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Slovak

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Costs

Slovakia

This page provides you with information about the costs of justice in Slovakia. 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 legal fees

Section 1 (2) of Act No 586/2003 on the legal profession and amending Act No 455/1991 on licensed trades, as amended, reads as follows:

“The practice of the legal profession means representation of clients before courts, governmental authorities and other legal entities, defence in criminal proceedings, provision of legal advice, the writing of instruments of legal acts, legal analyses, administration of clients’ property and other forms of legal advice and assistance, if carried out continuously and in return for a fee (hereinafter referred to as ‘legal services’).”

Lawyers

Lawyers’ fees are governed by an implementing decree of the Ministry of Justice of the Slovak Republic (No 655/2004 on lawyers’ fees and compensation for the provision of legal services) – an English version is available on the website of the [Slovak Bar Association](#).

A lawyer’s fee must be determined by agreement between the lawyer and his or her client (contract fee). The vast majority of all lawyers’ fees are agreed on a contractual basis, unless the law prescribes tariff fees. If the parties fail to reach agreement on the matter, the relevant provisions on tariff rates (the implementing decree on lawyers’ fees) are used to determine the amount. The tariff fee is determined by multiplying the basic rate by the number of acts or legal services that the lawyer has provided.

Bailiffs

Bailiffs do not exist in the Slovak Republic. However, execution functions are performed by enforcement officers under Act No 233/1995 on court officers and distraint activities (the ‘**Execution Procedure Act**’).

Fixed costs

Fixed costs in civil proceedings

Fixed costs for litigants in civil proceedings

All categories of fees are set out in the respective regulations, and are determined in various ways:

Court fees are governed by Act No 71/1992 on court fees and copies of entries in the criminal records, as amended (“Act on Court Fees”). The amount is fixed or given as a percentage, or a combination of the two (depending on the type of claim).

Enforcement officers’ fees are governed by Act No 233/1995 on court officers and distraint activities. The amount is determined as a tariff fee (a fixed amount or given as a percentage depending on the subject matter of execution) or a contract fee.

Lawyers’ fees are governed by Implementing Decree No 655/2004 on lawyers’ fees and compensation for the provision of legal services. The amount is determined as a tariff fee (a fixed fee for each legal service provided, depending on the value of the claim or its subject matter) or a contract fee.

Experts’ fees are governed by Implementing Decree No 491/2004 on fees and compensation of costs and lost time for experts, interpreters and translators. The amount is determined as a tariff fee (a fixed fee for each service, an hourly rate, or a percentage depending on the subject matter of the expert’s services) or a contract fee.

Witness compensation is governed by Act No 99/1963 **Code of Civil Procedure** and subsequently by Implementing Decree No 543/2005 on the administration and office rules of district courts, regional courts, the Special Court and military courts, Act No 311/2001 **Labour Code**, Act No 595/2003 on income tax and Act No 663/2007 on the minimum wage. The court decides on the refund of the necessary out-of-pocket expenses incurred and compensation for lost earnings (in line with the rules set out in the implementing decree on administration and office rules).

Translation/interpreting fees are governed by Implementing Decree No 491/2004 on fees and compensation of costs and lost time for experts, interpreters and translators. The amount is determined as a tariff fee (a fixed fee for each hour/page in the respective language or for the service provided by the translator/interpreter) or a contract fee.

Therefore, in the majority of potential civil proceedings, it is virtually impossible for anyone who is not a lawyer to determine the anticipated overall actual costs without professional advice.

However, a professional (especially a lawyer) can advise a client much more precisely as to the various costs to expect throughout the proceedings, based on the circumstances of the case. Where it is difficult to anticipate the outcome, the lawyer can also advise the client on anticipated costs associated with various possible outcomes, which will ultimately depend on the court’s consideration and discretion.

The various types of costs that may be incurred in civil proceedings are governed by specific regulations/laws. These contain different ways of calculating fees, which may be divided into two main categories: tariff fees and contract fees.

Stage of the civil proceeding where fixed costs for litigants must be paid

Under Act No 71/1992 on court fees and copies of entries in the criminal records, as amended, only the court fee must be paid before the hearing begins.

Under Act No 99/1963 (Code of Civil Procedure), in addition to court fees the costs of proceedings mainly include the out-of-pocket expenses of the litigants and their counsels. These include:

- loss of earnings by the litigants and their counsels,
- the costs of furnishing evidence (including experts’ fees),
- notaries’ compensation for services in their role as judicial commissioner, and their out-of-pocket expenses,
- compensation for the administrators/executors of inheritance and their out-of-pocket expenses,
- translation/interpreting fees,

fees for representation – if a litigant is represented by a licensed lawyer registered with the **Slovak Bar Association**.

These costs are usually paid after the court judgment has been rendered.

Furthermore, the costs of civil proceedings depend to a great extent on the case being heard and discretion of the court (mainly regarding the choice of evidence and which costs are to be refunded to the court or the other party). Therefore, it is difficult to foresee the actual costs before the proceedings.

Fixed costs in criminal proceedings

Fixed costs for parties in criminal proceedings

The court has the discretion to decide on costs in criminal proceedings once the final decision is rendered.

Stage of the criminal proceeding where fixed costs must be paid

Any costs incurred in criminal proceedings are paid after the judgment becomes final, since part of this judgment is the decision on the reimbursement of costs of proceedings (Act No 301/2005 **Code of Criminal Procedure**).

Fixed costs in constitutional proceedings

Fixed costs for parties in constitutional proceedings

In matters of representation before the **Slovak Constitutional Court** which cannot be expressed in money terms, the basic rate of the tariff fee for each individual legal service must be one sixth of the calculation base (Section 11 of Implementing Decree No 655/2004 on lawyers' fees and compensation for the provision of legal services).

Stage of the constitutional proceeding where fixed costs must be paid

A situation similar to that in civil and criminal proceedings applies in constitutional proceedings. Act No 99/1963 (**Code of Civil Procedure**) applies.

Prior information to be provided by counsels

Rights and obligations of the parties

Section 18 of Act No 586/2003 on the legal profession and amending Act No 455/1991 on licensed trades, as amended, lays down the following:

In practising law, each lawyer is obliged to protect and promote the client's rights and interests, and act in accordance with the client's instructions. Should the client's instructions contravene any legislation of general application, the lawyer is not bound by them and must inform the client of the matter in a suitable way.

In practising law, the lawyer is obliged to act fairly and honestly and with due professional care. He or she must consistently use all available legal means and knowledge to serve his or her clients' interest in the best possible way. The lawyer must ensure that her or his legal services serve their intended purpose and are rendered for reasonable fees.

In practising law, the lawyer must always act in accordance with the dignity of the legal profession and must not bring the legal profession into disrepute. The lawyer is thus obliged to follow the code of conduct and the Bar's internal rules and regulations.

Cost sources

In what languages can I obtain information on cost sources in Slovakia?

The above laws on costs are published in the Collection of Legislative Acts in Slovak (under Section 8 of **the National Council of the Slovak Republic Act No 1 /1993**).

Where can I find information about mediation?

Mediation is governed by Act No 420/2004 on **mediation**.

Where can I find additional information on costs?

Available website on costs

Information about costs is available at the **IGNUM** website, which contains legislation of general application, as well as current and former Slovak rules and regulation. The website is hosted by the **Ministry of Justice of the Slovak Republic**.

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

You can find this information in the statistical yearbook of the **Ministry of Justice of the Slovak Republic**.

Where can I find information on the average aggregate cost of a particular proceeding?

Information on average costs and fees is difficult to determine due to the following:

There is no published statistical information.

The relevant Slovak legislation is relatively flexible and almost always provides the option of determining a contract fee/compensation – influenced by the region and the reputation of the law firm and other persons providing services related to court proceedings. Furthermore, and even more importantly, the case itself and its complexity, the amount of evidence needed and the duration of the proceedings have a considerable impact.

In addition, even the amount of tariff fees (which may be awarded at the end of the proceedings only, in the form of costs of proceedings, depending on the outcome of the case and the court's discretion) is related to the court proceedings, the quantity of the services provided and various other factors. Since it is not possible to determine the average workload involved in a legal dispute, it is not feasible to determine the average costs of proceedings.

Value-Added Tax

How is this information provided?

If the enforcement officer is registered as a VAT payer, VAT will be added to his or her calculated income and costs (under Section 196 of Act No 233/1995 on court officers and distraint activities).

If the lawyer is registered as a VAT payer his or her income and costs calculated under this provision will include VAT (Section 18 (3) of the **Ministry of Justice Implementing Decree of No 655/2004** on lawyers' fees and compensation for the provision of legal services).

If the expert, interpreter or translator is registered as a VAT payer the fees calculated will be inclusive of VAT (Section 16 (2) of the **Ministry of Justice Implementing Decree No 491/2004** on fees and compensation of costs and lost time for experts, interpreters and translators).

What are the applicable rates?

VAT is not applicable to court fees (Act No 71/1992 on court fees and copies of entries in the criminal records, as amended). However, it applies to mediation fees, since the performance of the mediating activity is a business activity, and to arbitration fees at the 20% rate, providing that the person collecting the fee is registered as a VAT payer.

Legal aid

Applicable income threshold in the area of civil justice

This threshold is governed by Section 4(i) of Act No 327/2005 on the provision of legal aid to people in material need and amending Act No 586/2003 on the legal profession and amending Act No 455/1991 on licensed trades (the Trading Act), as amended, as amended by Act No 8/2005.

The relevant part reads: "A natural person is deemed to be in material need if he or she is in receipt of allowances or benefits in material need, 1e) or if his or her income is equal to or lower than 1.6 times the amount of the subsistence minimum 2) and if the natural person does not have the means allowing him or her to pay for legal services". (EUR 311.30)

Applicable income threshold in the area of criminal justice for defendants

The income threshold for defendants wishing to be assisted by an *ex officio* counsel in the area of criminal justice is not laid down. The **Code of Criminal Procedure** (Sections 37 and 38) provides for the circumstances in which defence is mandatory:

The accused must have a defence counsel during pre-trial proceedings if he or she:

- is remanded in custody, is serving a sentence of imprisonment or is being held for observation at a medical institution,
- is deprived of legal capacity or has restricted legal capacity,
- is charged with a particularly serious offence,
- is a juvenile,
- is a fugitive from justice.

Counsel is also mandatory if the court, or the prosecutor or police officer in the pre-trial proceedings deem this necessary primarily because they have doubts as to whether the accused is capable of defending himself/herself properly.

A defence counsel is also mandatory in extradition proceedings and in proceedings involving the imposition of protective treatment, except for alcohol abuse treatment.

Section 38 of the Code of Criminal Procedure provides that:

A defence counsel is mandatory in enforcement proceedings in which the court decides in an open court hearing, if the convicted person:

- is deprived of legal capacity or has restricted legal capacity,
- is a juvenile released on parole who, at the time of the open court hearing, is younger than 18 years,
- is remanded in custody,
- there are doubts as to his or her ability to defend himself/herself properly.

The convicted person must have a defence counsel in proceedings on extraordinary remedies if:

- cases under Section 37 (1) (a), (b) or (c) are involved,
- a juvenile – at the time of the open court hearing on the extraordinary remedy – is younger than 18 years,
- there are doubts as to his or her ability to defend himself/herself properly,
- the proceedings are conducted against a convicted person posthumously.

Applicable income threshold in the area of criminal justice for victims

Under Section 558 (1) of the Code of Criminal Procedure, the court decides on the compensation of costs for the injured party after the judgment becomes final.

Other conditions attached to the granting of legal aid to victims

All conditions are set out in Act No 301/2005 Code of Criminal Procedure.

Gratuitous court proceedings

There are **two types of exemption from court fees** (Section 4 of the Slovak National Council Act No 71/1992 on court fees and copies of entries in the criminal records, as amended). Exemption from court fees applies to the following:

specific types of proceedings (care of minors, lack of activity or illegal interference by administrative bodies, mutual alimony duty between parents and children), or

specific types of persons (the applicant in proceedings on compensation for injury caused by a work accident or occupational disease; in proceedings declaring termination of employment to be illegal, etc.). If the court rules in favour of the application, the defendant is obliged to pay the respective court fee or a portion determined by the court, unless he or she is also exempt from the fee.

Under Section 138 of the Code of Civil Procedure, the court also has discretion to award full or partial exemption from court fees to a party if this is justified by the situation of the party, and provided the claim is not frivolous and provided the party is not exercising or defending a right clearly without hope of success. However, the court may withdraw the awarded exemption at any time during the proceedings.

Under Act No 327/2005 on the provision of legal aid for people in material need (or the law on legal aid), **legal aid** means the provision of legal services to a person entitled to aid under this Act when asserting his/her rights, mainly in the form of:

- legal advice,
- assistance with out-of-court proceedings,
- drawing up of submissions to the courts,
- representation in court proceedings,
- performance of the acts related thereto, as well as
- payment in full or in part of the associated costs.

Nevertheless, where the person concerned meets the requirements for the provision of legal aid, he or she is likely also to be exempt from payment of the costs of proceedings (including the court fees). There is no express provision laying down whether a person entitled to legal aid is also exempt from court fees. However, it is very likely that the court would grant such an exemption.

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

Civil proceedings: under Section 142 of the Code of Civil Procedure

A person may apply to the competent court for a full or partial exemption from court fees. The court may, on its own motion, award the (fully) successful party the costs necessarily incurred in the proceedings (including court fees). **In the case of partial success**, the court will award a portion of the costs of proceedings to each of the parties, and also may rule that none of the parties has the right to compensation for the costs of proceedings. However, the court may award the partially successful party full compensation for the costs of proceedings if the decision on the amount of the payments imposed to be made by such party depended on an expert opinion or the court's discretion, or if the lack of success is related to a relatively negligible part of the proceedings.

Criminal proceedings: under Section 557 of the Code of Criminal Procedure

If at least a part of the costs of proceedings was awarded to the victim, the convicted person is obliged to reimburse the victim for the costs necessarily incurred in the proceedings, including the costs of representation when defence is mandatory.

Even if the victim has not been awarded costs as above, the court may award the costs of proceedings in full or in part to the victim on the basis at the victim's instigation and taking into account the circumstances of the case.

Experts' fees

The Ministry of Justice Implementing Decree No 491/2004 on fees and compensation of costs and lost time for experts, interpreters and translators lays down the amounts of expert fees. The list of experts, managed by the **Ministry of Justice of the Slovak Republic**, is accessible to the public on its website. An expert is added to the list when the applicant has met all requirements (under the implementing decree on fees for experts, interpreters and translators). The expert's fee must be **determined by agreement between the expert and the client** (contract fee). If the parties fail to reach agreement, the relevant provisions on tariff rates must be used to determine the fee.

It is noted that VAT applies only to the contract fee, provided that the translator/interpreter is registered as a VAT payer.

The tariff fees are determined on the basis of:

the number of hours spent,

as a percentage of the initial value of the amount at stake in the case,

a flat fee based on the amount at stake in the case and the number of services provided.

Slovakia's case studies

More specific information on the costs of proceedings in Slovakia is available in some specific case studies.

Related annexes

[The Slovak report on the Study on Transparency of Costs](#)  (872 Kb) 

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