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Brussels IIb Regulation - Matrimonial matters and matters of parental responsibility (recast)

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Slovenia

Article 103 (1) (a) (1st part) – Public authorities or other authorities authorized to establish an authentic instrument referred to in point (2)(b) of Article 2(2), and public authorities authorized to register an agreement referred to in point (3) of Article 2(2)

— the authority or other body empowered to certify the drawing up and registration of the authentic instrument referred to in Article 2(2)(2)(b) is: a notary (only for cases of divorce by mutual consent before a notary where the authentic instrument concerns the divorce of spouses without minor children by mutual consent)

Article 103 (1) (a) (2nd part) – Administrative authorities granting legal aid referred to in Article 74(2)

— the administrative authority with competence to grant legal aid as referred to in Article 74(2) is: the Ministry of Justice

Article 103 (1) (b) (1st part) – Courts competent to issue certificates for a decision pursuant to Article 36(1), and courts and authorities competent to issue a certificate for an authentic instrument or agreement referred to in Article 66

— the courts or authorities competent to issue a certificate pursuant to Article 36(1) are: the district courts (*okrožna sodišča*)

— the courts or authorities competent to issue a certificate pursuant to Article 66 are:

notaries (only for cases of divorce by mutual consent before a notary where the authentic instrument concerns the divorce of spouses without minor children by mutual consent)

Article 103 (1) (b) (2nd part) – Courts competent to rectify certificates referred to in Article 37(1), Article 48(1), and courts competent to issue a certificate specifying that the lack or limitation of a certified decision referred to in Article 49; and courts and authorities competent to rectify the certificate, issued under Article 66(1), referred to in Article 67(1);

— the courts competent to rectify the certificates referred to in Article 37(1) are: the district courts

— the courts competent to rectify the certificates referred to in Article 48(1) are: the district courts

— the courts competent to issue a certificate of non-enforceability or limitation of the enforceability of a decision (Article 49) are: the district courts

— the courts or authorities competent to rectify the certificate referred to in Article 66(1), in conjunction with Article 67(1), are:

notaries (only for cases of divorce by mutual consent before a notary where the authentic instrument concerns the divorce of spouses without minor children by mutual consent)

Article 103 (1) (c) – Courts competent for recognition of a decision (Article 30(3)) and for the refusal of recognition (Article 40(2)), as well as the courts and authorities competent for refusal of enforcement, for challenge or appeal, and for further challenge or appeal referred to in 58(1), 61(2) and 62

— the courts competent to recognise a decision (Article 30(3)) are: the district courts

— the courts competent to refuse to recognise a decision (Article 40(1)) are: the district courts

— the courts or authorities competent to refuse to enforce a decision (Article 58(1)) are: the district courts

— the courts or authorities competent to hear a challenge of a decision on an application for refusal of enforcement of a decision, or to hear an appeal, (Article 61(2)) are: the district courts

— the courts or authorities competent to hear any further appeal (Article 62) are: the Supreme Court (*vrhovno sodišče*)

Article 103 (1) (d) – Authorities competent for enforcement referred to in Article 52

— the authorities competent to enforce a decision (Article 52) are: the local courts (*okrajna sodišča*)

Article 103 (1) (e) – Redress procedures against a decision on the application for refusal of enforcement referred to in Articles 61 and 62

— the redress procedure referred to in Article 61 (challenge or appeal)

A procedure for enforcing a foreign decision, a foreign settlement or a foreign authentic instrument in Slovenia which does not also include a recognition and enforcement procedure, and where the debtor or interested party may file a motion for the court to refuse recognition, to rule that no grounds exist for rejecting recognition or to reject the enforcement of a foreign decision, takes place before a district court.

The party must set out the facts supporting its motion and provide evidence, otherwise the request is deemed unfounded.

Before issuing a decision, the court serves a copy of the complete, admissible and reasoned motion on the respondent, who has 30 days from the date of service in which to respond.

The court adjudicates in a panel of three judges.

If the decision depends on the facts at issue, the court adjudicates after a hearing has taken place.

— the redress procedure referred to in Article 62 (further challenge or appeal)

An appeal may be lodged against the (district) court's decision. If such an appeal is lodged, it is ruled on by the Supreme Court of the Republic of Slovenia.

The appeal is to be lodged within 30 days of the date on which the decision of the court of first instance was served.

The time limit for replying to an appeal is 30 days from the date on which the appeal was served.

The procedure is governed, *mutatis mutandis*, by the provisions of the law governing private international law and procedure and the procedure for the recognition and enforcement of foreign court judgments, unless otherwise provided in the Regulation or the relevant provision of national law.

Article 103 (1) (f) – Names, addresses and means of communication for the Central Authorities designated to assist with the application of the Regulation in matters of parental responsibility. In case more than one Central Authority is designated, geographical and functional jurisdiction of each Central Authority to be indicated as referred to in Article 76

Ministry of Labour, Family, Social Affairs and Equal Opportunities (*Ministrstvo za delo, družino, socialne zadeve in enake možnosti*)

Štukljeva cesta 44

1000 Ljubljana

<https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-delo-druzino-socialne-zadeve-in-enake-moznosti/>

Means of communication: e-mail and telephone (tel.: +386 1 369 75 00 / +386 1 369 77 00; e-mail: gp.mdds@gov.si) - preferred means of communication: e-mail

Article 103 (1) (g) – If applicable, categories of close relatives, in addition to parents, with which the child may be placed within the territory of a Member State, without the prior consent of that Member State as referred to in Article 82

In order to ensure the best interests of the child, including in the case of placement with close relatives in accordance with Article 82, the circumstances of the placement are to be examined on a case-by-case basis, following which consent or an opinion is to be issued.

Article 103 (1) (h) – Languages of the institutions of the European Union other than the own language of a Member State, in which communications to its Central Authorities can be accepted as referred to in Article 91(3))

Communications to the Central Authority may be sent in Slovenian and English.

Article 103 (1) (i) – Languages accepted for the translations of requests and accompanying documents sent under Articles 80, 81, 82, and of the free text fields of the certificates as referred to in Article 91(2)

At the following courts in Slovenia, 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.

Communications to the Central Authority may be sent in Slovenian and English.

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