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## Small claims

Slovakia



Slovakia

### FINDING COMPETENT COURTS/AUTHORITIES

The search tool below will help you to identify court(s)/authority(ies) competent for a specific European legal instrument. Please note that although every effort has been made to ascertain the accuracy of the results, there may be some exceptional cases concerning the determination of competence that are not necessarily covered.

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

Under Section 12 of Act No 160/2015 – the Code of Civil Dispute Procedure (*Civilný sporový poriadok*), the court competent to give judgment at first instance is the district court (*okresný súd*); for the district of Bratislava IV Municipal Court territorial competence lies with Bratislava IV Municipal Court. Territorial competence lies with the defendant's general court, whereas for natural persons it lies with the court in whose jurisdiction the person is permanently resident, for legal persons the court in whose jurisdiction the person has its registered office, and for foreign legal persons the court in whose jurisdiction their branch is located. If a competent court cannot be designated based on a permanent address or registered office address, or the most recent permanent address or registered office address, competence lies with the court in whose jurisdiction the person has property.

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

General rules for lodging a claim at court shall be followed. Claims may be lodged in writing, either in paper form or electronically. Lodging claims electronically on the merits of the case must be authorised in accordance with Section 23(1) of [e-Government Act No 305/2013](#).

If a claim is lodged electronically on the merits of the case without an authorisation, the claim must be re-submitted with additional authorisation in paper form or electronically within ten days. If an unauthorised electronic claim on the merits of the case were not re-submitted within the deadline in paper form or electronically with an authorisation, it would not be considered, i.e. it would not be deemed submitted.

Authorisation is issued using an advanced electronic signature. An advanced electronic signature can be obtained by purchasing a qualified certificate from an accredited certification authority. Information about accredited certification authorities can be obtained on the website of the Slovak National Security Authority (*Národný bezpečnostný úrad*). Detailed information on advanced electronic signatures can be found at <https://www.nbu.gov.sk/>, <https://www.slovensko.sk/en/title> and <https://www.ardaco.com>.

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

Complete information about the scope of application of the European Small Claims Procedure, including information about which courts or tribunals are competent to give a judgment in a particular Member State, will be made available on the Slovak Ministry of Justice website at: <https://www.justice.gov.sk>. The forms used for the procedure can also be found on this website.

Applicants who meet the legal conditions for legal aid can apply for it through the Legal Aid Centre (*Centrum právnej pomoci*), which provides legal aid through its own staff and designated lawyers. Conditions for providing

legal aid are laid down in Section 17 of [Act No 327/2005 on the provision of legal aid to persons in material need and amending Act No 586/2003 on the legal profession and amending Act No 455/1991 on trading activity \(the Trading Act\)](#), as amended by Act No 8/2005.

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

According to the Code of Civil Dispute Procedure, the preferred method of service is service during hearings or during other court acts and service to a functional mailbox set up under a special regulation: the e-Government Act. According to this Act, as of 1 November 2016 courts must serve documents electronically only if a functional mailbox is activated for service. The procedure for activating a functional mailbox differs for legal and natural persons. Natural persons must apply for activation. As of 1 July 2017 the State must activate a functional mailbox for legal persons listed in the business register, and from that date onwards public administrations, including courts, shall exclusively send their decisions electronically.

If a document cannot be served during a hearing or another court act, even to a functional mailbox, and if the documents are not to be served personally, the court shall serve the document to an e-mail address upon the party's request. If documents are to be served personally, they are served with an acknowledgement of receipt – i.e. an acknowledgment confirming receipt by the addressee of the document set out on that acknowledgment.

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

All legal persons listed in the business register, which must have a functional mailbox activated, are obliged to accept documents sent electronically to functional mailboxes as of 1 July 2017. However, if other legal or natural persons activate a functional mailbox for service, documents will also be served to the functional mailbox of those entities.

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

Under [Act No 71/1992 on court fees](#), a fee is payable upon submission of a claim, using a completed standard claim form A, which launches the European Small Claims Procedure. The court fees are listed in the schedule of fees as a percentage of the base fee rate ('percentage rate') or as a fixed amount. If a claim is lodged for the European Small Claims Procedure, the fee is given in the schedule of fees in item number 1, which is based on the price (the payment) of the subject matter of the case or the value of the claim, in which case the fee is set at 6% (at least EUR 25, no more than EUR 25 000, and in commercial cases no more than EUR 50 000). The Act does not contain special provisions on court fees collected in European Small Claims Procedures.

Fees collected by courts may be paid, for example, in cash, or by payment card, postal voucher or bank transfer, or in the branch of a foreign bank. Fees may be paid in cash if courts have created conditions for this fee payment method and if the fee for an individual case does not exceed EUR 300. Fees are paid to the court dealing with the case at first instance or on behalf of which the fee is being collected.

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

An appeal may be lodged against the decision of a court of first instance. Appeals shall be lodged within 15 days of the notification of the decision at the court against whose decision the appeal has been made. Appeals shall be deemed lodged in good time even if they are lodged within the deadline at the competent appeals court. Appeals shall also be deemed lodged in good time if they are lodged after the expiry of the 15-day deadline because the appellant was following incorrect instructions given by the court regarding the deadline for lodging an appeal. If the judgment does not contain instructions on the deadline for lodging an appeal, or if it incorrectly states that an appeal is not allowed, an appeal may be lodged within three months of the decision's notification. Appeals shall be deemed lodged in good time if they are lodged at a court without jurisdiction because the appellant was following incorrect instructions regarding the competent court at which an appeal should be lodged. This also applies if the decision does not state the competent court at which an appeal should be lodged.

In addition to all the general particulars, appeals must state the judgment against which the appeal is being lodged, the scope of the appeal, the respect(s) in which the judgment is deemed faulty (reasons for appeal) and

the remedy sought by the appellant (appeal claim). Competence for appeal hearings and judgments lies with regional courts (*krajské súdy*).

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

The competent court for reviewing a judgment shall be the court that ruled at first instance. According to the Code of Civil Dispute Procedure, an application may be made to re-open proceedings if the possibility to review a judgment ensues from special legislation, including Regulation (EC) No 861/2007 of the European Parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure.

In addition to all the general particulars, an application to re-open proceedings must state the reference number of the judgment against which the appeal is being lodged, the scope of the appeal, reasons for re-opening the proceedings, circumstances proving that the application has been lodged in good time, proof of the substance of the application, as well as the remedy sought by the applicant.

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

Slovak.

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

An application can be made to have a decision enforced; this is lodged with the enforcement court (*exekučný súd*). As of 1 April 2017, the enforcement court is the Banská Bystrica District Court (*Okresný súd Banská Bystrica*).

The enforcement procedure is governed by [Act No 233/1995](#).

Applications for enforcement are submitted electronically to the court's electronic mailbox by means of a dedicated electronic form, to be published on the [Ministry's website](#). Only authorised applications are considered. Necessary accompanying documentation is submitted electronically to the court's electronic mailbox together with the application for enforcement.

If a claimant or the claimant's representative does not have an activated electronic mailbox or is otherwise prevented from submitting their application electronically, their application for enforcement may be submitted via any bailiff. In such cases, the bailiff is the representative authorised to serve documents until such time as enforcement is initiated; they will carry out individual actions without delay. The bailiff sends the abovementioned application for enforcement to the court within 15 days. When a bailiff is used to submit an application for enforcement, the bailiff is entitled to remuneration and reimbursement of expenses. How such payments are determined and how much is to be paid is laid down by the Ministry in a legal act of general application.

Enforcement is carried out by a bailiff authorised for enforcement by the enforcement court. The court shall assign cases by issuing authorisations for enforcement randomly and equally to individual bailiffs using technical means and programme resources approved by the Ministry in such a way that case assignment cannot be influenced. The random bailiff selection rule is based on territoriality. Cases are assigned by selecting from bailiffs appointed for the territory covered by the regional court (*krajský súd*) in which the debtor is permanently resident or has a registered office. If the debtor's permanent residence or registered office address in the Slovak Republic cannot be established under the preceding paragraph, bailiffs are selected from the district in which the debtor was last permanently resident or had a registered office, otherwise the case is randomly assigned to a bailiff appointed for the territory covered by the Banská Bystrica Regional Court (*Krajský súd Banská Bystrica*).

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