Σλοβενία

Rather than going to court, why not resolve disputes through mediation? This is a form of alternative dispute resolution (ADR) where a mediator helps the parties reach agreement. The Slovenian Government and judicial officials realise the advantages of mediation.

Who to contact?

The Act on Alternative Dispute Resolution in Judicial Matters (ZARSS, *Uradni List RS* (UL RS; Official Gazette of the Republic of Slovenia) Nos 97/09 and 40 /12 – Fiscal Balance Act (ZUJF)), which was adopted on 19 November 2009 and came into force on 15 June 2010, requires first-instance and second-instance courts to adopt and bring into force a programme of alternative dispute settlement to allow parties alternative means of settlement in disputes on commercial, labour, family and other civil-law matters. Under this programme courts are obliged to allow the parties to use mediation in addition to other forms of alternative dispute resolution.

The Ministry of Justice keeps a central register of mediators who operate in court programmes for alternative dispute resolution.

A number of non-governmental organisations are involved in mediation:

Slovenian Association of Mediators (list of mediators),

Centre for Mediation at the Legal Information Centre,

Slovenian Association of Mediation Organisations – MEDIOS (list of mediators).

The Council for Alternative Dispute Resolution operates under the auspices of the Ministry of Justice and Public Administration. The Council was set up in March 2009 and is a central, independent, expert body of the Ministry with a coordinating and consultative role.

In which area is recourse to mediation admissible and/or the most common?

Mediation may be used in civil, family, commercial, labour and other property-related matters with regard to claims which can be disposed of and settled by the parties. Mediation is also admissible in other matters, as long as it is not excluded by law.

Mediation is most common in civil, family and commercial matters.

Are there specific rules to follow?

Recourse to mediation is voluntary. The Mediation in Civil and Commercial Matters Act (ZMCGZ, UL RS No 56/08) refers to mediation in general, i.e. to mediation associated with judicial procedures and to non-judicial mediation. It sets out only the basic rules for mediation procedures, leaving other aspects to self-regulating mechanisms. For example, it lays down where mediation begins and ends, who appoints the mediator, the mediator's basic rules of conduct, the form of the dispute settlement agreement, how to ensure it can be enforced, etc. Parties may deviate from provisions of the Act, except provisions regulating the principle of impartiality of mediator and the impact of mediation on preclusion and limitation periods.

The Slovenian Association of Mediators has adopted a code of conduct for mediators, but this applies only to its members.

Information and training

You can find relevant information about mediation and how to contact a mediator on various NGO websites, including:

Slovenian Association of Mediators

Slovenian Association of Mediation Organisations – MEDIOS

Centre for Mediation at the Legal Information Centre

Training for mediators is provided by a number of NGOs, including the Centre for Judicial Education at the Ministry of Justice.

What is the cost of mediation?

For the time being court-based mediation conducted under ZARSS in disputes arising from relationships between parents and children and in labour-law disputes due to termination of an employment contract is free of charge for the parties; parties pay only for their lawyers. In all other disputes, except commercial disputes, the court covers the mediator's fees for the first three hours of mediation.

Private organisations charge various fees for mediation.

Is it possible to enforce an agreement resulting from mediation?

Such an agreement is not directly enforceable. It is possible, however, the parties may agree that the dispute settlement agreement is to take the form of a directly enforceable notarial deed, a court settlement or an arbitration award based on the settlement.

Related links

Slovenian Association of Mediators

Centre for Mediation at the Legal Information Centre

Slovenian Association of Mediation Organisations – MEDIOS

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