

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

Serving documents (recast)

Slovenia



Slovenia

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

The transmitting agencies are: the local courts (*okrajna sodišča*), the district courts (*okrožna sodišča*), the Labour and Social Affairs Court (*delovno in socialno sodišče*), the Administrative Court (*upravno sodišče*), the higher courts (*višja sodišča*), the Supreme Court (*Vrhovno sodišče*), the Constitutional Court (*Ustavno sodišče*) and the State Attorney's Office (*državno odvetništvo*).

Article 3(2) - Receiving agencies

The receiving agencies are the district courts.

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

When the receipt of documents comes under Article 5(4) of Regulation (EC) No 1206/2001, the documents are sent by post, including express delivery services and fax

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

The forms from Annex I can be submitted in Slovenian or English.

Article 4 - Central body

The central body for implementation of the Regulation is:

Ministry of Justice

Župančičeva 3

SLO-1000 Ljubljana

Tel.: (+386)1 369 53 94

Fax: (+386)1 369 52 33

Email: gp.mp@gov.si

Article 7 – Assistance in address enquiries

Slovenian bodies offer assistance in determining an address as follows:

(a) the transmitting agency sends a request to determine the address of a person to be served with a document to the district court (the receiving agency referred to in point 2 above).

Courts have access to the population register and are authorised on their own initiative or if so requested by a requesting court to acquire information on addresses, when an address stated in a request for service is inaccurate or unknown.

Article 8 – Transmission of documents

The forms from Annex A can be submitted in Slovenian or English.

Article 12 – Refusal to accept a document

Does not apply.

Article 13 – Date of service

Slovenian national legislation does not set a time limit for service of documents.

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

The forms from Annex K can be submitted in Slovenian or English.

Article 15 – Costs of service

As a rule, no payment is required for service of documents by the competent Slovenian court, with the exception of the costs of service by a detective or enforcement agent, if that method of service is requested by the party concerned. In that case the party proposing service pays the costs. According to the Rules on the serving of documents by detectives and enforcement agents in civil and criminal procedures (*Pravilnik o vročanju po detektivih in izvršiteljih v civilnih sodnih postopkih in v kazenskem postopku*), the current fee for service in person is 50 euros. Valued added tax is added to the fee for the serving agent, if the agent is liable for VAT. A serving agent is entitled to 20% of the fee for an unsuccessful service. Regardless of this, a court may set this percentage of the fee higher, though no more than 50%, if there are grounds to do so on the basis of the an extract from the records or other or relevant evidence. The serving agent is also entitled to reimbursement of transport costs.

Article 17 – Service by diplomatic agents or consular officers

Slovenia does not oppose the possibility of service through diplomatic or consular agents under the conditions laid down in Article 17(1).

Slovenia is opposed to the service of judicial documents on persons residing in Slovenia through diplomatic or consular agents of another Member State, except where the document is to be served on nationals of the Member State in which the document originates.

Article 19 – Electronic service

Slovenia does not lay down any additional conditions under which it would accept electronic service as referred to in Article 19(1)(b) of the Regulation.

Article 20 – Direct service

Direct service is not permitted under Slovenian legislation.

Article 22 – Defendant not entering an appearance

Notwithstanding Article 22(1) of the Regulation, a judge may issue judgment even if no certificate of service or delivery has been received, provided that the conditions set out in Article 22(2) of the Regulation are fulfilled.

In line with Article 22(4) of the Regulation, in Slovenia an application to restore a prior state may be filed within one year of the date the judgment was issued.

Article 29 – Relationship with agreements or arrangements between Member States

The Treaty between the Republic of Slovenia and the Republic of Croatia on Legal Assistance in Civil and Criminal Matters of 7 February 1994.

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

Does not apply.

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