

Article 65(3) - Information on how to determine, in accordance with national law, the effects of the judgments referred to in Article 65(2) of the Regulation

1.) How can third-party notice (TPN) be described in general:

TPN ('litis denuntiatio') is a formal notification of a third person of a pending lawsuit. It can be combined with the invitation to this person to join the proceedings. The aim of this notice is to guarantee the rights and effects recognised under civil law for the plaintiff or defendant. The notifying party (a party to the lawsuit) transmits the notification to the court, which then serves it on the third person, who is free to decide whether to join in or not. Under Slovenian law, the court does not rule on whether a party's request for formal notification of a third person is justified. Even if the third person joins in they will not be a litigant and their relation to either party to the main proceedings cannot be decided upon in this litigation. The third person can support any party to the main proceedings. If the conditions are met, that person may join the proceedings as an intervener. By doing so they can contribute to winning the lawsuit and thus help to avoid subsequent (recourse) litigation against them or improve their position in such subsequent lawsuit. The third person may not submit a request for the termination of a lawsuit that has been instituted, for extension of time limits or for the postponement of a hearing.

2.) What are the main effects of judgments on persons who were given TPN:

TPN protects the notifying party from certain damage claims they might otherwise expect from the third person. A (third) person who was by way of TPN given the opportunity to influence the outcome of a lawsuit can, in principle, no longer raise damage claims based on deficient litigation of the notifying party. In addition, if subsequently recourse proceedings arise between the notifying party and a person who was notified of the main proceedings this person cannot hold out to the notifying party arguments or facts which are in contradiction with the substantial (factual) elements of the decision in the main proceeding.

3.) There is, however, no binding effect with regard to the legal assessment in the main proceedings.

4.) There is also no binding effect with regard to established facts which the third person was not able to challenge in the main proceedings e.g. because they were uncontested by the parties.

5.) TPN produces its effects irrespective of whether the third person did join in in the main proceedings or not.

6.) TPN does not affect the relation between the third person and the opponent of the notifying party except for the situation that the third person decided to join in on the side of his opponent.

Article 75 (a) – Names and contact details of the courts to which the applications are to be submitted pursuant to Articles 36(2), 45(4) and 47(1)

- in Slovenia: District Court

Article 75 (b) – Names and contact details of the courts with which an appeal against the decision on the application for refusal of enforcement is to be lodged pursuant to Article 49(2)

- in Slovenia: District Court

Article 75 (c) – Names and contact details of the courts with which any further appeal is to be lodged pursuant to Article 50

- in Slovenia: Supreme Court of the Republic of Slovenia

Article 75 (d) – Languages accepted for translations of the certificates concerning judgments, authentic instruments and court settlements

- in Slovenia: at the following courts, one of the languages of the national minorities is also accepted as an official language in addition to Slovenian:

Koper District Court: Italian;

Koper Local Court: Italian;

Piran Local Court: Italian;

Lendava Local Court: Hungarian.

Article 76(1)(a) – Rules of jurisdiction referred to in Articles 5(2) and 6(2) of the Regulation

- in Slovenia: Article 58 of the Private International Law and Procedure Act (*Zakon o mednarodnem zasebnem pravu in postopku*)

Article 76(1)(b) – Rules on third party notice referred to in Article 65 of the Regulation

- in Slovenia: Article 204 of the Civil Procedure Act (*Zakon o pravnem postopku*), which governs third-party notice

Article 76(1)(c) – Conventions referred to in Article 69 of the Regulation

the Treaty between the Federative People's Republic of Yugoslavia and the Republic of Austria on Mutual Judicial Cooperation, signed at Vienna on 16 December 1954,

the Convention between the Federative People's Republic of Yugoslavia and the Republic of Italy on Mutual Judicial Cooperation in Civil and Administrative Matters, signed at Rome on 3 December 1960,

the Convention between the Federative People's Republic of Yugoslavia and the Kingdom of Greece on Mutual Recognition and Enforcement of Judgments, signed at Athens on 18 June 1959;

the Convention between the Federative People's Republic of Yugoslavia and the People's Republic of Poland on Legal Assistance in Civil and Criminal Matters, signed at Warsaw on 6 February 1960,

the Treaty between the Socialist Federative Republic of Yugoslavia and the Czechoslovak Socialist Republic on Regulation of Legal Relations in Civil, Family and Criminal Matters, signed at Belgrade on 20 January 1964,

the Treaty between the Socialist Federative Republic of Yugoslavia and the Republic of Cyprus on Legal Assistance in Civil and Criminal Matters, signed at Nicosia on 19 September 1984,

the Agreement between the Federative People's Republic of Yugoslavia and the People's Republic of Bulgaria on Mutual Legal Assistance, signed at Sofia on 23 March 1956,

the Treaty between the Federative People's Republic of Yugoslavia and the Romanian People's Republic on Legal Assistance, signed at Belgrade on 18 October 1960 and its Protocol,

the Treaty between the Socialist Federative Republic of Yugoslavia and the Hungarian People's Republic on Mutual Legal Assistance, signed at Belgrade on 7 March 1968,

the Treaty between the Republic of Slovenia and the Republic of Croatia on Legal Assistance in Civil and Criminal Matters, signed at Zagreb on 7 February 1994,

the Convention between the Government of the Socialist Federative Republic of Yugoslavia and the Government of the Republic of France on the Recognition and Enforcement of Judgments in Civil and Commercial Matters, signed at Paris on 18 May 1971.

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