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**Small claims**

Slovenia

#### Article 25 1 (a) Competent courts

The courts with jurisdiction to deliver a judgment in the European Small Claims Procedure are:

the **local courts** (okrajna sodišča) in the case of civil cases (Article 30 of the Civil Procedure Act (Uradni list RS (UL RS; Official Gazette of the Republic of Slovenia) Nos 73/07 – official consolidated text, 45/08 – 45/08 – ZArbit, 111/08 – Constitutional Court Decision, 57/09 – Constitutional Court Decision, 12/10 – Constitutional Court Decision, 50/10 – Constitutional Court Decision, 107/10 – Constitutional Court Decision, 75/12 – Constitutional Court Decision, 40/13 – Constitutional Court Decision, 92/13 – Constitutional Court Decision, 10/14 – Constitutional Court Decision, 48/15 – Constitutional Court Decision, 6/17 – Constitutional Court Decision, 10/17 and **16/19** – ZNP-1, hereinafter: ZPP) and **district courts** (okrožna sodišča) for commercial cases (Article 32 ZPP). The application of the rules on commercial disputes is regulated by Articles 480 to 484 ZPP. The text of the ZPP can be found on the website of the Republic of Slovenia's Legal Information System:

<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1212>

#### Article 25 1 (b) Means of communication

The means of communication accepted for the purposes of the European Small Claims Procedure and available to the courts pursuant to Article 4(1) are as follows:

— standard claim Form A (Annex I) is lodged with the competent court in writing by post, using communication technology (e.g. fax), delivered directly to the body or by a person engaged professionally in submitting applications (Article 105b ZPP).

Applications may not yet be submitted electronically.

#### Article 25 1 (c) Authorities or organisations providing practical assistance

The authorities or organisations with jurisdiction to provide practical assistance in accordance with Article 11 are as follows:

The judicial staff of the competent court provide free practical assistance in form-filling and general information on the procedure. Practical assistance for consumers is also provided by the European Consumer Centre, Kotnikova 5, 1000 Ljubljana, email: [epc.mgrt@gov.si](mailto:epc.mgrt@gov.si), tel.: (01) 400 37 29, website:

<https://www.epc.si/pages/en/home.php>.

Consumers may also request and obtain free legal aid provided they meet the conditions laid down in the Free Legal Aid Act (UL RS Nos 96/04 – official consolidated text, 23/05, 15/14 – Constitutional Court Decision and 19/15, hereinafter 'ZBPP'). Free legal aid may be allocated for legal advice, legal representation and other legal services provided for by the ZBPP and by way of an exemption from payment of court costs.

#### Article 25 1 (d) Means of electronic service and communication and methods for expressing consent for thereof

The methods of electronic service and communication technically available and admissible in accordance with Article 13(1), (2) and (3), and the methods of expressing prior consent to the electronic serving of documents under Article 13(1) and (2) are as follows:

The documents referred to in Article 5(2) and (6) and judgments handed down under Article 7 are served in accordance with the ZPP.

Articles 132 to 150 ZPP govern the serving of documents and inspection of files.

Article 132 ZPP provides for various methods of serving documents – post, secure email, bailiff, in the court or in another manner provided by law (service by a legal or natural person who serves documents professionally).

It is not yet possible to serve documents electronically in civil proceedings; court documents in such proceedings must therefore be served in physical form, usually by post.

**Time and place of serving of documents:** during the day between 6.00 and 22.00, or 24 hours a day by email (Article 139(1) ZPP)

#### Article 25 1(e) Persons or professions, obliged to accept service of documents or other written communications by electronic means

The persons or, where applicable, types of profession under a legal obligation to accept service of documents or other written communications by electronic means in accordance with Article 13(1) and (2) are as follows:

It is not yet possible to serve documents electronically in civil proceedings; court documents in such proceedings must therefore be served in physical form, usually by post.

When the electronic service of court documents does become technically feasible, the courts will always serve court documents electronically (to a secure mailbox) on the national authorities, barristers, notaries, court enforcement officers, experts, valuers, interpreters, insolvency practitioners or any other individuals or bodies the nature of whose work implies greater reliability.

The list of persons and bodies the nature of whose work implies greater reliability is to be drawn up and published by the Supreme Court of the Republic of Slovenia on its website (portal e-Sodstvo). The persons and bodies on the list must open a secure mailbox, the address of which must be sent to the Supreme Court of Slovenia; such persons and bodies must also inform the Supreme Court if that address changes. The address published on the list is considered as the official address of the secure mailbox.

#### Article 25 1 (f) Court fees and the methods of payment

The court fees for the European Small Claims Procedure, i.e. how they are to be calculated and what methods of payment are accepted in accordance with Article 15a are as follows:

The amount of the court fees is laid down by the Court Fees Act (UL RS Nos 37/08, 97/10, 63/13, 58/14 – Constitutional Court Decision, 19/15 – Constitutional Court Decision, 30/16, 10/17 – ZPP-E, 11/18 – ZIZ-L and 35/18 – Constitutional Court Decision, hereinafter 'ZST-1'). The court fees of the European Small Claims Procedure are the same as those charged for national simplified court fees.

A one-off fee is paid for the European Small Claims Procedure, the amount of which depends on the value of the subject-matter of the proceedings:

Where the value of the subject-matter of proceedings is EUR ..... or less	the court fee is EUR .....
300	54
600	78
900	102

1 200	126
1 500	150
2 000	165
2 500	180
3 000	195
3 500	210
4 000	225
4 500	240
5 000	255

The claimant must pay the above court fee at the beginning of the European Small Claims Procedure. The fee may be paid in advance, i.e. when the application for a court action is filed; or the application may be submitted beforehand to the court, whereupon the applicant must wait for the court to send a payment order, which gives not only the amount of the fee but also other information required for the payment to be made (such as the deadline for payment). Court fees may be paid remotely, thereby enabling the parties to pay from a Member State other than the one in which the court is located, using at least one of the following methods of payment:

- (a) bank transfer;
- (b) credit or debit card payment; or
- (c) direct debit from the claimant's bank account.

Under Article 6 ZST-1, court fees in the European Small Claims Procedure may be paid in cash, electronically or using any other valid payment method.

In practice, only bank transfers are currently used to pay court fees, although card payments are also possible with the cashier of the court.

All banks have an online payment service to accommodate electronic payments. In the case of electronic payment via online banking, court fees must be paid to the courts' accounts specifically set up for the payment of court fees, as published on the websites of the various courts. Links to the competent courts' websites, providing the courts' account details and other information needed for the payment of court fees are provided in the contact details of each individual court under point (a).

#### **Article 25 1 (g) Appeal procedure and courts competent for an appeal**

The appeals available under Article 17, the deadline for lodging such appeals and the court with which such appeals must be lodged are as follows:

Appeals must be lodged within eight days of the judgment being served (Article 458 ZPP). Appeals must be lodged with the court giving the judgment at first instance (**Local Court**) (Article 342 ZPP).

In commercial cases, appeals must be lodged within eight days of the judgment being served (Article 458, in conjunction with Articles 480 and 496, ZPP).

Appeals must be lodged with the court giving the judgment at first instance (**District Court**) (Article 342 ZPP).

Higher courts (višja sodišča) decide on appeals (Articles 35 and 333 ZPP).

#### **Article 25 1 (h) Review of the judgment procedure and courts competent to conduct such a review**

The procedures for applying for a review, as provided for in Article 18, and the competent courts for such a review are as follows:

The party's judicial remedy is to file a motion to restore a prior status (Article 116 ZPP). Where this is admitted by the court, the lawsuit reverts to its status before the default and all judgments handed down by the court as a result of the default are revoked.

Once six months have elapsed since the default, the party's judicial remedy is to file a motion for a retrial in accordance with Article 394(3) of the ZPP and have a procedure closed by a final decision reopened.

Jurisdiction in the case of both judicial remedies rests with the court issuing the judgment.

#### **Article 25 1 (i) Accepted languages**

In accordance with Article 21a(1) the following languages are accepted:

The official languages are Slovenian plus the two national minority languages in official use at the courts in the areas where these national minorities live (Articles 6 and 104 ZPP). The national minority languages are Italian and Hungarian.

Mixed-nationality municipalities are covered by the Establishment of Municipalities and Municipal Boundaries Act (UL RS Nos 108/06 — official consolidated text and 9/11; hereinafter 'ZUODNO'). Under Article 5 ZUODNO mixed-nationality municipalities are those identified as such by the current statutes of Lendava, Hodoš-Šalovci, Moravske Toplice, Koper, Izola and Piran municipalities.'

#### **Article 25 1 (j) Authorities competent for enforcement**

The authorities competent to enforce and apply Article 23 are as follows:

Jurisdiction over enforcement rests with the **local courts** (Article 5 of the Enforcement and Securing of Civil Claims Act (UL RS Nos 3/07 — official consolidated text, 93/07, 37/08 — ZST-1, 45/08 — ZArbit, 28/09, 51/10, 26/11, 17/13 — Constitutional Court Decision, 45/14 — Constitutional Court Decision, 53/14, 58/14 — Constitutional Court Decision, 54/15, 76/15 — Constitutional Court Decision, 11/18 and 53/19 — Constitutional Court Decision). The jurisdiction of these courts also extends to the application of Article 23.

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