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2524. The decision on the annulment of the first, second and third *alinea* of Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former Socialist Federative Republic of Yugoslavia (SFRJ) in the Republic of Slovenia.

The Constitutional Court, in a review of constitutionality initiated by S.G. from V.G., on a session held on 18. May 2000

HELD :

1. The first *alinea* of Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia (the Official Gazette of the Republic of Slovenia no. 61/99) is hereby annulled.
2. The second and third *alinea* of Article 3 of the challenged Legislative Act are hereby annulled. The annulment will be effective starting one year after this ruling is published in the Official Gazette of the Republic of Slovenia.
3. During this one-year period defined in point 2, the responsible authorities cannot reject any petitions for a permanent residence permit on the legal ground of the second and third *alinea* of Article 3 of the challenged Legislative Act.

REASONING:

A)

1. The petitioner alleges that he had on 15 December 1999 lodged a request for a permanent residence permit on the basis of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia at the Grosuplje administrative unit. According to the petitioner, the challenged legislative act is not in accordance with Article 14 of the Constitution, because the challenged act unable certain petitioners (among them the petitioner), who were already punished by the court, to acquire a permanent residence permit even though they legally reside in the Republic of Slovenia. The petitioner challenges the first, second and third *alinea* of Article 3 of the relevant legislative act because they interfere with the »state of law« principle (Article 2 of the Constitution), with Article 13 of the Constitutional Act for the Implementation of the Fundamental Constitutional Charter Regarding Sovereignty and Independence of the Republic of Slovenia (the Official Gazette of the Republic of Slovenia no. 1/91-I, hereafter referred to as »Constitutional Charter«) and with Articles 7 and 53 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (the Official Gazette of the Republic of Slovenia no. 33/94 and MP no. 7/94). The petitioner alleges that the legislator, when enacting the challenged legislative act, did not fully respect the decision of the Constitutional Court no. U-I-284/94 from 4 February 1999 (the Official Gazette of the Republic of Slovenia no. 14/99 and OdlUS VIII,22). The latter Constitutional Court's decision ordained the legislator to consider the various situation in which the persons are due to their unsettled legal situation. Furthermore, this law is also in breach with the principle of "legality" defined in Article 28 of the Constitution of the Republic of Slovenia, because the conditions to acquire the permanent residence permit are linked to the day of conviction and not to the day when the criminal act or misdemeanour was committed. The challenged legislative act should differentiate between the legal situations of those who committed criminal acts in the Republic of Slovenia and those who committed criminal acts in former SFRY, *i.e.* before 26 June 1991. The challenged legislative act has also retroactive effect because the required conditions are impossible to fulfil for certain petitioners, and thus it interferes with their constitutional rights. The petitioner emphasises that the implementation of the challenged legislative act separates many

families albeit in Article 53, the Constitution guarantees the protection of the family. The petitioner furthermore emphasises that since 3 January 1949 he has had permanent residency in the Republic of Slovenia. However, he was deleted from the register against his will on 26 June 1992. This unlawful removal from the register has jeopardised all spheres of the petitioner's life. With the secondary penalty for the criminal act committed before 25 June 1991 the petitioner was, as a foreigner, expelled from the Republic of Slovenia. For that reason the petitioner challenges also Article 1 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia, because it refers to citizens of other republics of former SFRY as »foreigners«. In his opinion, these persons cannot be regarded as foreigners according to the Article 13 of the Constitutional Charter and according to the Constitutional Court's decision no. UI-284/94. In fact, these persons could be considered as foreigners only after the acquisition of the permanent residence permit.

2. The State Assembly did not provide any reply in this case

B)

3. The Constitutional Court accepted to review the constitutionality of the challenged act and has on the basis of criteria defined in Article 26 of the Legislative Act on the Constitutional Court (the Official Gazette of the Republic of Slovenia no. 15/94) proceeded with the assessment on merits.
4. The petitioner suggested to the Constitutional Court to withhold the implementation of the challenged legislative act and to take his case into priority. The implementation of the challenged legal norms could lead to a collective expulsion of numerous people from the Republic of Slovenia which is prohibited by the Protocol No. 4 of the European Convention for the Protection of Human Rights and Fundamental Freedoms. The Constitutional Court did not grant the motion for withholding of the implementation of the legislative act. The Constitutional Court has though decided

that the initiative is to be considered a priority matter according to *alinea* 6 of Article 52 of the Regulation of the Constitutional Court of the Republic of Slovenia (the Official Gazette of the Republic of Slovenia no. 49/98). The Constitutional Court has above all taken into account the high number of proceedings for the issuance of permanent residence permit which are in progress, and the fact that conditions set in the challenged Article 3 are decisive for granting or rejecting this permit.

5. The petitioner challenges Article 3 which stipulates the exclusion criteria for permanent residence permit. In particular he challenges the criteria stipulated in the first, second and third *alinea* of Article 3. The Constitutional Court did not review the constitutionality of the fourth and fifth *alinea* of Article 3 as they were not challenged.

According to the challenged *alinea* of Article 3 the permit for permanent residence is not to be issued to the one, who

- has been after 25 June 1991 more than once punished for committing a misdemeanour against public order and peace with the elements of violence (first *alinea*) or
- has been after 25 June 1991 convicted for a criminal act to imprisonment of at least one year (second *alinea*) or
- has been after 25 June 1991 convicted to imprisonment sentences with the joint length over three years (*third alinea*).¹

It follows from the introductory text of Article 3 that the Ministry of Interior (third paragraph of Article 2) is not authorised on the basis of the challenged legislative act

¹The conditions as set in the forth and fifth *alinea* of Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia prevent citizens of other republics of former SFRY from acquiring a permit for permanent residence, if they were sentenced for criminal acts against the Republic of Slovenia (against safety, against constitutional order, against the defence power of the state) or against humanity and international law.

to use discretionary power when deciding about the petitions for the permanent residence permits.

6. The Constitutional Court established in its decision no. U-I284/94 that the Legislative Act on Foreigners (the Official Gazette of the Republic of Slovenia no. 1/91-I, 44/97 and 50/98) was not in accordance with the Constitution as in the second paragraph of Article 81 (the citizens of other republics of the former SFRY) it did not prescribe any conditions for the acquisition of a permit for permanent residence after expiration of the period in which persons could have applied for the citizenship of the Republic of Slovenia but did not; or after a negative decision on citizenship in the Republic of Slovenia had become final. The Constitutional Court stated in its statement of reasons that the permanent residence and factual residence on the territory of the Republic of Slovenia represent two substantial circumstances which give these persons a special legal position. Therefore, the legislator should regulate this position in the transitional provisions of the Legislative Act on Foreigners or in the separate legislative act. The legislator decided for a separate legislative act in which conditions for the acquisition of permanent residence are stipulated regardless of the Legislative Act on Foreigners. Hence, the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia regulates the status of those citizens from former SFRY who resided permanently in the Republic of Slovenia before its independence and either did not apply for the citizenship of the Republic of Slovenia or applied but were rejected (Article 40 of the Legislative Act on Citizenship of the Republic of Slovenia).

7. Since the challenged legislative act represents a realisation of the rulings and statements of the Constitutional Court's decision no. U-I-284/94, the Constitutional Court reviewed hereby the challenged provisions in connection with that decision.

8. In the decision no. U-I-284/94 due to the unregulated legal situation the Constitutional Court established a breach of the principle of "faith in law". This principle is one of the main principles of "the state of law" embodied in Article 2 of the Constitution.

The Constitutional Court stressed that the citizens of other republics who did not petition for the citizenship of the Republic of Slovenia or whose petition was rejected on the basis of the so called Independence Legal Acts (point III of the Fundamental Constitutional Charter Regarding Independence and Sovereignty, the Official Gazette of the Republic of Slovenia no. 1/91-I) were right to expect that the conditions for permanent residence in the Republic of Slovenia would not be more strict from the conditions for citizenship in Article 13 of the Constitutional Charter and Article 40 of the Legislative Act on Citizenship; and that their legal status would be regulated in accordance with the international law (Covenant on Civil and Political Rights, the Official Gazette of the SFRY no. 7/71 and of the Republic of Slovenia no. 35/92). The Constitutional Court also established that due to the unregulated legal situation the principle of "faith in law" was in breach as well as the principle of "equality" defined in the second paragraph of Article 14 of the Constitution. In fact, citizens of the other republics of the former SFRY were in a worse legal position than those foreigners who had had the status of foreigners already before the independence of the Republic of Slovenia. The standing adopted by the Constitutional Court in this matter was that the legal position of the citizens of other republics of former SFRY must not substantially differ from the legal position of foreigners with permanent residence in the Republic of Slovenia before Slovenia's independence.

9. The question raised in this matter is whether the conditions prescribed in the first, second and third *alinea* of Article 3 of the challenged legislative act, the so called exclusion criteria, and the fact that the competent administrative authority does not have the discretionary power to decide about these permits represent the breach of the "faith in law" principle (Article 2 of the Constitution) as well as the principle of "equality" (second paragraph of Article 14 of the Constitution).

10. The Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia regulates the legal situation of the concerned citizens of other republics of former SFRY more than 8 (eight) years after

Slovenia declared its independence (the legislative act entered into force on 30 September 1999). It is prescribed in Article 1 that the permit for permanent residence can only be issued to those who were on 23 December 1990 *alias* on 25 June 1991 residing in the Republic of Slovenia and have since that day also actually lived in Slovenia. To a permanent residency permit are thus entitled only citizens of other republics of former SFRY residing in the Republic of Slovenia before and after its independence. Their legal situation after the independence was not formally legally regulated and this was, according to the above considered decision of the Constitutional Court, assessed as a breach of the principle of "faith in law". In the papers presented in the *travaux preparatoires* it appears that this issue was raised also in the European Commission's report on the progress towards accession of candidate countries to EU, by the United Nations High Commissioner for Refugees, by the Human Rights Ombudsman and also by other non-governmental organisations (The Official Gazette of the National Assembly »Poročevalec DZ« no. 18/99, page 78). The citizens from other republics arranged their legal status in different ways. If they complied with the prescribed legal conditions defined in the second paragraph of Article 81 of the Legislative Act on Foreigners they acquired a permit for temporary residence or a working permit. Some were not able to settle their status at all, others did not even try. Some who resided for eight years continuously in the Republic of Slovenia managed to acquire a permit for permanent residence by the Legislative Act on Foreigners. The Constitutional Court, having in mind that due to their unsettled legal status many could be subject to expulsion which could interfere with Article 8 of the ECHR, prohibited the authorities from ordering forced removals of these foreigners on the basis of Article 28 of the Legislative Act on Foreigners before the regulation of their status. In addition, the Constitutional Court expressed its concern that the legally unregulated status of the citizens of other republics from former SFRY may lead to the breach of "right to family life" as per Article 8 in ECHR. Indeed, the European Court of Human Rights has already adopted a position, that the expulsion of foreigners (deportation) can constitute the breach of Article 8 of the ECHR. The decision of the Constitutional Court no. U-I-284/94 though did not merely create obligations for the legislator to regulate the legal position of concerned persons within

a certain time limit, but also had consequences in concrete proceedings instituted by individual affected citizens of other republics. Deciding about the constitutional complaint, the Constitutional Court has thus cancelled the judgement of the Supreme Court and the administrative decision of the Ministry of Interior and ordained the competent administrative authorities to re-inscribe the appellant, a citizen of other republic from former SFRY, into the register of permanent residents of the Republic of Slovenia (the decision no. Up-60/97 from 15 July 1999 handed to participants together with this decision). The Constitutional Court stressed that following the decision no. U-I-284/94 and the assessed unconstitutionality of the legislative Act on Foreigners, the appellant's permanent residency shall be valid as of the unlawful deletion from the register of permanent residents until the issuance of the challenged legislative act, on the address where he was registered at the time of the deletion exercise.

11. Even though the citizens of other republics from former SFRY did not have a legal position of foreigners with permanent residence, the Constitutional Court has decided again, as already in its decisions no. U-I-284/84 and no. Up-60/97, that the position which they legally should have had but did not, because the legislator did not regulate it, should serve as the starting point in the regularisation process. Hence, the legislator shall consider this fact while regulating their further legal status in the Republic of Slovenia. On the basis of the above mentioned Constitutional Court's decisions, the citizens of other republics of former SFRY who comply with the conditions stipulated in Article 1 should have a possibility to acquire a permit for permanent residence, unless a reason for the revoke of their permanent residence existed at the time when the legislator should have regulated their status. In addition, the competent administrative authorities should have the discretionary power when deciding about permits for permanent residence. Both, the previous as well as the newly enacted Legislative Act on Foreigners (the Official Gazette of the Republic of Slovenia no. 61/99) included in Articles 24 *alias* 49 an authorisation for decision-making with discretionary power and at the same time prescribed conditions, which the administrative authority shall take into account in the decision-making process

(second paragraph of the Article 25 of the previous legislative act and the third paragraph of the Article 49 of the new legislative act). A revocation of residence to a foreigner who has a permit for permanent residence is thus not obligatory, even though there are legal grounds for revocation, since the administrative authority has an option to decide, within the framework of its discretionary power, whether to revoke the residence or not. The regulation of legal status which does not consider these standings would be opposed to the principle of "faith in law". The principle of "faith in law" guarantees to the individual that the state will not aggravate his legal position without a well founded reason (Article 2 of the Constitution).

12. It is evident from the legislative file EPA 749 – II – the first debate (the Reporter of the National Assembly of the Republic of Slovenia no. 18/99) and EPA 749 – II – the second debate (the Reporter of the National Assembly of the Republic of Slovenia no. 35/99) that the drafting ministry (Ministry of Interior) included in the exclusion criteria for permanent residence permit all the conditions defined in Article 40 of the Act on Citizenship and also all the conditions which could lead to the revocation of permanent residence permit of a foreigner². It was thus envisaged in the draft law presented in the first and second debate that the permit is not to be issued to the individual who was after 25 June 1991 convicted to the imprisonment of at least three years for a criminal act (first *alinea*), or was after 25 June 1991 convicted to the imprisonment of more than five years as a sum for more criminal acts (second *alinea*). As evident from the report of the Parliamentary Justice and Home Affairs Committee no. 213-04/99-28/1 from 12 April 1999, after the first debate of the draft-law the opinion was that the criteria defined in Article 3 should be more restrictive. This proposal was not followed by the drafting ministry which in its explanatory papers noted why more restrictive criteria are not justified. In the explanatory papers of the draft law prepared for the second debate the drafting ministry stated: »the same

²The Act on Foreigners which was in force when the Constitutional Court decision in the matter U-I-284/94 was issued, prescribed that the conviction to at least three years of imprisonment for a criminal act or the conviction to more than five years of imprisonment as a sum for more

criteria for revocation of the permanent residence permit are prescribed also by the present Act on Foreigners, furthermore two additional exclusion criteria for the permanent residence permit were added, if a foreigner is convicted for a criminal act against the Republic of Slovenia or against the values which are protected in the criminal legislation as per the second paragraph of Article 4 of the Constitutional Act for the Implementation of the Fundamental Constitutional Charter Regarding Sovereignty and Independence of the Republic of Slovenia, regardless where such criminal act was committed (third and fourth *alinea* of Article 3 of the proposed legislative act). Further restrictions of the exclusion criteria are, in the opinion of the drafting ministry, not necessary because all issues presented in the debate are already addressed by the present text.³ Nevertheless, in the draft law prepared by the Government for the third debate in the National Assembly, Article 3 was changed with the introduction of a new criteria concerning repeated punishment on the basis of misdemeanour against public order and peace with the elements of violence (first *alinea* of Article 3), and with the decrease of the imprisonment criteria from three years to one year (the second *alinea* of Article 3) and from five years to three years (third *alinea* of Article 3). The reasons for the restriction of the exclusion criteria and for the amendment and changes of Article 3 were not once mentioned in the *travaux preparatoires* papers. It was also not explained why discretionary power was excluded in cases where exclusion criteria for permanent residence permit would apply (the introductory text of Article 3).

13. The above indicates that in the draft-law prepared for the first and second parliamentary debate, the drafting ministry in elaborating the exclusion criteria regarding the permanent residence permit (but not as regards the discretionary power) respected the views and findings of the constitutional court's decision no. UI-284/96, and accordingly considered that the permanent residence of citizens of the other republics from the former SFRY with actual permanent residence (*de facto*) in the

criminal acts constitute grounds for the revocation of a permanent residence permit to a foreigner.

³The Reporter of the National Assembly no. 35/99, page 39

Republic of Slovenia could be revoked only under the same conditions as prescribed for foreigners who already acquired the permit for permanent residence on the basis of the Legislative Act on Foreigners. In the draft-law prepared for the third parliamentary debate a substantial change in the prescribed exclusion criteria was introduced while no well founded reasons for such change can be found in the *travaux preparatoires* materials. Therefore, this is considered a breach of the principle of “equality” as prescribed in the second paragraph of Article 14 of the Constitution.

14. Evidently, the exclusion criteria for permanent residence permit, as prescribed in the first, second and third *alinea* of Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia, are stricter than the conditions for the revocation of a permanent residence permit on the basis of the Legislative Act on Foreigners which was in force in the period of concerned persons’ unregulated status in the Republic of Slovenia and to which reference is made in Article 1 of the challenged legislative act. Criteria as defined in the first, second, and third *alinea* of Article 3 prescribe a certain mitigation of the exclusion criteria in the sense that they limit the convictions not only by the limitation of imprisonment for criminal acts and punishment for misdemeanour but also because they take into account only those convictions and punishments which were declared after 25 June 1991. If there was no such limitation, all convictions and punishments not yet deleted from the criminal records would have to be regarded. There is no doubt that the legislator has thus enabled all those who were convicted and sentenced before 25 June 1991 to have a permit for permanent residence granted regardless of the fact that their imprisonment was not yet deleted from the criminal record. Since more than eight years passed from 25 June 1991 to the expiration of the deadline in which the petitions for permanent residence permit had to be lodged - 31 December 1999, the convictions issued before 25 June 1991 for sentences of at least three years and sentences for up to five years may be already deleted. The Criminal Act (the Official Gazette of the Republic of Slovenia no. 63/94 and 23/99) prescribes that all convictions from one to three years of imprisonment shall be deleted in five

years and convictions up to five years of imprisonment in eight years, starting from the day of execution, expiration or amnesty, if the convicted person during that time has not committed a new criminal act. Though, limiting the exclusion criteria only to convictions issued after 25 June 1991 does not mean *per se* that the criteria in the challenged act are not stricter from the one prescribed by the former Legislative Act on Foreigners in Article 24. Even when compared to the conditions for revocation of permanent residence permit in the new Legislative Act on Foreigners, which was adopted at the same time as the challenged law, the exclusion criteria stipulated in the first, second and third *alinea* are stricter. The revocation of residence foreseen in Article 24 of the previous or in Article 49 of the present Legislative Act on Foreigners is not an obligatory measure and it leaves to the competent administrative authority to decide whether or not to apply it. In the third paragraph of Article 49 of the new Legislative Act on Foreigners the circumstances which have to be assessed by the competent authority with the use of discretionary power are the length of foreigner's residence in the state; the foreigner's personal, family, commercial and other ties to the Republic of Slovenia; and the consequences which might occur to a foreigner and his family by the revocation of residence. On the contrary Article 3 of the challenged Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia does not leave to the competent authority the right to use its discretionary power. The citizen of the other republic cannot acquire the permit for permanent residence if one of the criteria prescribed in Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia is given. Considering the fact that in the decision-making for obtaining a permit for permanent residence no use of discretionary power is foreseen, the competent administrative authority will not be allowed to grant such permit if one of the exclusion criteria exists. In this light the criteria in Article 3 are found to be stricter than the revocation of residence according to both, the previous and the present Legislative Act on Foreigners.

15. Since the criteria prescribed in the first, second and third *alinea* of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the

Republic of Slovenia are stricter than the criteria for revocation of permanent residence to regular foreigners, the breach of principles of “faith in law” in Article 2 of the Constitution and of “equality” in the second paragraph of Article 14 of the Constitution occurred. Given the Constitutional Court’s opinion in the decision no. U-I-248/94 the condition prescribed in the first *alinea* of Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia cannot be a valid reason to reject the issuance of a permit for permanent residence. The Constitutional Court has thus annulled the first *alinea* of Article 3. The annulment will, on the basis of Article 43 of the Legislative Act on the Constitutional Court, enter into force a day after this decision is published in the Official Gazette of the Republic of Slovenia. The Constitutional Court annulled also the conditions from the second and third *alinea* of Article 3 of the challenged Act and set a time-period in which the legislator shall adjust the provisions of the second and third *alinea* with the Constitution. The breach of principles of “faith in law” in Article 2 of the Constitution and of “equality” in the second paragraph of Article 14 of the Constitution are given because the legislation does not allow the use of discretionary power in cases falling under the second and third *alinea* of Article 3, and it does not give the administrative authority any decisive reference on how to decide in cases when exclusion criteria exists. These facts have to be taken into account when adjusting the legislative act with the Constitution.

16. The Constitutional Court has not taken into account the petitioner's allegations that the challenged exclusion criteria are in contradiction with the principle of “legality” in criminal law as defined in Article 28 of the Constitution, because the rejection of the permit for permanent residence is linked to the time of conviction and not to the time when a certain crime was committed, i.e. after 25 June 1991. The invoked constitutional principle prescribes that nobody shall be punished for an act which was not prescribed as a criminal act and for which no penalty was envisaged before it was committed (the first paragraph of the Article 28 of the Constitution); and that criminal acts must be assessed and sentenced according to the legislative act valid at the time when a crime was committed, unless the new law is more favourable for the

defendant (the second paragraph of the Article 27 of the Constitution). A person can be declared as a perpetrator of a criminal act only if he or she is found guilty for committing such crime with a final judgement (Article 27 of the Constitution). Whether the criteria for granting a permit for permanent residence should rather consider the time when the crime was committed, i.e. the crime was committed before or after the independence of the Republic of Slovenia, is a matter of the legislator jurisdiction and the Constitutional Court does not see any reason to consider the exclusion criteria as unconstitutional because linked to the conviction time. Nevertheless, the time when the criminal act was committed is an important circumstance which should be taken into account by the competent administrative authority within its margin of discretionary power while deciding whether to grant or reject a permit for permanent residence.

17. The petitioner's allegation that the challenged legislative act constitutes a breach of Article 7 and Article 53 of the European Convention for the Protection of Human Rights and Fundamental Freedoms were not assessed in this procedure for the review of constitutionality, because they relate in particular to the petitioner's conviction for the committed criminal act and expulsion from the state and not to the challenged provisions.

18. The Constitutional Court has on the basis of the second paragraph of Article 40 of the Legislative Act on the Constitutional Court decided on a method to implement this decision. The Court decided that all those procedures where the administrative authority would reject the petition for a permanent residence permit because the applicant does not comply with one of the criteria defined in the second and third *alinea* of Article 3 of the Legislative Act on the Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia shall be stopped. In other words, all other procedures shall proceed and the competent authority shall continue issuing decisions except in cases where the petition for permanent residence permit would be rejected because the applicant falls under the exclusion criteria prescribed in the second and third *alinea* of Article 3 of the Legislative Act on the

Status of the Citizens From Other Successor States of the Former SFRY in the Republic of Slovenia.

C)

19. The Constitutional Court adopted this decision on the basis of Article 43 and the second paragraph of Article 40 of the Legislative Act on the Constitutional Court, in the following panel: the president Franc Testen and justices dr. Janez Èebulj, dr. Zvonko Fišer, Lojze Janko, Milojka Modrijan, dr. Mirjam Škrk and dr. Dragica Wedam – Lukia. The decision was adopted unanimously.

No. U-I-295/99-13

Ljubljana, 18 May 2000

The President:
Franc Testen, l. r.