Online processing of cases and e-communication with courts

Slovinsko

1 Is it possible to initiate court proceedings via the internet?

Yes, the Civil Procedure Act (Zakon o pravdnem postopku, ZPP) enables applications to be submitted in civil proceedings in electronic form and judicial proceedings to be commenced via the internet.

More precisely, Article 105b lays down that applications in civil proceedings shall be submitted in writing, where a written application is deemed to be one that has been handwritten or printed and signed in the applicant's own hand (application in physical form) or an application in electronic form and signed with an electronic signature, which is equivalent to a handwritten signature. An application in physical form is submitted by post, using communication technology, delivered directly to the body or delivered by a person engaged professionally in submitting applications (business supplier/poslovni ponudnik). An application in electronic form is submitted by being submitted to the judicial information system, where the information system automatically confirms that the application has been received.

Notwithstanding the existing legal provisions (acts and implementing regulations) relating to all civil and commercial procedures, currently only procedures included in the e-Justice (e-Sodstvo) website may be commenced via the internet or electronically: in enforcement procedures it is possible to file applications for enforcement and other applications in electronic form, as well as issue and deliver judicial documents, where for some addressees (notaries, lawyers) electronic service is obligatory; it is further possible to submit applications and issue decisions in insolvency proceedings, as well as submit land register motions, and issue decisions in land register procedures.

The e-Justice website exists in Slovenia for this purpose, and enables written material to be submitted in electronic form:

https://evlozisce.sodisce.si/esodstvo/index.html

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

The submission of electronic applications and the electronic serving of documents is possible in the civil procedures and in other civil judicial proceedings, where the rules contained in the ZPP are applied.

A land register procedure **may be initiated exclusively online, since Article 125a of the Land Register Act (Zakon o zemljiški knjigi**, ZZK-1) sets out the obligatory electronic submission of documents; nevertheless, an applicant may also file a request for the entry of a right of ownership in their favour in the order of priority for the filing of the request in the court records by personally presenting themselves during office hours at the land register court covering the area in which the property that is the subject of the request is located, if they deliver to the land register court all the documents forming the basis for the requested entry referred to in Article 142(1) of this Act and if, at the same time, they pay the court fees applying to the request. An applicant who has filed an electronic land register request themselves and a notary public, lawyer, real estate company or state attorney's office representing a party to a land register procedure must submit all applications from that party electronically (Article 125a(4) of the ZZK).

For other procedures which can be initiated electronically, the legislation still allows applications to be submitted in physical (paper) form.

Enforcement: Article 29(2) of the Enforcement and Securing of Claims Act (Zakon o izvršbi in zavarovanju, ZIZ) lays down that the minister responsible for justice shall prescribe the types of enforcement procedure in which enforcement proposals and other applications may be submitted by electronic means and processed automatically in the information system, and the course of such procedures. Pursuant to the above Article, Annex 5 of the Rules on the Forms, Types of Enforcement Procedure and the Automated Enforcement Procedure states which electronic applications may be submitted by an applicant via the e-Justice website (e-Enforcement/e-Izvršba sub-site). Parties may submit all applications in electronic form via the e-Enforcement sub-site of the e-Justice website.

Insolvency proceedings: An official receiver is obliged to submit his or her reports, lists of verified claims and other documents to the court in electronic form, signed with a secure electronic signature verified by means of a qualified certificate (Article 98 of the Financial Operations, Insolvency and Compulsory Dissolution Act/Zakon o finančnem poslovanju, postopkih zaradi insolventnosti in prisilnem prenehanju, ZFPPIPP). A lawyer who represents a party to insolvency proceedings is obliged to submit a notification of claims and other applications of the party in electronic form, signed with a secure electronic signature verified by means of a qualified certificate (Article 123a of the ZFPPIPP); if they fail to do so, the court shall reject the application. All documents are delivered to the lawyer representing the party in insolvency proceedings and to the official receiver electronically to a secure e-mail address.

Likewise, a court issues an original decision or order in electronic form in insolvency proceedings, signed with the judge's secure electronic signature verified by means of a qualified certificate. (Article 124 of the ZFPPIPP).

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

The e-Justice information system is obliged to allow electronic transactions to be conducted every working day between 8 am and 8 pm. In principle, users of the e-Justice information system may conduct their electronic transactions at any hour and on any day of the week, since the above restrictions applies to instances when the system is undergoing a technical upgrade.

Article 112 of the ZPP lays down that when an application is sent by electronic means, the time at which it was received by the information system is taken as the moment of delivery to the court to which it is addressed. As an implementing regulation, the Rules on Electronic Transactions in Civil Judicial Proceedings lay down that if a deadline applies to an electronic application, that application shall be deemed to have been submitted at the moment it is received by the server on which the e-register module for the type of civil judicial procedure to which the application is being submitted via the e-Justice information system runs (Article 18 of the Rules).

4 Should the details of the claim be provided in any particular format?

If the non-standardised part of the text of the electronic application is originally drawn up as an electronic document, it must be attached to the electronic transaction in PDF/A form. The user must convert the non-standardised part of the text of an electronic application that is originally drawn up as a written document and any annex that constitutes a written document into electronic form by scanning it in order to attach it to the electronic transaction. An electronic document obtained in this way must meet the following requirements:

it must be in PDF/A form and in black and white;

resolution must be between 240dpi and 300dpi;

if the written document includes several pages, all pages must be contained in a single PDF file so that there are no intermediate empty pages;

if two or more documents are attached, each document must be contained in its own PDF file.
If an electronic document attached to an electronic transaction does not meet these requirements, the electronic application is deemed to be incomplete. (Article 19 of the Rules on Electronic Transactions in Civil Judicial Proceedings).

5 How is transmission and storage of data secured?

The e-Justice information system is located in the secure government network (HKOM), and the data is stored on the central server of the HKOM network. The rights of access to the data are addressed as part of the scheme of rights regulated by the information technology centre at the Supreme Court of the Republic of Slovenia (Vrhovno sodišče Republike Slovenije) in accordance with the Rules on Electronic Transactions in Civil Judicial Proceedings. Every user of the e-Justice information system and the other three sub-sites must register with the security scheme before conducting electronic transactions. User groups are distinguished by means of the level of presentation within the information system (ordinary users, registered users and qualified users). The number of user rights (electronic transactions) that may be implemented on the site and sub-sites depends on the type of user group to which a user belongs.

6 Is it necessary to use any kind of electronic signature and/or time record?

Every electronic application must be signed with the applicant's electronic signature (qualified digital certificate). The e-Justice information system furnishes every electronic application received with a time stamp, while the applicant receives an automated electronic certificate stating the time the application was entered in the e-Justice information system.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

The general regulation governing the payment of court fees is the Court Fees Act (Zakon o sodnih taksah, ZST-1), which states that court fees are payable before courts in Slovenia under the provisions of this act. The act does not, in principle, distinguish between electronic and non-electronic procedures, but does encourage electronic submission of applications in enforcement proceedings, the fee for electronic submission being 20% lower than the fee for an application submitted in physical (paper) form.

Enforcement proceedings:

An order for payment is issued upon the electronic submission of an application, ordering the applicant to pay the court fee within eight days of the delivery of the order by remitting the sum to the relevant account and with the reference number stated in the order. The order for payment of the court fee is considered delivered when the applicant or their representative has submitted the application electronically.
If the applicant fails to pay the court fee in accordance with the order for payment within eight days of the delivery of the order, and the conditions for exemption, delay or payment of court fees are not met, the application is deemed to have been withdrawn. The only exception relates to an electronic request for enforcement based on an authentic document, where the obligation to pay the fee arises when the request enters the information system. The applicant is not given an order for payment, but rather receives the details necessary for paying the court fee. Where an applicant fails to pay the prescribed amount of the court fee for an electronic request for enforcement on the basis of an authentic document for which the Central Document Authentication Department (centralni oddelek za verodostojno listino, COVL) is responsible, and within eight days of the delivery of the request, the request shall be deemed not to have been submitted.
There is no distinction made between the payment of court fees in general and the payment of court fees for electronic applications that are not applications for enforcement based on an authentic document. Where an application for enforcement based on an authentic document is made in physical (paper) form and where the applicant does not pay court fees according to the reference stated on the request form, the court shall send them an order for payment.
Land register proceedings: Where a court fee needs to be paid for a land register proposal or other electronic application, an order is issued upon the electronic submission of the application ordering the applicant to pay the court fee within eight days of the delivery of the order by remitting the sum to the relevant account and with the reference number stated in the order. The order for payment of the court fee is considered delivered when the applicant or their representative has submitted the application electronically. If the applicant fails to pay the court fee in accordance with the order for payment within eight days of the delivery of the order, the application is deemed to have been withdrawn.

8 Is it possible to withdraw a claim that has been initiated via the internet?

The same rules apply to the withdrawal of a request or application submitted electronically as to the withdrawal of a written application. In computerised enforcement, insolvency and land register procedures, a submitted request may also be withdrawn electronically.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

As mentioned under point 1 above, despite the existence of legal provisions for the submission of electronic applications, this is still not yet possible in all civil proceedings.
The Rules on the Forms, Types of Enforcement Procedure and the Automated Enforcement Procedure contain a list of applications and other documents that can be sent by electronic means in an enforcement procedure. Where a debtor in an enforcement procedure wishes to submit a reply or an electronic application via the e-Justice website (e-Enforcement sub-site), they must meet the conditions applying to an external qualified user of the e-Justice information system (open secure electronic mailbox, qualified digital certificate from a Slovenian certifier linked to a tax number), along with other conditions depending on which user group they belong to (Article 12 of the Rules on Electronic Transactions in Civil Judicial Proceedings).
See the reply under point 2 for the obligations applying to some participants with regard to the submission of documents in electronic form and those of parties **to** insolvency proceedings.
An objection or other legal remedy may also be submitted online in land register proceedings and certain types of enforcement proceeding. It is obligatory for some participants (lawyers, notaries public, state bodies, real estate companies) to submit all documents electronically in land register proceedings.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The electronic procedure in the event of a lack of response from an opposing party proceeds in the same way as the written procedure in such cases. After expiry of the deadline set for the defendant or debtor to reply, the court issues a decision.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

See 10 – same question.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Article 16a of the ZPP lays down that an electronic form is equal to a written form if the data in electronic form is capable of being processed at court, and is accessible and suitable for subsequent use, and that data in electronic form may not be regarded as having no evidential value because it is in electronic form. The same is stipulated by the Electronic Transactions and Electronic Signature Act (Zakon o elektronskem poslovanju in elektronskem podpisu, Article 13(1)).
Documents and evidence may be submitted in electronic form in procedures of enforcement and the securing of claims. Regarding compliance with the technical requirements, where they do not refer to an electronic application but to an electronic document (attachment), the provisions of Article 19(1, 2) of the Rules on Electronic Documents are applied mutatis mutandis. See also the reply under point 4.

Documents may also be submitted in electronic form. An electronic application is an electronic document containing the application of a party to civil judicial proceedings (Rules on Electronic Transactions in Civil Judicial Proceedings). The same rules also define an 'electronic attachment', i.e. a written document converted into electronic form and attached to an electronic application.
The user submits an electronic application by selecting the appropriate electronic transaction for submitting an electronic application on the e-Justice website and entering the required information from the standardised part of the text of the application in the appropriate field of the on-screen (online) form. Where an electronic application also contains an explanatory part by law or at the discretion of the applicant, the user creates a separate electronic document from the text of the explanatory part (the non-standardised part of the text of the electronic application) that meets the requirements referred to in Article 19 of the Rules on Electronic Transactions in Civil Judicial Proceedings and attaches this electronic document to the e-Enforcement transaction. The user signs it with their own secure electronic signature. The same applies to electronic attachments to an electronic application. See also the replies above.
A special rule is defined for land register procedures in order to ensure legal security, and owing to the fact that the document converted into electronic form acquires the nature (evidential value) of an original, that only a notary public, as a person of public trust, may convert private documents (contracts) into electronic form. A notary public is also obliged, under the rules of notarial custody, to keep this document until entry becomes final. A party/applicant may convert other documents that form the basis for entry (court decisions and other decisions of a state body) into electronic form themselves.

13 Can judicial documents, and particularly judgments, be served via the internet?

Under the provisions of the Rules on Electronic Transactions in Civil Judicial Proceedings, an electronic court decision is regarded as an original court decision. In the electronic serving of a court decision, a copy of an electronic court decision is sent as an electronic document. In the serving of a court decision by post, a printed copy of the electronic court decision is sent.
*It should be pointed out that, in practice, and despite the legal provisions in place, it is currently not yet possible to send documents in civil and commercial cases, with the exception of proceedings involving the insolvency and the land register, by electronic means. Since 10 April 2014, court documents have also been delivered to lawyers and executors in electronic form, i.e. by electronic means.

14 Can judicial decisions be given electronically?

Yes. A judgement or decision issued in electronic form is signed by the chair of the judges' panel using their own secure electronic signature and the court's secure electronic signature, verified by means of a qualified certificate. If the secure electronic signature of the chair of the judges' panel is certified by means of a qualified certificate that also contains an indication of the court, the court's own secure electronic signature is not required. Judgements processed in the information system automatically may have a facsimile in place of a signature and stamp.
A decision issued in physical or electronic form may be served on parties as a certified copy or as an electronic (scanned) copy or in electronic form. See also the note to reply 13.

15 Can an appeal be made and its decision served via the internet?

As already stated above, despite the existence of legal provisions, electronic applications, appeals included, cannot be submitted in all proceedings, although electronic submission is possible in enforcement, insolvency and land register proceedings if the applicant meets the conditions applying to a user of the e-Justice information system. See also the replies above.

16 Is it possible to initiate enforcement proceedings via the internet?

Yes, electronic enforcement (e-Enforcement) is also possible through the e-Justice website. An applicant may submit an application for enforcement on the basis of an authentic document via the e-Justice website (e-Enforcement sub-site) as a registered and external qualified user. An applicant may submit an application for enforcement on the basis of an enforcement title and an application for the securing of claims via the e-Enforcement sub-site only as an external qualified user. It must be pointed out here that this is a procedure of enforcement and securing of claims conducted in accordance with national regulations (ZIZ).

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Parties have the right to inspect and copy a file in electronic form in the information system, with a party proving their identity by means of a qualified certificate for an electronic signature.
In enforcement and securing of claims proceedings before local courts (okrajna sodišča), users that have submitted an electronic application via the e-Enforcement sub-site may inspect their own documents, as well as the procedural acts in the case to which they have submitted the electronic application and in which they are referred to as a participant. The Rules on the Forms, Types of Enforcement Procedure and the Automated Enforcement Procedure lay down what a user from a specific user group may inspect.
Inspection of the file is also permitted in land register proceedings. One difference between land register and enforcement proceedings is that all registered users (i.e. not just applicants and other participants) are permitted to inspect the file until the entry in the land register becomes final. Only procedural acts (application, court decision, etc.) are available for inspection to all, and not attachments, i.e. documents, for reasons of protection of participants' personal data.

Related links

https://evlozisce.sodisce.si/esodstvo/index.html
http://www.pisrs.si/Pis.web/
https://www.uradni-list.si/
http://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/preciscenaBesedilaZakonov
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