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Legal aid

 Slovenia

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European Judicial Network
(in civil and commercial
matters)

1 What costs are involved in legal proceedings and who normally has to bear them?

The costs of legal proceedings are expenses that arise during, or because of, legal action. In civil proceedings, these costs comprise court fees and the costs of lawyers and other individuals entitled to remuneration under law, such as court-appointed experts, valuers, interpreters, bailiffs, and others.

2 What exactly is legal aid?

Free legal aid is a person's right to be compensated, in full or in part, for the costs of legal assistance and to be exempt from paying the costs of legal proceedings. The purpose of free legal aid is to ensure that the right to judicial protection is put into practice. Free legal aid is awarded to individuals based on their social status, if they can show that they would not be able to afford judicial protection without jeopardising their own economic wellbeing or the economic wellbeing of their family.

3 Do I have a right to legal aid?

In order to be eligible for free legal aid, you must fulfil certain financial and case-specific conditions:

(1) Financial conditions

Your monthly income, or the average monthly income per member of your household, must not be higher than double the minimum wage. If you meet this condition, you may be entitled to the reimbursement of all or part of the costs of legal aid, and be exempt from paying the costs of legal proceedings. The applicable minimum income amount since March 2022 has been €421.89 ([source](#)). Examples of sources of income that are added up to calculate the minimum income amount are: net wage, child benefit, maintenance allowance, benefits in cash, inheritance, gifts, severance pay, damages and payment for student work.

Your assets, or those of your family, must not exceed a set amount, i.e. €20,250.72. This includes immovable property (except the flat/house you live in, if its value is below a set threshold), cars and other vehicles, boats, equity stakes, shares, savings and other movables.

(2) Case-specific condition

The court will assess your case and the likelihood that the outcome is in your favour. The court will consider the circumstances and facts of the case for which you are requesting free legal aid. Your application must be sound (the case must not be patently irrational) or it must be at least probable that the court would decide in your favour.

4 Is legal aid granted for all types of proceedings?

Yes, free legal aid is granted in all court proceedings. It can be granted for legal advice, legal counsel and other legal services, for all forms of judicial protection before all general jurisdiction and specialised courts in Slovenia, before the Constitutional Court (*Ustavno sodišče*) and before all bodies, institutions and persons in Slovenia competent for extra-judicial settlement of disputes. Free legal aid can also be granted in respect of proceedings before international and arbitration courts where the rules of the international or arbitration court fail to provide for, or deny an individual, such aid.

5 Are there special procedures in cases of need?

Yes. In an emergency, free legal aid is provided immediately, irrespective of the conditions laid down in point 3 above. An emergency means a situation in which the procedure for granting free legal aid or the act of producing and submitting an application for free legal aid would take so long that the applicant would miss a deadline, and thus forfeit their right, to perform a legal act. Emergency free legal aid is granted only where the applicant has to perform a legal act in order to avoid repercussions (e.g. debarment).

6 Where can I obtain a legal aid application form?

The application form is available [here](#). Use [this form](#) to submit details of your family members.

You can apply for free legal aid without completing a form. If you do so, make sure to provide the following information:

- for yourself – full name, tax No, personal ID No, permanent or temporary address;
- for your family members – full name, tax No, personal ID No, permanent or temporary address;
- for NGOs and associations referred to in point 4 of the first paragraph of Article 10 of the Free Legal Aid Act (*Zakon o brezplačni pravni pomoči*) – business name, registered address, tax No and ID No;
- details of the case;
- information about the form and extent of free legal aid.

7 Which documents need to be submitted with the legal aid application form?

Along with your application you must provide documents on the court case for which you are requesting free legal aid.

Information on the assets registered in your name is obtained by the competent authorities themselves from the official records.

If you are not a Slovenian national, you must provide information on any income received and assets owned by you and your family members in addition to the details referred to in point 6 above.

8 Where do I submit my application for legal aid?

Applications (with the relevant enclosures) can be sent by post or submitted in person at a district court (*okrožno sodišče*), labour and social court (*delovno in socialno sodišče*) or administrative court (*upravno sodišče*) on working days between 8.00 and 16.00.

9 How do I find out whether I am entitled to legal aid?

The court's free legal aid service examines your application and your financial situation and decides whether and to what extent you qualify for free legal aid. The court then issues a decision by which it either grants or denies you free legal aid, and sends it to you by post.

10 What should I do, if I am entitled to legal aid?

The decision granting you free legal aid is accompanied by a letter of referral, which you have to present to the lawyer of your choice or the one that has been assigned to you.

11 Who chooses my lawyer, if I am entitled to legal aid?

You are free to choose your own lawyer before applying for free legal aid. Before entering the lawyer's name on the application form, make sure that they do in fact provide free legal aid. If you do not indicate the name of a lawyer on the application form, a lawyer will be assigned to you from the list of lawyers who provide free legal aid.

12 Does legal aid cover all the costs of the proceedings?

Free legal aid covers all the costs specified in the court's decision granting free legal aid. This may include all costs of the proceedings.

Under no circumstances does free legal aid cover the costs of the proceedings, actual expenses and costs of legal representation incurred by the other party.

13 Who bears the other costs, if I am entitled only to limited legal aid?

When you have been granted partial free legal aid, you have to bear any remaining costs yourself.

14 Does legal aid also cover appeals?

Whether or not free legal aid covers legal remedies depends on the scope of the aid granted. Free legal aid usually covers legal advice and legal counsel at the first and second instances, which means that it also covers ordinary legal remedies. It can be granted to cover extraordinary legal remedies, but it must be requested separately for that purpose.

15 Can legal aid be withdrawn before the proceedings are concluded (or even revoked after the proceedings have terminated)?

You have to meet the eligibility conditions for the entire duration of the period for which free legal aid has been granted to you. If, at any point during the proceedings, your financial situation improves to the point where you no longer meet the conditions for receiving such aid, your right to free legal aid will be revoked.

Likewise, you will have to pay back any sum awarded to you as legal aid if you win the court case and receive any assets as a result, or sometimes even if you lose the court case and receive no assets, but your financial situation improves in the year following completion of the proceedings to a point where you no longer meet the conditions for free legal aid. However, you never need to pay back more than you have received.

16 Can I contest a refusal to give legal aid?

You can contest a decision by which the court has denied you free legal aid by initiating administrative proceedings within 30 days. Your application for administrative proceedings must be lodged with an administrative court (*upravno sodišče*).

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