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## Costs

Slovenia

This page offers you information about the costs of justice in Slovenia. For a more in-depth analysis on the costs of proceedings, please consult the following case studies: Family law - Divorce Family law – custody of the children Family law – alimony Commercial law – contract Commercial law – responsibility

### Regulatory framework governing fees of legal professions

#### Attorneys

Attorneys' fees are regulated by the Attorney Fees Act (Official Gazette of the Republic of Slovenia 67/2008; 35/2009-ZOdv-C, valid from 1.1.2009 until 9.5.2009). This law applies until the **Slovenian Bar Association** adopts the new list of attorneys' fees, which must be approved by the Minister of Justice and Public Administration.

#### Notaries

Notaries' fees are regulated by the Notary Tariff (Official Gazette of the Republic of Slovenia 94/2008) adopted by the **Minister of Justice and Public Administration**. Before adoption, the Minister submits the tariff to the **Slovenian Chamber of Notaries** for preliminary remarks and opinions, which however do not legally bind the Minister.

#### Fixed costs

##### Fixed costs in civil proceedings

##### Fixed costs for litigants in civil proceedings

Fixed costs include:

court fees,  
attorneys' fees,  
experts' fees,  
translators' and interpreters' fees, as well as  
travel costs (e.g. those of witnesses and experts).

##### Stage of the civil proceeding where fixed costs must be paid

Court fees are usually paid at the **beginning of the proceeding** when the application has been filed.

In some cases, the fees are paid **when the court hands down a decision** (e.g. social matter disputes before first instance courts, land register proceedings, proceedings concerning first instance decisions on indemnities).

**In probate proceedings**, the fee is paid at the **end of the hearing** – once the exact estate of the deceased is known.

**Attorneys' fees** must be paid after the court issues an order on the costs of the proceeding. Attorneys may request that a portion or the full amount of their fees be **paid in advance**, which is common practice.

The party who suggests an **examination of the evidence** (e.g. by an expert or witness), or the use of the **service of a translator or interpreter** must pay these costs **in advance**.

##### Fixed costs in criminal proceedings

##### Fixed costs for litigants in criminal proceedings

Fixed costs include:

court fees,  
attorneys' fees (which depend on the number of hearings),  
experts' fees,  
translators' and interpreters' fees, as well as  
travel costs (e.g. those of witnesses and experts).

##### Stage of the criminal proceedings where fixed costs must be paid

Court fees and other costs are usually paid **after** the court has made a **final decision which is not subject to appeal or after the court has subsequently issued a special order on the costs of the proceedings which is not subject to appeal**.

Attorneys' fees should be paid after the court has issued an order on the costs of the proceedings. Attorneys may request that a portion or full amount of their fees be paid in advance, which is common practice.

##### Fixed costs in constitutional proceedings

##### Fixed costs for litigants in constitutional proceedings

There are **no court fees** in constitutional proceedings. Other costs (e.g. attorneys' fees and travel costs) constitute part of each party's own expenses.

##### Stage of the constitutional proceeding where fixed costs must be paid

Attorneys' fees should be paid at the end of the proceedings. They may request that a portion or full amount of their fees be paid in advance, which is common practice.

##### Prior information to be provided by legal representatives

##### Rights and obligations of the parties

Attorneys are not legally required to provide information on rights and obligations, chances of success and the costs involved. However, attorneys' requests for payment must be issued on a special invoice displaying information on fees and costs. When the attorney and the client agree that fees and costs will not be determined based on the **Attorney Fees Act** but rather according to a special agreement on the level of fees, the agreement must conform to specific rules.

##### Legal basis for costs

##### Where can I find information on the legal basis for costs in Slovenia?

Costs for judicial proceedings are regulated by the following legal texts:

**The Court Fees Act** – *Zakon o sodnih taksah* (Official Gazette of the Republic of Slovenia 37/2008),

**The Attorney Fees Act** – *Zakon o odvetniški tarifi* (an amendment is planned in the near future),

**The Notary Tariff** – *Notarska tarifa* (Official Gazette of the Republic of Slovenia 94/2008, 32/2011. A new amendment is planned shortly),

Rules on **court interpreters** – *Pravilnik o sodnih tolmačih* (Official Gazette of the Republic of Slovenia 49/2002, 75/2003, 71/2007),

Rules on **court experts and court appraisers** – *Pravilnik o sodnih izvedencih in cenilcih* (Official Gazette of the Republic of Slovenia 7/2002, 75/2003, 72/2005, 71/2007, 84/2008),

**The Criminal Procedure Act** – *Zakon o kazenskem postopku* (Official Gazette of the Republic of Slovenia 32/2012),

**Rules on the Recovery of Costs in Criminal Proceedings** – *Pravilnik o povrnitvi stroškov v kazenskem postopku* Official Gazette of the Republic of Slovenia 61/1997, 6897 - corr. 62/2008),

**The Civil Procedure Act** – *Zakon o pravdnem postopku* (Official Gazette of the Republic of Slovenia 73/2007 – official consolidated version, 45/08 - ZArbit, 45/08, 111/08 - Odl. US, 121/08 - Skl. US, 57/09 - Odl. US, 12/10 - Odl. US, 50/10 - Odl. US, 107/10 - Odl. US, 75/12 - Odl. US and 76/12 - corr.).

The above-mentioned texts can be found on Slovenia's online legal portal, the [Legal Information Centre](#), or from other national legislation registers.

**In what languages can I obtain information on the legal basis for costs in Slovenia?**

**Information is only available in Slovene.**

**Where can I find information on mediation?**

Information on mediation is available from the [EJN Civil Atlas](#) webpage on Alternative dispute resolutions.

Information can also be found on the website of the Ministry of Justice and Public Administration and on the websites of individual courts which provide court-based mediation (e.g. [District Court of Ljubljana](#)).

Further information can be also found on the websites of NGOs and private sector operators which are active in mediation (see pages on Mediation and on Find a Mediator).

**Where can I find additional information on costs?**

**Where can I find information on the average length of time that different procedures take?**

The section of the website of the [Ministry of Justice and Public Administration](#) on the **analysis of judicial statistics** contains information on the average length of time of different procedures.

**Value Added Tax**

**How is this information provided?**

Information about costs is published in different regulations; however, VAT is not usually included. When VAT must be added to the price (e.g. if an attorney's services are subject to VAT), the regulations usually state it.

**Legal aid**

**Applicable income threshold in the area of civil justice**

The income threshold applicable to legal aid is regulated by Article 13 of the **Free Legal Aid Act** – *Zakon o brezplačni pravni pomoči* (Official Gazette of the Republic of Slovenia 48/2001, 50/2004, 96/2004-UPB1, 23/2008).

People are entitled to legal aid if their families' financial status **prevents them from paying judicial costs without damaging their minimum level of subsistence**.

Their minimum level of subsistence is considered as threatened when the person's monthly income, or a family member's monthly average income, does not exceed twice the monthly minimum income provided for in the Social Security Act – *Zakon o socialnem varstvu* (Official Gazette of the Republic of Slovenia 3/2007-UPB2 {23/2007 corr., 41/2007 corr.}, 122/2007 Odl.US: U-I-11/07-45).

From 1 June 2012 the minimum income is EUR 260; the **income threshold for legal aid is therefore EUR 520**.

The court may also exempt parties from paying court fees (regulated by Article 11 of the **Court Fees Act**) if paying them would considerably reduce their and their families' minimum subsistence budget. The decision is left to the court's discretion after taking into account all relevant circumstances.

**Applicable income threshold in the area of criminal justice for defendants and for victims**

The applicable income threshold in the area of criminal justice for defendants and for victims is the same as in civil justice cases.

**Other conditions attached to the granting of legal aid for victims and for defendants**

There are no other conditions attached to the granting of legal aid neither for victims nor for defendants.

**Cost-free court proceedings**

The payment of court fees is **not necessary** in the following court proceedings:

proceedings before the Constitutional Court of Slovenia,

enforcement of court decisions in disputes relating to employment and other work-related issues,

proceedings where legal aid has been granted,

enforcement of alimony claims,

temporary injunctions during divorce proceedings or proceedings on alimony child support,

insolvency proceedings when started by the debtor,

certification of documents that are needed for the enforcement of social security rights in a foreign country,

various other proceedings and matters listed in the Court Fees Act and other regulations.

**When does the losing party have to pay the winning party's costs?**

The reimbursement of costs is regulated by the **Criminal Procedure Act** and the **Civil Procedure Act**, which establish the **principle of success** and the **principle of fault**.

In **civil proceedings**, the unsuccessful party must refund the costs incurred by the successful party. Each party must cover costs resulting from their own fault or by coincidence. More detailed rules on the reimbursement of costs are laid down in the Civil Procedure Act (Articles 151-186 and 173.a) and in the Rules on the Recovery of Costs in Criminal Proceedings (Official Gazette No 15/03).

In **criminal proceedings**, the court will generally rule that the defendant reimburses costs, if found guilty. The Criminal Procedure Act (Articles 92-99) and the special regulation issued by the **Minister for Justice and Public Administration** contain more detailed rules on the reimbursement of costs.

**Experts' fees**

In **civil proceedings**, experts' fees are, in principle, paid in advance by the party which requested that evidence by an expert be heard. If the court decides to hear the expert, the court will cover the costs in advance. These costs are then reimbursed at the end of the proceeding, according to the principle of success.

In **criminal proceedings**, experts' fees are paid in advance by the court.

**Translators' and interpreters' fees**

In **criminal proceedings**, the court pays the translators' and interpreters' fees **in advance**.

The costs of translation or interpretation into and from Italian and Hungarian are not chargeable on the basis of the Italian and Hungarian minorities' constitutional rights to use their own language (even where the persons concerned are required to reimburse other costs in a criminal proceeding).

The cost of translation and interpretation is not charged if the defendant cannot understand the language in which the proceeding is being conducted.

**In civil proceedings**, translators' and interpreters' fees form part of the cost of proceedings. These costs must be paid in advance by the party whose behaviour initiated the proceeding. At the end of the proceedings, the costs are reimbursed on the basis of the principle of success and the principle of fault.

#### **Slovenia's case studies**

More specific information on costs of proceedings in Slovenia is available through some concrete case studies.

#### **Related links**

[Slovenian Law System](#)

[Directory of District Court of Ljubljana](#)

[Directory of judicial statistics analysis](#)

#### **Related attachments**

[Slovenian's report of the Study on Transparency of Costs](#)  (723 Kb) 

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