

Automatic processing - Slovakia

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1 Is it possible to initiate court proceedings via the internet?

Court proceedings can be initiated via the internet, or, more precisely, claims and other submissions can be filed electronically, provided they feature a certified electronic signature.

2 If so, for what types of cases is it available? Are any proceedings available exclusively via the internet?

Electronic submission is available for all types of claims and for all submissions. If a submission in a case is made in electronic form without authorisation (a certified electronic signature), it must be delivered subsequently in paper form or in electronic form with a certified electronic signature within 10 days, otherwise the court will disregard the submission. The court does not explicitly invite the submitter to make a subsequent delivery.

In non-adversarial matters, a submission may be made to any district court, which is obliged to record the submission in its register and without delay forward it to the court having jurisdiction. Such a submission has the same effects as if it were filed with the court having jurisdiction.

3 Is the facility available at all times (i.e. 24 hours a day, 7 days a week) or just during specific hours? If so, what are those hours?

At all times.

4 Should the details of the claim be provided in any particular format?

No specific format is required; claims are judged by their contents. If a claim lacks a particular detail, the court will make a ruling asking the party to correct or supplement its claim within a period which must not be less than 10 days.

5 How is transmission and storage of data secured?

The conditions for storage and transmission of data are set out in Act No 543/2005, the processing and office rules for district courts, regional courts, the Special Court, and military courts, as amended (*zák. č. 543/2005 Z. z. v znení neskorších zmien doplnení – Spravovacom a kancelárskom poriadku pre okresné sudy, krajské sudy, Špeciálny súd a vojenské sudy*) (hereinafter referred to as "PaOR")

a) The procedure of accepting submissions via the internet with a certified electronic signature is governed by Act No 215/2002, on electronic signature and amending certain acts, as amended by Act 679/2004 (*zák. č. 215/2002 Z. z. o elektronickom podpise a o zmene a doplnení niektorých zákonov v znení zákona č. 679/2004 Z. z.*) and NBU Regulation No 542/2002, on the method and process of using electronic signatures in business and administrative relations (*vyhláška NBÚ č. 542/2002 z. z. o spôsobe a postupe používania elektronického podpisu v obchodnom*). A submission received in this way is forwarded to the mail room, which proceeds further pursuant to Section 129 PaOR. A court mail room uses a software application to maintain a record of submissions;

b) Submissions received without a certified electronic signature are immediately forwarded to the mail room, for it to proceed in line with Section 129 PaOR.

6 Is it necessary to use any kind of electronic signature and/or time record?

A submission that is made via the internet without a certified electronic signature must be delivered subsequently in paper form or in electronic form with a certified electronic signature within 10 days, otherwise the court will disregard it. If a submission features a certified electronic signature, it need not be supplemented. The exact time of the delivery of the submission is noted and recorded.

7 Are court fees payable? If so, how can they be paid and are they different to those for non-electronic procedures?

Yes, court fees are payable, for the making of a copy of the claim and its appendices that constitute the court file and of a copy of the claim and its appendices that are delivered to the parties if the claim was filed by electronic means and signed with a certified electronic signature pursuant to Act No 215/2002, on electronic signature and amending certain acts, as amended by Act 679/2004 and an NBU Regulation No 542/2002, on the method and process of using electronic signatures in business and administrative relations, of EUR 0.1 per page, but at least EUR 10 per submission that constitutes a claim or application for the initiation of proceedings, and its appendices, and at least EUR 3 for all other submissions and their appendices (item 20a of the Annex to Act No 71/1992, on court fees, as amended (*zákon č. 71/1992 Zb. o súdnych poplatkoch v znení neskorších zmien a doplnení*)).

8 Is it possible to withdraw a claim that has been initiated via the internet?

Yes, every submission may be withdrawn regardless of the method whereby it was filed – a withdrawal of a claim – in part or in full.

9 If the claimant initiates proceedings via the internet is it possible and/or compulsory for the defendant to respond using the internet as well?

The defendant has the option, but is not obliged to use it.

10 In terms of the electronic procedure what happens if the defendant responds to the claim?

The procedure applicable to electronic submissions is set out by Act No 543/2005, as amended, the administrative and office rules for district courts, regional courts, the Special Court, and military courts.

11 In terms of the electronic procedure what happens if the defendant does not respond to a claim?

The procedure applicable to electronic submissions is set out by Act No 543/2005, as amended, the administrative and office rules for district courts, regional courts, the Special Court, and military courts.

12 Is it possible to submit documents to a court electronically and if so in what type of proceedings and under what conditions is it possible?

Evidence constitutes any and all means whereby the state of the matter can be ascertained, a means of proof can be any means whereby the state of the matter can be ascertained. They are permitted in all types of procedure. Documents may be submitted to a court subject to the conditions set out in Section 125 of the Code of Civil Procedure (*Civilný sporový poriadok*).

13 Can judicial documents, and particularly judgments, be served via the internet?

Within the meaning of Section 105 of the Code of Civil Procedure, written documents can be served via the internet. A document from a court is deemed delivered on the fifth day after it is sent, even if the addressee has not read it.

Service via the internet is, however, excluded in the service of judgements, other court decisions, summons to proceedings and other written documents for which personal service is provided for by law. A judgement can only be served personally; service via the internet is impermissible.

14 Can judicial decisions be given electronically?

No. The handing down of a judgement is effected using computer technology, and a template with a pre-printed state coat of arms of the Slovak Republic and the following text: "Judgement in the name of the Slovak Republic". A written judgement is signed by the chair of the judicial panel or the judge sitting alone.

15 Can an appeal be made and its decision served via the internet?

An appeal may be submitted via the internet. If an appeal is submitted in electronic form without a certified electronic signature, it must be delivered subsequently in paper form or in electronic form with a certified electronic signature within 10 days. If the appellant does not do so, the submission will be disregarded. A decision on an appeal cannot be made via the internet; it must be made exclusively in paper form.

16 Is it possible to initiate enforcement proceedings via the internet?

An application for enforcement of a decision may be filed via the internet. If filed electronically without a certified electronic signature, it must be delivered subsequently in paper form or in electronic form with a certified electronic signature within 10 days. If the party fails to do so, the submission will be disregarded.

17 Can the parties or their legal representatives consult on-line cases? If so, how this can be done?

Parties and their legal representatives can consult case files solely in person, exclusively in the presence of a court staff member.

The website of the Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti Slovenskej republiky*) facilitates searches of a database of court decisions. Anyone can search and consult court decisions, being able to search a decision by its date of issue, issuing court, file number, form of decision, nature of decision, sphere of legal regulation, statutory provisions applied, and first name and surname of the judge or judicial official who issued the decision, or by searching according to the words used in the decision (so-called fulltext).

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