

European Presidents' Conference 2025

Country report – Slovenian Bar Association

I. Statistical data

The Slovenian Bar Association, on the basis of a public mandate in accordance with the Attorneys Act, maintains a directory of all lawyers practising in the Republic of Slovenia. In accordance with the Attorneys Act, lawyers are also obliged to join the Slovenian Bar Association. The same applies to lawyer candidates and trainee lawyers.

As of December 31, 2024, 1,912 lawyers (994 male and 918 female lawyers) were registered in the Lawyers' Directory. In 2024, 91 lawyers were newly registered and 86 lawyers have ceased the practise. As of December 31, 2024, 19 lawyers (13 male and 6 female) were registered in the Directory of Foreign Lawyers. 159 lawyer candidates (56 male and 103 female) were registered in the Directory of Lawyer Candidates and 210 lawyer trainees (85 male and 125 female) were registered in the Directory of Trainee Lawyers. In that period 274 law firms and 24 civil law firms were actively operating in the Republic of Slovenia.

II. The work of the Bar Association of Slovenia in 2024

1. Proposal for a new Attorneys Act (ZOdv-1)

In 2024, the Slovenian Bar Association actively continued its work on the draft of the new Attorneys Act (ZOdv-1) and submitted it to the Ministry of Justice in November 2024 with a view to submitting it to the legislative process as the competent ministry. This is a major multi-year project of the Slovenian Bar Association, the Faculty of Law of the University of Ljubljana and the Faculty of Law of the University of Maribor. The new Attorneys Act aims to improve the position of the legal profession and to modernise legal solutions in this area, which are required by the development of justice and society.

2. Adjusting the value of a lawyer's point to inflation

In the Republic of Slovenia, the value of an lawyers' point is determined by the Attorneys' Tariff, which is adopted by the Slovenian Bar Association (OZS) and approved by the Minister of Justice. The Attorneys' Tariff provides that the value of a lawyer's point may be adjusted if the increase in the cost of living or in judges' salaries exceeds 10% since the last change. The value of a lawyer's point was last adjusted in 2019 to EUR 0.60.

On December 13, 2022, the Management Board noted that inflation had reached 15.8% since the last adjustment of the value of the lawyer's point. It therefore adopted a decision to increase the value of the lawyer's point from EUR 0.60 to EUR 0.70. The OZS immediately requested the Minister of Justice's consent, but this was not forthcoming despite several urgings.

As inflation continues to increase, the Board decided on May 9, 2023, to adjust the value to EUR 0.72 and on September 12, 2024, noted that inflation is already 23.3% as of 2019. It was decided that the adjusted value of the lawyer's point would be EUR 0.74. The Ministry of Justice has still not given its consent to the adjustment of the value of the lawyer's point, and in December 2024 the OZS brought an action against the Ministry of Justice due to administrative silence.

Previously, the OZS commissioned a study on the economic situation of lawyers in the Republic of Slovenia, which showed that the failure to align the value of a lawyer's point with inflation has a significant negative impact on the financial situation of lawyers, especially those who provide services paid for by the state (e.g. free legal aid and representation of clients ex officio).

3. European Commission's letter of formal notice on the ban on commercial communications by lawyers

In February 2023, the Republic of Slovenia received a formal notice from the European Commission (EC) for an alleged prohibition on advertising lawyers. In its position, the EC states that the Attorneys Act prohibits advertising lawyers, which would imply incorrect implementation or transposition of EU legal acts.

The Slovenian Bar Association immediately became actively involved in the preparation of the pre-trial response. Together with the Ministry of Justice, it rejected the EC's allegations in a comprehensive and reasoned reply. The Slovenian regulation does not prohibit advertising by lawyers in its entirety, but only restricts it in accordance with the rules and principles of the legal profession. Such regulation is customary in the European area and is in line with the position and role of the legal profession.

Despite Slovenia's arguments, the EC announced in December 2024 that it would continue the infringement procedure of the Services Directive against Slovenia for prohibiting commercial communications by lawyers.

OZS will continue to actively cooperate with the competent state authorities of the Republic of Slovenia in order to protect the autonomy and independence of the legal profession.

4. Active role of the Slovenian Bar Association in the participation of the Republic of Slovenia in Case C-295/23 HALMER before the Court of Justice of the EU

In November 2023, the Slovenian Bar Association received information about the proceedings in Case C-295/23 (Halmer case) before the Court of Justice of the EU. The proceedings concerned a dispute between a German law firm and the Munich Bar Association, which had deprived the firm of its right to practise law. The reason for this decision was that, following a recapitalisation, the law firm's shareholder became a non-lawyer company with a majority shareholding.

In view of the importance of this issue for the future of the legal profession in the European area and in the Member States, some European countries have notified their participation in the proceedings. After studying the matter, the OZS proposed to the Ministry of Justice that Slovenia should also participate in the proceedings, to which the Ministry agreed.

On 19 December 2024, the CJEU ruled that Article 15(2)(c) and (3) of Directive 2006/123/EC of the European Parliament and of the Council of 12 December 2006 on services in the internal market and Article 63 TFEU must be interpreted as not precluding national legislation which prohibits the transfer of shares in the business of a law firm to a purely financial investor who has no intention of pursuing a professional activity in the firm. In such a case, the firm is disqualified from membership of the Bar.

As is clear from the operative part of the judgment, the CJEU followed the interpretation defended by the Republic of Slovenia in the proceedings, and the OZS played an important and active role in substantiating this interpretation.

5. Establishment of an Adviser on ethical issues

In 2024, the Slovenian Bar Association launched a new institute - Adviser on ethical issues. The purpose of this new institute is to provide lawyers with professional assistance in ethical dilemmas they face in the legal profession or in their private life. The adviser may be a lawyer or a retired lawyer who enjoys a high degree of professional respect, reputation and trust among his peers.

The Adviser shall have two deputies and shall serve for a term of three years. Lawyers may contact the Adviser with questions in person, by telephone or in writing, while ensuring confidentiality and professionalism in the handling of individual cases. The new institution has been very well received by lawyers.

6. Training of lawyers and promotion of the legal profession

In 2024, the Slovenian Bar Association, through its Bar Academy, organised a number of trainings for lawyers. Among the most important was the traditional 25th Lawyers' School, which was attended by more than 500 participants.

In 2024, the OZS Bar Academy continued to provide training for juvenile defence lawyers and was successful in obtaining funding from the Ministry of Justice.

Furthermore, in 2024, the OZS continued to provide training to prepare young lawyers for the State Bar Examination, which is a prerequisite for practising in the judiciary and for admission to the Register of lawyers' Candidates. In this training, the OZS Bar Academy successfully cooperates with judges who share their practical experience with young trainee lawyers.

In 2024, the Bar Academy continued to provide basic and advanced training for lawyer-mediators.

7. Mediation Centre at the Slovenian Bar Association

The Mediation Centre at the OZS Bar Academy, which was established in 2017, successfully continued its activities in 2024 to realise its vision of becoming the largest private out-of-court mediation centre offered by any Slovenian institution.

8. Pro Bono Legal Aid Day

The traditional Day of Pro Bono Legal Aid has been held under the auspices of the Bar Association of Slovenia continuously since 2010. On a pre-determined day in December, Slovenian lawyers across the country offer free legal assistance to clients in the form of face-to-face or telephone advice and promote the legal profession as part of the justice. In 2024, the Pro Bono Legal Aid Day took place on 19 December. As every year, the response from clients was overwhelming.

9. Charity of the Slovenian Bar Association

The Slovenian Bar Association regularly assists socially disadvantaged individuals and humanitarian organisations through its Humanitarian Aid Fund, which in 2024 marked 20 years of successful operation and to which all lawyers contribute financially through the Humanitarian Aid Contribution. In 2024, the Slovenian Bar Association distributed more than EUR 60,000 to the needy through its Humanitarian Fund.

Janez Starman, President
