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Small claims

 Slovenia

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European Judicial Network
(in civil and commercial
matters)

1 Existence of a specific small claims procedure

Slovenian legislation has a specific small claims procedure, which is regulated by Chapter 30 of the Civil Procedure Act (Zakon o pravnem postopku, ZPP).

1.1 Scope of procedure, threshold

Under the provisions of the ZPP, a small claims dispute is a dispute in which the amount claimed does not exceed EUR 2 000. In commercial disputes, a small claims dispute is a dispute in which the amount claimed does not exceed EUR 4 000. Small claims also covers disputes in which the claim is not pecuniary, with the claimant declaring in the action their willingness to accept a sum of money not exceeding EUR 2 000 (EUR 4 000 in commercial disputes) instead of satisfaction of the claim, and disputes in which the subject of the claim is the delivery of movable property, where the amount stated by the claimant in the action does not exceed EUR 2 000 (EUR 4 000 in commercial disputes). Small claims disputes do not include disputes concerning property, disputes relating to copyright, disputes relating to the protection or use of inventions and trademarks or the right to use a trading name, disputes relating to competition protection, or disputes relating to trespass.

1.2 Application of procedure

The application of the procedure is set out under point 1.1. A small claims procedure is conducted before a local court (okrajno sodišče), except in the case of a commercial dispute, which is adjudicated by a district court (okrožno sodišče).

1.3 Forms

Forms have been compiled only for small claims procedures initiated by a party based on an authentic document. A completed form may be submitted by electronic means to the following address: <https://evlozisce.sodisce.si/esodstvo/index.html>. This involves enforcement proceedings based on an authentic document which, following the submission of a duly substantiated complaint, continues as with an objection to an order for payment. Other than this, no forms have been prepared in advance for small claims procedures in order to assist parties to initiate a dispute.

For more detailed information on the possibilities regarding the submission of applications by electronic means, please see 'Automatic processing'.

1.4 Assistance

Parties may request legal aid, which shall be granted to them if they meet the conditions laid down in the Free Legal Aid Act (Zakon o brezplačni pravni pomoči, ZBPP).

1.5 Rules concerning the taking of evidence

In small claims procedures, the claimant is obliged to state all facts and adduce all evidence in the action, while

the defendant is obliged to do so in their defence plea. Each party may then file one preparatory plea. Facts and evidence presented in written pleas at a later date are ignored. The deadline for the submission of a defence plea and preparatory pleas is eight days.

1.6 Written procedure

Small claims procedures are conducted on the basis of legal actions made in writing. The court may limit the time and scope of the evidence-taking procedure and conduct that procedure at its own discretion so as to strike a balance between providing for adequate protection of the rights of the parties and the objective of accelerating proceedings and keeping their costs down.

1.7 Content of judgment

A judgement in a small claims procedure is pronounced immediately after the end of the main hearing. A written judgement must include an introductory part, an operative part, a statement of grounds and legal instruction. The judge may produce a written judgement with a long or a shortened statement of grounds.

1.8 Reimbursement of costs

The costs of proceedings are decided in line with one or the other party's success in the case – i.e. the party that is unsuccessful in the case is obliged to reimburse the costs of the other party.

1.9 Possibility to appeal

Parties may appeal against a judgement of first instance or a decision ending a small claims dispute within eight days. A judgement and decision may only be contested on the grounds of a serious violation of the civil procedure provisions referred to in the second paragraph of Article 339 of the ZPP and of a violation of substantive law. In commercial small claims procedures, only the party that has announced that it intends to appeal may appeal against a judgement. There is no revision process in small claims disputes, and the reasons for ordering a procedure to be repeated are limited.

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