prosecutor after the decision is made and both have the possibility to appeal. However, the prosecutors who met with the evaluation team explained that they are not aware of cases where the prosecutor has appealed the court order in relation to recognition of the foreign court decision.

As the issuing State

When Slovenia is acting as the issuing State, the sentenced person is always allowed to state their opinion during the preliminary procedure, in all circumstances surrounding the recognition and enforcement of the judgment, usually in writing. Pursuant to an amendment of the Act on Cooperation in Criminal Matters with the Member States of the European Union (ZSKZDČEU-1), the sentenced person should be informed orally by the Court or by the Prison Administration in the area where the sentenced person is imprisoned, of the possibility of transferring the execution of the sentence to another Member State, as laid down in Article 151/III of the ZSKZDČEU. Prisoners wishing to obtain more information on the possible transfer can contact the judicial authorities directly or through their embassy. During the on-the-spot visit, it appeared that written notification/information is not provided to the prisoners, but that they are informed orally. The evaluation team is of the opinion that this is not sufficient and that all the prisoners should be informed in writing and in a language they understand about the possibility to serve the sentence in their home country and about the relevant procedure for the transfer.

In fact, as stated before, in most cases, it is the sentenced person who starts the proceedings by filing a motion. Therefore, if other conditions are fulfilled, the opinion of the sentenced person is generally always taken into account when deciding on whether or not to issue the certificate.

In any case, even if the conditions for a transfer of the enforcement of the sentence are met without the sentenced person's consent, the competent district court having the jurisdiction to enforce the sentence in the particular case, by applying the notice provided in Annex 7 to the ZSKZDČEU-1 (corresponding to Annex II to FD 2008/909/JHA), notifies the sentenced person in a language that the person understands, that the conditions for forwarding a decision for recognition and enforcement to another Member State have been met and that they have the right to submit an opinion on the transfer request.

If the sentenced person is in the territory of the executing State, the notification is forwarded to the competent executing authority of that Member State with the other documents needed to render a decision for the recognition of a judgment and the enforcement of a sentence rendered in the Republic of Slovenia. In most cases, the sentenced person is still in the territory of the issuing State.

Therefore, if the person is available and if, after being legally notified as mentioned above, they wish to make a statement, the national court having jurisdiction in the particular case, prior to rendering a decision on initiating proceedings, obtains a written or oral statement by the sentenced person or by their authorised or statutory representative.

4.3.3. Communication to the sentenced person of the transfer decision

As the executing State

When the Republic of Slovenia is the executing State, after the court decides whether to recognise or refuse the decision of the issuing State, the sentenced person is served with an order containing all the relevant data and the reasoning of the decision.

When the person is still in the issuing State, the decision is sent to them via the competent authority of that State or directly.

As the issuing State

When the Republic of Slovenia is the issuing State, in accordance with Article 6(4) of FD 2008/909/JHA, the competent Slovenian authorities will inform the sentenced person, in a language which they understand, that it has decided to forward the judgment, together with the certificate, by using the standard form of the notification set out in Annex II. If the sentenced person is in the executing State at the time of that decision, that form will be transmitted to the executing State, which will inform the sentenced person accordingly.

4.3.4. Legal remedies against the transfer decision

As the executing State

After the sentenced person and the competent state prosecutor are served with an order on the recognition of another Member State's decision or on refusal to recognise that decision (including cases where a sentence has been adapted), both may appeal that order within eight days before a high court. The high court must then render a decision on the appeal within 30 days. Extraordinary legal remedies against a final order are not permitted.

As the issuing State

When the Republic of Slovenia is the issuing Member State, under Slovenian law, there is no legal remedy against the decision to forward a decision with a view to the recognition of the judgment and enforcement of the sentence to another Member State, which is in line with Framework Decision 2008/909/JHA.

4.3.5. *Entitlement to a lawyer*

Both when the Republic of Slovenia is the issuing State and the executing State, the implementing law explicitly solely mentions the rights to legal counsel in Article 148(2), which stipulates that ‘a transferred person without legal counsel appointed shall be instructed that they have the right to appoint one.’

Regardless of whether the Republic of Slovenia is the issuing State or the executing State, the relevant provisions of the Criminal Procedure Act apply *mutatis mutandis*, especially Chapter 6. This means that the sentenced person can have a legal counsel of their own choice at any stage of the proceedings.

Only lawyers may be engaged as defence counsel, but they may delegate articulated clerks to deputise for them.

There is no mandatory defence in Slovenia in the proceedings under Framework Decision 2008/909/JHA.

4.4. Adaptation of the sentence

When a sentence is incompatible with the law of the Republic of Slovenia due to its duration, it may only be adapted if the sentence imposed is higher than the maximum sentence provided by the law of the Republic of Slovenia for a criminal offence for which a person is sentenced. The adapted sentence may not be lower than the maximum sentence provided by the law of the Republic of Slovenia for the same criminal offence.

The Slovenian authorities reported that there have been only two cases where the duration of the sentence had to be adapted since the sentence imposed by the other Member State exceeded the maximum penalty provided for the same kind of offence under Slovenian law. There have been no cases where the certificate has been withdrawn due to an overly lenient sentence after adaptation.

If a sentence of another Member State is incompatible with the law of the Republic of Slovenia due to the type of sentence or manner of enforcement, or if it cannot be enforced, the type or manner of enforcement will be adapted based on the sentence or measure which, under the law of the Republic of Slovenia, may be imposed for a criminal offence for which a person is sentenced. The adapted sentence must correspond to the sentence imposed in the issuing State as far as possible; in particular, a custodial sentence may not be converted into a fine.

The Slovenian authorities reported only a few cases, when the Republic of Slovenia was the issuing Member State, where the sentence was adapted because its duration or nature was incompatible with the law of the executing Member State.

In one case, Austria asked for the recognition and enforcement of a judgment on compulsory psychiatric treatment and confinement in a mental health institution. Under Austrian law, the duration of that measure is not *per se* limited. The competent Slovenian court informed the Austrian national authority that, under Slovenian law, such a measure is limited to a maximum of five years. The Austrian authority then asked for additional information about what happens when this period has elapsed and the sentenced person is still a danger to themselves and to others. The Slovenian court provided detailed explanations in this respect, namely that after this five-year period, if the person is still dangerous, treatment in a psychiatric hospital can be instituted against them without their consent in a non-contentious civil procedure.

It has to be highlighted that this reported case shows the good cooperation the Slovenian authorities have with the authorities of other Member States. Instead of refusing the request, after several instances of communication between the Slovenian and Austrian authorities, the person was transferred – which was their wish – since it is, of course, better that psychiatric medical treatment is administered to them with their family around and where they can speak their mother-tongue with the doctors.

As the issuing authorities, the Slovenian authorities reported no cases where the certificate was withdrawn due to an overly lenient sentence after adaptation.

In two cases, when the Republic of Slovenia was the executing Member State, the duration of the sentence had to be adapted pursuant to Article 8(2) of FD 2008/909/JHA, since the sentence imposed by the other Member State's authority exceeded the maximum penalty provided for in the case of a similar offence under Slovenian law.

When the Slovenian courts have to assess what constitutes a 'similar offence' referred to in Article 8 of Framework Decision 2008/909/JHA, the evaluation team has been informed that the Slovenian authorities remain cautious and respect the principle of legality and *lex certa*. In principle, a 'similar offence' constitutes an offence that meets all the elements of the criminal offence laid down in national legislation.

The evaluation team agrees with the Slovenian authorities that analogy in criminal law is forbidden.

When a Slovenian court as the executing authority decides on the recognition of another Member State's judgment with an order involving the adaptation of the sentence, the latter must *inter alia* contain the reasoning for the adaptation of the duration and of the terms of the enforcement of the sentence in the Republic of Slovenia. Therefore, when the order is served on the sentenced person, they receive all the updated information about the adaptation of the relevant sentence. If the sentenced person does not agree with the adaptation, they can still appeal the order within eight days of its service.

4.5. Grounds for non-recognition or non-enforcement

Grounds for non-recognition or non-enforcement of the sentence are set out in Article 9 of FD 2008/909/JHA.

Comparing these provisions and Article 132 of the ZSKZDČEU-1, it has to be noted that the latter is more extensive, as some of these grounds are mandatory, even in some cases where Article 9 of FD 2008/909/JHA provides that the competent authority of the executing State may refuse to recognise the judgment and enforce the sentence, thus laying down optional grounds for refusal.

In particular, Article 132 provides that:

(1) A national court shall not recognise and enforce a final decision of a judicial authority of the issuing State imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty, if:

1. a competent authority of the issuing State fails to forward the form as provided by the second indent of the first paragraph of Article 136 of this Act, or if such form is manifestly contrary to the decision, and the competent authority of the issuing State fails to supplement it accordingly, or fails to provide additional data required for a decision, or

2. the conditions for recognition and enforcement provided by Article 131 of this Act are not met;

3. a person has already been convicted or acquitted *res judicata* for the same offence, or criminal proceedings against such person have been discontinued with final effect, or the charge against such person has been dismissed as unfounded with final effect;

4. an act for which a sentence is imposed is not considered a criminal offence under the national penal code; if the decision which a national court is to enforce refers to criminal offences in connection with taxes, duties, customs duties and foreign exchange, enforcement may not be refused on the grounds that national legislation does not levy equal taxes or duties, or does not have the same regulations on customs duties and foreign exchange as the legislation of the State issuing the decision;

5. under the law of the Republic of Slovenia, the execution of a sentence has fallen under the statute of limitations;

6. the act for which the sentence was imposed was committed by a person who at that time was younger than fourteen years;

7. it follows from the form that the person was not personally present at the trial on the basis of which a decision was issued, unless the conditions are met which this Act provides for enforcing a warrant issued on the basis of a trial *in absentia* (the first paragraph of Article 13 of this Act);

8. if there are reasonable grounds to conclude that the judgment was rendered in the course of proceedings in which fundamental human rights and freedoms were violated, or where the person was sentenced on the grounds of his or her sex, race, religion, ethnic origin, nationality, language, political conviction or sexual orientation, or where such person's position was significantly worse for any of these reasons;

9. the imposed sentence includes psychiatric treatment, health care or other measure involving deprivation of liberty which cannot be executed in the Republic of Slovenia in spite of the application of provisions on the adaptation of sentences pursuant to this Act;

10. the State which issued the final decision fails to grant consent for prosecution or execution of sentence or for another type of deprivation of liberty in the Republic of Slovenia for another criminal offence committed by the person prior to their transfer, if a competent authority of the Republic of Slovenia so requests pursuant to Article 148 of this Act.

In the opinion of the evaluation team, this approach does not seem to be in compliance with FD 2008/909/JHA.

Besides, Article 132(1) 8 of the ZSKZDČEU-1 provides that the national court will not recognise and enforce a final decision of a judicial authority if there are reasonable grounds to conclude that the judgment was rendered in the course of proceedings in which fundamental human rights and freedoms were violated, or where the person was sentenced on the grounds of their sex, race, religion, ethnic origin, nationality, language, political conviction or sexual orientation, or where that person's position was significantly worse for any of these reasons. Such grounds must be invoked by the sentenced person or their lawyer.

As in the EAW procedures, especially when the sentenced person does not consent to the transfer, the issue of prison conditions in the executing Member State that could lead to inhuman treatment, has to be raised by the person concerned or their lawyer. If no such issue is raised, no initiative is taken by the court in this respect. However, the Slovenian authorities reported that there have not been any cases where the transfer has not been finalised or initiated due to the fact that the prison conditions in the executing State have not been considered satisfactory. When the Republic of Slovenia is the executing Member State, the most frequent grounds for non-recognition encountered by the Slovenian authorities are:

- a) even after several requests, the issuing authority did not provide the required documentation namely the duly completed certificate (Article 9(1)(a) of FD 2008/909/JHA) (*under Slovenian law a mandatory ground for refusal*);
- b) the enforcement of the sentence was statute-barred under Slovenian law (Article 9(1)(e) of FD 2008/909/JHA (*under Slovenian law a mandatory ground for refusal*);
- c) at the time the judgment was received, less than six months of the sentence remained to be served (Article 9(1)(h) of FD 2008/909/JHA - *under Slovenian law not a mandatory ground for refusal*).

The Slovenian authorities informed the evaluation team that no specific challenges have been faced with regard to grounds for non-recognition or non-enforcement in the event of judgments *in absentia*. However, several courts have indicated that requests for additional information and guarantees may cause difficulties in respecting the deadlines.

4.6. Partial recognition

When the Republic of Slovenia acts as the executing State, Article 141 of the ZSKZDČEU-1 lays down that, if a decision of the issuing State can be partially recognised and enforced, the Slovenian court may consult with the competent authority of the issuing State prior to making a decision on refusing recognition in its entirety, with a view to reaching an agreement. After prior consultations, the Slovenian court and the competent authority of the issuing State may agree, on a case-by-case basis, on the manner and conditions for partial recognition and enforcement of the decision of the issuing State, provided that such recognition and enforcement does not result in an aggravation of the duration of the sentence. So far, there have not been any difficulties in relation to the consultation process established under Article 10(1) of FD 2008/909/JHA in cases of partial recognition and enforcement.

The evaluation team was informed that the Slovenian authorities have encountered cases of partial recognition of judgments only when the Republic of Slovenia was acting as the executing State. Only one court reported a case in which there were difficulties with the partial recognition of a judgment of the issuing State, which was imposing a sentence in a form and manner not permitted or known in Slovenian law.

In particular, the Slovenian court as the executing authority described a partial recognition of a judgment rendered in the issuing State, sentencing a Slovenian citizen to 21 months in prison. Under the law of the issuing State, one part of the 14-month sentence was conditionally suspended with a probation period of three years. The Slovenian court recognised and executed only the part of the sentence concerning the remaining seven months of imprisonment. The Slovenian authorities could not simultaneously recognise the conditional suspension and the imprisonment as, under Slovenian law, they are mutually exclusive.

There were no cases of partial recognition when the Republic of Slovenia acted as the issuing State.

4.7. Challenges relating to compliance with the deadline for recognition and enforcement

As the executing state

When the Republic of Slovenia is the executing Member State, pursuant to the implementing law, a Slovenian court must decide on the recognition of another Member State's decision or on the refusal to recognise that decision within 30 days of receiving the certificate and the judgment, or provide additional explanations. Within eight days of the service of the decision on the sentenced person and the state prosecutor, an appeal can be lodged to the high court. The high court must render a decision on the appeal within 30 days¹⁸. In any case, if no reasons exist for postponing the recognition of a decision, pursuant to Article 12(2) of FD 2008/909/JHA, a final decision on the recognition of the judgment and the enforcement of the sentence must be rendered within 90 days of the receipt of the judgment and the certificate¹⁹.

Under the implementing law, if due to exceptional circumstances, it is impossible to render a decision on the recognition within the time limit mentioned above, the court having jurisdiction in the particular case, must immediately notify the authority of the issuing State thereof and state the reasons for the delay and the expected date by which a final decision will be rendered²⁰.

The evaluation team was informed that, in practice, when the Republic of Slovenia is the executing State, the deadlines provided for in Article 12(2) of FD 2008/909/JHA are usually complied with; in the event of a delay, the most common reasons are that a translation of the documentation is required or that the other Member State's authority does not provide the requested additional information or guarantees in a timely manner.

Furthermore, in the procedure of recognition of a judgment and enforcement of a sentence rendered in another Member State, there can be some delay due to legal remedies.

¹⁸ Article 139(1) and (5) of the ZSKZDČEU-1.

¹⁹ Article 143(1) of the ZSKZDČEU-1.

²⁰ Article 143 of the ZSKZDČEU-1.

The evaluation team has been informed that the Slovenian authorities always provide detailed reasons for the decision.

However, in practice, the Slovenian authorities do not inform the competent authority of the issuing State of the reasons for the delay when the reasons for the delay are on their side.

As the issuing State

When the Republic of Slovenia is the issuing Member State, the Slovenian authorities indicated that, based on the principle of mutual trust, they assume that the competent authorities on both sides strive to resolve the matter in the best possible way. Therefore, there is mutual understanding if minor procedural delays occur.

The Slovenian authorities do receive that information after they themselves request it from the executing authority. However, the Slovenian authorities usually contact the executing authority directly or inquire about the reasons for the delay through the EJN contact points.

4.8. Law governing the enforcement of the sentence

Both when the Republic of Slovenia was acting as the issuing or executing State, there were no cases in which the certificate was withdrawn because of the applicable provisions on early or conditional release.

As regards the possibility of agreeing to apply the provisions of national law indicated by the issuing State pursuant to Article 17(4) of FD 2002/584/JHA, the Slovenian authorities indicated their understanding that the application of Article 17(4) is left to the Member States, given the wording of this provision. Slovenian law neither prohibits nor specifically addresses the application of this provision (see Article 145 of the implementing law (ZSKZDČEU-1) in connection with the relevant provisions of the Law on Enforcement of Criminal Sanctions (ZIKS-1) Article 105-108).

The Slovenian authorities have not identified any specific cases where Article 17(4) was applied in practice so far. They added that, if it were, general principles would most likely apply, i.e. that ‘provisions of national law, indicated by the issuing State’ would be applied by the relevant authority only if the provisions were more favourable for the sentenced person than the provisions of the Slovenian law. Consequently, in cases where the issuing State considered the Slovenian law for early or conditional release overly lenient after it received the information pursuant to Article 17(3) of FD 2002/584/JHA, it would most likely withdraw the certificate.

There have been no major problems related to the deduction of a period of deprivation of liberty already served in the issuing State since, in cases of uncertainty, the national authorities have always been provided with the requested additional information. In cases requiring clarification, the Slovenian authorities have always been provided with the requested additional information by the issuing State.

As mentioned above, some Slovenian courts stated that the certificate is rather inappropriate for this purpose, since it provides information on the total duration of the sentence in days and information on the total duration of the detention, also in days. However, pursuant to Slovenian case law, a judgment and an order on the recognition of a judgment and enforcement of a sentence of another Member State, or on refusal to do so, must contain a precise statement of a sentence imposed in years and months and the time to be counted in the sentence (deprivation of liberty and detention from...to...). This information cannot be found in the certificate. Therefore, if this information cannot be summarised from the judgment either, supplementary information is needed on the exact dates when the convicted person was deprived of their liberty.

4.9. Further challenges

4.9.1. Practical and legal problems related to transit

Transit through the territory of the Republic of Slovenia

The Ministry of Justice of the Republic of Slovenia is the competent authority for receiving transit requests and the necessary documents, as well as any other official correspondence related to the transit request. The request and the responses to such requests may be communicated via any means enabling the transmission of written documents.

Within seven days of receiving the request, the Ministry of Justice notifies its decision to the requesting authority and to the police force which accompanies the person through the territory of the Republic of Slovenia. In practice, the Ministry of Justice issues a permission of transit of a sentenced person within three days. In doing so, all means are employed to prevent the person from absconding.

In the event that a detention order or a final and enforceable judgment for a criminal offence, committed prior to the request for transit, is issued against the person whose transit is being requested, due to which the Republic of Slovenia cannot guarantee that that person will not be deprived of liberty on the territory of the Republic of Slovenia, the Republic of Slovenia will notify the State requesting transit thereof. The Ministry of Justice will obtain from the police the data necessary for issuing permission for transit (Article 160 of the ZSKZDČEU-1).

The IPCD explained that, from a practical point of view, the transit procedure through the territory of the Republic of Slovenia is always the same, regardless of the legal basis (FD 2002/584/JHA or FD 2008/909/JHA). Therefore, the content of point 3.5.1 on the transit of persons under FD 2002/584/JHA is also applicable in relation to FD 2008/909/JHA.

Transit through the territory of another Member State:

If transit through the territory of another Member State is necessary in order to enforce a sentence imposed or about to be enforced by a national court, the district court having jurisdiction to enforce the sentence is competent for the submission of the request.

The Slovenian authorities face no practical difficulties with transit requests.

4.9.2. Further challenges

Other than those mentioned above, the Slovenian authorities reported no other legal or practical problems related to the practical application of FD 2008/909/JHA.

With a view to improving cross-border cooperation and the procedure for issuing the certificate and recognising the judgment and executing the sentence, the Slovenian authorities suggest that the certificate should contain information on the exact dates (from...to...) from when the sentenced person was deprived of their liberty.

4.10. Statistics

The Slovenian authorities do not keep annual statistics on requests based on FD 2008/909/JHA at central level. Possibly, the data could be obtained through the data warehouse of the Supreme Court of the Republic of Slovenia with a special SQL query. In the light of the above, the keeping of such annual statistics depends on each individual national judicial authority.

At the request of the evaluation team, the Slovenian authorities, have provided the following data, pointing out that they are not official statistics and that the results were collected on the basis of information provided by their district courts. Out of 11 district courts, 10 answers are included ²¹.

| Number of cases/Issued/Executed/Number of positive decisions/Number of negative decisions | 2017 | 2018 | 2019 | 2020 | Sum |
|---|------|------|------|------|-----------|
| Framework Decision 2008/909/JHA | | | | | |
| Number of cases | 25 | 21 | 19 | 23 | 88 |
| Issued | 5 | 2 | 3 | 6 | 16 |
| Executed | 20 | 19 | 16 | 17 | 72 |
| Number of positive decisions | 19 | 18 | 16 | 9 | 62 |
| Number of negative decisions | 6 | 3 | 2 | 6 | 17 |

²¹ For statistical purposes, negative decisions also include, *inter alia*, referral of the case to another court, stay of the proceedings, etc.

4.11. Conclusions

- As regards FD 2008/909/JHA, the system in Slovenia in general, and the procedures established for its application at national level, seem to work well.
- In the Slovenian system, the procedure for issuing and executing decisions concerning FD 2008/909/JHA is judicial and the district courts have the biggest role in this regard.
- Because there are only a few cases involving the application of FD 2008/909/JHA in Slovenia, there is no specialisation among judges in these proceedings. Nevertheless, the Slovenian authorities cooperate very effectively with other Member States.
- Slovenia has not designated a central authority for FD 2008/909/JHA.
- The Slovenian legislation provides for some mandatory grounds for refusals in some cases where Article 9 of FD 2008/909/JHA provides for optional grounds for refusal. As for the EAW, the evaluation team's view is that this approach does not seem to be technically in compliance with FD 2008/909/JHA.
- In Slovenia, although there are many foreign prisoners, the system of informing sentenced persons about the possibility to serve the sentence in their home country and encouraging them to do so is not very effective, although the obligation of informing is stipulated by the national law.
- In most cases, proceedings under FD 2008/909/JHA, when Slovenia is the issuing State, are initiated at the request of the sentenced person. There have been no cases where the proceedings were initiated on the ground of a deportation order. The evaluation team believes that the Slovenian authorities should, where applicable, consider starting such proceedings ex officio in order to facilitate the sentenced person's social rehabilitation.

- Slovenia, as an executing country, has not faced major problems regarding the execution of the requests for recognition of the judgment and the enforcement of a sentence under FD 2008/909/JHA.
- The Slovenian authorities usually comply with the time limits set in FD 2008/909/JHA, apart from a few cases of delays due to the translation of the documentation or need for additional information or guarantees from the other Member State's authority.

5. LINK BETWEEN FD 2002/584/JHA ON THE EAW AND FD 2008/909/JHA ON CUSTODIAL SENTENCES

5.1. Problems relating to the link between FD 2002/584/JHA on the EAW and FD 2008/909/JHA on custodial sentences

When issuing a European Arrest Warrant or a certificate under 2008/909/JHA, the Slovenian authorities always respect the relevant provisions of the implementing law (ZSKZDČEU-1) since, pursuant to Article 4(6) of the EAW FD, the executing judicial authority may refuse to execute the EAW, if the EAW has been issued for the purposes of executing a custodial sentence or detention order, where the requested person is staying in, or is a national or a resident of, the executing State and that State undertakes to execute the sentence or detention order in accordance with its domestic law. Therefore, if a person sentenced in Slovenia is a national or resident of another Member State, the Slovenian authorities usually issue a certificate for the recognition of the judgment and the execution of the sentence under FD 2008/909/JHA.

However, if the Slovenian law-enforcement authorities are unable to locate the sentenced person, the competent judicial authority issues an EAW and sends it to the police. The police then proceed in accordance with the provisions of the law regulating the criminal procedure for executing an (international) arrest warrant.

When the Republic of Slovenia is the executing State, Slovenian law does require a separate certificate for the execution of the sentence rendered in the issuing State pursuant to FD 2008/909/JHA, in order to apply the ground for refusal under Article 4(6) of the EAW FD.

The implementing law stipulates that, if all the necessary conditions have been met, a national court must forward the record on the application or consent of the sentenced person and the court's consent to enforce a decision. At the same time, it requests that the issuing authority forwards a certificate and the final decision within a time limit which may not exceed 30 days. For the duration of that time period, a national court postpones a decision on the warrant. If the issuing authority fails to forward the certificate and judgment within the time limit, the court decides on the surrender of the sentenced person in accordance with the provisions on the EAW.

If a national court receives the certificate and judgment within the time limit, it conducts proceedings for the recognition and enforcement of the decision of the issuing State. If the conditions for recognition and enforcement are met, the Slovenian court refuses the warrant in its decision on the recognition and enforcement, notifying the issuing authority thereof.

The implementing law clearly stipulates that the surrender of a requested person may be refused only if a national court undertakes to execute the sentence of the court of the requesting State in accordance with its national legislation ²².

The Slovenian authorities have not encountered any problems, as the executing authorities, in receiving a certificate or, as the issuing authorities, in sending a certificate similar to those referred to in the Popławski case ²³.

The implementing law does not allow the executing State to execute the sentence for which the surrender has been refused without having received the certificate provided under FD 2008/909/JHA.

²² Article 11 point 3 of the ZSKZDČEU-1 reads: '.... The surrender of a requested person may be refused in the following instances:... if a warrant is issued for the purpose of executing a custodial sentence and the requested person is a national of the Republic of Slovenia, or a national of a Member State residing on the territory of the Republic of Slovenia, or a foreigner with a permanent residence permit in the Republic of Slovenia, provided that the requested person declares that he or she wishes to serve the sentence in the Republic of Slovenia, and provided that a **national court undertakes** to execute the sentence of the court of the ordering State in accordance with the national legislation, on condition that the circumstances exist which enable the execution of the sentence in the Republic of Slovenia under this Act.'

²³ CJEU: C-579/15, Popławski, 29 June 2017, ECLI:EU:C:2017:503.

As the issuing State, the Slovenian national authorities may send the certificate at the request of the executing authority of another Member State for the purpose of applying Article 4(6) of FD 2002/584/JHA, since the implementing law states that, if the conditions set by the law are met, the final decision and the form can be forwarded to a competent executing authority of another Member State on the basis of a request from this authority²⁴.

The implementing law mentions the case of a surrender granted on the basis of Article 5(3) of FD 2002/584/JHA in its Chapter 14, 'Recognition and enforcement of a decision imposing a custodial sentence or measure involving deprivation of liberty in another Member State – Conditions for recognition and enforcement'.

If the surrender of a national of the Republic of Slovenia, or a national of a Member State residing on the territory of the Republic of Slovenia, or a foreigner with a permanent residence permit in the Republic of Slovenia is granted under the condition that the surrendered person is returned to the Republic of Slovenia after the proceedings are completed, the fulfilment of the conditions provided by the law will not be re-established in the course of the proceedings for the recognition and enforcement of another Member State's decision imposing a custodial sentence or another measure involving deprivation of liberty. In that case, the certificate under FD 2008/909/JHA is used, with the only difference being that, in the course of these proceedings, a national court cannot re-establish grounds for non-recognition and non-enforcement of another Member State's decision. However, the Slovenian authorities informed the evaluation team that they never use this possibility to set a condition that a national of the Republic of Slovenia or a permanent resident of the Republic of Slovenia should be returned to the Republic of Slovenia after the proceedings are completed.

However, in practice, as clarified during the visit, where Slovenian authorities are executing an EAW against a Slovenian national or resident they do not usually make it subject to the condition under Article 5(3) of the EAW FD that the requested person then serves the sentence in Slovenia. This might also partly explain why there are very few cases where links between FD 2002/584/JHA on the EAW and FD 2008/909/JHA on custodial sentences arise.

²⁴ Article 154(1) of the ZSKZDČEU-1.

5.2. Conclusions

- If the requested person is a national or a resident of the Member State where he is staying, the Slovenian national authorities usually issue a certificate for the recognition of the judgment and the execution of the sentence under FD 2008/909/JHA. If the Slovenian law-enforcement authorities are unable to locate the sentenced person, the competent judicial authority issues an EAW.
- When the Republic of Slovenia is the executing Member State, the Slovenian national legislation requires a separate certificate for the execution of the sentence rendered in the issuing Member State pursuant to FD 2008/909/JHA.
- When the Republic of Slovenia is the executing Member State, if the requested person is a national or a permanent resident in the Republic of Slovenia and they want to serve the sentence in Slovenia, in order to apply the ground for refusal under Article 4(6) of the EAW FD, the national courts request the issuing authority to forward a certificate and final decision within a time limit which may not exceed 30 days. If the ordering authority fails to forward the form and judgment within the time limit, the court decides on the surrender of the sentenced person in accordance with the provisions on the EAW.
- If the surrender of a national of the Republic of Slovenia or a permanent resident of the Republic of Slovenia is decided on condition that the surrendered person is returned to the Republic of Slovenia after the proceedings are completed, the fulfilment of the conditions provided by this law will not be re-established in the course of the proceedings for the recognition and enforcement of another Member State's decision. In practice, this condition is not requested very often.
- The Slovenian authorities do not set the condition that a national of the Republic of Slovenia or a permanent resident of the Republic of Slovenia should be returned to the Republic of Slovenia after the proceedings are completed.
- The Slovenian authorities did not report any problems relating to the link between FD 2002/584/JHA on the EAW and FD 2008/909/JHA on custodial sentences.

6. FRAMEWORK DECISION 2008/947/JHA ON PROBATION AND ALTERNATIVE SANCTIONS

6.1. Authorities competent for Framework Decision 2008/947/JHA

Pursuant to Article 3(2) of FD 2008/947/JHA on probation and alternative sanctions, the competent authorities in the Republic of Slovenia are the district courts, regardless of whether the Republic of Slovenia is the issuing State or the executing State. The territorial jurisdiction of the court is determined by the permanent or temporary residence of the person. The court issuing the motion is the court having jurisdiction to enforce the sentence rendered in Slovenia. If the territorial jurisdiction cannot be determined as stated above, the competent court is the Ljubljana District Court.

In addition, the proceedings are conducted and the decisions are rendered by the judge conducting the enforcement of custodial sentences. The competences of the executing court comprise the jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the recognition of another Member State's decision imposing an alternative sanction, a suspended sentence with custodial supervision, or a conditional sentence. The competences of the issuing court comprise jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the forwarding of the final decision imposing a suspended sentence with custodial supervision, or a decision on conditional release under custodial supervision for enforcement to the competent authority of another Member State.

The implementing law sets a general rule, according to which the competent authorities of the Republic of Slovenia and of another Member State communicate directly and did not formally designate a central authority for the purpose of FD 2008/947/JHA. Therefore, as the competent national authority, the district court having jurisdiction in the case, is '*inter alia*' responsible for all consultations, explanations and any other communication with the competent authorities of the other Member States.

However, the Ministry of Justice is still the central authority to assist the competent judicial authorities in the case of difficulties that cannot be resolved directly with other Member States' competent authorities, e.g. identifying the competent or central authority or sending or verifying the authenticity of the documentation. That said, the Ministry of Justice does not maintain contacts with other Member States' judicial authorities, although it does maintain contacts with the ministries of justice of other Member States. In addition, the EJN contact points may also assist with further inquiries or with speeding up the matter.

On 1 January 2018, the Probation Administration, a body within the Ministry of Justice, was established. Previously, there was no central authority to maintain and develop the field of probation or to monitor the implementation of probation measures or alternative sanctions. The Probation Administration provides assistance and protective supervision to persons on probation.

It consists of a central unit based in Ljubljana and five probation units across the country. Probation units carry out direct professional work with persons who are subject to community sanctions, while the central unit is responsible for the coordinated operation of probation units, staff training and the wider development of probation. Its staff is composed of experienced experts in social work, social education, psychology, law, criminal justice and security, and other fields. Their main objective is to reduce the number of repeat offenders and provide a more humane and effective treatment of criminal offenders, so that they will not commit other criminal offences and will be fully integrated into the community.

However, the evaluation team was informed that, when the Republic of Slovenia is the issuing State, the Probation Administration is not involved in the process of issuing the certificate, but, if the person wishes to make a similar request, then the Prison Administration will support them with their request to the court. Prison Administration has no role in providing help/support to persons with probation measures or serving alternative sanctions. This falls under Chapter 4. In case of custodial sentence and a request for transfer to another state, Prison Administration provides support to the prisoners.

When the Republic of Slovenia is the executing State, the certificate under FD 2008/947/JHA received by the court is sent to the probation services, which are responsible for the practical execution of the other Member State's court decision related to the probation measures or alternative sanctions. This includes the execution of suspended sentences with custodial supervision, the execution of house imprisonment and the supervision of community services.

The order on the recognition of another Member State's decision or on refusal to recognise that decision is served on the sentenced person and the state prosecutor. The sentenced person and the state prosecutor may appeal the order within eight days of the service of the order. A panel of three district judges renders a decision on the appeal.

The Probation Administration reports to courts and prosecutors, can express opinions on how the person concerned by the measure is fulfilling their tasks, but has no authority to take any decisions, which is the exclusive remit of the court.

6.2. Problems relating to the failure to apply Framework Decision 2008/947/JHA

The Republic of Slovenia has transposed all the provisions of FD 2008/947/JHA accordingly and there are no legal problems with the application of this Framework Decision. The judges are aware of FD 2008/947/JHA, but in practice they do not use it often. The Slovenian authorities noted that there are not many cases where FD 2008/947/JHA could be used since, in practice, probation measures are not imposed on foreigners and there is no practical need to request another Member State to take over the supervision of the probation measures.

Due to the small number of cases, the Slovenian authorities were unable to provide comprehensive feedback regarding the implementation of Framework Decision 2008/947/JHA.

The representative of the Slovenian Bar Association stated that defence lawyers generally do not have in-depth knowledge of the provisions of FD 2008/947/JHA and of the national legislation implementing it, because its provisions (on this specific subject matter) are rarely used in the Republic of Slovenia due to the small number of cases.

The implementation of FD 2008/947/JHA did not require any changes to the institutional organisation in the Republic of Slovenia.

As mentioned above, the Slovenian authorities have encountered only a few such cases where FD 2008/947/JHA was applied. Therefore, they do not keep annual statistics on such cases at central level.

However, at the request of the evaluation team, the Slovenian authorities have provided the following data, pointing out that they are not official statistics and that the results were collected on the basis of information provided by their district courts. Out of 11 district courts, 10 answers are included ²⁵.

| Framework Decision 2008/947/JHA | 2017 | 2018 | 2019 | 2020 | SUM |
|--|-------------|-------------|-------------|-------------|------------|
| Number of cases | 1 | 2 | 4 | 2 | 9 |
| Issued | 0 | 0 | 0 | 0 | 0 |
| Executed | 1 | 2 | 2 | 2 | 7 |
| Number of positive decisions | 1 | 1 | 2 | 1 | 5 |
| Number of negative decisions | 0 | 1 | 0 | 0 | 1 |

As mentioned above, the implementing law did not designate a central authority for the purpose of FD 2008/947/JHA on probation and alternative sanctions. Nevertheless, the Ministry of Justice always informs the judicial authorities of the respective entry into force of the new implementing provisions and the relevant case law.

Given that the Slovenian authorities' lack relevant experience in this regard, they could not make any suggestions on how to increase and improve the practical application of FD 2008/947/JHA. Apart from these considerations, the Slovenian authorities pointed out that, in their opinion, the limited use of this Framework Decision is mainly linked to its purpose and not to a lack of awareness by the practitioners.

²⁵ For statistical purposes, negative decisions also include *inter alia* referral of the case to another court, stay of the proceedings, etc.

It was pointed out that, the Probation Administration considers Article 11 of FD 2008/947/JHA inadequate; it states that the competent authority of the executing State may refuse to enforce an alternative sanction if the length is less than six months. Alternative sentences are often shorter sentences. The Slovenian authorities believe that this should be taken into consideration in the legislative process. Yet, it is difficult for the evaluation team to evaluate this statement if there is no real turnover stemming from FD 2008/947/JHA in the Republic of Slovenia.

During the visit it was indicated that, in practice, the proceedings usually start with a request by the person.

However, there is no mechanism for informing the person about this possibility and many lawyers are not aware of FD 2008/947/JHA.

The Slovenian authorities suggested that the relevant national authorities, especially the Judicial Training Centre (JTC) and the Slovenian Bar Association, should provide more education and training in this respect, as FD 2008/974/JHA would be used more often if there was greater awareness.

6.3. Conclusions

- The Republic of Slovenia has transposed all the provisions of FD 2008/947/JHA accordingly, but practitioners do not find this Framework Decision very useful. They point out that, in practice, probation measures are usually not imposed on foreigners and there is usually no practical need to request another Member State to take over the supervision of the probation measures.
- No training of practitioners in relation to FD 2008/947/JHA has taken place in Slovenia. The evaluation team supports the statement of the Slovenian authorities regarding the need for more education and training on this Framework Decision.
- The evaluation team has the impression that the Slovenian authorities wait for the initiative from the sentenced person or their lawyer, but that there is no mechanism for informing the person about the possibilities offered by FD 2008/947/JHA and many lawyers are not aware of this Framework Decision.
- Therefore, the evaluation team believes that the Slovenian authorities should make greater efforts to promote the knowledge of this judicial cooperation instrument and the exchange of information and best practices between practitioners at both national and EU level.

Due to the low turnover in combination with the lack of aggregated annual statistics, the evaluation team was unable to evaluate the practical application of FD 2008/947/JHA.

7. FRAMEWORK DECISION 2009/829/JHA ON THE EUROPEAN SUPERVISION ORDER (ESO)

7.1. Authorities competent for Framework Decision 2009/829/JHA

The Republic of Slovenia as the executing State

The competent authorities in the Republic of Slovenia on the basis of Article 6 (2) FD 2009/829/JHA on the European Supervision Order (ESO) are the District courts. Territorial jurisdiction of the court is determined by the permanent or temporary residence of the person against whom the supervision order has been imposed. If the territorial jurisdiction cannot be determined as stated above, the competent court is the Ljubljana District Court.

The jurisdiction is over all procedural actions (consultations, explanations, etc.), including deciding on the recognition of another Member State's decision on supervision measures.

An order on the recognition of another Member State's decision or on refusal to recognise that decision is served on the defendant and the state prosecutor competent before the court rendering a decision on the recognition of the decision. The defendant and the state prosecutor may appeal the order within eight days of the service of the order. A panel of three district judges renders a decision on the appeal. There is no oral hearing for taking the decision in all cases, but the judge can perform it before making a decision; the lawyer does not participate in this procedure.

The Republic of Slovenia as the issuing State

The competent authorities in the Republic of Slovenia are the local and district courts which have imposed the measure at the first instance, i.e. the investigating judge. Alternative measures are imposed by the judge on a motion of the prosecutor. Furthermore, even if at a later stage of the proceedings, a supervision measure was finally decided on by a court of second instance, the forwarding will be carried out by the court of first instance: the panel, the president of the panel or the individual judge of the court of first instance before which the proceedings are pending.

The implementing law sets a general rule, according to which the competent national and foreign authorities communicate directly and did not formally designate a central authority for the purpose of FD 2009/829/JHA. Therefore, as the competent national authority, the district court having jurisdiction in the case is '*inter alia*' responsible for all consultations, explanations and any other communication with other Member States' competent authorities.

However, the Ministry of Justice is still the central authority to assist the competent judicial authorities in the case of difficulties that cannot be resolved directly with the competent authorities of other Member States, e.g. identifying the competent authority or central authority of another Member State or sending or verifying the authenticity of the documentation. That said, the Ministry of Justice does not maintain contacts with the judicial authorities of other Member States, although it does maintain contacts with the justice ministries of other Member States. In addition, the EJN contact points may also assist with further inquiries or with speeding up the matter.

7.2. Problems relating to the failure to apply Framework Decision 2009/829/JHA

The implementing law transposed all the provisions of FD 2009/829/JHA accordingly and the implementation of FD 2009/829/JHA did not require any changes to the institutional organisation in the Republic of Slovenia. The Slovenian judicial authorities have indicated that, in practice, they have encountered only a few cases in relation to FD 2009/829/JHA. The Slovenian authorities have received only one certificate from another Member State, but they have sent two certificates themselves.

The Slovenian authorities, at the request of the evaluation team, have provided the following data, pointing out that they are not official statistics and that the results were collected on the basis of information provided by their district courts. Out of 11 district courts, 10 answers are included ²⁶.

Framework Decision 2009/829/JHA

| | 2017 | 2018 | 2019 | 2020 | SUM |
|------------------------------|------|------|------|------|-----|
| Number of cases | 4 | 0 | 0 | 0 | 4 |
| Issued | 2 | 0 | 0 | 0 | 2 |
| Executed | 2 | 0 | 0 | 0 | 2 |
| Number of positive decisions | 4 | 0 | 0 | 0 | 4 |
| Number of negative decisions | 0 | 0 | 0 | 0 | 0 |

The Slovenian Bar Association also stated that defence lawyers generally do not have in-depth knowledge of the provisions of FD 2009/829/JHA or of the national legislation implementing it, because its provisions (concerning this specific subject matter) are rarely used in the Republic of Slovenia due to the small number of cases.

²⁶ For statistical purposes, negative decisions also include, *inter alia*, referral of the case to another court, stay of the proceedings, etc.

The evaluation team was informed of one case that the Republic of Slovenia has experienced so far began at the initiative of the defence lawyer. At the same time, the representative of the Slovenian Bar Association noted that knowledge and experience of EU mutual legal assistance instruments among the lawyers is poor, which might explain why this instrument has not been requested by lawyers more often. The prosecutors who met with the evaluation team confirmed that they have never requested this measure from the courts. The evaluation team is of the opinion that the judicial authorities and prosecutors should also consider this instrument as an alternative for detention on their own initiative, especially in situations where the lawyers and persons in question may not be aware of this possibility.

The evaluation team is of the opinion that these problems could be solved through consultations between the issuing and executing States in order to clarify what alternative measures are available in the executing State and how these measures will be implemented. Very short terms as an obstacle for issuing the supervision order were also mentioned during the on-the-spot visit. The Slovenian authorities seem to be of the opinion that this possibility should be decided on immediately after arresting the person as an alternative to detention and that a decision within the 48-hour time limit therefore seems unrealistic. The evaluation team is of the opinion that the grounds for issuing a supervision order could also occur during the detention period even without detaining the person. As the supervision order could be issued at every stage of the investigation, the very short deadlines cannot be considered as a real obstacle to using FD 2009/829/JHA.

As mentioned above, the implementing law did not designate a central authority. Nevertheless, the Ministry of Justice always informs judicial authorities of the respective entry into force of the new implementing provisions and the relevant case law.

Given that the Slovenian authorities' lack relevant experience in this regard, no suggestions have been given on how to increase and improve the practical application of FD 2009/829/JHA. However, it was suggested that the relevant authorities, especially the JTC and the Slovenian Bar Association, should provide more education and training in this respect. Apart from these considerations, the Slovenian authorities pointed out that, in their opinion, the limited use of this Framework Decision is primarily linked to its purpose and not to a lack of awareness by the practitioners.

7.3. Conclusions

- Slovenia has transposed all the provisions of FD 2009/829/JHA correctly, but the Slovenian practitioners do not find this Framework Decision very useful or necessary. The Slovenian authorities pointed out that such limited use is primarily linked to its purpose and not to a lack of awareness by the practitioners.
- Another reason why FD 2009/829/JHA is rarely used is the lack of confidence that an alternative measure will be implemented properly in the executing State. The evaluation team is of the opinion that these problems could be solved through consultations between the issuing and executing States in order to clarify what alternative measures are available in the executing State and how these measures will be implemented.
- The very short deadlines to take a decision on applying alternative measures were also indicated by the Slovenian authorities as an obstacle for issuing the supervision order. In this respect, the evaluation team believes that the decision can also be taken during, or independently from, detention.
- The evaluation team believes that greater efforts should be made by the Slovenian authorities to promote knowledge of the judicial cooperation mechanism laid down in FD 2009/829/JHA, including by promoting the exchange of information and best practices between practitioners at both national and EU level.

- No regular training on FD 2009/829/JHA has been organised in Slovenia and the awareness of this Framework Decision is not very high among practitioners, but some initiatives are being taken by the Slovenian authorities in this respect.
- Due to the low turnover in combination with the lack of aggregated annual statistics, the evaluation team was unable to evaluate the practical application of FD 2009/829/JHA.

8. TRAINING

8.1. Training relating to FDs 2002/584/JHA, 2008/909/JHA, 2008/947/JHA and 2009/829/JHA

In the Republic of Slovenia, the only national institution that provides judicial training is the Judicial Training Centre (JTC), which is part of the Ministry of Justice. The JTC is the central educational organisation providing both initial and continuous professional training, including on international judicial cooperation to judges, state prosecutors, state attorneys as well as other court personnel.

Training on judicial cooperation matters is organised at least once a year. In 2019 a conference was devoted both to theoretical and practical training, with the organisation of workshops. In 2020 and 2021, due to the restrictions imposed by the pandemic, training activities organised by the JTC were held online and did not include training events on the mutual recognition instruments which are the subject of this evaluation.. Since April 2022 the trainings have been held according to the annual programme, mostly face-to-face.

The JTC also organises the legal state examinations, trainings, seminars and examinations for court interpreters, court experts, court executors, appraisers and others whose work is closely related to the judicial system. The JTC regularly includes the presentation of the overview of the recent case law of the CJEU to the training programmes of the relevant training events.

The JTC is headed by a judge, whose work is supported by an Experts Council, chaired by the Minister of Justice. The Experts Council is composed of representatives from the Supreme Court, Supreme State Prosecutor's Office, State Attorney's Office, law faculties and the professional associations of judges and prosecutors. It meets at least once a year to discuss training activities and approve the annual training programme, which is formally adopted by the Ministry of Justice and which may be modified if needed during the year. With a view to drawing up this programme, the JTC consults the judicial authorities about their training needs.

In addition, the JTC represents the Republic of Slovenia in the European Network of Institutions of Justice Education (EJTN) and the Academy of European Law (ERA), cooperates with these institutions and is involved in various international educational projects.

There are other, mostly private, stakeholders who organise seminars, conferences and workshops for judges and state prosecutors. The quality of this private training is not assessed at national level.

Information on available training opportunities can be found in JTC website, distributed by mail, but also on the basis of direct phone contacts, which, due to the small size of the country, facilitates a personalised approach that can take into account specific training needs.

In the Republic of Slovenia, the JTC provides general training on the EAW in a systematic and regular manner. The training is provided for judges (including investigating judges), state prosecutors and court clerks/judicial assistants who deal with EAW-related matters. Every year approx. 80 judges and 60 prosecutors are trained on EAW-related matters.

In 2022, JTC organises national seminar in cooperation with ERA under the project “Better applying European Criminal Law”, financially supported by European Commission’s Justice Programme. The seminar consists of presentations and workshops on practical cases and addresses the FD 2008/909/JHA, FD 2008/947/JHA and FD 2009/829/JHA. In addition, the training in form of online presentation for all the judiciary is foreseen in November 2022 to raise the awareness of the above-mentioned framework decisions.

In the Republic of Slovenia, training on FD 2008/909/JHA is provided for judges and state prosecutors, although not on a regular basis. The evaluation team underlines the importance of providing such training regularly.

Besides the training at national level, judges and prosecutors participate in training on FD 2002/584/JHA and on FD 2008/909/JHA organised at EU level.

Every year, approximately two judges and one prosecutor take part in such training organised by the EJTN and the ERA. However, some national judicial authorities believe that there could be more of this kind of training and that the courses should be more specific and more practical. The value of the EJTN training was acknowledged by the JTC representative who the evaluation team met, who would appreciate an increased participation of the judicial authorities in the JTC's training activities.

The JTC disseminates relevant training materials and information on FD 2008/909/JHA to the competent judicial authorities. All the information with updates and recent CJEU case law is also regularly transmitted to the judicial authorities via circulars, sent by the Ministry of Justice, via the Supreme Court of the Republic of Slovenia or via the EJM contact points.

So far, judges or prosecutors have not participated in training at national level specifically on FDs 2008/947/JHA and 2009/829/JHA. The JTC has just disseminated among judges and prosecutors an invitation to the seminar on FDs 2008/947/JHA and 2009/829/JHA organised by the ERA. The JTC and practitioners are of the opinion that more training and awareness raising should be organised at EU level on the relevant topics pertaining to FDs 2008/947/JHA and 2009/829/JHA.

So far, the JTC has not disseminated relevant training materials and information on FDs 2008/947/JHA and 2009/829/JHA to the competent judicial authorities. However, national judicial authorities are regularly informed of all the latest CJEU judgments and the latest EU legislation via the Supreme Court of the Republic of Slovenia, EJM and via circulars, sent by the Ministry of Justice, including all updates and developments concerning these Framework Decisions.

In 2019, the EJM contact points of the Republic of Slovenia, in cooperation with a national member of Eurojust, organised seminars in all district courts and Prosecutors' Offices, shared information on the latest ECJ judgments with practitioners, information on the EJM and on cooperation in criminal matters with third countries.

Judicial training is not compulsory and magistrates and other judicial staff participate on their own initiative. According to the JTC representative met by the evaluation team, they are generally motivated to participate in training activities; however, this may be influenced by their workload. They do not have to contribute to the fees for participating in training activities nor to travel and accommodation costs.

In general, the Slovenian national authorities are of the opinion that the current training programmes and courses are comprehensive and offer adequate materials. However, some courts have stressed that training should be provided more frequently and should consist of theoretical and practical parts. This kind of cooperation between Member States is increasing and new issues are always emerging, and need to be discussed among practitioners. At the same time, the scope of their tasks makes it difficult for practitioners to regularly monitor all the EU legislative developments and CJEU case law.

The Slovenian authorities find the existing handbooks useful and beneficial and they are regularly used by judges and other experts. Some courts are of the opinion that training courses for EAW handbooks are also needed and some stated that the handbooks are in fact useful, but not practical enough. Usually, practitioners become acquainted with these materials during training courses and through self-study.

The EJM in the Republic of Slovenia consists of 12 members, six judges, five prosecutors and one contact point at the Ministry of Justice. One judge is also the national coordinator of the EJM. Contact points take part in all meetings organised by the EJM (regular, plenary, regional) and have a national meeting at least three times per year. At national meetings, the EJM contact points exchange all the information from the recent EJM meetings, information on the most recent EU instruments, the latest developments in the area of international cooperation in criminal matters and relevant recent CJEU case law in the area of international cooperation in criminal matters. EJM contact points also make sure to distribute all the relevant information, including on the recent ECJ judgments, to all other practitioners, judges and prosecutors (especially judgments relating to FD 2002/584/JHA and FD 2008/909/JHA). The evaluation team recognises the way the EJM contact points work in Slovenia as a best practice.

The Slovenian authorities, especially judges specialised in international legal assistance, use the EJM website on a daily basis. Given the direct communication between the bodies involved in international legal assistance processes, the website is an extremely practical and indispensable tool for the efficient and easy drafting of both requests and the submission of responses among practitioners. Moreover, the Ministry of Justice offers additional assistance if the national authorities encounter any problem. The only remark highlighted by the Slovenian authorities concerning the EJM website was that the information on the Atlas platform should be regularly updated by all Member States.

The exchange of information, knowledge and opinions within the national authorities on EU legislation, case law and portals is ongoing. Accordingly, the presentation of the EJM website is always a recurrent theme in any international legal assistance training. Practitioners have reported that practical workshops on using the EJM website, such as the workshop held in September 2019, in which participants address cases they encounter in their work, are most useful.

With regard to the different online tools, databases provided on the application of FDs 2008/947/JHA and 2009/829/JHA, the Slovenian authorities have not indicated any experience, as they are rarely used in Slovenia due to the small number of cases.

When it comes to the work of EuroPris, some of the judicial authorities are familiar with its work, while others are not. The evaluation team underlines that knowledge of EuroPris should be promoted more among judges and prosecutors. Nevertheless, the Prison Administration of the Republic of Slovenia has been a member of EuroPris since its establishment and is therefore aware of the tools available from EuroPris, especially EPIS and KMS, which it finds extremely useful, helpful and necessary for accessing data, information and other necessary facts about European prison systems. They regularly attend annual meetings, as well as other seminars, workshops and meetings organised by EuroPris. Some of their colleagues played an active part as experts in different EuroPris expert groups. In 2019 the Prison Administration of the Republic of Slovenia successfully hosted the workshop ‘Real Estate and New Prison Facilities’ organised by EuroPris.

The Slovenian authorities underlined that the Slovenian Bar Association has its own education system and that lawyers do not therefore usually participate in the training organised by the JTC, apart from specific events to which they are occasionally invited. However, the Slovenia Bar Association's representative which the evaluation team met complained about the lack of specialised training on mutual recognition for lawyers that results in limited awareness among the lawyers in the field of international cooperation. Such training, including on the mutual recognition legal instruments subject to the ninth round should, in that representative's view, be provided by the State and at EU level.

The evaluation team believes that, since the speed of criminal proceedings is clearly an asset in itself, the Slovenian authorities should consider upgrading the knowledge of defence lawyers of mutual recognition legal instruments. For this purpose, the Slovenian authorities should ensure that enough training courses in this field are also provided for these lawyers.

This might be done in cooperation with the Slovenian Bar Association, which is an autonomous and independent service, regulated by law. The training for defence lawyers may be organised as joint training with magistrates if it is in line with Slovenian judiciary principles. Furthermore, the Slovenian authorities could reconsider the random assignment of the lawyers.

The International Police Cooperation Division (IPCD) also organises an annual training seminar (refresher course) for police officers in the field of national and international search orders. The purpose of this training is to exchange information, review case studies, get acquainted with EU legislation, perform target-oriented searching for persons, etc.

The Slovenian authorities have not issued any handbooks or guidelines regarding the different judicial cooperation instruments by themselves but rather use handbooks provided by the European Commission. The evaluation team believes that it would be useful to also have national handbooks and guidelines specifying the implementation of different instruments in Slovenia. Handbooks and guidelines could also be useful in the areas where European Commission has not provided handbooks.

8.2. Conclusions

- The judicial training for the judges and prosecutors is organised by the central organisation, the Judicial Training Centre (JTC), which is part of the Ministry of Justice.
- The JTC provides general training on the EAW in a systematic and regular manner for all practitioners involved in its implementation. Training on FD 2008/909/JHA is provided, but not regularly and so far, judges or prosecutors have not participated in training at national or EU level specifically on FDs 2008/947/JHA and 2009/829/JHA.
- The evaluation team is of the opinion that training courses related to FDs 2008/909/JHA, 2008/947/JHA and 2009/829/JHA should also be provided regularly.
- The JTC and the Slovenian practitioners are of the opinion that training and awareness raising should be organised at EU level on the relevant topics pertaining to FDs 2008/947/JHA and 2009/829/JHA.
- The JTC disseminates relevant training materials and information to the competent judicial authorities on FDs 2002/584/JHA and 2008/909/JHA, but not on FDs 2008/947/JHA and 2009/829/JHA.
- No training on mutual recognition legal instruments is organised for the defence lawyers. There are no specialised lawyers for the international cooperation instruments and many lawyers are not aware of the EU legislation or the CJEU case law; this might undermine the protection of the fundamental rights of requested persons.
- The evaluation team believes that the Slovenian authorities should consider ways of upgrading the knowledge of defence lawyers of mutual recognition legal instruments. This might be done in cooperation with the Slovenian Bar Association, by organising joint training with magistrates.

- The Slovenian authorities use EU handbooks on FD 2002/584/JHA and FD 2008/909/JHA, but have not issued any national handbooks or guidelines on judicial cooperation instruments. The evaluation team believes that it would be useful to also have national handbooks and guidelines clarifying the implementation of different instruments in Slovenia.
- In Slovenia, there are 12 EJM contact points (half judges/half prosecutors) who meet regularly, exchange all relevant information from recent EJM meetings, on legislative and case law developments in the area of EU criminal matters with other practitioners and advise and assist them when necessary. The evaluation team recognises the way the EJM contact points work in Slovenia as a best practice.
- Although the Slovenian Prison Administration is a member of EuroPris since its establishment, not all Slovenian judicial authorities are familiar with its work. The evaluation team underlines that knowledge of EuroPris should be promoted more among judges and prosecutors.

9. FINAL REMARKS, RECOMMENDATIONS AND BEST PRACTICES

9.1. Suggestions by the Republic of Slovenia

- It would be useful to organise training and awareness-raising activities at EU level on topics pertaining to FDs 2008/947/JHA and 2009/829/JHA.
- It would be useful if the certificate under FD 2008/909/JHA contained information on the exact dates (from...to...) from when the sentenced person was deprived of their liberty.

9.2. Recommendations

As regards the practical implementation and operation of the Framework Decisions subject to the 9th round, the team of experts involved in the evaluation of the Republic of Slovenia was able to satisfactorily review the system in the Republic of Slovenia.

The Republic of Slovenia should conduct an 18-month follow-up to the recommendations referred to below when this report has been adopted by the Working Party concerned.

The evaluation team saw fit to make a number of suggestions for the attention of the Republic of Slovenia's authorities. Furthermore, based on the various best practices, related recommendations are also being put forward to the EU, its institutions and agencies, and to Eurojust and the EJM in particular.

9.2.1. Recommendations to the Republic of Slovenia

The Republic of Slovenia:

1. should ensure that, when issuing an EAW, a proportionality test is always carried out by the competent judicial authorities;
2. is encouraged to consider reviewing the very strict internal terms in the surrender proceedings, in order to ensure a more effective exercise of the right of defence;
3. is encouraged to consider reviewing its national system to provide for optional, and not mandatory, grounds for refusal;
4. is encouraged to promote training for lawyers on EU instruments of mutual recognition so that they can assist their clients in the best possible manner.
5. should ensure that judges and prosecutors involved in EAW proceedings proactively take the initiative, where appropriate, to evaluate the detention condition in the issuing Member State, in accordance with CJEU case law, and not only when this is requested by the concerned person or by their lawyer.
6. when Slovenia is the issuing State in proceedings under FD 2008/909/JHA, is encouraged to consider, where applicable, in order to facilitate the sentenced person's social rehabilitation, starting such proceedings *ex officio*.
7. is recommended to ensure that the Prison Administration provides the sentenced person with adequate information, possibly in writing, in a language that they understand about the opportunities to be transferred to another Member State pursuant to FD 2008/909/JHA.
8. is invited to consider that the Prison Administration proactively identifies cases for possible transfers of prisoners to another Member State pursuant to FD 2008/909/JHA, especially when a deportation order has been issued, in order to facilitate social rehabilitation.

9. is encouraged to raise awareness and promote the use of FDs 2008/947/JHA and 2009/829/JHA, including by specific training on these Framework Decisions.
10. is encouraged to consider drafting and distributing to judicial practitioners national handbooks on the practical application at national level of FD 2002/584/JHA, FD 2008/909/JHA, FD 2008/947/JHA and FD 2009/829/JHA.
11. in addition to collecting statistics about the use of the EAW FD, is invited to establish an efficient and reliable statistical system to collect data on certificates issued, executed and refused pursuant to FD 2008/909/JHA, FD 2008/947/JHA and FD 2009/829/JHA.

9.2.2. Recommendations to the other Member States

The Member States:

- should establish a system for the centralised collection of statistics about the use of FDs 2002/584/JHA, 2008/909/JHA, 2008/947/JHA and 2009/829/JHA, in order to facilitate the analysis of their application and adapt policies and working methods accordingly.

9.2.3. Recommendations to the European Union and its institutions

The EU institutions should:

- ensure that training courses are available at EU level on all the mutual recognition instruments covered by this evaluation, in particular training on FDs 2008/947/JHA and 2009/829/JHA;
- consider amending the certificate under FD 2008/909/JHA so that it contains precise information on the exact dates (from...to...) when the sentenced person was deprived of their liberty and on the duration of the sentence imposed in years and months.

9.2.4. Recommendations to Eurojust/Europol/EJN/EJTN

- The EJTN is encouraged to organise training activities at EU level on FD 2008/947/JHA on probation and alternative sanctions and on FD 2009/829/JHA on the European Supervision Order.

9.3. Best practices

This section includes a list of best practices to be adopted by other Member States.

- The flexible language regime in relation to all Framework Decisions covered by this evaluation whereby English translations are officially accepted;
- The large number of EJN contact points and the regular meetings they hold to share information and experience;
- Strict compliance with the time limits provided in the Framework Decisions subject to this evaluation, especially with regard to the EAW.

ANNEX A:

Slovenian judicial authorities competent for FD 2002/584/JHA, FD 2008/909/JHA, FD 2008/947/JHA and FD 2009/829/JHA, and their main competences

| | |
|---|---|
| The Republic of Slovenia as the <u>EXECUTING STATE</u> | FD 2002/584/JHA on the European Arrest Warrant |
| The competent national authority | <u>The district court</u> in the area of the last permanent or temporary residence of the requested person or where the requested person is located. |
| Its competences | The investigating judge of the district court has jurisdiction over all procedural actions (consultations, instructions on the consent and on the speciality rule, explanations, notifications etc.), including examination of the requested person, followed by a hearing held for the purpose of deciding on the surrender. Subsequently, there are two different procedures: <ul style="list-style-type: none">- the requested person consents to surrender (simplified procedure),- the requested person does not consent to surrender. |
| | The requested person <u>consents</u> to surrender (simplified procedure) |
| Decision-making authority | <u>The investigating judge</u> of the district court renders a decision on the surrender within 48 hours. |
| Decision on surrender | An order granting the surrender. The order is served on the requested person, their legal counsel, and a state prosecutor. |
| Legal remedies | <u>Appeal</u> : The requested person and their legal counsel may appeal the order within 24 hours from the time the order was served on them. <u>The panel of three district court judges</u> renders a decision on the appeal within 48 hours. <u>Extraordinary legal remedies</u> : not permitted. |
| | The requested person <u>does not consent</u> to surrender |
| Decision-making authority | The investigating judge immediately examines that person on their reasons for refusing to surrender in the presence of a legal counsel and a competent state prosecutor, who are also entitled to present their |

| | |
|----------------------------------|--|
| | <p>proposals and opinions.</p> <p><u>A non-trial panel of three district court judges</u> renders a decision on the surrender within 60 days.</p> |
| Decision on surrender | An order granting or refusing the surrender. The order is served on the requested person, their legal counsel, and a state prosecutor. |
| Legal remedies | <p><u>Appeal</u>: The requested person, their legal counsel, or the state prosecutor may appeal the order within 48 hours of the order being served on them.</p> <p><u>A higher court panel</u> renders a decision on the appeal within three days.</p> <p><u>Extraordinary legal remedies</u>: not permitted.</p> |
| | The case of multiple warrants (A warrant against a requested person is issued by judicial authorities of several Member States) |
| Decision-making authority | <u>A non-trial panel of three district court judges</u> renders a decision to which Member State the requested person will be surrendered. |
| Decision on surrender | An order is served on the requested person, their legal counsel, and a state prosecutor. |
| Legal remedies | <p><u>Appeal</u>: The requested person, their legal counsel, or the state prosecutor may appeal the order within three days of the order being served on them.</p> <p><u>A higher court</u> renders a decision on the appeal.</p> <p><u>Extraordinary legal remedies</u>: not permitted.</p> |
| | The case of a warrant and a request for extradition (A final decision is issued against the same person that is to be surrendered to a Member State and extradited to a third country) |
| Decision-making authority | <u>A panel of three judges of the Supreme Court of the Republic of Slovenia</u> renders a decision on whether the person will be surrendered to a Member State or extradited to a third country |
| Decision on surrender | An order is served on the requested person, their legal counsel, and a state prosecutor. |
| Legal remedies | <p><u>Appeal</u>: A requested person, their legal counsel, or a state prosecutor may appeal the order within three days from the order being served on them.</p> <p><u>A panel of five judges of the Supreme Court of the Republic of Slovenia</u> renders a decision on the appeal.</p> <p><u>Extraordinary legal remedies</u>: not permitted.</p> |

| | |
|---|--|
| The Republic of Slovenia as the <u>ISSUING STATE</u> | FD 2002/584/JHA on the European Arrest Warrant |
| Initiation of the procedure | A warrant is issued based on a motion of a <u>state prosecutor</u> or <i>ex officio</i> . |
| Conditions for the admissibility of issuing a warrant | 1. Condition: detention of a defendant is ordered in the Republic of Slovenia for a criminal offence prosecuted <i>ex officio</i> . 2. Condition: penalty thresholds are met. |
| | The case of prosecution |
| The competent national authority | <u>The local or district court</u> conducting criminal proceedings. Local courts are competent in cases of criminal offences punishable by a fine or a prison term of up to three years, while the jurisdiction of district courts covers the rest of the decision-making in the first instance. |
| | The case of conviction |
| The competent national authority | <u>The district court</u> having jurisdiction to enforce the sentence. |

| <p>The Republic of Slovenia as the <u>EXECUTING STATE</u></p> | <p>FD 2008/909/JHA Custodial sentences</p> | <p>FD 2008/947/JHA Probation decisions</p> | <p>FD 2009/829/JHA Supervision measures</p> |
|--|---|--|---|
| <p>The competent national authority</p> | <p><u>The district court</u> in the area of the last permanent or temporary residence of the convicted person. In other cases, the Ljubljana District Court has jurisdiction.</p> | <p><u>The district court</u> in the area of the last permanent or temporary residence of the person. In other cases, the Ljubljana District Court has jurisdiction.</p> | <p><u>The district court</u> in the area of the last permanent or temporary residence of the person against whom the supervision order has been imposed. In other cases, the Ljubljana District Court has jurisdiction.</p> |
| <p>Its competences</p> | <p>The jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the recognition of a foreign decision imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty.</p> | <p>The jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the recognition of a foreign decision imposing an alternative sanction, a suspended sentence with custodial supervision, or a conditional sentence.</p> | <p>The jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the recognition of a foreign decision on supervision measures.</p> |
| <p>Decision on recognition or on refusal of a foreign judicial decision.</p> | <p>An order on the recognition of a foreign decision or on refusal to recognise that decision.</p> <p>The order is served on the sentenced person and the state prosecutor competent before the court rendering a decision on the recognition of</p> | <p>An order on the recognition of a foreign decision or on refusal to recognise that decision.</p> <p>The order is served on the sentenced person and the state prosecutor competent before the court rendering a decision on the recognition of</p> | <p>An order on the recognition of a foreign decision or on refusal to recognise that decision.</p> <p>The order is served on the defendant and the state prosecutor competent before the court rendering a decision on the recognition of the</p> |

| | | | |
|-----------------------|--|--|---|
| | the decision. | the decision. | decision. |
| Legal remedies | <p><u>Appeal</u>: the sentenced person and the state prosecutor may appeal the order within eight days of the service of the order.</p> <p><u>A higher court</u> renders a decision on the appeal.</p> <p><u>Extraordinary legal remedies</u>: not permitted.</p> | <p><u>Appeal</u>: the sentenced person and the state prosecutor may appeal the order within eight days of the service of the order.</p> <p><u>A panel of three district judges</u> renders a decision on the appeal.</p> <p><u>Extraordinary legal remedies</u>: not permitted.</p> | <p><u>Appeal</u>: the defendant and the state prosecutor may appeal the order within eight days of the service of the order.</p> <p><u>A panel of three district judges</u> renders a decision on the appeal.</p> <p><u>Extraordinary legal remedies</u>: not permitted.</p> |

| | | | |
|---|---|---|--|
| <u>The Republic of Slovenia as the ISSUING STATE</u> | FD 2008/909/JHA Custodial sentences | FD 2008/947/JHA Probation decisions | FD 2009/829/JHA Supervision measures |
| The competent national authority | <u>The district court</u> having jurisdiction to enforce the sentence. | <u>The district court</u> having jurisdiction to enforce the sentence. | <u>The local or district court</u> which imposed the measure at the first instance. |
| Its competences | The jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the forwarding of the final decision imposing a custodial sentence, a safety measure or other measure involving deprivation of liberty to a competent executing authority for enforcement to a competent foreign authority. | The jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the forwarding of the final decision imposing a suspended sentence with custodial supervision, or a decision on conditional release under custodial supervision for enforcement to a competent foreign authority. | The jurisdiction over all procedural actions (consultations, explanations, etc.), including deciding on the forwarding of the final decision on supervision measures for enforcement to a competent foreign authority. |

ANNEX B

EAW statistics for the period 2017 – 2020

Statistical reports on the European Arrest Warrant for **the period** 2017 to 2020 show the following:

1. approx. 90% of all EAWs were issued or received by the district courts; approx. 75% of those EAWs were for the purpose of prosecution;
2. the most common categories were:
 - theft offences and criminal damage (up to 31%);
 - fraud and corruption offences (27%);
3. effective surrenders based on issued EAWs do not usually account for more than 44%;
4. the highest number of EAWs issued was reached in 2018 (a total of 121); the highest number of persons arrested was reached in 2017 (a total of 943 with a total of 108 initiated proceedings);
5. the effective surrenders of persons based on EAWs received was 82%; the majority of persons consented to the surrender (up to 79%);
6. the average duration of the process in days, both in cases where a person consented and in cases where the person dissented, has been rapidly decreasing (a decrease of approx. 76% in cases of consent and approx. 15% in cases of dissent).

Enclosed is a table with statistical data on individual categories and years.

| ISSUING STATE | 2017 | 2018 | 2019 | 2020 | Suma |
|--|------|------|------|------|--------|
| How many European arrest warrants have been issued this year by the judicial authority of your country? | 115 | 121 | 85 | 90 | 411 |
| How many of the EAWs issued this year were for the purpose of prosecution? | 82 | 100 | 61 | 56 | 299 |
| Where possible, please advise how many EAWs issued this year were for the following categories of offence? | ↓ | ↓ | ↓ | ↓ | ↓ |
| Terrorism | 0 | 0 | 0 | 0 | 0 |
| Drug offences | 6 | 6 | 5 | 4 | 21 |
| Sexual offences | 3 | 2 | 1 | 1 | 7 |
| Firearms/explosives | 0 | 0 | 0 | 0 | 0 |
| Theft offences and criminal damage | 29 | 38 | 16 | 22 | 105 |
| Fraud and corruption offences | 32 | 30 | 18 | 28 | 108 |
| Counterfeiting the Euro | 1 | 0 | 0 | 1 | 2 |
| Homicide/fatal offences | 0 | 0 | 2 | 1 | 3 |
| Non-fatal offences against the person | 10 | 10 | 6 | 8 | 34 |
| Trafficking in human beings | 1 | 3 | 1 | 0 | 5 |
| Other | 34 | 30 | 21 | 21 | 106 |
| How many EAWs issued by your judicial authorities resulted in the effective surrender of the person sought this year? | 34 | 53 | 28 | 21 | 136 |
| EXECUTING STATE | | | | | |
| How many persons have been arrested this year under an EAW in your country? | 94 | 76 | 84 | 39 | 293 |
| How many surrender proceedings have been initiated by the judicial authorities of your Member State this year pursuant to receipt of an EAW? | 108 | 78 | 87 | 44 | 317 |
| How many persons have been effectively surrendered this year? | 77 | 60 | 69 | 29 | 235 |
| Of those persons surrendered this year how many consented to the surrender? | 66 | 40 | 43 | 24 | 173 |
| On average this year how many days did the surrender procedure take where the person consented to surrender (time between the arrest and the decision on surrender)? | 19 | 4,2 | 2,5 | 4,5 | 7,55 |
| On average this year how many days did the surrender procedure take where the person did not consent to the surrender (time between the arrest and the decision on surrender)? | 62 | 40 | 39,8 | 43,9 | 46,425 |
| In how many cases this year has a judicial authority in your Member State refused the execution of an EAW? | 8 | 10 | 8 | 3 | 29 |
| In how many cases this year was the refusal for the following reasons? | ↓ | ↓ | ↓ | ↓ | ↓ |
| FD Article 3.1 | 0 | 0 | 0 | 0 | 0 |
| FD Article 3.2 | 0 | 1 | 0 | 0 | 1 |
| FD Article 3.3 | 0 | 0 | 0 | 0 | 0 |
| FD Article 4.1 | 0 | 0 | 1 | 0 | 1 |
| FD Article 4.2 | 0 | 1 | 2 | 0 | 3 |
| FD Article 4.3 | 0 | 0 | 0 | 0 | 0 |
| FD Article 4.4 | 5 | 4 | 2 | 0 | 11 |
| FD Article 4.5 | 0 | 0 | 1 | 0 | 1 |
| FD Article 4.6 | 0 | 2 | 0 | 9 | 11 |
| FD Article 4.7 | 0 | 0 | 0 | 0 | 0 |
| Trial in the absence of the accused without meeting requirements (FD Article 4a as inserted by FD 2009/299/JHA) | 1 | 0 | 1 | 1 | 3 |
| Lack of guarantee of review in respect of life sentence (FD Article 5.2) | 0 | 0 | 1 | 0 | 1 |
| Lack of guarantee of return of national/resident to serve sentence (FD Article 5.3) | 0 | 1 | 0 | 0 | 1 |
| EAW content is not in conformity with FD requirements (FD Article 8) | 0 | 1 | 1 | 0 | 2 |
| Lack of requested additional information (FD Article 15.2) | 0 | 2 | 0 | 0 | 2 |
| Privilege or immunity (FD Article 20) | 0 | 0 | 0 | 0 | 0 |
| Maximum penalty no more than 12 months (FD Article 2.1) | 0 | 0 | 0 | 0 | 0 |
| Sentence of less than 4 months (FD Article 2.1) | 0 | 0 | 0 | 0 | 0 |
| Priority of a conflicting request (FD Article 16.1, 16.3, and 16.4) | 0 | 0 | 0 | 0 | 0 |
| Fundamental rights (FD Article 1.3) | 0 | 0 | 0 | 0 | 0 |
| Other | 2 | 1 | 2 | 0 | 5 |
| In how many cases this year were the judicial authorities of your Member State not able to respect the 90-day time limit for the decision on the execution of the EAW according to Article 17.4 of the FD? | 5 | 1 | 2 | 0 | 8 |
| In how many of the cases in 8.1 above was Eurojust informed (Article 17.7 FD)? | 0 | 0 | 0 | 1 | 1 |
| In how many cases this year did the surrender not take place because of non-compliance with the time limits imposed by Article 23.2 FD? | 1 | 0 | 0 | 1 | 2 |
| In how many of the cases in 8.3 above was the person released according to Article 23.5 FD? | 0 | 0 | 0 | 1 | 1 |
| In how many cases this year did your judicial authority execute an EAW with regard to a national or resident of your Member State? | 7 | 7 | 14 | 5 | 33 |
| In how many cases this year did the judicial authorities of your Member State request a guarantee under Article 5.2 of the FD? | 2 | 2 | 2 | 1 | 7 |

ANNEX C

Impact of the COVID-19 crisis on judicial cooperation in criminal matters in the areas covered by the evaluation

Slovenia has taken several measures to combat the spread of coronavirus. The President of the Supreme Court of the Republic of Slovenia issued orders on special measures due to the COVID-19 epidemic. In accordance with those orders, from 16 March until 16 May 2020 and from 16 November 2020 until 31 January 2021, the Slovenian courts operated with limited capacity. Trials took place only in urgent cases. The following were considered as urgent cases in the field of criminal matters: investigations and adjudication in criminal cases in which the defendant is deprived of liberty or their liberty is restricted, and procedures relating to the execution of criminal sentences. Judicial terms were suspended, except for urgent cases. In non-urgent cases, decisions were taken, and documents were served. Hearings at the courts were conducted via video conference whenever possible.

Safety measures have been taken in relation to the functioning of the courts (e.g. persons showing clear signs of infections are not allowed to enter court buildings, the body temperature of all persons entering is measured at the entrance of court buildings.). The physical distance between the parties in courtrooms is respected and the parties are obliged to wear protective equipment.

During the whole period when preventive measures were in force, the Slovenian courts were issuing and executing EAWs. However, the actual surrender of wanted persons by EAW was postponed in some cases due to travel limitations (air travel), safety measures and prohibitions. Escort officers, as well as the surrendered person, were obliged to use protective equipment (masks and gloves).

The courts have the legal basis to temporarily postpone the surrender of wanted persons by the European Arrest Warrant in Article 23 of the EAW FD and Article 35/III of the Act on Cooperation in Criminal Matters with the Member States of the European Union. Provisions on *force majeure* (Article 23(3)), as transposed into national legislation, are a suitable legal basis for such a suspension. The courts are also bound by the ECJ judgment in case C-640/16 (Vilkas).

The said measures had a negligible effect on the execution of EIOs.

The issuing of transit permissions through the territory of the Republic of Slovenia was not affected. Permissions for transit were issued by the Ministry of Justice of the Republic of Slovenia within three days after the receipt of the request for transit.

The courts performed the duties of the issuing and executing authorities in accordance with the European acts, such as the FD on Transfer of Prisoners. Surrenders were possible but were sometimes postponed due to travel limitations (air travel), safety measures and prohibitions.

ANNEX D

PROGRAMME FOR THE ON-SITE VISIT AND PERSONS INTERVIEWED/MET

Ninth round of mutual evaluations on mutual recognition of judicial decisions and judgments Evaluation of the Republic of Slovenia

On-the-spot visit programme 28 March – 31 March 2022

Evaluation team:

- Giovanna Giglio, Political Administrator, General Secretariat of the Council of the EU
- Andrea Rohner, Austria
- Piret Paukštys, Estonia
- Rafał Kierzyńska, Poland
- Sofia Mirandola, Eurojust

Language regime:

English

Monday 28 March 2022

Arrival of evaluation team in Ljubljana, Hotel Lev

Tuesday 29 March 2022

FD 584 (EAW) and FD 829 (ESO)

Ministry of Justice, Župančičeva 6, ground floor, conference room

9.30 welcome of the evaluation team

SI system and jurisdiction

Presentation (Matic)

Discussion

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Peter Pavlin, Head of Criminal Law and Human Rights Unit, Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Jožica Pongrac, MLA expert, EJM contact point, Ministry of Justice

10.00 FD 584 (EAW)

Presentation (Matic, Jožica)

Discussion

10.30 Presentation (prosecutor)

Discussion

11.30 Presentation (Judge)

Discussion

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Peter Pavlin, Head of Criminal Law and Human Rights Unit, Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Jožica Pongrac, MLA expert, EJM contact point, Ministry of Justice
- Ana Bučar Brglez, Investigating Judge, Ljubljana District Court
- Anja Štrovs, Investigating Judge, EJM contact point, Koper District Court
- Ciril Keršmanc, District Court Judge, Head of Specialised Unit, Ljubljana District Court
- (*poss.*) Tomaž Bromše, Vice-President of Ljubljana District Court
- Iztok Stražar, District State Prosecutor, EJM contact point, District Prosecutor's Office of Ljubljana
- Katjuša Poropat Lakošeljac, District State Prosecutor, EJM contact point, District Prosecutor's Office of Koper

12.30 Lunch

Gostilna AS, Čopova 5a, Ljubljana (Knafljev prehod)

14.00 Continuation of discussion on FD 584 (EAW)

- Katja Rejec Longar, Director of International Cooperation and MLA Office
- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Peter Pavlin, Head of Criminal Law and Human Rights Unit, Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Jožica Pongrac, MLA expert, EJM contact point, Ministry of Justice
- Ana Bučar Brglez, Investigating Judge, Ljubljana District Court
- Anja Štrovs, Investigating Judge, EJM contact point, Koper District Court
- Ciril Keršmanc, District Court Judge, Head of Specialised Unit, District Court of Ljubljana or Tomaž Bromše, Vice-President of Ljubljana District Court
- Katjuša Poropat Lakošeljac, District State Prosecutor, EJM contact point, District Prosecutor's Office of Koper

15.00 FD 829 (ESO)

Presentation (Matic, Jožica)
Discussion

15.20 Presentation (judge)
Discussion

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Peter Pavlin, Head of Criminal Law and Human Rights Unit, Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Jožica Pongrac, MLA expert, EJM contact point, Ministry of Justice
- Ana Bučar Brglez, Investigating Judge, Ljubljana District Court
- Anja Štrovs, Investigating Judge, EJM contact point, Koper District Court
- Katjuša Poropat Lakošeljac, District State Prosecutor, EJM contact point, District Prosecutor's Office of Koper

16.00 Continuation of meeting on FD 584 (EAW)

Presentation (Police)
Discussion

- Janez Žabkar, Head of SIRENE Section, International Police Cooperation Division, General Police Directorate
- Sebastijan Barišič Jaman, Criminal Police Inspector, International Police Cooperation Division, General Police Directorate
- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Peter Pavlin, Head of Criminal Law and Human Rights Unit, Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Jožica Pongrac, MLA expert, EJM contact point, Ministry of Justice

Wednesday 30 March 2022

FD 909 (custodial sentences)

links between the EAW and FD 909

FD 947

Ministry of Justice, Župančičeva 6, ground floor, conference room

10.00 Experience and challenges from the perspective of SI Bar Association on all four FDs

Presentation (Blaž)
Discussion

- Blaž Kovačič Mlinar, attorney, representative of the Slovenian Bar Association

10.45 FD 909 (custodial sentences)

Presentation (Matic, Lea)

Discussion

11.00 Presentation (Ciril, Tomaž)

Discussion

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Tomaž Bromše, Vice-President of Ljubljana District Court
- Ciril Keršmanc, District Court Judge, Head of Specialised Unit, Ljubljana District Court

11.45 Links between the EAW and FD 909

Presentation (Lea)

Discussion

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Tomaž Bromše, Vice-President of Ljubljana District Court,
- Ciril Keršmanc, District Court Judge, Head of Specialised Unit, Ljubljana District Court

12.30 Lunch

Gostilna AS, Čopova 5a, Ljubljana (Knafljev prehod)

14.00 Continuation of meeting on FD 909 (custodial sentences) and on FD 947

FD 947

Presentation (Lea, Ciril, Tomaž)

Discussion

FD 909 and FD 947

14.20 Presentation (Robert)

Discussion

14.35 Presentation (Barbara)

Discussion

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Robert Friškovec, Deputy-Director of the Prison Administration, Ministry of Justice
- Barbara Starič Strajnar, Representative of the Probation Administration, Ministry of Justice
- Tomaž Bromše, Vice-President of Ljubljana District Court,
- Ciril Keršmanc, District Court Judge, Head of Specialised Unit, Ljubljana District Court

15.00 Judicial training on all four FDs
Presentation (Simona)
Discussion

- Simona Kumar, JTC representative, Head of Unit
- Lea Dukič Japelj, Judge seconded to the Ministry of Justice

Thursday 31 March 2022

Ministry of Justice, Župančičeva 3, 1st floor, conference room

9.00 Remaining questions

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Barbara Starič Strajnar, Representative of Probation Administration, Ministry of Justice
- Špela Štebal Renčelj, Head of MLA Unit, Ministry of Justice
- Ana Bučar Brglez, Investigating Judge, Ljubljana District Court
- Simona Kumar, Judicial Training Centre representative, Head of Unit
- Janez Žabkar, Head of SIRENE Section, International Police Cooperation Division, General Police Directorate
- Sebastijan Barišič Jaman, Criminal Police Inspector, International Police Cooperation Division, General Police Directorate

10.00 Meeting of the evaluation team

Ministry of Justice, Župančičeva 3, 2nd floor, conference room

11.00 Wrap-up session with the whole team

the evaluation team presents the preliminary conclusions and recommendations

- Lea Dukič Japelj, Judge seconded to the Ministry of Justice
- Matic Kumer, Criminal Law Expert, Criminal Law and Human Rights Directorate, Ministry of Justice
- Barbara Starič Strajnar, Representative of Probation Administration, Ministry of Justice
- Špela Štebal Renčelj, Head of MLA Unit, Ministry of Justice
- Ana Bučar Brglez, Investigating Judge, Ljubljana District Court
- Simona Kumar, Judicial Training Centre representative, Head of Unit
- Janez Žabkar, Head of SIRENE Section, International Police Cooperation Division, General Police Directorate
- Sebastijan Barišič Jaman, Criminal Police Inspector, International Police Cooperation Division, General Police Directorate

Piret and Rafal leave for the airport.

12.30 Lunch

Gostilna AS, Čopova 5a, Ljubljana (Knafljev prehod)

ANNEX E: LIST OF ABBREVIATIONS/GLOSSARY OF TERMS

| LIST OF ACRONYMS, ABBREVIATIONS AND TERMS | ENGLISH | LANGUAGE OF X- LAND OR ACRONYM IN ORIGINAL LANGUAGE | ENGLISH |
|--|---|--|----------------|
| FD | FRAMEWORK DECISION | | |
| EAW | EUROPEAN ARREST WARRANT | | |
| ESO | EUROPEAN SUPERVISION ORDER | | |
| EIO | EUROPEAN INVESTIGATION ORDER | | |
| IPCD | INTERNATIONAL POLICE COOPERATION DIVISION | | |
| CJEU | COURT OF JUSTICE OF THE EUROPEAN UNION | | |
| EJN | EUROPEAN JUDICIAL NETWORK | | |
| SIS | SCHENGEN INFORMATION SYSTEM | | |
| SIRENE | SUPPLEMENTARY INFORMATION REQUEST AT THE NATIONAL ENTRIES | | |

| LIST OF ACRONYMS, ABBREVIATIONS AND TERMS | ENGLISH | LANGUAGE OF X- LAND OR ACRONYM IN ORIGINAL LANGUAGE | ENGLISH |
|---|--|---|---------|
| CPT | COMMITTEE FOR THE PREVENTION OF TORTURE AND INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT | | |
| CAT | COMMITTEE AGAINST TORTURE | | |
| ECHR | EUROPEAN CONVENTION ON HUMAN RIGHTS | | |
| ECtHR | EUROPEAN COURT OF HUMAN RIGHTS | | |
| SQL | STRUCTURED QUERY LANGUAGE | | |
| NGOS | NON-GOVERNMENTAL ORGANISATIONS | | |
| JTC | JUDICIAL TRAINING CENTRE | | |
| EJTN | EUROPEAN NETWORK OF INSTITUTIONS OF JUSTICE | | |
| ERA | EDUCATION THE ACADEMY OF EUROPEAN LAW | | |
| EUOPRIS | EUROPEAN ORGANISATION OF PRISON AND CORRECTIONAL SERVICES | | |

| LIST OF ACRONYMS, ABBREVIATIONS AND TERMS | ENGLISH | LANGUAGE OF X- LAND OR ACRONYM IN ORIGINAL LANGUAGE | ENGLISH |
|---|------------------------------------|---|---------|
| KMS | KNOWLEDGE MANAGEMENT SYSTEM | | |
| EPIS | EUROPEAN PRISON INFORMATION SYSTEM | | |
