EUROPEAN COURT OF HUMAN RIGHTS
COUR EUROPÉENNE DES DROITS DE L'HOMME

THIRD SECTION

DECISION

Application no. 15118/22
Zoran JANKOVIĆ
against Slovenia

The European Court of Human Rights (Third Section), sitting on 16 September 2025 as a Chamber composed of:

Ioannis Ktistakis*, President*,
Peeter Roosma,
Lətif Hüseynov,
Diana Kovatcheva,
Mateja Đurović,
Canòlic Mingorance Cairat,
Vasilka Sancin*, judges*,

and Olga Chernishova, *Deputy Section Registrar,*

Having regard to the above application lodged on 21 March 2022,

Having regard to the observations submitted by the respondent Government and the observations in reply submitted by the applicant,

Having deliberated, decides as follows:

INTRODUCTION

1. The application concerns conclusions reached by a specialised anti-corruption commission in a supervision-of-assets procedure involving the applicant, a well-known politician in Slovenia. The applicant complained under Article 6 § 1 of the Convention that he had been denied access to a court because the judicial review of those conclusions in his case had been limited in scope.

THE FACTS

2. The applicant, Mr Zoran Janković, is a Slovenian national who was born in 1953 and lives in Ljubljana. He was represented before the Court by

Čeferin, Pogačnik, Novak, Koščak and Partners (*Odvetniška družba Čeferin, Pogačnik, Novak, Koščak in partnerji*), a law firm based in Grosuplje.

3. The Slovenian Government ("the Government") were represented by their Agent, Ms Andreja Vran, Senior State Attorney.

4. The facts of the case, as submitted by the parties, may be summarised as follows.

A. Procedure for issuing the Final Report of 7 January 2013

5. The applicant is a public official who was elected firstly as Mayor of Ljubljana in 2006 and later as a Member of Parliament until his re-election as Mayor of Ljubljana in 2012. He was also the president of the Positive Slovenia political party (*Pozitivna Slovenija*) – a post from which he resigned on 20 March 2013.

6. On 18 January 2012 the Commission for the Prevention of Corruption (hereinafter: "the Commission") issued a decision to review the assets of the then presidents of all the parliamentary political parties in Slovenia (including the applicant).

7. On 10 April 2012 the Commission invited the applicant to clarify certain inconsistencies that had been found in the data concerning his assets and to provide relevant supporting documents; this the applicant did. Moreover, in June 2012 the Commission held an interview with the applicant and invited him to provide additional clarification regarding the already established facts and circumstances. The Commission also gave the applicant the opportunity to submit written explanations to individual questions; this the applicant did.

8. On 7 January 2013 the Commission issued its final report on the review of the assets of the presidents of Slovenia's parliamentary parties – including those of the applicant (hereinafter "the Final Report"). In the Final Report the Commission found that there had been systematic and repeated breaches of the applicant's legal obligation to report information concerning certain of his assets (namely, the disposition of cash and securities) and concerning changes to or increases in financial assets held in bank accounts amounting to over 2.4 million euros (EUR). Moreover, the Commission established that part of the financial inflow (EUR 208,000) that had arisen between April and August 2011 had been transferred to the applicant's personal bank account through a chain transaction of money originating from a company that did business with the municipality of Ljubljana. The Commission stipulated that not only had those funds not been declared to the Commission; they had also raised strong suspicions of conflicts of interest (in the broadest sense), abuse of office, a risk of corruption, and undue lobbying. The Commission further decided that (i) the Final Report would be sent to the public authority in which the applicant held office at the time, (ii) it would be published on the Commission's website, and (iii) the part of the obtained documentation

concerning the applicant that raised the suspicion of tax-related criminal offences would be forwarded to the relevant authorities.

9. On 10 January 2013 the Commission informed the applicant that it had of its own motion also initiated minor-offence proceedings against him because, as Mayor of Ljubljana, he had failed to provide all the information required under section 42 of the Integrity and Prevention of Corruption Act when completing his assets declaration form. In his written response, the applicant maintained that he had omitted to declare certain assets because they had not met the required value threshold. He further argued that the assets declaration form had been unclear, and that this had led to him inadvertently making a mistake when filling it out. On 19 February 2013 the Commission issued a decision under the Integrity and Prevention of Corruption Act and the Minor Offences Act, and fined the applicant EUR 400 for failing to provide the relevant information in his declaration. After the applicant failed to pay the fine, the Commission lodged an application seeking his imprisonment in default of payment (*predlog za določitev uklonilnega zapora*); that application was allowed by the Ljubljana District Court on 9 April 2013. However, since the applicant subsequently paid the fine in question, those proceedings were discontinued on 14 May 2013.

10. Meanwhile, on 31 January 2013 the applicant brought an action in the Administrative Court, challenging the findings of the Final Report and requesting that an interim measure be indicated. In his action, he asserted that the Final Report had been unlawful and had infringed his human rights (including the right to a remedy, the right to judicial protection and the right to enjoyment of his property).

11. On 6 February 2013 the Administrative Court dismissed the applicant's request for an interim measure. That decision was upheld by the Supreme Court on 27 February 2013.

12. On 28 March 2013 the Administrative Court also dismissed the applicant's action challenging the Final Report. The court held that the Final Report did not constitute an administrative decision (*upravni akt*) within the meaning of section 2 of the Administrative Disputes Act, as it did not concern an administrative matter. Rather, the applicant's action fell to be examined under section 4 of the Administrative Disputes Act (see paragraph 37 below), as it pertained to his assertion that the Final Report had violated his human rights in respect of which no other legal remedy was available. The Administrative Court further concluded that the assessment of the applicant's assets had been conducted in accordance with the provisions of the Integrity and Prevention of Corruption Act.

13. Following an appeal by the applicant, the Supreme Court quashed the Administrative Court's judgment and remitted the case. While agreeing with the Administrative Court that the Final Report had not constituted an administrative decision within the meaning of section 2 of the Administrative Disputes Act, the Supreme Court concluded that the Administrative Court

had failed to ascertain whether the Commission had been authorised under the Integrity and Prevention of Corruption Act to adopt, issue and publish the Final Report in the specific form, content, manner and procedure employed in this instance.

14. In the resumed proceedings, the Administrative Court again dismissed the applicant's action, finding that the Commission had acted in accordance with the relevant provisions of the Integrity and Prevention of Corruption Act (see paragraph 35 below). The Administrative Court also stated that given the legal nature of the Final Report, the legal basis on which the Commission was acting and the Final Report's specific form and content, the scope of its judicial review was limited and that it could thus not evaluate the accuracy of the facts established by the Commission.

15. The applicant lodged an appeal, which was allowed by the Supreme Court. In its subsequent judgment of 29 May 2015, the Supreme Court held that the Final Report constituted a decision of the type referred to in section 4(1) of the Administrative Disputes Act. Moreover, it found that the Commission had failed to conduct the proceedings in a manner that was in accordance with the relevant procedural provisions of the Integrity and Prevention of Corruption Act as it had not sent to the applicant the draft of its report for comments before publishing its findings. Accordingly, the Supreme Court found a violation of the applicant's constitutional right to equal protection of rights, set aside the Commission's Final Report and ordered the Commission to remove it from its website.

B. Procedure for issuing the Final Conclusions of 26 November 2015

16. On 17 July 2015 the applicant requested the Commission to re-examine his assets in respect of the period that had already been considered by it. In this connection, he also provided further clarifications concerning his assets.

17. On 17 September 2015 the Commission completed the draft of its re-examination of the applicant's assets and submitted its final conclusions to the applicant for comments, which he provided. He did not argue that the findings in the Commission's draft conclusions were different from those contained in the Final Report (see paragraph 8 above). However, he contended that the proceedings could not continue in the light of the final and binding judgment of the Supreme Court of 29 May 2015 (see paragraph 15 above), which had set aside the Final Report. Additionally, he objected on substantive grounds, asserting that no circumstances had arisen that would justify any suspicions of a corruption risk. He also provided documents in support of his arguments. The applicant's written response was later published on the Commission's website.

18. On 26 November 2015 the Commission adopted its final conclusions (hereinafter: "the Final Conclusions") and decided to publish them on its

website, together with the applicant's response thereto (see paragraph 17 above). The Commission concluded that between November 2006 and May 2012 the applicant had failed to report his financial circumstances in a complete and timely manner and that during that period he had received payments that had been associated with corruption risks. The Commission also held that, as a public official, the applicant had been aware (or should have been aware) that by not reporting changes in his assets, he was violating legal provisions and evading oversight by the relevant institution. The Commission's findings were thus identical to the findings in the Final Report of 7 January 2013 (see paragraph 8 above).

19. On 24 December 2015 the applicant brought an administrative action challenging the Final Conclusions on the basis of section 4(1) of the Administrative Disputes Act. He argued, *inter alia*, that the Commission's Final Conclusions violated the *ne bis in idem* principle by addressing a matter that had already been resolved by the Supreme Court in its judgment of 29 May 2015 (see paragraph 15 above). He further asserted that the review instituted by the Commission was inadmissible, as the Commission's above-mentioned decision of 18 January 2012 had only mandated a review of the assets of parliamentary party presidents (see paragraph 6 above), a position which he had ceased to hold on 20 March 2013. The applicant also contended that the Commission had wrongly applied the substantive law and that it had exceeded its authority by requiring him to prove the origin of his assets in respect of the entire period following his first declaration, rather than from his last declaration on 20 January 2012. He had diligently reported the status of his assets and provided explanations for the increase in certain assets identified as problematic. In this regard, he advanced the same arguments as he had in his response to the draft Final Conclusions (see paragraph 17 above), submitted the same evidence and requested that he be heard at the main hearing. Moreover, the applicant argued that the Commission should have respected the procedural guarantees outlined in the Minor Offences Procedure Act. The applicant also complained that the Commission had violated his right to legal remedies by denying him an opportunity to challenge the contested act; in this regard, he asserted that the courts should have had the power to fully review the Final Conclusions and to suspend its legal effects.

20. In the second half of 2016, the relevant case-law in Slovenia changed (see paragraphs 38-40 below): henceforth, the final conclusions and reports issued by the Commission were to be considered to constitute administrative decisions within the meaning of section 2(2) of the Administrative Disputes Act (see paragraph 37 below). Following that change, the courts were no longer restricted to examining only whether an individual's human rights had been violated in proceedings before the Commission; they now had the authority to conduct a full judicial review that would take into account both

the legal and factual circumstances of each case, and quash the Commission's decision on that basis, if necessary.

21. On 5 January 2018 the Administrative Court dismissed the applicant's administrative action. In its reasoning, the court observed that, although the applicant had based his action on section 4(1) of the Administrative Disputes Act, that action had been worded in such a way that the court had been able to assess it under section 2 of the Administrative Disputes Act instead – reflecting the shift in case-law regarding the nature of the Commission's decisions. In this regard the Administrative Court noted that the Final Conclusions had found that the applicant had failed to fulfil his obligations. The Commission's finding of a breach of due process had thus had legal implications for the applicant – even though it had not determined any criminal misdemeanour, or any other liability. The Administrative Court stated that the legal framework governing its decision-making had been determined by the nature of the legal basis for adjudicating the administrative dispute in question, and by the alleged violations and the nature of the Final Conclusions. Therefore, the scope of its review in the present case had been limited to assessing whether the applicant's fundamental rights had been violated in the procedure followed in the review of his assets – including the issuance and publication of the Final Conclusions. The Administrative Court deemed that the Commission had followed the procedure prescribed for the review of assets, and had abided by all the relevant rules. The court emphasised the fact that during the 2012 proceedings the applicant had been given the opportunity to present his case and to respond to the Commission's allegations (see paragraph 7 above); he had been given the same opportunity again before the Final Conclusions had been issued in 2015. The court noted that his comments (together with the Final Conclusions) had also been made public (see paragraph 17 above).

22. As regards the applicant's arguments concerning the Commission's allegedly erroneous factual findings, the Administrative Court noted that the applicant had raised the same objections as those raised in his action challenging the findings of the Final Report of 7 January 2013 (see paragraph 10 above) and that the facts had been identical to those already established in the original proceedings on the basis of the data obtained from official records and information submitted by the applicant himself.

23. Regarding the Commission's authority to issue the contested Final Conclusions, the Administrative Court noted that the Integrity and Prevention of Corruption Act lacked specific procedural provisions concerning this matter. However, the manner and method by which the Commission had arrived at its findings had been in accordance with the relevant rules of the profession (*lex artis*). The Administrative Court also dismissed the applicant's argument that the Commission should have conducted minor-offence proceedings, as the impugned review had not encompassed any criminal offences that may have been committed.

24. Lastly, the Administrative Court dismissed the applicant's complaint that his right to appeal (or to avail himself of another judicial remedy) did not have suspensive effect. The court deemed that the applicant had been granted judicial protection within the framework of an administrative dispute, which also allowed for the possibility of the issuance of an interim injunction with suspensive effect. The Administrative Court refused the applicant's above-mentioned request to be heard, deeming it unnecessary because, given the facts and circumstances that had been correctly established in the proceedings, this would not have altered that court's decision. The court noted that the applicant had not demonstrated how anything that he would have said if he had been examined at the main hearing would have significantly impacted the court's decision or differed from the oral statements that he had made to the Commission in June 2012.

25. The applicant lodged an appeal against that judgment on 5 January 2018. On 5 March 2018 the Administrative Court declared his appeal inadmissible, finding that none of the conditions provided in the Administrative Disputes Act under which an appeal is allowed had been fulfilled.

26. The applicant appealed against the Administrative Court's decision, arguing, *inter alia*, that since the Supreme Court's judgment of 29 May 2015 (see paragraph 15 above) had become final, a different determination of the legal nature of the Final Conclusions had violated the *ne bis in idem* principle. Moreover, the applicant maintained that he had had the right to an appeal in the light of the unjustified reclassification of the Final Conclusions.

27. The Supreme Court rejected his appeal on 23 May 2018, upholding the decision of the Administrative Court that the appeal was inadmissible. It also added that the *ne bis in idem* principle had not been violated as the act at issue in the then ongoing proceedings was not the same as the one examined by the Supreme Court in 2015.

28. The applicant also lodged an appeal on points of law, contending that the Administrative Court had infringed his right to effective judicial protection by conducting an assessment that had not involved a comprehensive evaluation of all the legal and factual issues. The applicant did not specify which arguments regarding the establishment of facts the Administrative Court had failed to examine. He further complained that the Commission had exceeded its authority in the present case.

29. The Supreme Court accepted for examination the applicant's appeal on points of law as partly admissible and decided to examine two questions: (i) whether the Commission had had the authority to issue the Final Conclusions in the applicant's case; and (ii) whether the Administrative Court, when assessing the lawfulness of the Final Conclusions, should have comprehensively evaluated all the legal and factual circumstances detailed in the action, or whether it should have limited its decision-making primarily to examining violations of human rights.

30. By a judgment of 3 July 2019, the Supreme Court dismissed the applicant's appeal on points of law as ill-founded. Unlike the Administrative Court, the Supreme Court ruled that the Commission had had the legal authority to issue the Final Conclusions under section 45 of the Integrity and Prevention of Corruption Act, which granted the Commission the power to establish relevant circumstances and to take action in the event of identified irregularities; however, that did not preclude the Commission from issuing an administrative decision under section 13 of the Integrity and Prevention of Corruption Act. The Supreme Court affirmed that the Administrative Court had a duty to conduct a comprehensive assessment when deciding on the lawfulness of a final administrative act. The Supreme Court held that the applicant had sought that the Administrative Court find that the Commission had infringed his human rights by issuing the Final Conclusions, and that a substantive assessment of whether such an infringement had occurred had been conducted by the Administrative Court. The Supreme Court further noted that when lodging his appeal on points of law the applicant had failed to specify the precise shortcomings in the Administrative Court's assessment; that was why the violation complained of could not be further examined.

31. The applicant lodged a constitutional complaint, alleging a violation of the *ne bis in idem* principle and a violation of his right to an effective judicial remedy; additionally, he maintained that the Commission had not had the authority to issue the disputed Final Conclusions.

32. On 5 October 2021 the Constitutional Court declared the applicant's complaint inadmissible, finding that the contested decisions had not had serious consequences for the applicant, and that neither had they raised an important constitutional question.

RELEVANT LEGAL FRAMEWORK AND PRACTICE

A. Relevant domestic law and practice

33. The relevant parts of the Constitution of the Republic of Slovenia read as follows:

Article 23
Right to Judicial Protection

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

Article 25
Right to Legal Remedies

"Every person shall be guaranteed the right to appeal or to [resort to] any other legal remedy against the decisions of courts and other State authorities, local community authorities, and holders of public authority by which [that person's] rights, duties, or legal interests are determined."

Article 157
Judicial Review of Administrative Acts

"A court with jurisdiction to review administrative decisions decides on the legality of final individual acts by which State authorities, local community authorities, and holders of public authority decide the rights or obligations and legal entitlements of individuals and organisations, [in the event that] no other legal protection is provided by law in respect of a particular matter.

If no other legal protection is provided, the court with jurisdiction to review administrative decisions shall also decide on the legality of individual actions and acts that intrude upon the constitutional rights of the individual."

B. The Integrity and Prevention of Corruption Act

34. The Integrity and Prevention of Corruption Act, enacted on 5 June 2010, established a framework for a review of assets held by public-office holders. The relevant provisions of that Act provide as follows:

Section 5
Legal Status of the Commission

"The Commission for the Prevention of Corruption (hereinafter "the Commission") is an autonomous and independent State body which, for the purposes of strengthening the effective functioning of the rule of law and safeguarding it from being threatened by corrupt practices, autonomously implements its powers and carries out the tasks set out herein and in other Acts, within the framework and on the basis of the relevant legislation."

Section 12
Tasks and powers of the Commission

"The Commission:

...

- adopts principled opinions, comments, recommendations and explanations in respect of issues connected with the contents of this Act;

- performs other tasks set out by this and other Acts;

..."

Section 13
Powers of the Commission when corruption or other offences are suspected

(1) The Commission may – on its own initiative, [and] on the basis of a report by a legal or natural person or on the basis of [the type of] request referred to in the second

subsection of this section – initiate proceedings owing to [i] a suspicion of corruption, a violation of the rules on conflicts of interest, [or] restrictions on business operations or lobbying, or [ii] [in order to] assess and eliminate individual or systemic corruption risks or violations of the ethics and the integrity of the public sector.

...

(5) After the procedure has been completed, the Commission shall reach a principled opinion (*načelno mnenje*) or findings in respect of a specific case. Principled opinions and findings [adopted by] the Commission pursuant to this section shall not constitute a decision regarding criminal, misdemeanour-related, compensatory, disciplinary or any other kind of liability on the part of a legal or natural person and shall not take the form of an administrative decision. ...

(6) The principled opinions of the Commission shall contain, in particular, a description and definition of the Commission's systemic deficiencies, inconsistencies and problems, as well as proposals for improving the situation. The findings of the Commission in respect of a specific case shall contain, in particular, a description of the facts of the case [and] an assessment of the conduct of the person concerned from a legal perspective, from the perspective of strengthening the integrity of the public sector and from the perspective of corruption risks – and, in the event of established irregularities or risks – an explanation of what the proper course of action should be.

(7) When the findings of the Commission refer to a particular or identifiable natural or legal person, the Commission shall, prior to [their] publication, send the draft findings to the relevant person, who shall then submit their observations regarding the assertions [contained] in the findings within seven working days. If the person concerned does not comment on the statements in the draft, this shall not prevent the Commission from publishing its findings ...

(8) The Commission shall present its general opinions and findings regarding a specific case, together with the response of the person concerned, to the public by publishing them on its website and in any other appropriate manner. ...

(9) When the findings relate to an official, public official, public servant or manager, the Commission shall send the findings to the head of the authority or body that has authority to exercise direct review of the activities of the person concerned or has authority to appoint or dismiss him. The latter must, within 30 days, assess any consequences that might harm the reputation of the function or position and the reputation of the authority or entity in which the person concerned works, introduce supervisory and disciplinary procedures, and take appropriate measures that are in accordance with the law, with codes of conduct and with the integrity plan [*načrt integritete*]. It shall inform the Commission of the measures taken.

(10) Notwithstanding the previous subsection, in the event that serious corrupt conduct on the part of an official, public official or manager is established, the Commission shall send a proposal for that person's dismissal to the authority responsible for the appointment and dismissal of the individual concerned and shall inform the public thereof. The competent authority is obliged to rule on the Commission's proposal within 30 days.

(11) The commission shall – on the basis of a request lodged by State authorities, organisations and other natural or legal persons – also formulate answers, opinions and explanations in respect of other issues [that fall] within its field of work.

Section 15
Procedure types and rules

"Unless otherwise stipulated in this Act, the Commission shall conduct its procedures in accordance with the provisions of the Act governing the general administrative procedure.

No appeal is possible against the decision of the Commission, but an administrative dispute may be initiated."

35. The reviewing of assets of persons with obligations to declare them is governed by sections 41-46 of the Integrity and Prevention of Corruption Act. These are statutory provisions placed in a separate independent chapter defining a special supervisory procedure. Section 41 lays down the obligation to declare assets by defining persons that have such an obligation. Section 42 determines which information a person must provide regarding his assets. Section 43 establishes the obligation to provide information about any change in the assets of the person concerned. Section 44 determines the measures to be taken by the Commission if a person with an obligation to declare his assets fails to provide relevant information. Section 45 defines the procedure to be followed in the event that a disproportionate increase in the assets of such a person is established, while section 46 provides that the data concerning any changes to the assets of the persons concerned must be publicly available on the Commission's website. Notably, section 45 provides as follows:

Section 45
Disproportionate increase in assets

"(1) If the Commission – on the basis of information concerning the assets [in question] or on the basis of other information – determines that the assets of a person with obligations [to declare those assets] have increased (since his last declaration) to an extent that is disproportionate to his income from the performance of a function or activity that he otherwise performs in accordance with the provisions and restrictions of this and other laws, or that the value of his actual assets (which is the basis for assessing tax liabilities) significantly exceeds the declared value of those assets, it shall invite him to explain, within 15 days, the method by which he has increased those assets or the difference [in value] between the actual and declared assets.

(2) If the person with obligations referred to in the previous subsection fails to explain the method by which he has increased his assets or the difference [in value] between the actual and declared assets – or does not do so in a clear manner – the Commission shall inform the body in which the person holds office ..., and in the event that other violations are suspected, [the Commission shall also [inform] other relevant authorities.

...

(5) If the Commission has reasonable grounds to suspect that the assets of the person [obliged] under the first subsection of this section [to declare his assets] have increased significantly, but the person liable has not provided a reasonable explanation for that increase, and at the same time there is a reasonable risk that that person ... will dispose of, hide or alienate these assets, the Commission may propose to the State Prosecutor's Office or the authority responsible for the prevention of money laundering [or for the

assessment of] taxes or for financial supervision that it take all necessary steps within its legal power to temporarily halt transactions or to secure the money and assets [in question] for the purpose of seizing unlawfully obtained property or benefits, or money and assets of illegal origin.

...."

36. Chapter X ("Penalty Provision") in sections 77-79 regulates minor offences committed by natural and legal persons and interest groups and sets out the fines liable to be imposed for any offences established. It stipulates that a fine of between EUR 400 and EUR 1,200 shall be imposed on a person who – in contravention of the provisions of section 4(2) and (3) of the Integrity and Prevention of Corruption Act – fails to provide to the Commission information on their assets.

C. The Administrative Disputes Act

37. The relevant provisions of the Administrative Disputes Act read as follows:

Section 2

"(1) In an administrative dispute, the court shall rule on the legality of final administrative decisions that affect the plaintiff's legal status. In an administrative dispute, the court shall adjudicate on the legality of other acts only if so required by law.

(2) For the purposes of this Act, an administrative decision is an administrative decision or another individual decision adopted under public law, unilaterally, by a government authority, as part of the execution of an administrative function whereby an authority has decided whether an individual or legal entity (or any other person who may be a party to the procedure [followed in] issuing the decision has a [particular] right, obligation or legal entitlement.

...."

Section 4

"(1) In an administrative dispute, the courts shall also adjudicate on the legality of individual acts and actions by which the authorities have infringed an individual's human rights and fundamental freedoms, unless a different form of judicial protection has been guaranteed.

(2) Where the acts of the public authorities are contested in an administrative dispute, the provisions of this Act that regulate the procedure to be followed when contesting an administrative decision shall apply."

Section 22

"(1) In an administrative dispute, the provisions of the Act regulating civil procedure shall apply, unless otherwise provided by this Act.

..."

Section 64

"(1) [In an administrative dispute], the court shall uphold the action in question and quash the contested administrative decision [by issuing] a decision:

...

2. if, on the basis of the facts of the case (as established during the procedure to be followed in issuing the administrative decision), [the court] concludes that it is unable to resolve the dispute because [i] the evidence was assessed incorrectly, [ii] the established facts contradict the data in the file, [iii] the facts were incompletely determined in their essential points, or [iv] an incorrect conclusion regarding the facts of the case was drawn from the established facts, and the real facts of the case must be established by means of an administrative procedure;

..."

Section 66

"(1) During an administrative dispute [of the kind] referred to in section 4(1) of this Act, the court may establish that an act or action is unlawful, block the continuation of an individual action, decide on [a claim] for compensation for damage, and, where necessary, order the elimination of infringements of human rights and fundamental freedoms and the re-establishment of a lawful state of affairs.

..."

D. Relevant domestic jurisprudence

38. According to the well-established case-law of the Supreme Court, until the second half of 2016, decisions issued by the Commission were not considered to constitute individual decisions affecting the legal status of a plaintiff within the meaning of section 2 of the Administrative Disputes Act (see paragraph 37 above).

39. For example, in its decision of 26 September 2012 (I Up 51/2012) the Supreme Court stipulated that the principled opinion of the Commission did not constitute an individual decision by which the Commission could decide on the rights, obligations or legal benefits of an individual. Therefore, the Supreme Court considered that it was not possible to exercise judicial protection in an administrative dispute against the principled opinion of the Commission on the basis of section 2 of the Administrative Disputes Act. This position was upheld by the Supreme Court's decisions of 28 February 2015 (I Up 256/2014) and of 29 May 2015 (I Up 308/2014) by which that court held that the same reasoning could be applied with regard to final reports issued by the Commission – which could also not be considered to constitute individual administrative decisions within the meaning of section 2 of Administrative Disputes Act, but which rather fell to be examined under section 4(1) of the Administrative Disputes Act.

40. The Supreme Court changed its above-stated position in a judgment and decision of 12 July 2016 (I Up 254/2015), in which it held:

> "The final findings [of the Commission] [constitute] a 'decision' under section 2(2) of the Administrative Disputes Act ... – a unilateral, authoritative individual decision by which an authority (the defendant) decides on the obligation (that is, the duty) of an individual (the plaintiff), who may be a party to the procedure [followed for the purpose of issuing the act]. Therefore, the plaintiff must be guaranteed effective judicial protection (Articles 23 and 15 of the Constitution of the Republic of Slovenia in conjunction with Article 157 of the Constitution), which, when interpreted in a constitutionally consistent manner, consists of ensuring that they are provided with a full assessment of the legality of the contested decision (that is, with a comprehensive assessment of all legal and factual circumstances), since there are no constitutional or statutory restrictions ... on such an assessment."

41. Similarly, the Supreme Court affirmed in its decision of 14 September 2016 (I Up 73/2016) that the findings of the Commission should be considered to constitute administrative decisions. In this regard the Supreme Court noted that the Integrity and Prevention of Corruption Act provided that the General Administrative Procedure Act should apply subsidiarily to all proceedings conducted by the Commission. This implies that the procedural guarantees outlined in the General Administrative Procedure Act must be upheld in such cases, unless specific provisions of the Integrity and Prevention of Corruption Act dictate otherwise or exclude certain procedural guarantees.

42. After this change in the case-law concerning the nature of the supervision-of-assets procedure, the Integrity and Prevention of Corruption Act was amended in 2020. The new provisions revised the procedural rules applied by the Commission, giving a more precise definition of the types of procedures to be followed. An explicit distinction was made between the Commission's individual procedures (that is, between administrative decision-making procedures, expedited minor-offence proceedings and specific procedures or so-called "*sui generis*" or "fact-finding" procedures).

E. Relevant international law and reports

43. The 2003 United Nations Convention against Corruption, which is aimed at combating corruption in both the public and private sectors and has been ratified by Slovenia in 2008, reads in so far as relevant:

Article 1

> "The purposes of this Convention are:
>
> (a) To promote and strengthen measures to prevent and combat corruption more efficiently and effectively;
>
> (b) To promote, facilitate and support international cooperation and technical assistance in the prevention of and fight against corruption, including in asset recovery;

(c) To promote integrity, accountability and proper management of public affairs and public property."

Article 5

"1. Each State Party shall, in accordance with the fundamental principles of its legal system, develop and implement or maintain effective, coordinated anti-corruption policies that promote the participation of society and reflect the principles of the rule of law, proper management of public affairs and public property, integrity, transparency and accountability.

2. Each State Party shall endeavour to establish and promote effective practices aimed at the prevention of corruption.

..."

Article 6

"1. Each State Party shall, in accordance with the fundamental principles of its legal system, ensure the existence of a body or bodies, as appropriate, that prevent corruption by such means as:

(a) Implementing the policies referred to in article 5 of this Convention and, where appropriate, overseeing and coordinating the implementation of those policies;

(b) Increasing and disseminating knowledge about the prevention of corruption.

2. Each State Party shall grant the body or bodies referred to in subsection 1 of this article the necessary independence, in accordance with the fundamental principles of its legal system, to enable the body or bodies to carry out its or their functions effectively and free from any undue influence. The necessary material resources and specialized staff, as well as the training that such staff may require to carry out their functions, should be provided.

..."

44. Slovenia joined the Council of Europe's Group of States against Corruption (GRECO) in 1999 and was evaluated in GRECO's First (2000), Second (2003), Third (2007), Fourth (2012), and Fifth (2017) Evaluation Rounds. In its 2017 report, GRECO noted that the Commission was an independent government body led by a Chief Commissioner and two deputies. The Commission's decisions were subject to a judicial review by the High Administrative Court and to periodic audits carried out by the Secretariat General of the government and the Court of Audit. The report highlighted the Commission's established reputation and compliance with its rulings and recommendations. The report also identified challenges – particularly in respect of the *sui generis* procedure under section 13 of the Integrity and Prevention of Corruption Act – noting that the said procedure comprised fact-finding, sending draft findings to each person concerned,

adopting findings, and publishing those findings. However, since July 2016, the courts had quashed decisions taken by the Commission under the said procedure owing to the inadequacy of the protection afforded to the rights of persons subjected to investigation. The report also emphasised that thorough checking of high officials' asset declarations was crucial for preventing conflicts of interest and detecting illicit enrichment.

COMPLAINT

45. The applicant complained under Article 6 § 1 of the Convention that he had had no access to a court, in view of the allegedly limited scope of the judicial review of the Commission's decision.

THE LAW

46. The applicant complained that he had been afforded no access to a court, contrary to Article 6 § 1 of the Convention, which, in so far as relevant, reads as follows:

> "In the determination of his civil rights and obligations ... everyone is entitled to a fair and public hearing ... by an independent and impartial tribunal established by law."

1. The parties' submissions

(a) The Government

47. The Government argued that Article 6 § 1 of the Convention was not applicable to the supervision-of-assets procedure before the Commission because it had not constituted a determination of the applicant's civil rights and obligations, nor had it determined a criminal charge against him within the meaning of Article 6 of the Convention. Instead, the proceedings before the Commission had served solely to assess the applicant's compliance with administrative obligations relating to the exercise of public office. The procedure had been informal, and the findings had had no legal consequences for the applicant. Referring to *Fayed v. the United Kingdom* (21 September 1994, § 62, Series A no. 294-B), the Government argued that in this sense supervision of assets constituted a *sui generis* procedure that essentially consisted of the establishment of certain facts, on the basis of which other authorities could initiate their own procedures in which individuals would be granted all relevant procedural rights.

48. As to the merits, the Government affirmed that, according to domestic case-law, final conclusions under section 13 of the Integrity and Prevention of Corruption Act were considered to constitute administrative decisions under section 2 of the Administrative Disputes Act. Therefore, individuals affected by such acts should receive effective judicial protection. At the same

time, the Government emphasised that in administrative proceedings the courts confined themselves to the issues raised by claims lodged with them.

49. The Government emphasised that the alleged violations put forward by the applicant in his actions had mainly concerned violations of human rights; thus the domestic courts had had to confine themselves to the issues raised by the claims lodged by him. Accordingly, the scope of the Administrative Court's review in respect of the administrative dispute had been restricted to an assessment of whether the applicant's fundamental rights had been violated during the review of his assets. In that respect the Government observed that the domestic courts had thoroughly assessed each of the constitutional violations alleged by the applicant and had concluded that none of them had been substantiated. It followed that the Administrative Court had carried out a comprehensive judicial assessment of both the legal and factual circumstances, which had been limited to the scope of the applicant's allegations.

(b) The applicant

50. The applicant submitted that Article 6 of the Convention was applicable to the proceedings in question. Firstly, the contested Final Conclusions had had a direct and decisive impact on several of his civil rights and obligations, as well as on his property and professional interests. He argued that the publication of the Final Report had triggered a political crisis in Slovenia, forcing him to suspend his duties as party president and exerting pressure on him to resign as Mayor of Ljubljana. Moreover, his reputation had been damaged. Although the Commission had not decided on his removal from office, its actions had effectively led to the applicant's resignation as the president of the largest parliamentary political party in Slovenia.

51. As to the merits of the case, the applicant maintained that he had not been afforded a full and substantive judicial review of the Final Conclusions, since the Administrative Court and the Supreme Court had refused to examine all the relevant facts and legal issues.

52. In his administrative action of 24 December 2015 challenging the Final Conclusions, the applicant submitted that he had sought a ruling on breaches of his human rights (requesting both the quashing of the report and its removal from the Commission's website). He had relied on previous court decisions relating to the Final Report, and had brought his action under section 4 of the Administrative Dispute Act (adjusting his claims accordingly). In the same administrative action, the applicant had also challenged the accuracy of the Final Conclusions and had submitted evidence to support his allegations regarding the Commission's factual findings.

53. However, the Administrative Court had not addressed the accuracy of those findings or considered the evidence presented. Instead, it had limited its review to the question of whether the applicant's fundamental rights had been violated during the reviewing of his assets. Thus, the Administrative Court's

review had contravened the obligation set out by Article 6 – namely, that domestic courts must have jurisdiction to examine all questions of fact and law relevant to the dispute before it (see *Capital Bank AD v. Bulgaria*, no. 49429/99, § 98, ECHR 2005-XII (extracts), and *I.D. v. Bulgaria*, no. 43578/98, § 45, 28 April 2005).

2. The Court's assessment

54. The Court does not consider it necessary to take a final stance on the question of the applicability of Article 6 § 1 of the Convention in respect of the determination of the applicant's civil rights and obligations or of any criminal charge against him, since – even assuming that it is applicable – the present case is in any event inadmissible for the reasons set out below.

(a) General principles

55. The Court has summarised the general principles pertaining to the extent of the judicial review required of domestic courts and their obligation to give reasons for their decisions in *Ramos Nunes de Carvalho e Sá v. Portugal* ([GC], nos. 55391/13 and 2 others, §§ 176-186, 6 November 2018) as follows:

> "176. The Court reiterates that, for the determination of civil rights and obligations by a "tribunal" in order to ensure that the requirements of Article 6 § 1 of the Convention are met, the "tribunal" in question must have jurisdiction to examine all questions of fact and law relevant to the dispute before it (see *Terra Woningen B.V. v. the Netherlands*, 17 December 1996, § 52, *Reports* 1996-VI; *Chevrol v. France*, no. 49636/99, § 77, ECHR 2003-III; and *I.D. v. Bulgaria*, [cited above, § 45].
>
> 177. Both the former Commission and the Court have acknowledged in their respective case-law that the requirement that a court or tribunal should have "full jurisdiction" will be satisfied where it is found that the judicial body in question has exercised "sufficient jurisdiction" or exercised "sufficient review" in the proceedings before it (see *Sigma Radio Television Ltd v. Cyprus*, nos. 32181/04 and 35122/05, § 152, 21 July 2011, and the case-law cited therein). Thus, the requirement of full jurisdiction has been given an autonomous definition in the light of the object and purpose of the Convention – one that does not necessarily depend on the legal characterisation in domestic law.
>
> 178. In adopting this approach, the Convention organs have had regard to the fact that it is often the case in relation to administrative-law appeals in the member States of the Council of Europe that the extent of any judicial review of the facts of a case is limited in scope, and that it is characteristic of review proceedings that the competent authorities review the previous proceedings rather than taking factual decisions. It can be seen from the relevant case-law that it is not the role of Article 6, in principle, to guarantee access to a court that can substitute its own assessment or opinion for that of the administrative authorities. In this regard, the Court has placed particular emphasis on the respect which must be accorded to decisions taken by the administrative authorities on grounds of expediency, and which often involve specialised areas of law (ibid., § 153, and the case-law cited therein).

179. In assessing whether, in a given case, the extent of the review carried out by the domestic courts was sufficient, the Court has held that it must have regard to the powers of the judicial body in question and to such factors as: (a) the subject matter of the decision appealed against – and in particular, whether or not it concerned a specialised issue requiring professional knowledge or experience and whether it involved the exercise of administrative discretion (and, if so, to what extent); (b) the manner in which that decision was arrived at (in particular, the procedural guarantees available in the proceedings before the administrative body); and (c) the content of the dispute – including the desired and actual grounds of appeal (ibid., § 154; see also *Tsanova-Gecheva* [v. Bulgaria, no. 43800/12, § 98, 15 September 2015], and the cases cited therein; see also, in particular, *Bryan v. the United Kingdom*, 22 November 1995, § 45, Series A no. 335-A, and *Galina Kostova v. Bulgaria*, no. 36181/05, § 59, 12 November 2013).

180. In considering whether the legislative scheme, taken as a whole, provided a due enquiry into the facts, the Court must also have regard to the nature and purpose of that scheme. Indeed, in relation to administrative-law appeals, the question whether the extent of judicial review afforded was "sufficient" may depend not only on the discretionary or technical nature of the subject-matter of the decision appealed against and the particular issue that the applicant wishes to ventilate before the courts as being the central issue for him or her, but also, more generally, on the nature of the "civil rights and obligations" at stake and the nature of the policy objective pursued by the underlying domestic law (see *Fazia Ali v. the United Kingdom*, no. 40378/10, § 84, 20 October 2015).

181. Whether the review carried out was sufficient will thus depend on the circumstances of a given case: the Court must therefore confine itself as far as possible to examining the question raised in the case before it and to determining if, in that particular case, the extent of the review was adequate (see *Sigma Radio Television Ltd*, cited above, § 155, and *Potocka and Others v. Poland*, no. 33776/96, § 54, ECHR 2001-X).

182. The Court has previously had occasion to examine situations in which the domestic courts were unable or refused to examine a key issue in the dispute in question because they considered themselves bound by the findings of fact or of law made by the administrative authorities and could not examine the relevant issues independently (see *Terra Woningen B.V.*, cited above, §§ 46 and 50-55; *Obermeier v. Austria*, 28 June 1990, §§ 66-70, Series A no. 179; *Tsfayo v. the United Kingdom*, no. 60860/00, § 48, 14 November 2006; *Chevrol*, cited above, § 78; *I.D. v. Bulgaria*, cited above, §§ 50-55; *Capital Bank AD*, cited above, §§ 99-108; and *Fazliyski v. Bulgaria*, no. 40908/05, § 59, 16 April 2013).

...

183. The Court has also been called on to examine cases in which the court in question did not have full jurisdiction within the meaning of the domestic law as such but had examined point by point the applicants' grounds of appeal, without having to decline jurisdiction in replying to them or in scrutinising findings of fact or law made by the administrative authorities. In these cases the Court examined the intensity of the domestic courts' review of the discretion exercised by the administrative authorities (see, for instance, *Tsanova-Gecheva*, cited above, §§ 101-05; *Bryan*, cited above, §§ 43-47; *Potocka and Others*, cited above, §§ 55-59; *Sigma Radio Television Ltd*, cited above, §§ 158-69; *Galina Kostova*, cited above, §§ 61-66; and, under the criminal limb of Article 6 § 1 of the Convention, *A. Menarini Diagnostics S.r.l. v. Italy*, no. 43509/08, §§ 63-64, 27 September 2011).

184. Furthermore, the Court has considered it generally inherent in the notion of judicial review that, if a ground of appeal is upheld, the reviewing court must have the power to quash the impugned decision, and either take a fresh decision or remit the case to the same body or a different body (see *Kingsley v. the United Kingdom* [GC], no. 35605/97, §§ 32 and 34, ECHR 2002-IV, and *Oleksandr Volkov v. Ukraine*, no. 21722/11, § 125, ECHR 2013).

185. Article 6 also requires the domestic courts to adequately state the reasons on which their decisions are based. Without requiring a detailed answer to every argument put forward by a complainant, this obligation nevertheless presupposes that a party to judicial proceedings can expect a specific and express reply to those submissions that are decisive for the outcome of the proceedings in question (see, among many other authorities, *Ruiz Torija v. Spain*, 9 December 1994, §§ 29-30, Series A no. 303-A).

186. The Court also reiterates that it is not its task to take the place of the domestic courts. It is primarily for the national authorities, notably the courts, to resolve problems of interpretation of domestic legislation (see, among other authorities, *Nejdet Şahin and Perihan Şahin v. Turkey* [GC], no. 13279/05, § 49, 20 October 2011). The Court is not a court of appeal from the national courts and it is not its function to deal with errors of fact or law allegedly committed by a national court unless and in so far as they may have infringed rights and freedoms protected by the Convention (see, among many other authorities, *García Ruiz v. Spain* [GC], no. 30544/96, § 28, ECHR 1999-I)."

(b) Application to the present case

56. Turning to the present case, the Court notes that the applicant's main complaint concerns the alleged failure on the part of the domestic courts to undertake a full judicial review of the Final Conclusions by the Commission. More specifically, he complained that, when reviewing the Final Conclusions, the domestic courts had failed to examine his grievance relating to the establishment of the facts by the Commission.

57. In this connection, the Court observes that the Commission is an independent specialised State body aimed at strengthening the effective functioning of the rule of law and at safeguarding it from being threatened by corrupt practices (see paragraph 34 above). It operates on the basis of the Integrity and Prevention of Corruption Act and its rules of procedure, and its operation has been closely monitored by international specialised bodies such as GRECO (see paragraph 44 above).

58. The Court further notes that in the proceedings before the Commission the applicant benefitted from a number of procedural safeguards. In addition to being heard in person in 2012 (see paragraph 7 above), in the fresh proceedings leading to the adoption of the contested Final Conclusions, the applicant was sent the draft Final Conclusions and invited to comment on them, which he did (see paragraph 17 above). Moreover, the Court considers it important that all factual clarifications and documents that the applicant had submitted in reply to the draft Final Conclusions were published on the Commission's website alongside the Final Conclusions.

59. Having set out the above-noted background, the Court will next turn to the judicial review afforded to the applicant by the Administrative Court.

In that connection, it cannot but note that, although the applicant had brought his above-mentioned administrative action under section 4(1) of the Administrative Disputes Act, the Administrative Court examined his case under section 2 of the Administrative Disputes Act (in accordance with the amended relevant jurisprudence of the domestic courts) and in point of fact gave responses to all of the applicant's decisive arguments. In particular, it explained (albeit succinctly) why it considered it unnecessary to re-examine the facts as established by the Commission (see paragraphs 21 and 22 above) and why it was unnecessary to hear the applicant (see paragraph 24 above). In any event, the Court notes that the Administrative Court could have quashed the Commission's decision had it disagreed with either its legal or factual findings (including its findings in respect of evidence). This fact indicates that the Administrative Court was a court of "full jurisdiction" for the purposes of Article 6 § 1 of the Convention (see *Bistrović v. Croatia*, no. 25774/05, § 53, 31 May 2007, and *Ivanovski v. the former Yugoslav Republic of Macedonia*, no. 29908/11, § 126, 21 January 2016).

60. Furthermore, the Court cannot but note that the allegation that the applicant raised in his appeal on points of law (namely, that the Administrative Court had failed to assess the facts established by the Commission) was unsubstantiated: in that appeal he did not specify which of his crucial arguments had remained unanswered by the Administrative Court. It was for that reason that the Supreme Court rejected that part of his appeal on points of law (see paragraph 30 above).

61. Lastly, the Court notes that any further consequences for the applicant – such as any criminal or civil liability – arising from the factual findings of the Commission would have to be established in separate proceedings, in respect of which the applicant would enjoy full procedural safeguards.

62. In the light of the foregoing – and taking into consideration the specific context of the anti-corruption proceedings (which concerned a politician), the extent of the Commission's findings, the procedural guarantees provided to the applicant in the proceedings before the Commission, and the reasoned judgments delivered by both the Administrative and the Supreme Courts (compare and contrast *Lorenzo Bragado and Others v. Spain*, nos. 53193/21 and 5 others, § 148, 22 June 2023), the Court finds that the judicial review of the applicant's case by the domestic courts was sufficient and thus did not deprive the applicant of his right to effective access to a court under Article 6 § 1 of the Convention.

63. It follows that this complaint is manifestly ill-founded and must be rejected in accordance with Article 35 §§ 3 (a) and 4 of the Convention.

For these reasons, the Court, unanimously,

Declares the application inadmissible.

Done in English and notified in writing on 9 October 2025.

Olga Chernishova Deputy Registrar	Ioannis Ktistakis President