

[Home](#) > ... > [Taking Legal Action](#) > [European Judicial Atlas In Civil Matters](#) > [Serving Documents \(recast\)](#) Slovakia

Serving documents (recast)

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 3(1) - Transmitting agencies

courts and notaries (in inheritance proceedings and in proceedings seeking to reconstitute a lost or destroyed legal instrument, such as a title deed [konanie o umorení listiny]).

Article 3(2) - Receiving agencies

District courts (*okresné súdy*), including city courts (*mestské súdy*):

- For family law and civil status cases the competent court for all districts of Bratislava is the Bratislava II City Court.
- For commercial cases the competent court for all districts of Bratislava and for the districts of Malacky and Pezinok is the Bratislava III City Court.
- For other cases the competent court for all districts of Bratislava is the Bratislava IV City Court.

Article 3(4)(c) - Means of receipt of documents

Documents must be submitted in hard copy by post.

Article 3(4)(d) - Languages that may be used for the completion of the standard form set out in Annex I

Slovak, Czech and English

Article 4 - Central body

Ministry of Justice of Slovakia

International Private Law Division

Račianska ul. 71

813 11 Bratislava

Slovakia

Tel.: (421) 2 888 91 111

Fax: (421) 2 888 91 604

Email: civil.inter.coop@justice.sk

Website: <https://www.justice.gov.sk>

Language knowledge: Slovak, Czech, English

Article 7 – Assistance in address enquiries

Article 7(2)(a)

Slovakia will provide the assistance referred to in paragraph 1(a); requests to find an address should be sent to district courts, Bratislava II Municipal Court, Bratislava III Municipal Court, Bratislava IV Municipal Court or Košice Municipal Court (any of the abovementioned courts – all these courts are also receiving agencies within the meaning of Article 3(2)).

Article 7(2)(c)

The Slovak receiving agencies submit, on their own initiative, requests to domicile registries or other databases for information about addresses in cases where the address indicated in the request for service is not correct.

Article 8 – Transmission of documents

Slovak, Czech and English

Article 12 – Refusal to accept a document

n/a

Article 13 – Date of service

n/a

Article 14 – Certificate of service and copy of the document served

Slovak, Czech and English

Article 15 – Costs of service

Documents are generally served by the court that has received the request; however, in certain circumstances, the court may entrust the service of documents to a judicial officer and, if the officer entrusted by the court is a bailiff (súdny exekútor), service is subject to a fixed fee of EUR 10 per document served.

Article 17 – Service by diplomatic agents or consular officers

Slovakia opposes the service of court documents by diplomatic or consular agents, unless the documents are to be served on nationals of the Member State in which the documents originated.

Article 19 – Electronic service

Slovak law does not allow email to be used for the service of documents that have to be served in person. The documents concerned are as follows:

- Act 160/2015 (the Code of Civil Dispute Procedure [Civilný sporový poriadok – ‘CSP’]) requires the following documents to be served in person:

- orders by a court allowing a lawsuit to be amended if the parties concerned were not present at the hearing where the amendment was made (Section 142(2) CSP);
- lawsuits with annexes if the court has not dismissed the lawsuit or decided to discontinue the proceedings (Section 167(1) CSP);
- statements of defence if the defendant does not acknowledge the claim in full (Section 167(3) CSP);
- responses by the claimant to the defendant's statement of defence made under Section 167(3) (Section 167(4) CSP);
- summonses to the preliminary hearing of the dispute (Section 169(2) CSP);
- judgments (Section 223(1) CSP);
- payment orders with a lawsuit (Section 266(1) CSP);
- the defendant's objections opposing a payment order, which are served on the claimant (Section 267(5) CSP);
- orders under Section 273(c) CSP requiring the defendant to respond to the lawsuit in writing within the prescribed time-limit and to set out in that statement the key elements of their defence, to attach the documents they are relying on and to produce evidence to substantiate their claims, as laid down in Section 273(a) CSP;
 - Act 161/2015 (the Code of Non-Contentious Civil Procedure [Civilný mimosporový poriadok – 'CMP']) requires the following documents to be served in person:
 - orders initiating proceedings that are served on the parties if the proceedings were initiated of the court's own motion (Section 27 CMP);
 - amended motions to initiate proceedings if the parties were not present at the hearing where the amendment was made (Section 28 CMP);
 - orders taking a decision on the substance of the case (Section 45 CMP);
 - orders in proceedings for the return of a minor in the event of abduction or unauthorised retention, requiring the person who, according to the applicant, is violating a right to submit a written statement on the matter (Section 131(2));
 - notifications and instructions in inheritance proceedings issued to the persons who can reasonably be presumed to be the heirs regarding their inheritance rights and the possibility of refusing the inheritance, if the court did not issue the notifications and instructions orally on the record (Section 189(2) CMP);
 - notifications regarding an application for release of an object in proceedings opposing the release of an object deposited with a notary for the purposes of complying with a liability in cases under Section 335(a) or (b) or if the depositor has requested that the deposited object be released to him or her or to another person other than the beneficiary (Section 340 CMP);
 - notices inviting objections in proceedings confirming usucaption sent to the person who at the time when the proceedings are initiated is designated in the title deed as having ownership rights or rights in rem over the property involved in the proceedings confirming usucaption (Section 359g CMP).

Slovakia requires service of these documents to be confirmed by acknowledgement of receipt, which can only be done by the addressee.

Article 20 – Direct service

n/a

Article 22 – Defendant not entering an appearance

In accordance with Article 22(2), the Slovak Republic declares that, notwithstanding the provisions of Article 22(1), a court may give judgment even if no certificate of service or delivery has been received, if all the conditions laid down in this provision are fulfilled.

Article 29 – Relationship with agreements or arrangements between Member States

n/a

Article 33(2) – Notification on the early use of the decentralised IT-system

n/a

■ Last update: 26/07/2024

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