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How to bring a case to court

Slovakia

1 Do I have to go to court or is there another alternative?

For a response to this question, see also the section: "Alternative dispute resolution – Slovakia"

Not all disputes necessarily need to be addressed in court. Parties should first try to agree amicably and find a compromise acceptable to both parties. Another option is to resolve a dispute by mediation. Mediation is an out-of-court activity in which the persons involved in the mediation resolve their dispute, arising from their contractual or other legal relationship, with the assistance of a mediator. It is recommended that parties only turn to a court once they have exhausted all alternative methods of dispute resolution, or in cases when the objective is to obtain a precise definition of the position of the parties, their rights, and mutual responsibility.

Under certain conditions set out by the Act on Arbitration (*zákon o rozhodcovskom konaní*), as amended, an arbitration tribunal may rule in cases pertaining to:

- a) a resolution of property disputes arising from domestic and international commercial and civil-law relations, if the arbitration venue is in the Slovak Republic;
- b) recognition and enforcement of domestic and foreign arbitration awards in the Slovak Republic.

If the type of dispute subject to judicial proceedings is one that the Act on Arbitration does not exclude from its scope, parties to the proceedings can agree, either in or out of court, that they will proceed with arbitration. This agreement must contain an arbitration agreement. An agreement of that sort delivered to a court has the effect of a withdrawal of the claim and of the consent of the defendant to that withdrawal, in line with the Code of Civil Adversarial Procedure (*Civilný sporový poriadok*, CCAP).

2 Is there any time limit to bring a court action?

According to the Code of Civil Adversarial Procedure, a right become statute-barred if it was not exercised within the period set by law. The time limits for the submission of a claim differ depending on the case.

Statutory limitation periods are set by law. The general limitation period is three years, which starts running from the time when the right could first be exercised.

The court will only take heed of a right being statute-barred at the suggestion of the debtor. If the debtor objects to the right being statute-barred, the statute-barred right cannot be granted to the creditor.

3 Should I go to a court in this Member State?

See section: "[At which court can I file a claim? - Slovakia](#)"

The authority of courts to deliberate on a certain matter is set out by European Union legislation – regulations, international multilateral or bilateral conventions, and in their absence, national legislation governing the conflict of laws.

The rules governing the authority of Slovak courts are set, at national level, by Act No. 97/1963, on international private and procedural law (*Zákon č. 97/1963 Zb. o medzinárodnom práve súkromnom a procesnom*). The fundamental rule says that Slovak courts have jurisdiction if the person against whom a submission (claim) is directed has his residence or its registered office in the Slovak Republic, or, in the case of property rights, if he has property in the country. Further provisions specify the conditions subject to which Slovak courts have jurisdiction. In contractual relations, parties can establish jurisdiction by agreement. In certain cases, Slovak courts have exclusive jurisdiction, for example, in proceedings pertaining to rights in rem with respect to real property, lease of real property that is located in the Slovak Republic, or in proceedings pertaining to the registration or validity of patents, trademarks, designs, and other rights.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See section: "[At which court can I file a claim? - Slovakia](#)"

According to the Code of Civil Adversarial Procedure, the ordinary court of the party against whom the claim is directed (the defendant) has jurisdiction to hear the case, unless otherwise provided. The ordinary court for an individual (citizen) is the court in whose district that citizen has his residence, and, if he does not have a residence, in whose district he dwells; the ordinary court for a legal entity is the court in whose district the legal entity has its registered seat, and, in the case of a foreign legal entity, the court in whose district the entity's organisational unit is located. The ordinary court for the State is the court in whose district the circumstance giving rise to the right claimed occurred. The ordinary court in commercial matters is the court in whose district the defendant has its registered seat, and if it has no registered seat, the court in whose district he is engaged in business. If the defendant does not have a place of business, his ordinary court will be the court in whose district the defendant has his residence.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See section: "[At which court can I file a claim? - Slovakia](#)"

The fundamental rule for determining substantive jurisdiction is set out in Section 12 of the Code of Civil Adversarial Procedure. At first instance, a district court (*okresný súd*) have jurisdiction as a rule. A regional court (*krajský súd*) will only decide as a court of first instance in specific cases, for example, in disputes pertaining to a third country or to persons who enjoy diplomatic immunity and prerogatives, if the disputes fall within the authority of the courts of the Slovak Republic. Act No 371/2004, on seats and districts of courts in the Slovak Republic (*Zákon č. 371/2004 Z. z. o sídlach a obvodoch súdov Slovenskej republiky*) regulates the jurisdiction of registry courts, bankruptcy courts and composition courts, bill-of-exchange and cheque courts, courts deciding cases pertaining to protection of objects of industrial protection and unfair competition protection, court for hearing proceedings pertaining to stock-exchange transactions, court responsible for issues related to care for minors, and court responsible for legal aid in cases of financial need.

The amount in dispute has no bearing on which court in the Slovak Republic will have jurisdiction to rule on a matter.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Representation by a lawyer is not mandatory in civil procedures in the Slovak Republic.

The law mandates representation by a lawyer in selected types of procedure, e.g., in bankruptcy matters, competition protection, unfair competitive conduct, intellectual property rights, and in extraordinary appeal proceedings (Section 420 of the Code of Civil Adversarial Procedure).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

In line with the provisions of Section 125 of the Code of Civil Adversarial Procedure, a submission may only be made in writing, on paper or in electronic form. A submission made in electronic form must be delivered subsequently in paper form within 10 days, otherwise the submission is disregarded. A submission made on paper must be presented in the required number of counterparts.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Given that parties enjoy an equal position in civil judicial procedure, a claim need not be filed in the Slovak language. Parties are entitled to act before a court in their mother tongue or in another tongue that they understand. The court is obliged to ensure them equal opportunities for the exercise of their rights, i.e., also a translation and interpreting. A submission may be made in writing, either on paper or in electronic form.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are no prescribed forms for the filing of an action (application for the initiation of proceedings).

The general requirements are set in Section 127 of the Code of Civil Adversarial Procedure. A claim must be signed and clearly indicate to which court it is addressed, who is submitting it, to what matter it pertains, and what it seeks. A submission must be submitted with the required number of counterparts and appendices, such that one counterpart would remain at the court and each party would receive one counterpart and appendices, as required. If a party fails to submit the required number of counterparts and appendices, the court will make copies at the party's expense. If an ongoing case is involved, the particulars required include the file number of the case.

In addition to the general requirements, a claim should state the first and last names, and if possible also the date of birth, telephone number, and address of residence of the parties or of their representatives; information about their country of citizenship; a genuine depiction of decisive facts and designation of the proof on which the claimant relies; and make clear what the claimant is seeking. If a party is a legal entity, a claim must state the name or company name, registered office, and identification number, if one has been assigned. If a party is a foreign entity, an excerpt from a register or some other registry in which the foreign entity is registered must be enclosed with the claim. If an individual engaged in business is a party, a claim must state the company name, registered seat, and identification number, if it has been assigned. If the State is a party, the claim must state a designation of the State and of the relevant state authority that will represent the State.

In order to make court proceedings more flexible and to assist parties to the proceedings, the website of the Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti Slovenskej republiky*) features examples (forms) of selected claims for the initiation of proceedings. It is possible to download an example and fill it in. A form precisely navigates the claimant to the items that must be filled in. A completed form may be sent unsigned or signed with a certified electronic signature using a certified certificate. If the claimant sends off a submission without a certified electronic signature, he is obliged to supplement this submission by a submission on paper.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

The filing of a claim is subject to the payment of a court fee. A court fee must be paid by the party submitting the claim (applicant/claimant), unless his obligation to pay court fees has been waived at his request or if he is exempt from their payment by law. The amount of the fee is set by the court schedule of fees, which constitutes an annex to Act No 71/1992, on court fees and a fee for an excerpt from the criminal register (*Zákon č. 71/1992 Zb. o súdnych poplatkoch a poplatku za výpis z registra trestov*). The fee amount is stated in the schedule of fees, as a percentage from a fee base, or as a fixed sum. A court fee is payable upon the filing of a claim. If a fee has not been paid when payable, with the submission of an application for the initiation of proceedings, the court will ask the payer to pay the fee within a deadline that the court determines, usually ten days from the service of the request; if the fee is not paid in spite of the request within the time limit set, the court will suspend the proceedings. The payer must be informed in the request about the consequences of the non-payment of the fee.

Representation by a lawyer is not mandatory in civil procedures in the Slovak Republic.

11 Can I claim legal aid?

See the section: "Legal Aid – Slovakia".

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is deemed to have been brought as at the day on which it was filed at the court. The court will provide the claimant a confirmation that his action has been brought and recorded in the court register.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

A court will ask the party to supplement or correct an incorrect, incomplete, or incomprehensible submission within a time limit that the court determines, but which must not be shorter than ten days. Other submissions whose contents do not supply the particulars required for an action for the initiation of proceedings, if not duly corrected or supplemented, will be disregarded by the court.

Parties and their representatives are entitled to consult a court case file and make excerpts, copies, and photocopies of it, or they may ask the court to make photocopies for them, at cost.

In preparing for a hearing, the court will serve an application for the initiation of proceedings (action) to the respondent (defendant), together with a counterpart of the claim and its appendices. This service is made personally, and the parties must be duly instructed. The court will send the respondent's statement to the claimant without delay. If required by the nature of the matter or circumstances of the case, a court may oblige the respondent by means of a resolution to provide his written statement on the matter, and in the event that he does not agree with the claim in full, state in his statement of fact those facts that are decisive for his defence, attach documents to which he is appealing, and identify proof to document his claims. The court sets a time limit for the submission of the statement.

Unless the Code of Civil Adversarial Procedure or another specific regulation provides otherwise, a court will order a hearing on the matter at hand, in order to deliberate on the matter, to which it will summon the parties and other participants whose presence is required.

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