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Digitalisation Regulation - Member State notifications

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Slovenia

This page contains information about the notifications done by Member States pursuant to Regulation (EU) 2023/2844.

1. National IT portals for communicating with courts or other authorities

The national IT portal for the judiciary is called the 'e-Justice Portal' (Portal e-Sodstvo).

Link to portal: <https://evlozisce.sodisce.si/esodstvo/index.html>

The portal provides access for different user levels:

1. Registered users: anyone can apply (only an email address is required for registration), and this user level can access certain public information (e.g. the land registry);
2. Qualified users: a qualified digital certificate from a Slovenian issuer is required for registration, although Slovenian citizenship is not required.

The portal is used for different purposes depending on the type of user. Claims can be lodged electronically in enforcement proceedings, land registry and insolvency proceedings. Claims can also be lodged electronically in non-litigious family proceedings, but only between social services centres and competent courts.

When using the e-Justice Portal, registered users identify themselves by entering a username (email address) and password. Registered users do not need a qualified digital certificate or a secure electronic mailbox.

Registered users may use the e-Justice Portal to perform the following:

- e-Land registry (e-ZK) tasks, i.e. public land registry extracts and notices. To perform other tasks electronically, the user must have qualified user status;
- e-Enforcement (e-Izvršba) tasks, i.e. lodging of an application for enforcement on the basis of an authentic document, supplementing of an application for enforcement on the basis of an authentic document (only possible if the application was lodged electronically and the applicant has received a court order to supplement it). To perform other tasks electronically, the user must have qualified user status.

External qualified users are divided into independent external qualified users and persons authorised to act on behalf of independent external users.

Independent external qualified users are further divided into professional users, users and external administrators.

A user can have external qualified user status if they have a qualified certificate and a secure electronic mailbox. A user engaged to act on behalf of an independent user (authorised person by appointment) is not required to have a secure electronic mailbox. The type of task that a user may perform electronically in a specific electronic procedure depends on the user group in which the user is enrolled in the security scheme.

Professional users are users that have the status of (professional) representative or judicial authority in civil judicial proceedings. These include notaries, attorneys, bailiffs, administrators, the Slovenian State Attorney's Office, state prosecutors, real estate companies and local authority attorneys.

Users are parties with the status of a party to civil judicial proceedings. These include legal entities, natural persons, state authorities and local authorities.

External administrators are users that manage users from professional user groups within the security scheme.

A person authorised to represent an independent external qualified user (authorised person by appointment) is a natural person who, in the case of an independent external qualified user organised in the legal organisational form of a legal entity or a registered attorney, is authorised, on the basis of their appointment, to perform electronic tasks in civil judicial proceedings on behalf of that user, or who performs, in the case of an independent qualified user that is a central government or local authority, a function or tasks that entitle them to perform electronic tasks in civil judicial proceedings on behalf of that authority.

The authorised person of an independent user performs electronic tasks on behalf of the independent external qualified user they are representing. A natural person may be included in a security scheme as an authorised person for only one independent external qualified user within any given user group.

e-Enforcement (e-Izvršba) sub-portal

You can register on the e-Enforcement sub-portal as:

- a registered user, where you may lodge an application for enforcement on the basis of an authentic document and a supplemented application for enforcement on the basis of an authentic document;
- an external qualified user, where you may produce electronic applications (in accordance with your user group): applications, legal remedies, applications to suspend enforcement, withdrawals of applications and other applications.

e-ZK (e-Land Registry) sub-portal

You can register on the e-Land Registry sub-portal as:

- a registered user, where you may consult the land registry and obtain land registry extracts;
- an external qualified user, where you may, in addition to consulting and obtaining extracts from the land registry, lodge electronic land registry applications, notices and other electronic applications in e-Land Registry procedures.

In land registry proceedings, all judicial documents are delivered into a secure electronic mailbox.

e-INS (e-Insolvency) sub-portal

Electronic tasks in insolvency proceedings (eINS tasks) may be performed by the following groups of qualified users:

Professional users:

- attorneys (as representatives of the parties);
- administrators;
- state attorneys (State Attorney's Office as representative of the state);
- prosecutors (Supreme Public Prosecutor's Office).

Parties:

- legal entities (a legal entity acting on its own behalf as a party to insolvency proceedings);
- natural persons (consumers, business persons and private individuals on their own behalf as parties to insolvency proceedings).

Attorneys, state attorneys and parties (legal entities and natural persons) perform the following eINS tasks:

lodging of the following electronic applications:

- lodging of an electronic application to commence insolvency proceedings;
- lodging of an electronic claim in insolvency proceedings;
- lodging of other electronic applications that are lodged by parties to insolvency proceedings (applications in preliminary and main insolvency proceedings, and ordinary and extraordinary legal remedies);
- lodging of a request for access to a file, i.e. for a review of electronic documents in a specific eINS procedure;
- reviewing of submitted applications.

Administrators may submit an electronic application and carry out enquiries, including:

- compiling an overview of all matters in which they are performing the duties of administrator; and
- reviewing electronic documents in a specific eINS procedure in which they are performing the duties of administrator.

Prosecutors may lodge an electronic application or extraordinary legal remedy, and perform a review of electronic documents in a specific eINS procedure.

Administrators and attorneys must lodge all applications in insolvency proceedings electronically. State attorneys, prosecutors and parties (legal entities and natural persons) may lodge applications in insolvency proceedings electronically, but are not obliged to do so.

Documents in insolvency proceedings are delivered electronically into secure electronic mailboxes for administrators and lawyers. For other user groups, documents are also delivered by post if users do not have a secure electronic mailbox registered in the judicial security scheme.

e-Vloga (e-Application) in civil proceedings sub-portal

The e-Application in civil proceedings sub-portal is used for the electronic lodging of applications in proceedings for the regularisation of family relationships and personal situations conducted before district courts (*okrožna sodišča*), as well as inheritance proceedings conducted before local courts (*okrajna sodišča*), and for the lodging of an electronic application for leave to appeal in accordance with the provisions of the Civil Procedure Act (*Zakon o pravdnem postopku*).

2. National law on videoconferencing in civil and commercial matters

Article 114a of the Civil Procedure Act (*Uradni list RS* (UL RS; Official Gazette of the Republic of Slovenia) No 26/99, as amended) provides that a court may, with the consent of the parties, permit the parties and their representatives to be at another location during the hearing, and conduct procedural acts at that location if audio and video transmission is provided from the location at which the hearing is being conducted to the location or locations at which the parties and/or representatives are present, and vice versa (videoconferencing). Under the same conditions, a court may decide to take evidence by conducting an inspection, examining documents, hearing parties and witnesses, and taking evidence from expert witnesses. No appeal may be filed against the court's decision in this matter.

Hearings may be recorded. The legal basis for this is Article 125a of the Civil Procedure Act, which provides that the presiding member of the chamber may order the audio or audio-visual recording of all or part of a hearing. They shall notify the parties and other participants of their order at the hearing. The recording must contain the following information: the address and composition of the court, the place, date and time of the hearing, the dispute at issue, and the names of the parties or other persons present and of their legal representatives or authorised persons. In addition, the recording shall contain information identifying the person whose statement is being recorded, and the capacity in which they are making the statement. If statements by several persons are recorded, the recording must clearly identify who made the statement. The minutes of the hearing should note that the hearing was recorded using a device to record audio or audio and video, and indicate who ordered the recording, state that the parties and other participants were informed of the recording at the hearing, and indicate where the recording is stored and how it can be accessed. A transcript of the sound recording shall be produced within five days of its creation. A party has the right to access the recording and the right to object to any inaccuracy in the transcription within five days of taking delivery of the copy. An objection shall be decided

upon by the presiding member of the chamber without a hearing. The recording is automatically logged and stored in the information system for as long as the file.

The Civil Procedure Act lays down the requirement to ensure that recordings of hearings are kept securely and are not accessible to the public. Article 125a provides that a recording of a hearing is to be automatically logged and stored in the court's information system for as long as the file. This means that recordings of hearings are stored in a way that ensures their security and restricts access to them, thereby preventing them from being made available to the public. Article 332c regulates the handling of requests, evidence and decisions containing classified information, and provides that the court is to store that information in a manner that ensures its security, with access only being permitted at such premises of the court that meet the security requirements. This further confirms that recordings of hearings that may contain sensitive or classified information are kept in a manner that ensures their security and restricts their availability to the public.

Courts use a Polycom videoconferencing system with additional extension licences for the Pexip system. The system is used on the national infrastructure within the national authorities' network.

Access to the videoconferencing system is further extended by the Pexip system, which also allows for access by mobile devices owned by participants, and does not require specific (dedicated) hardware for participation in a videoconference.

Information relating to the technical implementation of videoconferencing is exchanged between the parties to the proceedings as part of the court proceedings in question. The court at which the proceedings are being conducted is in charge of ensuring effective implementation (including prior testing if necessary).

The Civil Procedure Act is available at the following link: <https://pisrs.si/pregledPredpisa?id=ZAKO1212>

Link to translations of laws in English: <https://pisrs.si/aktualno/zakonodaja-v-anglescini>

3. National law on videoconferencing in criminal matters

The Criminal Procedure Act (*Zakon o kazenskem postopku*) (UL RS No 63/94, as amended) regulates and, under certain conditions, allows pre-trial hearings, main hearings, testimony, hearings and other procedural acts to take place via videoconferencing. Videoconferencing may be used if the parties to the proceedings so agree, or if this is necessary to ensure that criminal proceedings are conducted properly in the light of the circumstances of the case. The court decides on the use of videoconferencing by reasoned decision. The decision is delivered to the parties and other participants, together with an invitation to the hearing, which contains instructions on the use of the videoconferencing system and the method by which a participant's identity is confirmed. No specific appeal is permitted against this decision.

A hearing may also be held via videoconferencing in cases involving protected or anonymous witnesses if their presence before the body conducting the hearing would present a serious danger to their life or person, or if the competent authority has requested it from another country. The person to be heard is to be accompanied by a competent person of the body conducting the hearing, or by another authorised person, to ensure that the person being heard is adequately identified. Under certain conditions, videoconferencing may also be used when testimony is taken from expert witnesses.

The legal basis for the use of videoconferencing in criminal proceedings is provided by Articles 244, 304a and 84a of the Criminal Procedure Act, which lay down the conditions and procedure for conducting such hearings, including the method by which the identity of the participants is confirmed and secure communication is ensured. The use of videoconferencing contributes to the speedy conduct of judicial proceedings, reduces costs and increases witness safety.

The provisions of the Criminal Procedure Act ensure that suspects have access to videoconferencing infrastructure for the conduct of a hearing via videoconferencing. Videoconferencing equipment that allows interactive communication through the simultaneous transmission of images and sound may be part of the courtroom equipment, or may be provided in the form of portable videoconferencing equipment. The place to which the court or judge is linked may be another courtroom, a safe room, a prison, a place abroad, etc. Examinations via videoconferencing allow accused persons, witnesses and (under certain conditions) experts to be heard, while at the same time ensuring a greater sense of security for witnesses by preventing direct contact

with the accused.

The confidentiality of communication between the suspect, accused, convicted person or affected person and their attorney before and during examination via videoconferencing is ensured in accordance with the provisions of the Criminal Procedure Act. Article 74 of the Criminal Procedure Act provides that, if the accused person is in custody, their defence counsel may write and speak to them freely and without supervision. This means that the confidentiality of communication between the accused person and their defence counsel must be guaranteed, including during communication via videoconferencing. Article 244a also provides that, under certain conditions, the examination of an accused person or a witness may also be conducted via videoconferencing, provided that the person being examined is properly identified. In the case of an accused person, a witness or an expert examined via videoconferencing in the course of national criminal proceedings in the territory of another country, the competent authority must ensure that the accused person, witness or expert is accompanied by a competent person of the competent authority of that country, to ensure that the person being examined is identified. A defence counsel may also be present at the examination, which further helps to ensure the confidentiality of communication between the accused and their defence counsel. This arrangement ensures that communication between the accused and their defence counsel is protected and confidential, even if it takes place via videoconferencing.

Information relating to the technical implementation of videoconferencing is exchanged between the parties to the proceedings as part of the court proceedings in question. The court at which the proceedings are being conducted is in charge of ensuring effective implementation (including prior testing if necessary).

Parents must be informed without undue delay of the examination of their child via videoconferencing or other remote communication technology immediately after the child has been informed of their rights. The competent authority must immediately notify the parents or guardian of the child's rights, including the right to be accompanied by their parents or guardian during proceedings. This notification must be given in a comprehensible manner, orally and in writing, and confirmed by the child's signature. The best interests of the child are to be taken into account when ensuring that the child is recorded by audio-visual means, where proportionate to the circumstances of the case. If there are reasons why the child's parents or guardian are unable to accompany them in criminal proceedings, the child may choose another adult whom they trust, or else the competent authority or competent social services centre may immediately appoint another adult, with due regard to the child's best interests. The legal basis for this is the Criminal Procedure Act, specifically Articles 452c, 84a, 304a and 452c.

In accordance with the Act on the Protection of Children in Criminal Proceedings and their Comprehensive Treatment at the 'Children's House' (*Zakon o zaščiti otrok v kazenskem postopku in njihovi celostni obravnavi v hiši za otroke*) (UL RS No 54/21, ZZOKPOHO), the parents or other appropriate adults shall be notified of the examination of the child via videoconferencing or other remote communication technology in a manner that ensures that the child's best interests are taken into account. Under Article 24 ZZOKPOHO, the court may permit the child's legal representative, the attorney of a minor injured party, a member of the professional staff of a social services centre, the child's counsellor, technical staff of the institution and other persons whose presence is authorised by the court to be present at the examination, in addition to the child themselves and the expert assisting in conducting the examination. The presence of these persons is to be secured in separate premises connected by audio and video equipment that allows parents or other appropriate adults to be informed and follow the hearing without this having an adverse effect on the child. The court may order a person to temporarily leave the premises if their presence would be contrary to the interests of the pre-criminal or criminal proceedings and in order to ensure that the best interests of the child are always taken into account during the hearing.

The legal basis for recording hearings in criminal proceedings is provided by Article 314 of the Criminal Procedure Act, which provides that the presiding judge may order that all or individual parts of a trial be recorded using appropriate technical audio or audio-visual recording equipment. Recording is carried out in accordance with the provisions of Article 84 of the Criminal Procedure Act. Parties may replay and obtain a copy of the recording from the e-Justice (e-Sodstvo) information system as soon as technically feasible. Minutes of hearings may be reproduced in whole or in part at the request of the parties or by decision of the judge.

The Criminal Procedure Act is available at the following link: <https://pisrs.si/pregledPredpisa?id=ZAKO362>

The Act on the Protection of Children in Criminal Proceedings and their Comprehensive Treatment at the

'Children's House' is available at the following link: <https://pisrs.si/pregledPredpisa?id=ZAKO8216>

Link to translations of laws in English: <https://pisrs.si/aktualno/zakonodaja-v-anglescini>

4. Fees for procedures in civil and commercial matters

The court fees applicable in a European order for payment procedure are laid down in the Court Fees Act (*Zakon o sodnih taksah*) (UL RS No 37/08, as amended, ZST-1), which is the basic law governing court fees.

A single court fee is charged for the entire European order for payment procedure. The payment must be made when the application is lodged with the court.

The amount of the court fee in a European order for payment procedure that the claimant has to pay when lodging an application with the court depends on the value of the claim. The fee is calculated in accordance with the table set out in Article 16 ZST-1. The court fee for a claim value of up to EUR 300 is set at EUR 18, after which it is increased in line with the value of the claim. The amounts of the increase are set out in Article 16 ZST-1, which is available at the following link: <https://pisrs.si/pregledPredpisa?id=ZAKO4729> .

A legal fee of EUR 16 is payable for proceedings concerning an application for recognition of a decision of a foreign court, for proceedings concerning an application for a declaration of enforceability of a decision given in another Member State of the European Union, for proceedings concerning an objection to a decision on the declaration of enforceability of a decision given in another Member State of the European Union, for proceedings concerning an application for a European Enforcement Order or the issuing of a certificate of unenforceability or limitation of enforceability, or for proceedings concerning an application for rectification or withdrawal of a European Enforcement Order.

There are statutory court fees for national insolvency proceedings, broken down into fees for proceedings against business and legal entities and fees for proceedings against consumers:

1. Bankruptcy proceedings against a legal entity, compulsory settlement proceedings and compulsory liquidation proceedings:
 - procedure concerning a motion to commence bankruptcy proceedings: EUR 246;
 - procedure concerning a motion to commence compulsory settlement proceedings: EUR 164;
 - procedure concerning a motion to commence compulsory liquidation proceedings: EUR 82;
 - objection to compulsory settlement proceedings: EUR 50;
 - procedure of appeal against a first distribution decision: EUR 410;
 - procedure of appeal against another decision: EUR 82.

The fee for a motion to commence bankruptcy proceedings is not paid if the motion is lodged by employees against an employer that is more than two months late in paying wages up to the minimum wage, or paying taxes and contributions that the payer is required to calculate or pay at the same time as wages are paid to the employees, and that situation persists on the day before the motion to commence bankruptcy proceedings is lodged.

2. Personal and estate bankruptcy proceedings:

Proceedings concerning an objection to remission of liability in personal bankruptcy: EUR 20.

In personal and estate bankruptcy proceedings, fees equal to one quarter of the fees set down for bankruptcy proceedings against a legal entity, compulsory settlement proceedings and compulsory liquidation proceedings are payable (point 1 above).

The fee for a motion to commence bankruptcy proceedings is not paid if the motion is submitted by a debtor or heir of the deceased. The fee under tariff number 5201 is not payable if an objection is lodged by the administrator.

No court fee is prescribed in the ZST-1 for communication between natural persons or legal entities or their representatives and Central Authorities under Council Regulation (EC) No 4/2009 and Council Regulation (EU) 2019/1111, or with competent authorities in accordance with Chapter IV of Council Directive 2003/8/EC.

The Court Fees Act is available at the following link: <https://pisrs.si/pregledPredpisa?id=ZAKO4729>

Link to translations of laws in English: <https://pisrs.si/aktualno/zakonodaja-v-anglescini>

5. Electronic payment methods

The Court Fees Act provides that court fees are to be paid in cash, electronic money or another valid means of payment.

As a general rule, electronic payment of a court fee in the form of a transfer (SEPA) is possible in all legal proceedings. It is effected on the basis of an order for payment issued in a specific procedure or to the current account of the relevant court as published online.

Court fees may be paid electronically via online banking services (online bank), directly via payment service providers (e.g. Petrol, Pošta Slovenije) and via payment card at a court's cash desk.

6. Notification on the early use of the decentralised IT-system

Not applicable

7. Notification on the early use of videoconferencing in civil and commercial matters

Not applicable

8. Notification on the early use of videoconferencing in criminal matters

Not applicable

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