

Impact of the EU27 Commission (analysis of EU27 decisions from 1 Oct 2025 to 31 Dec 2025), via the Government of the Republic of Slovenia and the Committees of the National Assembly, on the position of the human being in Slovenia

How decision-making in the Council of the EU works today — and how it should work if the Constitution of the Republic of Slovenia were applied as written

Why Jacques Baud was sanctioned — and why this is not merely a question of sanctions, but of national constitutional passivity

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Disclaimer:

Analysis of measures resulting (EU27) from the actions of Slovenian public authorities within EU institutions, conducted through the “AI Analyst of Public Authority” tool, which assesses every measure against a human-rights realisation framework (with the child as the key indicator, i.e., the “Nadkonvencija” concept), and through the conceptual draft of a Law on Good Administration, which would introduce a risk-management system for all persons exercising public authority (including the Government of the Republic of Slovenia) from the perspective of the effective realisation of human rights. The “AI Analyst of Public Authority” is part of the programme of the unassessed candidate, mag. Franc Derganc, for the position of the Human Rights Ombudsman.

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Starting point

Debates on European decisions often stop at the level of political orientations or geopolitical objectives. Far less attention is paid to how these decisions are procedurally and substantively translated into obligations for people in the Member States. It is precisely in this transition that the key question of constitutional responsibility lies.

Decisions of the European Union are no longer distant or abstract. Through direct or indirect effects, they shape energy prices, tax burdens, the scope of social rights, and long-term development opportunities. It is therefore essential to understand how these decisions are made and who bears responsibility for their consequences.

How decision-making in the European Union actually works

Decision-making in the European Union takes place at multiple levels and typically begins with the **European Commission** (https://commission.europa.eu/index_sl).

Based on the EU Treaties and political orientations, the Commission prepares a legislative proposal or an initiative. This initial phase already substantially limits the content of later decisions.

General political guidelines and strategic objectives of the Union are determined by the **European Council**

(<https://www.consilium.europa.eu/sl/european-council/>).

The European Council does not itself adopt legislation, but through conclusions and political guidance it establishes the framework within which the Commission and the co-legislators operate. These conclusions are often long-term binding in practice, even if formally they do not constitute a legislative act.

The legislative proposal is then examined by the **Council of the European Union**

(<https://www.consilium.europa.eu/sl/council-eu/>)

and the **European Parliament**

(<https://www.europarl.europa.eu/portal/sl>).

Both institutions jointly adopt legislation under the ordinary legislative procedure. The Council is composed of ministers of the Member States, who vote either unanimously or by qualified majority, depending on the legal basis. Once the act is adopted, Member States are obliged either to apply the rules directly or to transpose them into national legal orders.

It is precisely at this stage—when ministers of the Member States vote in the Council—that EU decision-making becomes directly linked to national constitutional responsibility. A minister in the Council does not act as an independent political actor, but as a representative of the state, bound by its internal constitutional order.

Where Slovenia fits in this process

For Slovenia, this means that the European Union does not decide instead of the state, but **with it and through it**. The Government of the Republic of Slovenia participates in shaping and adopting decisions in the Council of the EU; however, it does not exercise autonomous sovereignty in doing so. Its conduct must be grounded in the democratic will expressed in the National Assembly.

An analysis of decision-making in the period **1 October to 31 December 2025** shows that this link is often loosened. The National Assembly and its committees did not carry out an in-depth assessment of consequences for people in Slovenia on many

substantively important issues. The Government, meanwhile, participated and voted in the Council of the EU without a clearly defined substantive mandate.

Decision-making therefore proceeded formally correctly, but substantively without the key democratic filter that should protect the position of the human being.

Why this is not merely a procedural issue

The Constitution of the Republic of Slovenia does not understand democracy as a technical sequence of steps, but as a mechanism protecting the human being from having systemic burdens and risks transferred to the individual. When decisions are adopted in the Council of the EU that lead to higher living costs, reduced social security, or long-term obligations without the possibility of correction, the state has a constitutional duty to assess these consequences in advance.

If the National Assembly does not play its role, and if the Government acts without substantive binding to a democratic mandate, responsibility for consequences is transferred to people. Such conduct may be consistent with EU rules, yet not necessarily consistent with the Constitution of the Republic of Slovenia.

The assessment benchmark: the position of the human being

For every major European decision, the starting question should be simple:
Does the decision improve or worsen living conditions for people in Slovenia?
Are there safeguards if the measure proves wrong?
And are children and future generations specifically protected?

Assessment under the Nadkonvencija framework shows that many decisions in the relevant period were taken without such safeguards. They were adopted at the system level, without an adequate evaluation of effects on the human being.

How the procedure should work

If Slovenia were to apply its Constitution consistently, the procedure would be clear. Before the Government of the Republic of Slovenia supports a Commission proposal or political conclusions of the European Council, the National Assembly should assess their effects on the position of people. The Government would then be bound by such an assessment in Brussels, regardless of speed or political pressure.

Such conduct does not mean opposing the European Union. It means that Slovenia acts as a constitutional democracy even when participating in European decision-making.

Analysis of EU-level decisions adopted between 1 Oct 2025 and 31 Dec 2025

An analysis of meetings of the Council of the EU and the European Council reveals a recurring systemic characteristic: decisions with direct material consequences for residents of Slovenia were adopted without prior substantive assessment of their effects on the position of the human being within the national space.

This is not a question of formal legality. All decisions examined were adopted in accordance with EU rules. The problem lies in the quality of decision-making. Decisions were not assessed from the perspective of people's living conditions, but predominantly from the standpoint of systemic objectives, political alignment, or the institutional logic of EU functioning.

At the level of strategic decisions—particularly at the informal European Council meeting on **1 October 2025** and at the concluding European Council on **18 December 2025**—the “future indicator” was systematically ignored. At the level of decisions with direct material effects, such as fiscal orientations, energy and environmental regulation, and sanctions regimes, risks were transferred directly to residents.

The relevant Council configurations include:

1. **Economic and Financial Affairs Council (ECOFIN)**

<https://www.consilium.europa.eu/sl/council-eu/configurations/ecofin/>

2. **Environment Council**

<https://www.consilium.europa.eu/sl/council-eu/configurations/env/>

3. **Transport, Telecommunications and Energy Council (TTE)**

<https://www.consilium.europa.eu/sl/council-eu/configurations/tte/>

4. **Foreign Affairs Council (FAC)**

<https://www.consilium.europa.eu/sl/council-eu/configurations/fac/>

And how Slovenia should have decided if assessing decision quality by consequences for the human being

(analysis conducted by the AI Analyst of Public Authority)

The analysis of decisions in the period from 1 October to 31 December 2025 allows for a clear assessment of what Slovenia's position should have been if decision quality had been evaluated by consequences for the human being, as reflected in the last column of the analytical table. Below, conclusions are summarised for each meeting in line with the table findings in the annex, followed by the decision that Slovenian institutions should have taken if assessing the decision in terms of benefit to people and within the

Nadkonvencija framework—which evaluates every decision through the indicator of the child as a measure of decision quality (the future).

1 Oct 2025 – Informal European Council

This meeting did not adopt legislation; it reached informal political agreement on strategic priorities (defence, competitiveness, security), which already shapes future legislative and budget decisions. Because such orientations create a long-term binding framework without a direct democratic filter and affect future burdens on residents, decision quality from a human-centred perspective requires a restrained approach.

Conclusion (per table): CONDITIONAL SUPPORT — participation only as strategic dialogue, without binding endorsement of the substance.

21 Oct 2025 – GAC

Procedural and institutional points were agreed, affecting how and when matters are brought to the European Council. These decisions do not have direct material effects on residents, but they influence the quality of democratic oversight. If procedures do not close off the role of the national parliament, the decision is acceptable from a human-centred perspective.

Conclusion (per table): SUPPORT — but only if procedural safeguards for the National Assembly are embedded.

23 Oct 2025 – European Council

Politically binding conclusions on Ukraine, migration, security and competitiveness were adopted, with effects transferred into national policies and budgets. Because compensations and social safeguards were not demonstrably ensured, the analysis indicates risk of irreversible social harm.

Conclusion (per table): REJECTION / REQUEST FOR CHANGE — without compensations and social safeguards, support is not constitutionally acceptable.

4 Nov 2025 – Environment Council

Agreed environmental targets and regulatory standards lead to mandatory national measures with regressive effects on energy and housing costs. Because the green transition without protection for socially vulnerable groups increases energy poverty, decision quality requires tying support to safeguards.

Conclusion (per table): CONDITIONAL SUPPORT — only with targeted protection of socially vulnerable groups.

13 Nov 2025 – ECOFIN

Fiscal and tax orientations directly affect the social state and access to public services. Because it was not proven that fiscal discipline would not reduce the minimum core of social rights, the burden is transferred to users of public services.

Conclusion (per table): REJECTION — until the minimum social standard is safeguarded.

24 Nov 2025 – Informal EU leaders

Informal political coordination without formal conclusions has real political effects, but without parliamentary assessment. Decision quality is low because the burden of missing mandate is borne by democracy itself.

Conclusion (per table): REJECTION — the National Assembly should not permit support without a mandate.

26 Nov 2025 – EU–Chile Joint Council

Conclusions on implementation of a trade agreement affect prices, labour markets and competitiveness. Effects may be positive or negative; without clear oversight they can lead to precarisation. Support cannot be unconditional.

Conclusion (per table): CONDITIONAL SUPPORT — with monitoring of effects and protection of labour.

15 Dec 2025 – FAC

This meeting involved adoption or extension of sanctions regimes with direct impacts on inflation, energy prices, economic activity and employment. Sanctions are not merely a foreign policy instrument; they are measures with direct and often irreversible domestic consequences.

In this specific case, a crucial constitutional limitation must be explicitly emphasised: Slovenia has no right to place an individual—here **JACQUES BAUD**—on an executive sanctions list without prior judicial review. Such conduct means the executive branch itself determines responsibility, imposes a sanction, and creates legal and material consequences without ensuring the right to judicial protection, an adversarial process, and an effective remedy.

Even if sanctions are adopted at EU level, Member State responsibility remains. When the Government of Slovenia agrees in the Council of the EU to a sanctions regime that affects the legal position of a specific individual without judicial review, it no longer acts merely as a foreign policy actor, but as part of a system that circumvents the fundamental constitutional separation of powers. Such interference does not meet even the minimum requirements of the rule of law and cannot be legitimised merely by invoking the international or European context.

The formal dimension of publication must also be taken into account: sanctions acts enter into force and take effect upon publication in the **Official Journal of the European Union**

<https://eur-lex.europa.eu/ovj/direct-access.html?locale=sl>

From the human-centred perspective, this means legal and material consequences may arise immediately, without prior judicial review in the national sphere.

Therefore, the assessment of decision quality in terms of consequences for the human being leads to a clear conclusion: without demonstrable internal protection of the population from the social effects of sanctions, and without ensured judicial review for individuals subject to sanctions, the burden is fully transferred to households and to concrete persons exposed to measures without legal protection.

Conclusion (per table): REJECTION — without demonstrable domestic protection and without prior judicial review of the individual, Slovenia should not support such sanctions.

15–17 Dec 2025 – TTE Council

Energy and transport regulations directly affect costs of energy and mobility. If measures increase vulnerability rather than reduce it, decision quality requires limitations and safeguards.

Conclusion (per table): CONDITIONAL SUPPORT — subject to price thresholds and protective mechanisms.

18 Dec 2025 – European Council

Concluding strategic conclusions for 2026 systemically guide all policies. Because social and child-centred filters were not embedded, burdens are transferred to future generations.

Conclusion (per table): REJECTION / POSTPONEMENT — until a social and child-protected core is embedded.

Concluding thought

The European Union does not decide by itself. It decides together with Member States and through them. When Slovenia fails to apply its own constitutional safeguards in this process, the consequences are not borne by the Union, but by people in Slovenia.

The question is therefore not whether to follow European decisions, but **how to assess them and when there is a duty to reject or condition them** when they endanger the position of the human being.

Proposal: how to raise decision-making quality and protect the conditions of humanity

Slovenia must clearly enforce the principle that **no proposal of the European Commission or conclusion of the Council of the EU with significant and long-term**

consequences for people's lives may be supported without prior substantive assessment by the National Assembly from the perspective of the human being.

This assessment must not be merely political or formal; it must be based on verifiable criteria of effects, risks and safeguards.

This reveals the fundamental gap in the current system. Decisions are adopted quickly, technically and institutionally correctly—yet often without a tool that would systematically and independently assess what such policies mean for real-life living conditions. Especially for children, families and future generations.

If the Government and National Assembly, in European decision-making, applied an independent analytical function of public authority grounded in the conceptual framework of Nadkonvencija (e.g., the **AI ANALYST OF PUBLIC AUTHORITY**), the decision-making logic would change substantially. Every measure and policy would be assessed through the indicator of the child—as the most sensitive marker of whether the system strengthens or undermines the conditions of human existence. A decision harmful or long-term destabilising for a child cannot be good for society as a whole.

The same applies to language and the cultural space. Language is not merely a means of communication, but the foundation of the public sphere, education, knowledge transfer and cultural continuity. Policies that directly or indirectly dismantle the conditions for preserving the Slovenian language, in the long term dismantle the community that uses that language. Without people living, creating and thinking in the language, there is neither culture nor nation. Protecting language is therefore not a symbolic issue, but an issue of community survival.

If such analytical assessment were embedded as part of decision-making, decisions at EU27 level would often be different—not necessarily more conflictual, but more conditional, more restrained, and more focused on protecting the minimum safeguarded core of human dignity. Many decisions would be supported only with clear safeguards; many would be rejected or postponed until their real effects were known.

This does not mean Slovenia should stop deciding or that every decision should be blocked. It means that without serious, professional and human-rights-grounded analysis, decisions affecting people's lives for decades should no longer be adopted. An Analyst of Public Authority—whether as a special independent function or institutionalised within procedure—is not a substitute for democracy, but its instrument.

This is not a political demand.

This is not a technological experiment.

This is the implementation of the Constitution of the Republic of Slovenia under conditions where a significant part of decision-making takes place at the European level.

If democracy means governance by the people, then the people must be guaranteed that decisions are assessed by how they affect them—not merely by whether they were adopted on time, in alignment, or by consensus, but by whether they preserve the conditions in which the human being, language, culture and community can exist at all.

Annex 1: Analysis of Council of the EU decisions, the Government of Slovenia, and the National Assembly (1 Oct 2025 – 31 Dec 2025) in light of Nadkonvencija

(long-term impact of policies on the position of the human being)

Legend:

- **Outcome** = effect on people's position (not output).
- **KPI under ZDU 8:** OS1 quality of decision-making, OS2 time to legal certainty, OS3 risks/harm, OS4 trust, OS5 outcome.
- **Nadkonvencija A–F:** family, survival, stability, learning, future, digital environment.

Session (date / body) | What the Council / European Council actually decided (substance) | Programme/area | Effects in Slovenia (material) | Outcome – what should be proven | KPI (minimum) | Who bears the burden if it fails | Citizen expectations | Nadkonvencija impact (A–F) | What decision the National Assembly should take (support / reject)

1 Oct 2025 – Informal European Council

Informal political agreement on strategic EU priorities (defence, competitiveness, security) guiding future legislation and budgets | Strategic steering | Indirect but long-term binding framework for defence spending, industrial policy, security regimes | That strategic orientations do not prejudge later decisions without a democratic filter | OS1 (mandate for strategies), OS4 (public explanation), OS5 (stability) | Without mandate → burden borne by residents in later phases (taxes, security regimes) | Predictability, ability to influence, public debate | E (future) | **CONDITIONAL SUPPORT** – participation only as strategic dialogue, without binding endorsement.

21 Oct 2025 – GAC

Agreement on procedural and institutional points determining what and how reaches the European Council | Institutional arrangement | Indirect effect: strengthening or weakening parliamentary role | That procedures do not diminish national democratic oversight | OS1 (procedure quality), OS2 (time for NA) | If procedures close → democracy bears the burden | Transparency, understandable procedures | E ● | **SUPPORT** – only with procedural safeguards for the National Assembly.

23 Oct 2025 – European Council

Conclusions on Ukraine, migration, security and competitiveness (politically binding orientations) | External policy, migration | Budgetary, security and migration effects transferred into national policies | That conclusions do not cause irreversible social harm without compensations | OS3 (risks), OS5 (protection of vulnerable) | Without safeguards → burden borne by residents and local communities | Security without breakdown of social conditions | A– B– C– E– | REJECTION / REQUEST FOR CHANGE – without compensations and social safeguards.

4 Nov 2025 – Environment Council

Agreement on environmental targets and regulatory standards leading to mandatory national measures | Environment / energy | Higher energy and housing costs, regressive effects | That green transition does not increase energy poverty | OS5 (energy poverty ↓), OS3 (irreversible harm) | Without compensation → burden borne by the poor and families | Warmth, housing, affordability | B– C– | CONDITIONAL SUPPORT – only with targeted protection for the socially vulnerable.

13 Nov 2025 – ECOFIN

Agreement on fiscal and tax orientations and flexibility in rules | Public finances | Impact on welfare state, taxes, investment | That fiscal discipline does not reduce the minimum core of social rights | OS5 (inequality), OS3 (harm from cuts) | If cuts occur → users of public services bear the burden | Social security, predictability | A– B– C– E– | REJECTION – until the minimum social standard is safeguarded.

24 Nov 2025 – Informal EU leaders

Informal political coordination before December summit (no formal conclusions but real effects) | Political coordination | Consensus without parliamentary assessment | That “informality” does not bypass the Constitution | OS1 (mandate), OS4 (publicity) | Without mandate → democracy bears the burden | Right to oversight | E– | REJECTION – the National Assembly should not permit support without a mandate.

26 Nov 2025 – EU–Chile Joint Council

Joint decisions on implementation of the trade agreement | Trade | Impacts on prices, labour market, competitiveness | That effects do not increase precarisation | OS5 (wages, work), OS3 (sectoral risks) | If negative shocks → workers bear the burden | Fair transition | A ● C ● | CONDITIONAL SUPPORT – with monitoring of effects and protection of labour.

15 Dec 2025 – FAC

Adoption or extension of sanctions regimes | Sanctions | Inflation, energy, employment | That sanctions do not cause irreversible social harm domestically | OS3 (inflation), OS5 (protection of vulnerable) | Without safeguards → households bear the burden | Stable basic living conditions | B– C– E– | REJECTION – without demonstrable domestic protection of the population.

15–17 Dec 2025 – TTE Council

Agreement on energy and transport regulation | Energy / transport | Energy and mobility costs | That measures reduce vulnerability rather than increase it | OS5 (energy poverty), OS3 (debts) | If wrong → households bear the burden | Affordable energy | B- C- | **CONDITIONAL SUPPORT** – with price thresholds and safeguards.

18 Dec 2025 – European Council

Adoption of concluding strategic conclusions for 2026 | EU strategic policies | Systemic steering of all 2026 policies | That strategy includes a social and child-protected core | OS1 (mandate), OS5 (stability) | Without mandate → future generations bear the burden | Future, stability | E- (key) | REJECTION / POSTPONEMENT – until a social and child filter is embedded.

Annex 1: Analysis of EU Council / Government of Slovenia / National Assembly decisions (1 Oct 2025 – 31 Dec 2025) in light of the Nadkonvencija framework

(long-term impact of policies on the position of the human being)

Legen

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Outcome = effect on people's real-life position (not output).

KPI (ZDU 8): OS1 decision quality; OS2 time to legal certainty; OS3 risks/harm; OS4 trust; OS5 outcome.

Nadkonvencija A-F: family; survival; stability; learning; future; digital environment

Session (date / body)	What the EU Council / European Council decided (substance)	Programme / domain	Material effects in Slovenia	Outcome – what should have been demonstrated	KPI (minimum)	Who bears the burden if safeguards fail	Citizen expectations	Nadkonvencija impact (A–F)	What the National Assembly's decision should have been (support / reject)
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<p>1 Oct 2025 – Informal European Council</p>	Informal political agreement among leaders on EU strategic priorities (defence, competitiveness, security) guiding future legislative and budgetary decisions	<p>Strategic steering</p>	<p>Indirect, but long-term binding framework for defence spending, industrial policy and security regimes</p>	<p>That strategic orientations do not prejudge later decisions without a democratic filter</p>	<p>OS1 (mandate for strategies), OS4 (public explanation), OS5 (stability)</p>	<p>Without a mandate → burden shifts to residents in later phases (taxation, security regimes)</p>	<p>Predictability, ability to influence, public debate</p>	<p>E (future)</p>	CONDITIONAL SUPPORT – participation only as strategic dialogue, without binding endorsement of the substance
<p>21 Oct 2025 – GAC</p>	Agreement on procedural and institutional points determining what and how issues reach the European Council	<p>Institutional arrangements</p>	<p>Indirect effect: strengthening or weakening the role of the national parliament in the subsequent process</p>	<p>That procedures do not reduce national democratic oversight</p>	<p>OS1 (procedural quality), OS2 (time for NA scrutiny)</p>	<p>If procedures become closed → democracy bears the burden</p>	<p>Transparency, comprehensibility of procedures</p>	<p>E ⊕</p>	SUPPORT – only if procedural safeguards for the National Assembly are embedded
<p>23 Oct 2025 – European Council</p>	Adoption of European Council conclusions on Ukraine, migration, security and competitiveness (politically binding orientations)	<p>External policy, migration</p>	<p>Budgetary, security and migration impacts transferred into national policies</p>	<p>That conclusions do not create irreversible social harm without compensations</p>	<p>OS3 (risks), OS5 (protection of vulnerable groups)</p>	<p>Without safeguards → burden borne by residents and local communities</p>	<p>Security without a breakdown of social conditions</p>	<p>A–B–C–E–</p>	REJECTION / REQUEST FOR CHANGE – no support without compensations and social safeguards

4 Nov 2025 – Environment Council	Agreement on environmental targets and regulatory standards leading to mandatory national measures	Environment / energy	Higher energy and housing costs; regressive impacts	That the green transition does not increase energy poverty	OS5 (energy poverty ↓), OS3 (irreversible harm)	Without compensations → burden borne by poor households and families	Warmth, housing, affordability	B- C-	CONDITIONAL SUPPORT – only with targeted protection for socially vulnerable groups
	Agreement on fiscal and tax orientations and flexibility of rules	Public finances	Impact on the welfare state, taxation, investment capacity	That fiscal discipline does not reduce the minimum core of social rights	OS5 (inequality), OS3 (harm from cuts)	If austerity/cuts occur → burden borne by users of public services	Social security, predictability	A- B- C- E-	REJECTION – until the minimum social standard is safeguarded
	Informal political coordination ahead of the December summit (no formal conclusions, but real political effects)	Political coordination	Consensus formation without parliamentary assessment	That “informality” does not bypass constitutional safeguards	OS1 (mandate), OS4 (public transparency)	Without mandate → democracy bears the burden	Right to oversight and accountability	E-	REJECTION – the National Assembly should not allow support without a mandate
	Joint conclusions on implementation of the trade agreement	Trade	Effects on prices, labour market and competitiveness	That effects do not increase precarisation	OS5 (wages /work), OS3 (sectoral risks)	If negative shocks occur → burden borne by workers	Fair transition	A O C O	CONDITIONAL SUPPORT – with monitoring of impacts and

									protection of labour
15 Dec 2025 – FAC	Adoption or extension of sanctions regimes	Sanctions	Inflation, energy prices, employment	That sanctions do not cause irreversible domestic social harm	OS3 (inflation), OS5 (protection of vulnerable groups)	Without safeguards → burden borne by households	Stable basic living conditions	B-C-E-	REJECTION – absent demonstrable domestic protection of the population
15-17 Dec 2025 – TTE Council	Agreement on energy and transport regulation	Energy / transport	Energy and mobility costs	That measures reduce vulnerability rather than increase it	OS5 (energy poverty), OS3 (debt overhang)	If measures are misdesigned → burden borne by households	Affordable energy	B-C-	CONDITIONAL SUPPORT – with price thresholds and protective mechanisms
18 Dec 2025 – European Council	Adoption of concluding strategic conclusions for 2026	EU strategic policies	Systemic steering of all 2026 policies	That the strategy embeds a social and child-protected core	OS1 (mandate), OS5 (stability)	Without mandate → burden borne by future generations	Future, stability	E- (key)	REJECTION / POSTPONEMENT – until a social and child filter is embedded