How to bring a case to court

Having determined which court, in which Member State, is competent to hear a case, what happens next?

If you wish to bring a case to court, you should bear in mind that there are certain national procedural rules to be followed. These vary depending on the way in which a case is referred to court, but their essential purpose is to help you to present the relevant matters of fact and law in a sufficiently clear and complete manner to allow the court to assess the admissibility and the merits of your case.

The ways in which a case is referred to court vary from one Member State to another. There are also variations within a Member State depending on the nature and circumstances of the application and the type of court. Referral to some courts for particular types of cases may require you to fill in a form or to assemble a whole file on the case. In some cases, it can be done orally.

These variations are explained by the fact that the disputes brought before the courts are also very diverse: by their nature they may be more or less difficult to resolve. It is very important to ensure that nothing is missing, to facilitate the work of the judge, allow the other party to defend itself properly and ensure that the whole procedure goes smoothly.

Please select the relevant country's flag to obtain detailed national information.

When you are involved in litigation in a case where not all the facts of the case are connected with the same country you should check which law will be applied by the court in making a decision.

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How to bring a case to court - Belgium

1 Do I have to go to court or is there another alternative?

In some cases it is better to make use of the 'Alternative dispute resolution scheme' (see the relevant information pack).

2 Is there any time limit to bring a court action?

The deadlines for bringing a case before the court differ depending on the case. Questions about deadlines can be answered by a lawyer or by a department that provides citizens with information about access to justice.

3 Should I go to a court in this Member State?

See information pack 'Jurisdiction of the courts'

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See information pack 'Jurisdiction of the courts – Belgium'

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See information pack 'Jurisdiction of the courts – Belgium'

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

In principle, parties must appear in person or must be represented by a lawyer, pursuant to Section 728(1) of the Belgian Judicial Code (*Gerechtelijk Wetboek*).

With the exception of proceedings before the Court of Cassation (*Hof van Cassatie*) (Sections 478 and 1080 of the Judicial Code), parties can therefore appear in person before the ordinary courts and present their statement and defence themselves. However, the court is permitted to take away this option if it finds that they cannot discuss their case properly or completely as a result of their temper or inexperience (Section 758 of the Judicial Code).

Parties who decide not to bring proceedings before the court in person can engage the services of a lawyer.

The Judicial Code reserves the representation of parties before courts in principle for lawyers. Section 440 of the Judicial Code stipulates that the prerogatives of monopoly on representation relate to the right to address the court, to appear and to be defended by a third party. The members of the bar also have a monopoly to sign unilateral applications, unless otherwise determined by law (Section 1026(5) of the Judicial Code).

At the Court of Cassation, the intervention of a lawyer having the title of advocate of the Court of Cassation is a legal requirement. This requirement does not apply to the civil party in criminal matters (Section 478 of the Judicial Code).

However, the law does provide a number of exceptions to the principle of Section 728 of the Judicial Code, which stipulates that parties shall appear in person or shall be represented by a lawyer when proceedings are instituted and thereafter (Section 728(1) and (2) of the Judicial Code).

The right to represent a party in proceedings also includes the right to institute the proceedings.

In the case of the civil magistrate, the business court and the labour tribunals, parties can be represented not only by a lawyer but also by their spouse or by a blood relative or a relative by marriage who has written power of attorney and is accepted by the court (Section 728(2) of the Judicial Code).

In the case of the labour tribunals (Section 728(3) of the Judicial Code):

the employee (blue-collar or white-collar worker) is represented by the delegate of a representative employees' organisation (trade union representative) who is in possession of a written power of attorney. The trade union representative can perform all actions that form part of this representation in the name of the employee, can address the court and can receive all communications with regard to the handling and adjudication of the dispute;

self-employed people can also be represented by the delegate of a representative organisation of self-employed people in disputes relating to their own rights and obligations in this capacity or in the capacity of disabled persons;

in disputes relating to the application of the law of 7 August 1974 implementing the right to a minimum subsistence level and in disputes relating to the application of the Organic Law of 8 July 1976 on Public Social Welfare Centres (*openbare centra voor maatschappelijk welzijn* – OCMW), the interested party can also be assisted or represented by a delegate from a social organisation that represents the interests of the people referred to in the legislation.

Legal entities, such as trading companies, are only permitted to appear in person (i.e. through the intervention of the competent bodies) or be represented by a lawyer. They are not permitted to make use of the exception explained in more detail below, which is provided for in Section 728(2) of the Judicial Code.

In addition to the exceptions cited, there are a number of statutory exceptions relating to the custody and abduction of children.

This relates more particularly to cases brought on the grounds of:

the Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction, providing for the return of the child, observance of the right to custody or parental access or the organisation of parental access rights granted in another country and

the European Convention of 20 May 1980 on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children.
In these cases the claimant can be represented by the public prosecutor's office (Section 1322quinquies of the Judicial Code) when this claimant has applied to the central authority.
The procedure for determining whether someone can bring proceedings alone, or whether the assistance of a lawyer is required, was described in general terms above. A distinction must also be made according to the manner in which an action can be brought.
Belgian law provides various ways of bringing proceedings before the court. An action can be brought by summons, by voluntary appearance, by an *inter partes* application or by unilateral application (see below). An action is brought by filing an application, i.e. a legal action to defend one's rights.
In principle, an action is brought by the serving of a court bailiff's notification, with a party being summoned to appear (Section 700 of the Judicial Code). The voluntary appearance, the *inter partes* application and the unilateral application are exceptions to this general principle.
The tables below show who performs the actions and whether representation by a lawyer is required, depending on the manner in which an action is brought.

Author of the act depending on the manner in which the action is brought:	
Manner in which the action is brought	**Author of the act**
Summons (Sections 727 to 730 inclusive of the Judicial Code).	The applicant (or its lawyer) asks the court bailiff to serve the summons.
Voluntary appearance (Section 706 of the Judicial Code).	The parties involved in the dispute (or their lawyers) present themselves to the court.
Inter partes application (Sections 1034bis to 1034sexies inclusive of the Judicial Code).	The applicant (or its lawyer) brings the action itself.
Unilateral application (Sections 1025 to 1034 inclusive of the Judicial Code).	Apart from in the exceptional cases specifically provided for by law, the intervention of a lawyer is mandatory for the signing and filing of the application (Sections 1026(5) and 1027, first sentence of the Judicial Code).

Representation by a lawyer or not, depending on the manner in which an action is brought:	
Manner in which the action is brought	**Representation by a lawyer**
Summons (Sections 727 to 730 inclusive of the Judicial Code).	Intervention possible but not compulsory.
Voluntary appearance (Section 706 of the Judicial Code).	Intervention possible but not compulsory.
Inter partes application (Sections 1034bis to 1034sexies inclusive of the Judicial Code).	Intervention possible but not compulsory.
Unilateral application (Sections 1025 to 1034 inclusive of the Judicial Code).	Apart from in the exceptional cases specifically provided for by law, the intervention of a lawyer is mandatory for the signing and filing of the application (Sections 1026(5) and 1027, first sentence of the Judicial Code).

The contents of the action depending on the manner in which it is brought:
The usual way of bringing an action is by way of a summons; there is no restriction as regards the subject matter.
The *inter partes* application (Sections 1034bis to 1034sexies inclusive of the Judicial Code) can be used in a number of cases laid down by the law. The most significant provisions in the instituting of proceedings by an *inter partes* application are Sections 704, 813, 1056(2), 1193bis, 1239, 1253ter, 1254, 1320, 1344bis, 1371bis and 1454, second sentence of the Judicial Code and Sections 331, 331bis and 340f of the Civil Code (*Burgerlijk Wetboek*).
These sections relate, in particular, to:
voluntary intervention;
appeal;
particular sales of immoveable property;
maintenance (applications to grant, increase, reduce or abolish maintenance);
applications relating to leases / tenancy agreements;
the protection of persons;
actions relating to the rights and obligations arising from family relationships;
divorce;
provisional budget for attachments.
The actions are brought by an application filed with the court registrar or sent by recorded delivery to the court registry. The parties are summoned by the court registrar to appear on a day set for the hearing by the judge.
The unilateral application (Sections 1025 to 1034 inclusive of the Judicial Code) can only be used in the cases specifically laid down by law, in particular in Sections 584, 585, 588, 594, 606, 708, 1149, 1168, 1177, 1186 to 1189 inclusive, 1192 and 1195 of the Judicial Code. It is also used in cases where adversarial proceedings cannot be brought because there is no opposing party.
The unilateral application is therefore mainly used for unilateral proceedings, for example in cases of absolute need.
The unilateral application must be signed by a lawyer, unless the law stipulates otherwise, otherwise it will be void.
Consequently, representation by a lawyer is compulsory in principle in order to bring an action in the case of a unilateral application.
Where the dispute relates to a subject that falls under the jurisdiction of these courts, the parties can voluntarily present themselves for the purposes of voluntary appearance before the following courts:
the court of first instance;
the labour tribunal;
the business court;
the civil magistrate or
the police court, for civil actions.
In the case of voluntary appearance, the parties requesting a decision shall sign their declaration at the bottom of a record drawn up by the court.
All contentious disputes can be brought before the competent court in this cost-saving and time-saving manner.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Anyone wishing to bring an action before the court can contact the reception office or the registry of this court.
Where the document instituting the proceedings is a summons, the bailiff will ensure that the writ is served and will ask the court registry to register it in the cause list following submission of the original or, if appropriate, the copy of the summons served (Section 718 of the Judicial Code). The court registry keeps

a register (the cause list) for all the cases. Entry on the cause list is only valid if it takes place no later than the day before the day set for the hearing in respect of which the summons was served. The general cause list is public (Section 719 of the Judicial Code). Respondents can therefore check whether the matter for which they have been summoned has been entered on the general cause list.
In the case of voluntary appearance, the parties or their lawyers ask the court registry to enter the case on the cause list.
The *inter partes* application is submitted, in as many copies as there are interested parties, to the court registry or sent to the court registrar by recorded delivery by the applicant or its lawyer (Section 1034quinquies of the Judicial Code).
A unilateral application is addressed in duplicate by the lawyer to the court that is being called upon to make a decision on the application. It is also filed with the court registry (Section 1027 of the Judicial Code).

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

When it comes to the use of languages, reference must be made to the Act of 15 June 1935 on the use of languages in judicial matters (*wet van 15 juni 1935 op het gebruik de talen in gerechtszaken*) (published in the Moniteur belge/Belgisch Staatsblad on 22 June 1935). This act governs the use of languages in Belgium's civil and business courts.
In principle, the language is determined by the geographical location of the competent court. Pursuant to Section 42 of the Act, there are three linguistic regions: the French, the Dutch and the German linguistic regions. There is also the bilingual conurbation of Brussels (French/Dutch) which, for the purposes of the application of the law, includes the following municipalities: Anderlecht, Auderghem, Berchem-Sainte-Agathe, Brussels, Etterbeek, Evere, Forest, Ganshoren, Ixelles, Jette, Koekelberg, Molenbeek-Saint-Jean, Saint-Gilles, Saint-Josse-ten-Noode, Schaerbeek, Uccle, Watermael-Boitsfort, Woluwé-Saint-Lambert and Woluwé-Saint-Pierre.
Under certain circumstances, a matter can, however, be referred to a court that uses a different procedural language. Under certain conditions, a change of procedural language may be requested, in principle at the start of the proceedings.
The wording of the claim: a claim which is submitted by summons, by *inter partes* application or by unilateral application must be drawn up in writing and must comply with specific procedural requirements. Once the matter has been entered in the general cause list of a court, the court registrar opens a procedural file. The procedural file is sent to the court before which the action is being brought; where this is an appeal to a court of second instance or where it involves the Court of Cassation, it is also sent to the registry of the higher court.
It is currently not possible to bring an action by fax or e-mail.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The law does not provide for pre-printed forms to institute proceedings. However, an action must include a number of items of information; if these are not included, the action will be null and void by operation of law.
A writ of summons, an *inter partes* application and a unilateral application must comply with a number of statutory requirements set out in the Judicial Code, otherwise they will be null and void. These elements, which must be included, relate mainly to personal information about the parties involved, the subject of the application, the designation of the competent court and the date of the court hearing.
The writ of summons should therefore include, inter alia, the following information (Sections 43 and 702 of the Judicial Code):
the signature of the court bailiff;
the surname, first names and residence of the applicant and, where appropriate, the applicant's national register or company number;
the surname, first names and residence or, where there is no permanent residence, the current address of the person on whom the summons is served;
the subject matter and a brief summary of the arguments of the action;
the court before which the action is being brought;
the day, month, year and place where the writ was served and
details of the place, date and time of the court hearing.
The *inter partes* application (Section 1034ter of the Judicial Code) shall include:
the day, month and year;
the surname, first name and place of residence of the applicant and, where appropriate, the applicant's title and national register or company number;
the surname, first name, place of residence and, where appropriate, title of the person on whom the summons is to be served;
the subject matter and a brief summary of the arguments of the action;
the court before which the action is being brought;
the signature of the applicant or its lawyer.
A unilateral application must contain the following information (Section 1026 of the Judicial Code):
the day, month and year;
the surname, first name and place of residence of the applicant and, where appropriate, the applicant's title and national register or company number;
the subject matter and a brief outline of the arguments of the action;
the designation of the court that is to hear the action;
the signature of the party's lawyer, unless otherwise provided for by law.
In the case of voluntary appearance at first instance (at the court of first instance, the labour tribunal, the business court, the civil magistrate's court or the police court with regard to civil actions), the action can be brought by means of a joint application by the parties. They must sign and date the bottom of this application, otherwise it will be null and void. The application is filed with the court registrar or sent by recorded delivery to the court registry. The act of filing the application with the court registrar or sending it by recorded delivery is regarded as service. The application is entered on the cause list after the register duties have been paid, where applicable. If the parties or one of the parties make(s) a request to this effect, or if the court deems it necessary, the court will set a date for a court hearing that is within 15 days of the application being filed. The court registrar will then summon the parties and, where applicable, their lawyers by ordinary letter to appear at the sitting decided on by the court (Section 706 of the Judicial Code).

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

There are indeed charges to be paid to the court.
When the application is filed, the applicant has to pay the contribution referred to in Section 4(2) of the Act of 19 March 2017 establishing a budget fund for second-line legal aid (*Wet van 19 maart 2017 tot instelling van een begrotingsfonds voor tweedelijnsrechtsbijstand*), which currently amounts to €20.
During the proceedings, the parties have to pay certain costs relating to the proceedings, which depend on the procedures decided on by the court (investigative measures, experts' fees and costs, travel costs, etc.).
After the proceedings the court will order the losing party or, in the absence thereof, the claimant to pay the planning fee, the amount of which varies from case to case. These amounts are set out as follows in Section 2691 of the Registration, Mortgage and Court Fees Code (*Wetboek der registratie-, hypotheek- en griffierechten*):
civil magistrate's courts and police courts: a fee of €50;

courts of first instance and business courts: a fee of €165;
appeal courts: a fee of €400;
Court of Cassation: a fee of €650.
Certain cases are exempt from the planning fee, in particular those that fall under the jurisdiction of the labour tribunals and those relating to bankruptcy and judicial reorganisation.
Furthermore, the costs will be charged, in principle, to the losing party in the final decision, where appropriate as a matter of course, in accordance with Section 1017 of the Judicial Code. These costs have to be paid or refunded to the other party. The costs relating to the proceedings comprise (Section 1018 of the Judicial Code):
the various court registry and registration fees, as well as the stamp duties paid prior to the repeal of the Stamp Duties Code (*Wetboek der zegelrechten*);
the price and the emoluments and remuneration associated with judicial documents;
the price for delivery of the judgment;
the expenses relating to all investigative measures, including witnesses' and experts' fees;
the travel and accommodation costs of magistrates, court registrars and the parties, if they have been ordered to travel by the court, and the costs of the documents, if these have been drawn up solely for the purposes of the proceedings;
the statutorily prescribed contribution towards the other party's legal representation costs, as stipulated in Section 1022;
the fees, emoluments and charges of the mediator designated in accordance with Section 1734;
the contribution referred to in Section 4(2) of the Act of 19 March 2017 establishing a budget fund for second-line legal aid. The lawyer's fees and charges are not included in the court costs as such. These are agreed between the lawyer and client. Each party shall therefore pay the fees and charges of its lawyer.
The losing party is obliged to pay a statutorily prescribed contribution towards the other party's legal representation costs (Sections 1018 and 1022 of the Judicial Code). This is a lump sum contribution to the fees and fee-based remuneration of the lawyer of the winning party. The amount of this fee-based remuneration and the way in which it is calculated and awarded are stipulated in the Royal Decree of 26 October 2007 (*koninklijk besluit van 26 oktober 2007*).

11 Can I claim legal aid?

(information pack 'Legal aid')

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The action is actually brought once it has been entered on the general cause list, even in the case of voluntary appearance.
Actions based on an application and in interlocutory proceedings are entered on a special cause list, which actually stipulates that they have been brought. The parties involved do not receive any confirmation, but they can consult the general cause list to ensure that the matter has been entered. Once the action has been entered on the list, it is the court's responsibility to give a ruling on the case.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

In general, information regarding the course of the proceedings is provided by the party's lawyer where the party is represented by a lawyer. Information can also be obtained from the registry of the court before which the action is pending. The writ of summons also contains information about the date of the court hearing and the court before which the action is pending.
At a first stage, specific information is given about the initial hearing.
In the case of a summons, the court bailiff informs the applicant of the date of the initial hearing, which constitutes the first stage of the proceedings.
In the case of an *inter partes* application or a voluntary appearance, the parties are notified by the registrar.
In the case of a unilateral application, no hearing takes place. The applicant can, however, be summoned by the registrar should the judge wish to ask any questions.
In a second stage, the case is prepared for trial. Each party is given a deadline stipulated by law (Section 747(1) of the Judicial Code) to submit documents and findings (written arguments and defences). Where these deadlines are not complied with, the sanctions in Section 747(2) of the Judicial Code can be imposed.
When the case is ready for trial and is ready to be pleaded, the parties request that a date be set for the hearing. The period within which a day for the hearing can be set is dependent on the court's workload and the time that can be set aside to hear the case. As a result of procedural issues that arise in some cases (appraisals, hearing from the parties and witnesses, etc.), it can be hard to determine the overall duration of proceedings in advance. After all, proceedings can be interrupted or suspended, or may even be cancelled due to procedural issues.
At the end of the hearing, the debates are concluded and the court will consider the matter. In principle, the court has to pronounce a ruling one month after the case has been considered pursuant to Section 770 of the Judicial Code.

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How to bring a case to court - Bulgaria

1 Do I have to go to court or is there another alternative?

Going to court is one of several available alternatives for dispute resolution.
Before going to court, the parties may first attempt to settle their dispute out of court.
If they are unable to do so on their own, the parties may resort to mediation. Mediation is a voluntary and confidential out-of-court dispute settlement procedure in which a third-party mediator assists the efforts of the parties to reach an agreement. Participation in the procedure is voluntary and the parties may withdraw at any time.
The mediator acts impartially and does not impose a solution to the dispute. In a mediation procedure, all matters are settled by mutual agreement between the parties.
The deliberations relating to the dispute are confidential. The participants involved in mediation are required not to disclose any circumstances, facts and documents that have come to their knowledge during the course of the procedure.
A list of mediators whom the parties may approach, if they wish to use mediation in order to settle their dispute out of court, is available on the website of the Ministry of Justice. Many courts have set up dispute settlement and mediation centres, which work with the mediators on the list.

Arbitration is also available as an alternative extrajudicial remedy. It may be used in property disputes, except for disputes concerning rights *in rem* or possession of immovable property, alimony and child support or employment rights. Arbitration services may be provided by a standing body. Alternatively, dedicated proceedings may be instituted to resolve a particular dispute (*ad hoc* arbitration). Arbitration takes place if the parties to a dispute have concluded an arbitration agreement. The consent of the parties to submit to arbitration all or some of the disputes that may arise or have arisen between them in respect of a particular contractual or non-contractual relationship is set out in an arbitration agreement. This may have the form of an arbitration clause in another contract or that of a separate agreement. The arbitration agreement must be in writing. It is deemed to be in writing if set out in a document signed by the parties or in an exchange of letters, telex messages, telegrams or any other means of communication.
An arbitration agreement is also deemed to exist where the respondent, in writing or by a request noted in the transcript of the arbitration hearing, has consented for the dispute to be heard by an arbitration tribunal or, when the respondent participates in the arbitration proceedings by submitting a rejoinder, furnishing evidence, submitting a counterclaim or appearing in the arbitration hearing, without disputing the jurisdiction of the arbitration tribunal.
In the arbitration agreement, the parties specify the arbitration institution to which they wish to submit their dispute or the particular arbitrator they wish to appoint and the rules of arbitration under which they wish the dispute to be settled. The proceedings of an arbitration tribunal are usually guided by Rules of Arbitration.
For further information, see also Jurisdiction of the courts.

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case. There may be different limitation periods (which extinguish the substantive right itself) or prescription periods (which extinguish only the right to bring an action before a court). For more information, see Procedural time limits.
In order to make sure you do not miss the deadline for bringing an action, it is advisable to consult a lawyer in each case.

3 Should I go to a court in this Member State?

See Jurisdiction of the courts.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

The general rule is that the action is brought before the court which has jurisdiction over the area in which the respondent has their permanent address or registered office.
However, there are special rules for certain types of claims, depending on the standing of the party or the subject-matter of the dispute. Thus:
Actions against minors or persons without legal capacity are brought before the court having jurisdiction over the area in which the legal representative of the party is resident.
Actions against persons without a known address are brought before the court having jurisdiction over the area in which the person's attorney or legal representative is resident, or, if the person does not have an attorney or legal representative, with the court having jurisdiction over the area in which the plaintiff is resident.
Actions against legal persons are brought before the court having jurisdiction over the area in which the legal person has its registered office. Actions in respect of disputes which have arisen from direct relations with divisions or branches of such institutions or persons may alternatively be brought before the court having jurisdiction over the area in which the division or branch is situated.
Actions against the State and government institutions, including their departments and branches, are brought before the court having jurisdiction over the area in which the legal relations from which the dispute stems have arisen, except for actions to be brought before the court having jurisdiction over the area in which immovable property is situated or where the will is administered. Where the legal relations have arisen in another country, the action is brought before the competent court in Sofia.
If the claim concerns rights *in rem* in property, partition of jointly owned property or establishing the boundaries or re-establishing ownership rights in immovable property, the action is brought before the court having jurisdiction over the area in which the property is situated. Actions in respect of deeds establishing or transferring rights *in rem* in immovable property and the annulment, voidance and nullification of deeds in respect of rights *in rem* in immovable property are also brought to the court having jurisdiction over the area in which the property is situated.
Actions in respect of inheritance, the complete or partial withdrawal of wills, the division of inheritance or the annulment of voluntary division of property are brought before the court having jurisdiction over the area in which the will is administered. If the testator is a Bulgarian national but the will is administered in another country, the claims referred to in paragraph 1 may be brought before the court having jurisdiction over the area in which the testator has their last permanent address in Bulgaria or before the court having jurisdiction over the area in which the property is situated.
Actions in respect of pecuniary claims arising from contracts may also be brought before the court having jurisdiction over the area in which the debtor has their current address.
Actions in respect of alimony and child support may also be brought to the court having jurisdiction over the area in which the plaintiff has their permanent address.
Actions by and against consumers are brought before the court having jurisdiction over the area in which the consumer has their current address, or, in the absence of a current address, in the area where the consumer has their permanent address.
Workers may also bring an action against their employer before the court having jurisdiction over the area in which their habitual place of work is situated.
If you have suffered wrongful damage, you may bring an action before the court having jurisdiction over the area in which the damage occurred.
An injured party may bring an action for compensation under the Insurance Code (*Kodeks za zastrahovaneto*) against an insurer, the Guarantee Fund and the National Bureau of Bulgarian Road Vehicle Insurers before the court having jurisdiction over the area in which, at the time when the insured event occurred, the plaintiff had their current or permanent address, registered office or place of insurance. Action against respondents from different judicial districts or in respect of property situated in other judicial districts are brought, at the choice of the plaintiff, before the court having jurisdiction over one of these districts.
Jurisdiction attributed by law may not be changed by the parties. However, the parties to a property dispute may depart from the rules of territorial jurisdiction by signing an agreement attributing jurisdiction to a particular court. This provision does not apply to courts having jurisdiction over the area in which immovable property is situated.
Contracts containing choice of jurisdiction clauses for disputes relating to consumer protection or arising under labour law are valid only if signed after a dispute arises.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The general rules for bringing an action, depending on the nature of the case and the value of the claim, are as follows:
The district court has jurisdiction to hear all civil cases, with the exception of those for which the provincial courts have initial jurisdiction. The provincial court, acting as a court of first instance, has jurisdiction over:
1. actions seeking to establish or challenge parentage, terminate an adoption, declare a person to be under judicial disability or lift such disability;
2. actions concerning ownership and other rights *in rem* in respect of property with a value of more than BGN 50 000;

3. actions relating to civil and commercial matters with a value of more than BGN 25 000, with the exception of claims in respect of alimony and child support, claims under labour law or for the recovery of unauthorised expenditure;
4. actions seeking the annulment of entries in registers and the voidance of circumstances on public record under such entries, when this is provided for by law;
5. claims, regardless of their value, joined in a single application with a claim under the jurisdiction of a provincial court, if they are to be heard within the same proceedings;
6. actions which are subject to adjudication by the provincial court under other laws.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

The plaintiff may choose to bring an action in person or through an authorised representative. The representatives of the parties by proxy may be:
1. lawyers;
2. the parents, children or spouse of the party concerned;
3. legal advisers or other employees with a legal background in the respective institution, business, legal person and sole proprietor;
4. provincial governors authorised by the Minister for Finance or the Minister for Regional Development and Public Works, where the party represented is the government, and
5. other persons provided for by law.

The power of attorney authorising the representative should be attached to the application.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Applications are usually filed with the court registry and accepted during the working hours of the court by a court clerk. Applications may also be sent by post, addressed to the relevant court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Applications must be drawn up in Bulgarian and submitted to the court in writing. Applications may be sent by post, but not by fax or e-mail. The Code of Civil Procedure (*Grazhdanski protsesualen kodeks*) stipulates that all documents the parties submit in foreign languages must be accompanied by translations in Bulgarian, which have been certified by the parties.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

Applications should be submitted in writing. There are no special forms to be used for this purpose, except for the model application for an order for payment and other documents approved by the Ministry of Justice in connection with the order for payment procedure under the Code of Civil Procedure. The Code of Civil Procedure sets out a number of minimum requirements for applications without prescribing any specific form. Pursuant to the Code of Civil Procedure an application must include: an indication of the court; the name and address of the plaintiff and respondent, their legal representatives or agents, if applicable, the plaintiff's personal identification number and the plaintiff's fax number and telex, if any; the value of the claim when it can be assessed; a statement of the circumstances on which the application is based, the subject matter of the application, and the signature of the person who filed the application. In the application the plaintiff must indicate what evidence they are submitting and what facts they intend to prove by it and present all written evidence at their disposal.

The application must be signed by the plaintiff or their representative. If an action is brought by a representative acting on behalf of the plaintiff, the application must be accompanied by a power of attorney confirming that the representative is authorised to bring the action. If the plaintiff does not know how to sign the application or is not able to do so, it should be signed by an authorised person, indicating the reasons why the plaintiff has not signed it. The application is submitted to the court in as many copies as there are respondents.

The application must be accompanied by: a power of attorney when the application is submitted by an agent; a document confirming payment of court fees and expenses, if applicable; copies of the application and its annexes, one for each respondent.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Bringing an action entails the payment of court fees, which depend on the value of the claim and the costs of the proceedings, unless otherwise provided for by law. When the value of the claim cannot be assessed, the court fees are determined by the court. The value of the claim is indicated by the plaintiff. This is the monetary assessment of the subject matter of the case.

Questions concerning the value of the claim may be raised by the respondent or by the court of its own motion not later than the first hearing. If the amount indicated is unrealistic, the value of the claim is determined by the court.

There are two types of court fees — simple and proportionate. Simple fees are determined on the basis of the material, technical and administrative costs of the proceedings. Proportionate fees are based on interest. The court fee is collected on submission of the application for protection or remedy and on issuance of the document for which fees are paid, in accordance with the tariff approved by the Council of Ministers.

Court fees are normally paid by bank transfer to the account of the court on submission of the application. Each party must pay in advance to the court the costs of the service requested. At the request of both parties or at the court's initiative, all the costs are paid by both parties or by one of the parties, depending on the circumstances. The costs to be paid are determined by the court.

Court fees and expenses do not have to be paid by: plaintiffs who are workers, employees and members of cooperatives in applications arising from employment relationships; in alimony and child support claims; in actions brought by the prosecutor; by plaintiffs in actions for wrongful damages resulting from crime, in connection with a conviction which has the force of *res judicata*; or by court-appointed special representatives of a party whose address is unknown.

Court fees and expenses are not imposed on natural persons who are recognised by the court as not having sufficient means. In the case of a request for exemption, the court takes into account the income of the person and their family, certified assets, marital status, health, employment, age and other circumstances. In such cases the cost of litigation is paid from the amounts earmarked in the court budget. In the case of an application for the opening of bankruptcy proceedings filed by the debtor, court fees are not collected. They are collected from the insolvency estate when the property is divided in accordance with the Commercial Act (*Targovski zakon*).

Where an application is fully or partially successful, the court orders the respondent to pay the plaintiff a proportion of the costs of the procedure commensurate with the extent to which the application was successful (court fees, lawyer’s fees, expenses relating to court appearances and gathering of evidence). If the plaintiff has been granted free legal aid, the respondent shall be ordered to reimburse the costs in proportion to the successful part of the application. When the case is discontinued, the respondent is entitled to reimbursement of costs and when the court rejects the application the respondent is entitled to claim payment for the expenses incurred in proportion to the rejected part of the application.

Lawyer’s fees are agreed between the client and the lawyer and are usually paid on signing of the contract for legal defence or pursuant to the terms of payment. The use of a lawyer to bring an action and during court proceedings is not mandatory.

11 Can I claim legal aid?

Any natural person may request legal aid if they satisfy the legal conditions for doing so. Legal aid entails the provision of free legal counsel.

An application for legal aid is filed in writing to the court before which the case is pending. In the order granting the application, the court must specify the type and extent of the legal aid to be granted. The order granting legal aid takes effect from the date on which an application is lodged unless the court decides otherwise. The order is granted in closed session unless the bench considers it necessary to hear the party in order to clarify all circumstances. An appeal may be lodged against an order refusing legal aid by lodging a private appeal. The order issued by the court of appeal is final.
In civil and administrative cases, legal aid is granted when, on the basis of evidence provided by the relevant competent authorities, the court or the chairperson of the National Legal Aid Bureau makes a determination that the party does not have means to pay the lawyer's fee. For the purpose of this determination, the court takes the following into account:
1. the income of the party or that of their family;
2. the property and assets of the party certified by a declaration;
3. the marital status of the party;
4. the state of health of the party;
5. whether the party is employed;
6. the age of the party;
7. other circumstances.
Legal aid is not provided:
1. where the provision of legal aid is not justified in terms of the benefit it would bring to the person applying for legal aid;
2. where the claim is manifestly unfounded, unjustified or inadmissible;
3. in cases involving commercial and tax disputes under the Tax and Insurance Procedure Code (*Danachno-osiguritelen protsesualen kodeks*), unless the party applying for legal aid is a natural person and is eligible for legal aid.
Legal aid is discontinued:
1. when a change occurs in the circumstances on account of which legal aid was granted;
2. upon the death of the natural person to whom it was granted.
The court, acting *ex officio* or at the request of the party or the court-appointed lawyer, orders the full or partial termination of the legal aid granted as from the time when a change occurs in the circumstances on account of which legal aid was granted.
The court, acting *ex officio* or at the request of the party or the court-appointed lawyer, orders the full or partial cancellation of legal aid, if it is established that the conditions upon which legal aid was granted did not exist in part or in full.
In the event of legal aid cancellation, the party is required to pay or repay any sums from which they were unduly exempted, together with the fee of the court-appointed lawyer representing the party in the proceedings.
The court-appointed lawyer continues to discharge their duties until the entry into force of the order terminating or cancelling the legal aid, when this is necessary to protect the party from adverse legal consequences. The time period for lodging an appeal is suspended in the interval between the date on which the court delivers its ruling on legal aid termination or cancellation and the date on which the ruling enters into force. Once this interval has elapsed, the time period for lodging an appeal resumes.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Applications and other correspondence received by post and documents delivered in person during court office hours are registered by the court in the incoming correspondence logbook on the day of receipt. An action is officially considered to have been brought on the day the application is received by the court. If the application is sent by post or received by the wrong court it is deemed to have been received on the date of dispatch by post or on the date of receipt by the wrong court. The court verifies the correctness of the application. If an application is irregular or if not all the required documents have been attached, the plaintiff is requested to resolve the discrepancies within a week and is informed whether they are eligible for legal aid. When the plaintiff's address is not indicated and is not known to the court, the message is communicated by displaying a notice at a designated location in the court for a period of one week. Where the plaintiff fails to resolve the discrepancies in good time, the application, along with its annexes, is returned. If the plaintiff's address is unknown, the application is kept in the court registry so that it can be made available to the plaintiff. The same applies when discrepancies in the application are ascertained during the course of proceedings. The action is considered to have been brought on the date of receipt of the amended application.
If, when verifying the application, the court finds it inadmissible, it returns the application.
The return of the application to the plaintiff does not preclude re-submission of the application to the court, but in these cases the action is considered to have been brought on the date on which the application was re-submitted.
The judicial authorities do not send a special document confirming that the case has been properly lodged, but certain procedures are performed which demonstrate that this is the case. The respondent is requested to file a written reply within a specified time limit and is told what information it must contain. The respondent is also advised of the consequences if they fail to reply or exercise their rights, and of the possibility to use legal aid, if the respondent needs and is entitled to such aid. The respondent's written reply should contain: an indication of the court and the case number; the name and address of the respondent and their legal representative or agent, if applicable; the respondent's position as regards the admissibility and merits of the application; the respondent's position as regards the circumstances on which the application is based; arguments against the application and the circumstances underpinning those arguments; the signature of the person who filed the reply. In the reply to the application, the respondent must indicate what evidence they are submitting and what facts they intend to prove by it and present all written evidence at their disposal. The reply must be accompanied by a power of attorney when the reply is submitted by an agent; copies of the reply and its annexes, one for each plaintiff. If, within the time limit laid down, the respondent fails to submit a written reply, present a position, raise objections, contest the veracity of a document submitted with the application or fails to exercise their rights to bring a counter-application, incidental application or to call on a third party entitled to intervene on their behalf, they forfeit the possibility of doing so at a later date, unless their omission is due to specific unforeseen circumstances.
After verifying the correctness and admissibility of the submitted applications, the court decides how to proceed with the action and answers requests and objections from the parties concerning all pre-trial matters and the admissibility of evidence. The court may also order mediation or other means of voluntary dispute resolution.
The court schedules an open hearing in the case, to which it summons the parties. The court clerk sends summons to the parties to whom a copy of the court decision is served.
In commercial cases the Code of Civil Procedure provides for a mutual exchange of documents between the opposing parties. Once the reply has been received, the court sends a copy, together with the annexes, to the plaintiff, who may submit an additional application within two weeks. In the additional application the plaintiff may supplement and clarify the original. After receipt of the additional application, the court sends a copy, together with the annexes, to the respondent, who may file a reply within two weeks. In the additional reply, the respondent must reply to the additional application.

After checking the correctness of the documents exchanged and the admissibility of the applications submitted, including their amounts and other requests and objections from the parties, the court decides any pre-trial matters and the admission of evidence. The court fixes the date of the case in open court, to which it summons the parties by sending to the plaintiff the additional reply, and it communicates its decision to the parties. It may order mediation or other means of voluntary dispute resolution. When all the evidence has been presented via the exchange of documents and when it is agreed that it is not necessary for the parties to attend the hearing, and if the parties so wish, the court may hear the case in camera, giving the parties an opportunity to submit written defences and replies.

The Code of Civil Procedure includes special provisions governing certain procedural rules — summary proceedings, proceedings in matrimonial cases, civil status matters, judicial disability, judicial partition, protection and re-establishment of ownership rights over property, deeds, collective litigation and petitions for a writ of execution, precautionary proceedings, applications for protection, and enforcement proceedings. Special rules are enshrined in the Commercial Act on insolvency proceedings and related applications.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Where an open hearing has been scheduled in closed session, the court summons the parties to the case hearing. If the case is adjourned in open court, parties who have been duly summoned do not receive a summons to the next hearing if the date has been communicated to them at the open hearing. The summons is issued no later than one week before the hearing. This rule does not apply in the enforcement process. The summons includes: the court issuing it, the name and address of the person summoned, in which case and in what capacity they are being summoned, the place and time of the hearing and the legal consequences of failing to appear.

The court provides the parties with a copy of any decisions which are subject to a separate appeal.

The parties receive notification of the time limits set by the court for the performance of proceedings, but not of the time limits laid down by law, except for the time limits for appealing against a court decision. The court is obliged to state in any judicial decision the authority before which an appeal may be brought and the time limit for doing so.

Last update: 27/01/2021

How to bring a case to court - Czechia

1 Do I have to go to court or is there another alternative?

Everyone has the right to apply to court for protection of a right that has been threatened or violated. It is always advisable first to try to resolve the dispute amicably. Alternative disputeresolution methods may also be used. In certain areas of civil law, the State enables the parties to the legal relationship concerned to entrust a legal dispute to another private body. In the Czech Republic this takes place through arbitration, regulated by Act No 216/1994 on arbitration proceedings and on enforcement of arbitration awards, as amended. Arbitration proceedings result in an arbitration award, which is binding on both parties to the dispute and which bears the weight of an enforceable judgement. Mediation in non-criminal matters is regulated by Act No 202/2012 on mediation and amending certain Acts (the Mediation Act). For further details, please refer to “Alternative Dispute-Resolution – Czech Republic”.

Even after you have applied to the court, it is possible, depending on the nature of the case, to propose that the court should seek an amicable settlement (see Sections 67- 69 and Section 99 of Act No 99/1963 – the Code of Civil Procedure – as amended). Approved judicial settlement has the same effect as a final judgement. It is also a title for the execution of a judicial decision (execution). Approved judicial settlement constitutes an obstacle to a decided case.

2 Is there any time limit to bring a court action?

Time limits vary according to individual cases, which is why it is preferable to ask for legal advice as early as possible. An action must be brought before the competent court before the limitation period has expired (the action must be served before the court within the limitation period).

In the case of a time-bar resulting from expiry of the statutory period, a debtor’s obligation is not deleted, but is weakened. This means that it cannot be redeemed if the debtor invokes the statute of limitations. The statute of limitations is regulated in general in Sections 609 – 653 of Act No 89/2012 (the Civil Code). The general limitation period is three years and begins on the day upon which the right could first be exercised. The length of individual special limitation periods depends on the nature of the right exercised.

3 Should I go to a court in this Member State?

See “Jurisdiction – Czech Republic”.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Jurisdiction of the courts is determined by the rules of territorial, subject-matter and functional jurisdiction.

Territorial jurisdiction defines the scope of jurisdiction of individual courts of the same type. It determines which specific court of the first instance is to hear and decide on a specific case. The basic rules of territorial jurisdiction are set out in Sections 84 to 89a of Act No 99/1963 (the Code of Civil Procedure, as amended). However, it should be borne in mind that in certain cases territorial jurisdiction may be regulated by directly applicable EU law, which takes precedence over national legislation (see certain provisions of Regulation No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, which not only regulates international, but also territorial jurisdiction), which means that the rules of territorial jurisdiction under Czech law do not always apply.

The court with territorial jurisdiction is the general court of the party against whom the claim is made (the defendant), unless otherwise provided for in the Act. The general court is always a district court. Where a regional court has jurisdiction in the first instance (see question 2.1), the regional court in whose district the party’s general (district) court is located has territorial jurisdiction. Where a claim is made against several defendants, the general court of any of them has territorial jurisdiction.

The general court of a natural person is the district court in whose district he/she has his/her residence, residence and if the party has none, then the court in whose district he/she is staying. A residence is understood to mean the place where an individual lives with the intention of staying there permanently (it is possible that there are a number of such places, in which case all such courts are the general court).

The general court of a natural person involved in business is, for cases arising from business activities, the district court in whose district he/she has his/her place of business (the place of business is the address entered in the public register); if he/she has no place of business, the district court in whose district he /she has his/her residence, and if the party has none, the district court in whose district he/she is staying.

The criterion for determining the general court of a legal entity is its registered office – see Sections 136–137 of Act No 89/2012 (the Civil Code).

The general court of an insolvency trustee during the performance of his/her office is the district court in whose district he/she has a registered office.

Special rules apply to the general court of the State (the court in whose district the organisational unit of the state with jurisdiction under a special legal regulation has its registered office, and, if the court with territorial jurisdiction cannot be determined in this way, the court in whose district the circumstances giving rise to the right claimed took place), a municipality (the court in whose district the municipality is located) and a higher territorial self-governing unit (the court in whose district its administrative bodies have their registered offices).
If the defendant, being a citizen of the Czech Republic, has no general court, or has no general court in the Czech Republic, the court in whose district he /she had his/her last known residence in the Czech Republic has jurisdiction. Property rights may be exercised against someone who has no other competent court in the Czech Republic by the court in whose district his/her assets are located.
An action (motion to initiate proceedings) against a foreign person may also be brought before a court in whose district in the Czech Republic its plant, or an organisational unit of its plant, are located.
Subject-matter jurisdiction defines the scope of jurisdiction between individual types of court by determining which court will hear the case at the first instance. In civil-court proceedings, subject-matter jurisdiction of courts holds that district courts have jurisdiction over proceedings in the first instance, unless the law expressly states that regional courts or the Supreme Court of the Czech Republic have subject-matter jurisdiction.
Functional jurisdiction defines the scope of jurisdiction of courts of different types involved in hearing the same cases in succession in situations that involve the lodging of ordinary and extraordinary appeals (in other words, it defines which court will decide on ordinary and extraordinary appeals).

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

As has already been pointed out above (see the response to question 4) the subject-matter jurisdiction of courts in civil-court proceedings holds that proceedings in the first instance are essentially under the jurisdiction of district courts.
Exceptions have been made to this principle in favour of the regional courts, which hear and decide on cases listed in the provisions of Section 9(2) of Act No 99/196 (the Code of Civil Procedure, as amended). This primarily concerns decisions on matters that, because of their nature, require a certain level of specialisation and on matters that are factually and legally more complex. Regional courts decide as courts of first instance in the following cases:
a) in disputes between the employer and the recipient concerning the mutual settlement of overpayments of a pension-insurance allowance, sickness insurance, state social support and material-need assistance and in disputes concerning the mutual settlement of regressive compensation paid as a result of entitlement to sickness insurance benefit,
b) in disputes concerning the illegality of a strike or lock-out,
c) in disputes concerning a foreign state or persons enjoying diplomatic immunities and privileges if these disputes fall within the jurisdiction of the Czech courts,
d) in disputes concerning the annulment of the arbitrator's decision on the enforcement of obligations arising from a collective agreement,
e) in cases following from legal relationships connected with establishing business companies, generally beneficial companies, endowments and endowment funds and in disputes between business corporations, their partners or members as well as in mutual disputes between the partners and members, arising from their participation in the business corporation,
f) in disputes between business corporations, their partners or members and members of the statutory bodies thereof or liquidators, as for relationships concerning the execution of the office of members of the statutory bodies or liquidation,
g) in disputes arising from copyright law,
h in disputes concerning the protection of rights infringed or threatened by unfair competition or unlawful restrictions on competition,
i) in matters concerning the protection of the name and reputation of a legal person,
j) in disputes concerning financial security and disputes relating to bills of exchange, promissory notes and investment instruments,
k) in disputes arising from commodity exchange trades,
l) in matters relating to Owners' Association General Assemblies and disputes arising therefrom, with the exception of disputes concerning contributions by members of the Association for the management of the house and grounds, disputes concerning downpayments for services and the method of distributing the cost of services,
m) in matters relating to the transformation of companies and cooperatives (including any compensation proceedings), pursuant to a special legal regulation,
n) in disputes concerning the purchase of a plant, the lease of a plant or a part thereof,
o) in disputes concerning contracts for building work which are above-limit public contracts, including the supplies necessary to execute such contracts,
p) in matters of legal liability where a party has failed to act with due diligence,
q) in disputes stemming from the rules governing business groupings,
r) in disputes concerning the safeguarding of creditors' claims where a company's share capital has been reduced or where the basic investment by a cooperative's members has been reduced.
The Supreme Court of the Czech Republic has jurisdiction in the first and only instance in proceedings to recognise foreign judgements on matrimonial matters (this does not apply to the recognition of judgements from other EU member states if Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility, repealing Regulation (EC) No 1347/2000 applies) and in matters determining and denying parenthood pursuant to Sections 51 and 55 para. 1 of Act No 91/2012 on private international law.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

There is no general obligation in Czech civil law proceedings to be represented by a lawyer.
Capacity to sue and capability of being sued
Everyone may act independently before the court as a party to legal proceedings within the scope of his/her legal capacity (Section 20(1) of Act No 99/1963 [the Code of Civil Procedure, as amended]). A natural person acquires full capacity to sue when he/she is of legal age. Legal age is reached when he/she becomes eighteen years old. Before reaching this age, legal age can be reached through the grant of an application for legal capacity – see Section 37 of Act No 89/2012 (the Civil Code) – or by entering into marriage. In the event a party to proceedings does not have full capacity to sue, he/she can be represented in proceedings. A person of legal age who has restricted legal capacity may also lack the capacity to sue and capability of being sued.
Representation arises on the basis of the law or a decision by a government agency (statutory representation) or on the basis of a power of attorney. Anyone who attends proceedings as a party's representative must provide evidence of such representation.
A natural person who is not able to act independently before the court must be represented by his/her legal guardian or a curator (Sections 22-23 and Section 29an. of Act No 99/1963 [the Code of Civil Procedure, as amended]).
Parties to proceedings (with legal capacity) may also be represented by a person of their choice on the basis of a power of attorney (Sections 24-28a of Act No 99/1963 [the Code of Civil Procedure, as amended]).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

An action (motion to initiate proceedings) is filed with the court that has subject-matter, territorial and functional jurisdiction. The addresses of the individual Czech courts can be found on the Czech Ministry of Justice webpage: http://portal.justice.cz/Justice2/Uvod/Soudy.aspx

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

All parties have equal status in civil-court proceedings and have the right to a court hearing in their mother tongue (see Section 18 of Act No 99/1963 [the Code of Civil Procedure, as amended]). The right to a court hearing in one's mother tongue is restricted to oral court proceedings and does not apply to written communication between the court and the parties (and vice versa) – hence a motion must be submitted in the Czech language.

A motion to initiate proceedings may be made in writing – see Section 42 of Act No 99/1963 (the Code of Civil Procedure, as amended). A written filing is made on paper or in electronic form via a public data network or by fax. A written filing containing a motion on the merits submitted via fax or in electronic form should be followed within three days at the latest by the submission of the original or a written submission of the identical text. Where the filing is made in electronic form with a certified electronic signature (pursuant to Act No 227/2000 on electronic signature, as amended) or a filing in electronic form pursuant to a special legal regulation (Act No 300/2008 on electronic acts and authorised document conversion) no subsequent submission of the original documents is required.

A motion to initiate proceedings and a request for an order to execute may only be made orally and recorded (see Section 14 of Act No 292/2013 on special judicial proceedings, as amended) in the case of proceedings that may also be initiated without a motion or proceedings for authorisation to marry, proceedings for protection against domestic violence, proceedings to determine or to deny parenthood and adoption proceedings. Each district court is required to enter the filing in the records and to forward it without delay to the competent court. This type of filing has the same effect as if it were made to the competent court.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are no prescribed forms for bringing an action (motion to initiate proceedings). An action (motion to initiate proceedings) must contain general particulars (see Section 42(4) of Act No 99/1963 [the Code of Civil Procedure, as amended]) and special particulars (see Section 79(1) of the Code of Civil Procedure).

The general particulars include the designation of the court to which the motion is addressed and the designation of the person bringing the action. It must also be clear from the action what case it concerns and what it is seeking and it must be signed and dated.

The special particulars include the name, surname and address of the parties, or the birth numbers or identification numbers of the parties (the business name or name and registered office of a legal person, identification number, name of the country and relevant organisational unit of the State which is appearing before the court on its behalf), if necessary also its representatives, a description of the main facts and a description of the evidence relied on by the appellant, and it must clearly indicate what is being sought by the appellant.

If the motion does not contain the necessary particulars, or if they are incomprehensible or unclear, the court will call on the party to remedy these defects within a certain period. If this is not done and proceedings cannot continue as a result, the court will reject the motion to initiate proceedings. The court will disregard any other filings until they have been properly corrected or completed – see Section 43 of Act No 99/1963 (the Code of Civil Procedure, as amended). The motion must be submitted in the required number of counterparts to ensure that one counterpart is retained by the court and that each party receives one counterpart, if required – see Section 42 para. 4 of Act No 99/1963 (the Code of Civil Procedure, as amended).

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court charges are levied for proceedings held before courts in the Czech Republic, for acts listed in the Tariff of Charges and for individual acts performed by courts and acts performed by the court administration. The amounts of these charges are set out in Act No 549/1991 on court fees, as amended. Court charges are either set as a fixed sum or determined as a percentage rate based on the value of the subject matter of the judicial proceedings.

A number of cases (primarily those that are not disputed) are exempt from these charges. Cases that are "materially exempt" included issues concerning guardianship, adoption, maintenance obligations between parents and children, etc. These proceedings are completely exempt from charges.

Appellants in proceedings to determine maintenance payments, compensation for damage to health, work injuries and occupational illnesses etc. are personally exempt from charges. If the claimant in a particular proceeding is personally exempt from charges and the court upholds his/her claim, the defendant is liable for the fee.

It is also possible to admit so-called individual exemptions that relate to the financial and social situation of the parties to the proceedings and the specific circumstances of the case being heard. If the claimant is in material need as a result of long-term unemployment, a serious illness, etc., he/she may apply to the court for full or partial exemption from the charges. The relevant application should preferably be attached to the original action. When deciding on exemptions from payment of charges, the court will take into account the applicant's overall property, financial and social circumstances, the amount of the court fee, the nature of the claim submitted, etc. However, this should not be an arbitrary or clearly hopeless exercise or obstruction of rights. See also "Legal aid – Czech Republic".

The fee is payable once the motion is brought to initiate proceedings. If it has not been paid at the same time as the motion, the court will call on the party to pay the fee and instruct him/her that, if the fee is not paid within the time allocated, the proceedings will be suspended.

11 Can I claim legal aid?

See "Legal Aid – Czech Republic".

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Judicial proceedings commence on the day the petition is delivered to the court (see Section 82 of Act No 99/1963 [the Code of Civil Procedure, as amended]) or when a ruling on commencement of the proceedings without a petition was issued by the court (see Section 13 para. 2 of Act No 292/2013 on special judicial proceedings, as amended). The fact that the action (motion to initiate proceedings) is delivered to the court commences the proceedings and the court does not issue any special confirmation that the proceedings have commenced. If an action (motion to initiate proceedings) is delivered in person to the court registry it can be confirmed by having a copy of the action stamped.

If the motion has deficiencies (does not contain the prescribed particulars, or is unclear or incomprehensible), the court will call on the party to remove them. If these deficiencies are not removed within the period set by the court and the proceedings cannot continue for this reason, the court will reject the motion to initiate proceedings and suspend the proceedings.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

As soon as the proceedings have commenced, the court will proceed without further applications to ensure that the case is heard and decided as quickly as possible – see Section 100(1) of Act No 99/1963 (the Code of Civil Procedure, as amended). The court is required to deliver the action (motion to initiate proceedings) to the other parties to the proceedings in person (see Section 79(3) of the Code of Civil Procedure). During the proceedings, the court will instruct the parties in their various rights and obligations. In the event a specific procedural act has to be performed, the court will set a time limit for its performance.

The parties and their representatives have the right to inspect the court file, with the exception of the voting record, and to make extracts and copies of it. The presiding judge will allow anyone who has a legitimate interest or who has valid reasons for doing so to inspect the file and to make extracts and copies of it, unless it is a file whose contents are required by law to be kept confidential – see Section 44 of Act No 99/1963 (the Code of Civil Procedure, as amended).

Last update: 12/10/2020

How to bring a case to court - Germany

1 Do I have to go to court or is there another alternative?

It may well make sense to use alternative dispute resolution. Please refer to the factsheet on 'Mediation'.

2 Is there any time limit to bring a court action?

There is no procedural time limit to bring a court action, although there are time limits on when claims can be brought. If a claim has become time-barred and the opposing party invokes this, the claim will be dismissed. The time limits depend on the substantive law of the case rather than on procedural law. They vary from case to case. This question can be clarified by taking legal advice.

3 Should I go to a court in this Member State?

See 'Jurisdiction'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See 'Jurisdiction – Germany'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See 'Jurisdiction – Germany'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

The question of whether you must be represented by a lawyer in order to bring a court action depends on which court has jurisdiction for the claim.
At the regional courts (*Landgerichten*) and higher regional courts '*Oberlandesgerichten*', the parties must be represented by a lawyer. Use of a lawyer is also obligatory in most family matters (e.g. divorce, maintenance disputes, property disputes) that come before the local court (*Amtsgericht*).
In all other cases before the local court, you may bring an action and conduct the proceedings yourself.
In the simplified procedure for obtaining an enforceable payment order for a money claim (*Mahnverfahren*), the court with jurisdiction is the local court. So you may file an application for an order for payment at the court yourself, without a lawyer.
You may also lodge a claim without a lawyer in the labour court (*Arbeitsgericht*).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Generally a claim must be filed in writing at the court that has jurisdiction.
However, if the local court has jurisdiction for the proceedings, a claim can be registered orally at the court office (*Geschäftsstelle des Amtsgerichts*). The claim can be registered at the office of any local court. The office will send the record of the claim to the relevant court without delay.
The same applies to an action before the labour court. A claim before the Labour Court may also be registered at the office of the labour court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The language of the courts is German. So the claim must be filed in German.
Generally, a claim must be filed in writing. In an action before the local court or the labour court, claims may also be registered orally at the office of the court (see question 7).
A claim can also be filed by fax. The fax must show the signature of the party or of the lawyer, if a lawyer is acting. It must be clear who has signed the original to show that they are responsible for the claim.
Finally, a claim may be sent as an electronic document by a secure means of transmission (De-Mail [German e-Government communications service], special electronic mailboxes) or, provided that it has a qualified electronic signature, by means of the electronic court and administration mailbox (EGVP).
The transmission of electronic documents by e-mail is not possible.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are standardised forms for use in simplified proceedings – i.e. applications for an order for payment (*Mahnbescheid*) or order for enforcement (*Vollstreckungsbescheid*) in money claims. These forms must be used. If an application is not filed on the appropriate form within the deadline, it will be rejected as inadmissible.
There are no standardised forms for a claim. The statement of claim must have a particular form and content:
It must give the correct names and addresses of the parties and their legal representatives. The court which has jurisdiction for the claim must also be indicated.
The claim must state clearly what is being complained of and what the court is being asked to award the claimant (the order sought).
The subjectmatter of the claim and the facts on which the party taking action bases its claim must also be comprehensively and clearly described.
The statement of claim must be signed personally. If the party bringing the action is represented by a lawyer, the signature of an authorised lawyer or their representative is required.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court costs are charged for proceedings before the courts that deal with civil and commercial matters. These charges are the fees and expenses of the court.
After the statement of claim has been filed, the court charges an advance payment of court costs on account (*Gerichtskostenvorschuss*) corresponding to the amount of the statutory court fees. Generally, the claim will not be served on the opposing party until the party bringing the action has paid the advance payment of court costs on account.
The same applies to the payment order procedure.
There is no requirement to pay in advance in proceedings before the labour court.
If a lawyer is acting, lawyer's fees will also have to be paid. The principle is that lawyer's fees are not due until the end of the proceedings or after a court judgment on costs, but a lawyer may require a down payment for his work corresponding to the amount of his subsequent fees even before the claim is filed.
The costs of the proceedings, the court costs and the lawyer's fees, including costs already paid, must ultimately be borne by the party that loses the action.

11 Can I claim legal aid?

Anyone not able to finance their own court action may apply for legal aid. The court checks whether the action has any prospect of success, that it is not malicious, and whether financial need exists. If the court awards legal aid, then the party bringing the action does not have to advance any costs for the service of the claim.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Provided that the claim is free of errors and an advance payment of court costs on account has been made to the court cashier, it will be served on the opposing party immediately. The action is deemed to have commenced when it is served on the opposing party.

If there is an error in the claim, the court will give the party bringing the action an opportunity to put this right. If the error is not removed, the court will dismiss the claim as inadmissible.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

On service of the claim, the presiding judge will either set an early date for a first hearing or order written preliminary proceedings. Both parties will be notified of the hearing date or the fact that written preliminary proceedings have been ordered. The court may order the parties to appear in person at any hearing.
In preparation for any hearing, the court may require the parties to supplement or clarify their submissions and may set time limits for providing statements about specific issues that need to be clarified. The court may order the parties to the action or third parties to provide documents and items for inspection and may seek information from official sources.
The parties must be informed of all these orders.

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How to bring a case to court - Estonia

1 Do I have to go to court or is there another alternative?

Disputes can be resolved by both judicial and extrajudicial means.
One extrajudicial manner of dispute resolution is **conciliation**. Conciliation is an extrajudicial manner of voluntary dispute resolution which is conducted by an independent and impartial conciliator. A conciliator facilitates communication between parties in finding a solution to the dispute. Conciliation negotiations are confidential and a conciliator may not direct conciliation in a manner that gives an impression that the conciliator has the power to make binding decisions. A conciliator may be a notary public, a barrister or any other natural person appointed by the parties to the dispute and authorised to operate via a legal person (such as conciliators with an insurance conciliation body via the Estonian Insurance Association (*Eesti Kindlustusseltside Liit*) and the Estonian Motor Insurance Bureau (*Eesti Liikluskindlustuse Fond*)). A conciliation body is an entity affiliated to a state or a local government agency, such as the copyright committee (*autoriõiguse komisjon*). A settlement agreement reached as a result of conciliation proceedings constitutes an enforceable title under the terms and conditions laid down in law, provided that the agreement has been declared enforceable by a court, and may be presented to a bailiff for compulsory enforcement. If a conciliator is a notary public or a barrister, a settlement agreement concerning a property claim or a settlement agreement concerning a non-property claim, provided that a compromise agreement may be made with regard to the non-property claim, may be authenticated by a notary public at the request of the parties to the conciliation and subjected to immediate compulsory enforcement. In such an event, the settlement agreement does not have to be declared enforceable by a court. A settlement agreement validated by a conciliation body is binding on the parties and does not have to be declared enforceable by a court. **Arbitration** is another method of alternative dispute resolution. As the arbitration panel is appointed by the parties themselves, they can be certain about the knowledge, experience and impartiality of the arbitrators. The parties also have the right to choose the language of the proceedings, the applicable law and the rules of procedure. An arbitration board may be appointed for a single case (*ad hoc*) or operate on a permanent basis. A permanent arbitration board in Estonia is the Arbitration Board of the Chamber of Notaries (*Notarite Koja vahekohus*). In Estonia, disputes arising from cross-border business are often resolved in the Court of Arbitration of the Estonian Chamber of Commerce and Industry (*Eesti Kaubandus-Tööstuskoja (EKTK) arbitraažikohus*). A judgment rendered by an Estonian arbitration board operating on a permanent basis constitutes an enforceable title without it having to be declared enforceable by a court. Judgments made by other arbitration boards, including *ad hoc* arbitration boards, and by those of other states must first be declared enforceable by a court in order for them to be subjected to compulsory enforcement. In addition to arbitration and conciliation, there are also committees for extrajudicial resolution of certain types of disputes.
For instance, labour disputes may first be referred to a **Labour dispute committee** (*töövaidluskomisjon*). A labour dispute committee is an independent body resolving individual labour disputes to which both employees and employers may turn. The resolution of labour disputes in a labour dispute committee is regulated by the Labour Dispute Resolution Act (*individuaalse töövaidluse lahendamise seadus*). No state fees are charged for dispute resolution using a labour dispute committee. A labour dispute committee may resolve any disputes arising from labour relations. In the case of a pecuniary claim, the amount of the claim must be justified, and there is no limit on having recourse to a labour dispute committee. The application submitted to a labour dispute committee must set out the circumstances that are relevant to the dispute. For instance, when challenging a dismissal, the time and reason for dismissal must be given. The application should describe the nature of the disagreement between the parties, i.e. what the employee or the employer has failed to do or done contrary to the law in the opinion of the applicant. Evidence should be included with the application supporting the claims made therein (e.g. employment contract, mutual agreements or correspondence between the employee and the employer, etc.) or by references to any other evidence or witnesses. If an applicant considers it necessary to call a witness to the hearing, the witness's name and address should be indicated in the application. A decision by a labour dispute committee which has taken effect constitutes an enforceable title and may be submitted with a bailiff for compulsory enforcement. In certain circumstances, a labour dispute committee may declare its decision immediately enforceable. If a party to the dispute does not agree with the decision of the labour dispute committee, the party may file an action with a county court (*maakohus*) to have the same labour dispute heard and do so within one month of the day following the day of receipt of the transcript of the decision. In this case, the decision by the labour dispute committee will not take effect.
Claims arising from a contract between a consumer and a trader can be resolved by the **Consumer Disputes Committee** (*tarbijakaebuste komisjon*). The resolution of consumer disputes is regulated by the Consumer Protection Act (*tarbijakaitseseadus*). The Consumer Disputes Committee is competent to resolve both domestic and cross-border consumer disputes which arise from contracts between consumers and traders and which are initiated by a consumer if one of the parties to the dispute is a trader whose place of establishment is in the Republic of Estonia. The Committee is also competent to settle any disputes relating to losses caused by a defective product, provided that the loss can be ascertained. If the fact that loss was caused has been established but the exact amount of the loss cannot be quantified, for example in the event of non-monetary loss or losses arising in the future, the amount of compensation will be determined by a court. The Committee does not resolve disputes related to the provision of non-economic services of general interest, education services offered by legal persons in public law or health care services provided by health care professionals to patients in order to assess, maintain or restore their state of health, including the prescription, dispensation and provision of medicinal products and medical devices. Furthermore, the Committee does not resolve disputes regarding claims arising from death, physical injuries or damage to health, or disputes for which the resolution procedure is prescribed by other Acts. Such disputes are resolved by competent institutions or courts (e.g. besides courts, disputes arising from dwelling lease contracts may also be resolved by lease committees). An application filed by a consumer will be heard and the outcome of the dispute resolution made available to the parties within 90 days of the acceptance of the application of the consumer for review. In the case of complex disputes, said term may be extended. A decision by the Consumer Disputes Committee must be complied with within 30 days of the day following its publication on the website of the Consumer Protection Board (*Tarbijakaitseamet*) unless otherwise provided for by the decision. A list of traders who have failed to comply with the decisions of the Committee is published on the website of the Consumer Protection Board; however, the Committee's decision cannot be subjected to compulsory

enforcement which means that it cannot be submitted to a bailiff for such a purpose. A trader entered in the list will be deleted from the list when the trader complies with the decision of the Committee after being entered in the list or when more than 12 months have passed from the entry of the trader in the list. Should the parties to the dispute not agree with the decision made by the Committee and not comply with it, they may have recourse to a county court to resolve the same dispute. A trader notifies the Consumer Protection Board in writing of the fact that the decision has been complied with or that the case has been referred to a county court enclosing a copy of the application filed with the county court. The Consumer Protection Board itself may, with the consent and as the representative of the consumer, refer the dispute resolved by the Committee to a county court for hearing if the trader has failed to comply with the decision and the dispute is relevant to the application of an Act or other legislation or to the collective interests of consumers.

Disputes arising from dwelling lease contracts can be resolved by a **lease committee**. The resolution of lease disputes is regulated by the Lease Disputes Resolution Act (*üürivaidluse lahendamise seadus*). Lease committees do not resolve disputes involving financial claims in excess of €3 200. A lease committee may be established by a local government and it resolves lease disputes arising in its territory. In Estonia, a lease committee has been established only in Tallinn. An application to a lease committee must indicate the applicant's request and the facts on which it is based and the application must include the lease contract and evidence proving the allegations stated in the application as well as other relevant documentary evidence. A decision by a lease committee which has taken effect constitutes an enforceable title and may be submitted with a bailiff for compulsory enforcement. Should a party to the dispute not agree with the decision made by the lease committee, the party may refer the same lease dispute to a county court within 20 days of the day following the receipt of the decision of the committee. In this case, the decision by the lease committee will not take effect. The resolution of disputes by the aforementioned committees does not constitute compulsory pre-trial proceedings, i.e. should the parties not wish or not be able to resolve the dispute by extrajudicial means, they may refer their claim to a court. The same claims cannot be heard at the same time by both a court and a competent extrajudicial committee.

2 Is there any time limit to bring a court action?

Private law relationships are governed by the principle of private autonomy, meaning that a creditor is free to decide when to enforce their claim against a debtor. However, in the interests of legal clarity and stability of the law a debtor may refer to a limitation period if the creditor has failed to present their claim within a certain period of time. A court or any other dispute resolution body will only enforce a limitation period if the obligated person so demands. The creditor’s claim will therefore not expire upon the expiry of the limitation period. However, if the claim is time-barred and the obligated person refers to the limitation period, the court will neither hear the claim nor make a material judgment with regard thereto.

The limitation period for claims arising from transactions is three years.

The limitation period for claims arising from transactions will be ten years if the obligated person deliberately fails to meet their obligations.

The limitation period for claims relating to the transfer of immovable property, encumbering immovable property with a real right, the transfer or termination of a real right or amendment of the content of a real right is ten years.

The limitation period for a claim arising from the law is ten years from the moment the claim falls due, unless otherwise provided by law.

The limitation period for a claim arising from unlawfully caused damage is three years from the moment the entitled person became or should have become aware of the damage and of the person obliged to compensate the damage.

The limitation period for a claim arising from unjust enrichment is three years from the moment the entitled person became or should have become aware of obtainment of the claim arising from unjust enrichment.

The limitation period for a claim for the performance of recurring obligations, with the exception of claims for the performance of child maintenance obligations, is three years for each separate obligation regardless of the legal basis for the claim.

The limitation period for a claim for the performance of child maintenance obligations is ten years for each separate obligation.

The limitation period for restitution claims arising from a right of ownership and for claims arising from family law or law of succession is 30 years from the moment the claim falls due unless otherwise provided by law.

A restitution claim arising from a right of ownership against an arbitrary possessor does not expire.

Certain claims resulting from employment relations have a limitation period for recourse to a court. For instance, the period for submitting a claim to a labour dispute committee or court for the recognition of rights arising from employment relations and protection of rights violated is four months. An action in court or an application to a labour dispute committee for revoking the termination of an employment contract may be submitted within 30 calendar days of the receipt of the declaration of termination; within 30 calendar days of the receipt of a declaration of termination an employee may submit an application to a court or a labour dispute committee to challenge the termination as contrary to the principle of good faith, unless the employer terminated the contract due to a breach of the employment contract by the employee; the term for submitting a claim for wages is three years.

3 Should I go to a court in this Member State?

The circumstances under which a case can be heard by an Estonian court are determined by the provisions concerning international jurisdiction. A case falls under the jurisdiction of an Estonian court if an Estonian court can hear the case pursuant to the provisions concerning its competence and jurisdiction or based on an agreement on jurisdiction, unless otherwise provided by law or an international agreement. International jurisdiction is not exclusive jurisdiction, unless otherwise prescribed by law or an international agreement. The provisions of the Code of Civil Procedure (*tsiviilkohtumenetluse seadustik*) concerning international jurisdiction apply only to the extent that this is not otherwise regulated by an international agreement or the following European Union regulations:

(1) Regulation (EU) No. 1215/2012 of the European Parliament and of the Council on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters;

(2) Council Regulation (EC) No. 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No. 1347/2000;

(3) Council Regulation (EC) No. 4/2009 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations;

(4) Regulation (EU) No. 650/2012 of the European Parliament and of the Council on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession;

(5) Regulation (EU) No. 655/2014 of the European Parliament and of the Council establishing a European Account Preservation Order procedure to facilitate cross-border debt recovery in civil and commercial matters.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

The court where an action may be filed against a person and where other procedural acts may be performed with respect to a person is established by **general jurisdiction**, unless it is provided by law that the action must be filed with or the act performed by another court.

Optional jurisdiction establishes the court where actions may be filed against a person and where other procedural acts may be performed with respect to a person besides general jurisdiction.

Exclusive jurisdiction establishes the sole court which can be addressed for adjudication of a civil case. Jurisdiction in non-contentious cases is exclusive unless otherwise provided by law.

Under **general jurisdiction** an action against a natural person is filed with the court of his or her place of residence and an action against a legal person is filed with the court of its seat. If the place of residence of a natural person is not known, an action against the person can be filed with the court of his or her last known place of residence.

If, pursuant to general provisions, a case does not fall under the jurisdiction of an Estonian court or jurisdiction cannot be determined and an international agreement or law does not provide otherwise, the case will be heard by the Harju County Court (*Harju Maakohus*) if:

the case must be heard in the Republic of Estonia pursuant to an international agreement;

the applicant is a citizen of the Republic of Estonia or has a residence in Estonia, and the applicant has no possibility to defend his or her rights in a foreign state or the applicant cannot be expected to do so;

the case concerns Estonia to a significant extent due to another reason and the applicant has no possibility to defend his or her rights in a foreign state or the applicant cannot be expected to do so.

The Harju County Court will also hear a case if the case falls under the jurisdiction of an Estonian court but it is not possible to determine which Estonian court has jurisdiction in the case. This also applies if Estonian jurisdiction has been agreed upon without specifying which court has jurisdiction.

Under **exclusive (mandatory) jurisdiction**, actions with the following objects are filed with the court of the location of the immovable property:

1) a claim related to the recognition of the existence of the right of ownership, limited real right or other real right encumbrance concerning immovable property, or recognition of absence of such rights or encumbrances, or a claim related to other rights in immovable property;
2) determination of boundaries or division of immovable property;
3) protection of the possession of immovable property;
4) a property right claim arising from apartment ownership;
5) a claim related to compulsory enforcement regarding immovable property;
6) a claim arising from a lease contract or commercial lease contract concerning immovable property or other contract for the use of an immovable under the law of obligations, or from the validity of such contracts.

An action related to a servitude, encumbrance or right of pre-emption in relation to property is filed with the court in whose jurisdiction the property is located.

Under exclusive (mandatory) jurisdiction, an action for the rescission of an unfair standard term or for the termination and withdrawal of recommendation of the term by the person recommending application of the term is filed with the court of the place of business of the defendant or, in the absence thereof, with the court of the residence or seat of the defendant. If the defendant has no place of business, residence or seat in Estonia, the action will be filed with the court under whose territorial jurisdiction the standard term was applied.

An action by a legal person for revocation of a decision by a body or to declare it null and void is filed under exclusive jurisdiction with the court of the seat of the legal person.

An Estonian court may to hear a matrimonial case if:

1) at least one of the spouses is a citizen of the Republic of Estonia or was a citizen at the time of contracting the marriage;
2) both spouses have a residence in Estonia;
3) one of the spouses has a residence in Estonia, except where the judgment to be made would clearly not be recognised in the country of nationality of either spouse.

Under exclusive jurisdiction a matrimonial action to be heard by an Estonian court is filed with the court of the joint residence of the spouses and in the absence thereof, with the court of the residence of the defendant. If the residence of the defendant is not in Estonia, the action will be filed with the court of the residence of a joint minor child of the parties and, in the absence of a joint minor child, with the court of the residence of the plaintiff.

If custody has been established over the property of an absent person due to the person going missing, or a guardian has been appointed to a person due to his or her limited active legal capacity or if imprisonment has been imposed on a person as punishment, a divorce action against such person can also be filed with the court of the residence of the plaintiff.

An Estonian court can hear a filiation case if at least one of the parties is a citizen of the Republic of Estonia or at least one of the parties has a residence in Estonia. A filiation action to be heard by an Estonian court is filed under exclusive jurisdiction with the court of the residence of the child. If the residence of the child is not in Estonia, the action will be filed with the court of the residence of the defendant. If the residence of the defendant is not in Estonia, the action will be filed with the court of the residence of the plaintiff. The same applies to maintenance cases.

Under **optional jurisdiction**, an action involving a proprietary claim may be filed against a natural person also with the court of his or her place of stay if the person stays in such place for a longer period of time due to an employment or service relationship, studies or for another such reason. An action related to the economic or professional activities of the defendant may also be filed with the court of the place of business.

A legal person based on membership, including a company, or a member, partner or shareholder thereof may, under optional jurisdiction, file an action arising from such membership or holding against a member, partner or shareholder of the legal person also with the court of the seat of the legal person.

If a person has a residence or seat in a foreign state, an action involving a proprietary claim may, under optional jurisdiction, also be filed against such a person with the court in whose jurisdiction the assets related to the claim are located or with the court in whose jurisdiction the person's other assets are located. If an asset has been entered in a public register, said action may be filed with the court of the location of the register in which the asset is registered. If the asset is a claim under the law of obligations, said action may be filed with the court of the residence or seat of the debtor. If the claim is secured by an object, the action may also be filed with the court in whose jurisdiction the object is located.

An action for the collection of a claim secured by a mortgage or linked to an encumbrance in property or another such action involving a similar claim may also be filed with the court in whose jurisdiction the immovable property is located, provided that the debtor is the owner of the registered immovable property which is secured by the mortgage or subject to the encumbrance.

An action against an apartment owner which arises from a legal relationship related to apartment ownership may under optional jurisdiction also be filed with the court in whose jurisdiction the apartment concerned is located.

An action arising from a contract or an action to declare a contract void may under optional jurisdiction also be filed with the court in whose jurisdiction the contractual obligation concerned would be carried out.

A consumer may under optional jurisdiction file an action arising from a contract or relationship specified in Sections 35, 46 and 52, Section 208(4), Sections 379 and 402, Section 635(4) and Sections 709, 734 and 866 of the Law of Obligations Act (*võlaõigusseadus*) or an action arising from any other contract concluded with an undertaking having a seat or place of business in Estonia also with the court of the residence of the consumer. This does not apply to actions arising from contracts of carriage.

A policyholder, beneficiary or other person entitled to demand performance from the insurer on the basis of an insurance contract may under optional jurisdiction file an action arising from the insurance contract against the insurer also with the court of the residence or seat of the person.

In the case of liability insurance, or insurance of a building, immovable or movable property together with a building or immovable property, an action against the insurer may under optional jurisdiction also be filed with the court in whose jurisdiction the act or event causing the damage took place or where the damage was caused.
An employee may under optional jurisdiction file an action arising from his or her employment contract also with the court of his or her residence or place of work.
An action for compensation for illegally caused damage may under optional jurisdiction also be filed with the court in whose jurisdiction the act or event causing the damage took place or the place where the damage was caused.
An action the object of which is the establishment of the right of succession, a successor's claim against the possessor of the estate, a claim arising from a legacy or succession contract or a claim for a compulsory portion or for division of an estate may under optional jurisdiction also be filed with the court in whose jurisdiction the deceased was resident at the time of his or her death. If the deceased was a citizen of the Republic of Estonia but at the time of death had no residence in Estonia, said action may also be filed with the court in whose jurisdiction the deceased was last resident in Estonia. If the deceased had no residence in Estonia, the action may be filed with the Harju County Court.
An action against several defendants may be filed with the court of the residence or seat of one of the co-defendants at the plaintiff's choice.
If several actions can be filed against one defendant on the basis of the same circumstances, all the actions may be filed with the court with which an action concerning one claim or some of the claims arising from the same fact could be filed.
A counterclaim may be filed with the court with which the action was filed, provided that the counterclaim does not fall under exclusive jurisdiction. This also applies where, pursuant to general provisions, the counterclaim should be filed with a court of a foreign state.
An action by a third party with an independent claim may be filed with the court which is hearing the main action.
An action concerning bankruptcy proceedings or bankruptcy estate against a bankrupt, trustee in bankruptcy or a member of the bankruptcy committee, including an action for exclusion of property from a bankruptcy estate, may also be filed with the court which declared the bankruptcy. An action for acceptance of a claim may also be filed with the court which declared the bankruptcy.
A bankrupt may also file an action concerning the bankruptcy estate, including an action for recovery, with the court which declared the bankruptcy.
If you file an action with a different court than that of the defendant's general jurisdiction, you must justify this to the court.
If a case could at the same time fall under the jurisdiction of several Estonian courts, the applicant will have the right to choose the court with which to file the application. In that case, the case will be heard by the court which was the first to receive the application.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

In Estonia, jurisdiction is not determined by the nature of a case or the amount at stake.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Unless otherwise provided by law, parties (plaintiff, defendant, third party) may participate in proceedings in person or through a representative with active legal capacity in civil proceedings. Personal participation in a case does not deprive a party to proceedings of the right to have a representative or adviser in the case.
Active legal capacity in civil proceedings means the capacity of a person to exercise civil procedural rights and perform civil procedural obligations in court through his or her actions. A person of at least 18 years of age enjoys full active legal capacity. Persons with limited active legal capacity also lack active legal capacity in civil proceedings, unless the restriction of active legal capacity of an adult does not relate to the exercise of civil procedural rights and performance of civil procedural obligations. A minor of at least 15 years of age has the right to participate in proceedings together with his or her legal representative.
A contractual representative in court may be an advocate or any other person who has acquired at least a state-recognised Master's Degree in the field of law, a corresponding qualification within the meaning of subsection 28 (22) of the Republic of Estonia Education Act (*Eesti Vabariigi haridusseadus*) or a corresponding foreign qualification.
A legal person is represented in court by a member of its management board or of a body substituting the management board (legal representative) unless the law or its articles of association provide for a joint right of representation. The member of the management board may delegate the handling of the case in court to a contractual representative. The existence of such a representative does not prejudice the participation of the legal representative, i.e. member of the management board of the legal person in the proceedings.
A representative for a person is appointed by a court where the law so requires.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

An application must indicate the name of the court to which the statement is intended to be submitted. An application can also be submitted electronically via the portal available at https://www.e-toimik.ee/ by logging in to the environment with the ID card. An application can also be submitted electronically by fax or by sending it to the e-mail address designated for such a purpose. When taking an application to court in person, it should be handed over at the office of the relevant court house.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Proceedings before the courts and clerical business in the courts are conducted in the Estonian language. An application must be submitted in the Estonian language and in writing. An application must be filed with a court in a signed format; it may also be filed in a digitally signed format via the portal available at https://www.e-toimik.ee/ by logging in with the ID card, or it may be sent by e-mail in a digitally signed format. An application may only be sent by fax or by e-mail in a format which is not digitally signed if a signed application will be filed with the court as soon as possible.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There is no standard form for applications. Applications must indicate the following:
the names, addresses and contact details of the participants in proceedings and of any representatives;
the name of the court;
the clearly expressed claim of the plaintiff (object of action);
the factual circumstances which constitute the basis of the action (cause of action);
evidence in proof of the circumstances which constitute the cause of the action, and a specific reference to the facts which the plaintiff wants to prove with each piece of evidence;
whether the plaintiff agrees to the case being reviewed in written proceedings or wants the case to be heard at a court session;
the value of the action unless the action seeks to obtain the payment of a specific sum of money;
a list of annexes to the application;
the signature or, for a document transmitted electronically, a digital signature of the participant in proceedings or representative thereof.
If the plaintiff wishes the action to be reviewed in a documentary proceeding, the plaintiff must so indicate in the action.

If the plaintiff is represented in the proceedings by a representative, the action must also set out the details of the representative. If the plaintiff wants to be assisted in the proceedings by an interpreter or translator, the plaintiff must so indicate in the application and set out, if possible, the details of the interpreter or translator.
If you file an action with a different court than that of the defendant's general jurisdiction, you must justify this to the court.
In addition to the information specified above, applications in a divorce case must also indicate the names and dates of birth of the joint minor children of the spouses, the person who maintains and raises the children and the person with whom the children reside, as well as a proposal concerning the parental rights and the upbringing of the children after the divorce.
If a plaintiff or defendant is a legal person entered in a public register, a transcript of the registry card, excerpt from the register or registration certificate is annexed to the action, unless the court is able to check such data from the register independently. In the case of other legal persons, other evidence on the existence and legal capacity of them must be provided.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

A state fee is charged for the review of a petition, appeal or application. State fee rates either depend on the value of the civil case (in Annex 1 to the State Fees Act (*riigilõivuseadus*)) or are set out as specific sums subject to the type of claim. A state fee is not charged for hearing an application for legal aid, when a claim is filed for remuneration of wages or for maintenance support and in other cases provided for by the State Fees Act.
A state fee is paid before requesting the performance of an act. Before the state fee is paid, the application will not be communicated to the defendant or other procedures resulting from an act for which a state fee is charged performed. If the state fee is not fully paid, the court will grant the applicant a deadline within which to pay the full amount. Should the state fee not be paid by the due date, the application will not be accepted for review. If the amount of the state fee paid for a claim accepted for review is less than that prescribed by law, the court will require the payment of the state fee in the amount prescribed by law. If the plaintiff fails to pay the state fee by the due date set by the court, the court will not hear the action to the corresponding extent of the claim.
Upon payment of a state fee, the act for which the state fee is paid must be indicated in the payment document. If a state fee is paid for another person, the name of that person will also be indicated. If after the filing of an application the court requests the payment of an additional state fee, the reference number set out by the court must also be indicated when paying the state fee via a credit institution.
The necessary and reasonable costs of a contractual representative are generally ordered to be paid by the party against whom the judgment is made. In order to have compensation for the costs of a contractual representative awarded, the payment of such costs does not have to be evidenced; an invoice issued for the provision of legal services is enough proof to receive compensation. The Code of Civil Procedure does not regulate the payment to be made to a contractual representative before the division and determination of procedural expenses by the court; this should be agreed between the provider of legal services and the person to be represented in the contract for legal services.

11 Can I claim legal aid?

Legal aid is granted to a participant in proceedings who is a natural person and who, at the time of filing the application for legal aid, has a residence in the Republic of Estonia or another EU Member State or is a citizen of the Republic of Estonia or another EU Member State. Residence is determined on the basis of Article 62 of Regulation (EU) No. 1215/2012 of the European Parliament and of the Council. Other participants in proceedings who are natural persons are granted legal aid only if this arises from an international agreement.
Legal aid is granted to the person requesting it if:
the person requesting legal aid is unable to pay the procedural expenses due to his or her financial situation or is able to pay such expenses only in part or in instalments; and
there is sufficient reason to believe that the intended proceedings will be successful.
Participation in proceedings is presumed to be successful if the application for the filing of which legal aid is requested sets out the grounds in a legally convincing manner and the facts support this. The importance of the case to the person requesting legal aid is also taken into consideration when evaluating the success of the person's participation in the proceedings.
A natural person is not granted legal aid if:
(1) the procedural expenses are not presumed to exceed twice the average monthly income of the person requesting legal aid calculated on the basis of the average monthly income of the last four months before the submission of the application less any taxes and compulsory insurance payments, amounts prescribed to fulfil a maintenance obligation arising from the law and reasonable expenses on housing and transport;
(2) the person requesting legal aid is able to cover the procedural expenses out of existing assets which can be sold without any major difficulties and against which a claim for payment can be made pursuant to the law;
With regard to legal persons, only non-profit associations or foundations entered in the list of non-profit associations or foundations benefiting from income tax incentives or non-profit associations or foundations equal thereto which have a seat in Estonia or another EU Member State have the right to apply for legal aid in order to achieve their objectives, provided that the applicants prove that they are applying for legal aid in the field of environmental or consumer protection or in any other predominant public interest in order to prevent potential damage to the legally protected rights of a large number of people and provided that they cannot be presumed to cover the costs out of their assets or that they are able to pay for such costs only in part or in instalments. The legal aid that other Estonian legal persons in private law may apply for is full or partial release from the payment of state fee on the appeal. Other foreign legal persons are granted legal aid only on the basis of an international agreement.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is considered to have been brought at the time when the action arrives at the court. This applies only if the action was served on the defendant at a later date. If the court refuses to accept the application for review, the court will not serve the action on the defendant. If the application conforms to the statutory requirements, the court will make a ruling and accept it for review. If the application does not conform to the requirements, the court will grant the plaintiff a deadline within which to correct it. The court will make a ruling on the acceptance of an application for review or on the refusal to do so or on the granting of a deadline for correction within a reasonable time. The court will inform the plaintiff of the acceptance of the application for review.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The court will notify the participant of the progress of the proceedings by administrative rulings. The court will set a deadline for the defendant to respond by an administrative ruling, which will also inform the defendant that the application for review has been accepted.

Last update: 30/03/2023

How to bring a case to court - Ireland

1 Do I have to go to court or is there another alternative?

Going to court is often a last resort when other attempts to settle a dispute have failed. An alternative to going to court is to use alternative dispute resolution procedures. (See Factsheet on 'Alternative Dispute Resolution).

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case. This question of time limits can be clarified with a legal adviser or at an information office to citizens on access to law.

3 Should I go to a court in this Member State?

See Factsheet on 'Jurisdiction of the Courts' .

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

In the lower courts (i.e. Circuit and District Courts), the appropriate court in which to bring a claim is determined by the location where the defendant or one of the defendants ordinarily resides or carries on any profession, business or occupation. In most contract cases the appropriate District or Circuit is the one where the contract is alleged to have been made; in tort cases, where the tort is alleged to have been committed; in family proceedings, where the applicant resides; and, in cases relating to tenancy or title to real property, where the premises or lands the subject of such proceedings are situated.

For further detail on courts jurisdictions, please see the Factsheet on 'Jurisdiction of the Courts'

The website of the Courts Service of Ireland provides information on the structure of the courts. It also publishes a booklet entitled *Explaining the Court*s for public information. More details on the courts system are also available from the Citizens Information Board.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The appropriate court in which to bring a claim is determined by its nature (contract, tort etc.) and value.

For more details, please see the Factsheet on 'Jurisdiction of the Courts'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

It is not always necessary to use an intermediary, it is a matter for you to decide, and will depend upon the complexity of your case. If you do decide to use an intermediary, you must use a solicitor. The Law Society is the body which accredits and governs the profession of solicitor.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application must be lodged in the appropriate Courts Service office, depending on the amount of compensation you are claiming (for more detail on the appropriate court, please see Factsheet on 'Jurisdiction of the Courts'). There are Courts Service offices throughout Ireland, details of the addresses and opening hours are on the Courts Service web site.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

In Ireland, the application can be made in English or in Irish. The application must be on a special form, which is specific to the jurisdiction in which you are making your claim. The application cannot be faxed or e-mailed, you must bring it in person to the appropriate Courts Service office. The application cannot be made orally.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are special forms for bringing actions, many of them are in downloadable form on the Courts Service web site and the remainder are contained in the Court Rules. These forms will indicate what elements must be included in the file. Some limited guidance can be sought from officials in the Courts Service, but these officials can only give procedural information as they are precluded from advising on the merits of a claim or recommending how to process it.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court charges, known as court fees, are payable on most types of application. The fees must be paid when the application is lodged in the appropriate Courts Service Office. Details of the different fees are on the Courts Service web site. Payments to a solicitor, should you use one, are different, and they are not a matter for the Courts Service. Should you instruct a solicitor he or she will advise you as to amount of the fee that will be charged and when it is to be paid.

11 Can I claim legal aid?

See Factsheet on 'Legal Aid'.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is officially brought when the claim is issued by the Courts Service office. Depending on the jurisdiction in which you bring your claim it may not be issued until it has been served on the other party. In the Small Claims Court, the court registrar will send your claim to the other party. In other courts you will have to serve the claim yourself or get an intermediary to do this for you. You can find out at the Courts Service office where you have decided to make your claim. The Courts Service officials will let you know if you have not satisfied all the procedural requirements to lodge your claim but it is a matter for the judge to decide if your case is properly presented.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The Rules of each court specify the time limits and you can check this information with the Courts Service office where you lodge your claim

Last update: 12/04/2023

How to bring a case to court - Greece

1 Do I have to go to court or is there another alternative?

Indeed, it might be appropriate to use 'alternative dispute resolution methods'. See relevant subject.

2 Is there any time limit to bring a court action?

There are different limitation periods for bringing a court action depending on the case. Details on limitation regarding bringing a court action can be provided by a legal advisor or a citizens advice office.

3 Should I go to a court in this Member State?

See 'Competent courts'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See **'Competent courts - Greece'**

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See **'Competent courts - Greece'**.

Procedure to be followed for bringing legal action.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

The action must be brought by a lawyer, except in the following cases: (1) cases brought before a district civil court *(Irinodikio)*, (2) provisional remedies, (3) to prevent an imminent danger (Article 94(2) of the Code of Civil Procedure), and (4) labour proceedings conducted before the single-bench court of first instance *(Monomelos Protodikio)* or the district civil court (Article 665(1) of the Code of Civil Procedure). As a general rule, therefore, a legal representative should be present. There are certain procedures, e.g. provisional remedies, minor disputes, labour disputes, etc., in which the person concerned may appear on their own behalf.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

To initiate a court case, an application must be submitted to the registry of the competent court. To draw up the action, the person concerned should contact a lawyer, who will submit it to the registry of the competent court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

(a) The application must be made solely in Greek;

(b) as a general rule, it must be made in writing. It may be submitted verbally to a district civil court if there are no appointed lawyers or local unlicensed legal advisers (*dikolavoi*) at the place where the Court has its seat. In that case, a report should be drawn up (Articles 111, 115 and 215(2) of the Code of Civil Procedure); and

(c) the application may also be submitted electronically, provided that it has been signed with an advanced electronic signature (Articles 117(2) and 119(4) of the Code of Civil Procedure; Presidential Decree 25/2012).

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are no special forms for bringing actions. The file includes the action, where necessary (it is not mandatory for district civil courts and precautionary measures) and where the written evidence is submitted by the party to the case.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court charges are paid as follows: The party to the case should cover the relevant costs and charges. Thus, the claimant should pay for the stamp duty, the court stamp duty and the fees for various funds (e.g. Lawyers' Fund [TN], Athens Lawyers' Welfare Fund [TPDA], etc.), which are paid when the action is lodged. When and how the lawyer is to be paid is agreed with the party to the case.

11 Can I claim legal aid?

Yes you can, subject to the conditions of Articles 194-204 of the Code of Civil Procedure (if the person concerned is unable to pay the court costs without compromising their own livelihood and that of their family). The following documents are required: (1) A certificate from the mayor or the president of the community in which the claimant lives, regarding their professional, financial and family status, and (2) a certificate from the head of the tax office of the place where the claimant lives, regarding whether he has submitted a tax return in the last three years for income tax or any other direct tax, as well as a verification of the accuracy of the tax return.

Subsequent steps to be taken in connection with the action.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The action is considered to have been brought when it is submitted to the registry of the court to which it is addressed and when a copy of it is served to the defendant (Article 215 of the Code of Civil Procedure). The drawing up and submission of a report constitutes confirmation that the action has been brought. Upon submission of the action to the competent court, an act of submission is drawn up and a date of hearing is set, to provide the claimant with the submission details.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The date of hearing of the action is set by the registry of the competent court and the party to the case is summoned to each subsequent session of the court or each act taken in the course of the case. Any party to the case has the right to expedite the hearing. Guidance is also given by the authorised lawyer.

Finally, as regards all the questions, the presence of a lawyer is mandatory at a second-instance court, i.e. court of appeal, even if the presence of a legal representative was not mandatory at the above-mentioned first-instance courts in these particular cases (question one). Naturally, this also applies to cases brought before the Hellenic Supreme Civil and Criminal Court (*Arios Pagos*).

Last update: 29/11/2017

How to bring a case to court - Spain

1 Do I have to go to court or is there another alternative?

Disputes can be resolved without going to court by means of mediation - see 'Mediation in Member States - Spain'.

The parties may also seek mediation after legal proceedings have been initiated.

2 Is there any time limit to bring a court action?

The time limit for bringing a court action varies depending on the case. The issue of time limits or limitation periods is legally complex, and you would be best advised to consult a lawyer or a law centre that provides information on access to justice.

As a general rule, and for illustrative purposes only:

a) the limitation period for claims for contractual debts is 5 years;

b) the limitation period for claims for non-contractual damages is 1 year.

3 Should I go to a court in this Member State?

If you opt to resolve the dispute through the courts, then you must go to a court in this Member State.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Please see the rules on jurisdiction at 'Jurisdiction of the courts'.

Based on your place of residence:

Directory of judicial bodies (*Directorio Juzgados*)

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Please see the rules on jurisdiction at 'Jurisdiction of the courts'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

As a general rule, in order to go to court in Spain you need to engage:

a) a court procedural representative (*procurador*), and

b) a lawyer who will act for you in court.

You do not need to engage these practitioners in the following cases:
Where the amount you are claiming does not exceed EUR 2 000.
In order to lodge an application under a special fast-track procedure known as an 'order for payment procedure' (*monitorio*), provided that you supply documentary evidence of the debt. In these cases there is no limit on the amount of the claim.
In order to apply for urgent measures prior to commencing proceedings. This covers interim provisional measures in annulment, separation or divorce proceedings, such measures being intended to address the most pressing personal and financial needs of the spouses and their children where one of the spouses intends to bring annulment, separation or divorce proceedings (however, the intervention of these practitioners will be necessary for all subsequent written documentation and actions).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application and documents can be submitted online:
General access point for the Courts Service (*Administración de Justicia*)
Applications and documents can also be filed with the central court registry (*Juzgado Decano*) for the district or the registry of the court for the location in question. In that case, they will be dealt with by:
a) the court clerk responsible for the central court registry and general common services, or
b) the registry official acting under the court clerk's supervision.
Court clerks and officials designated by them are the only people able to confirm the date and time of filing of applications, documents commencing proceedings and any other documents for which there are mandatory time limits.
Civil or commercial claims cannot be lodged with any other public body, including the duty court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

In principle, Spanish must be used in court proceedings. In those Autonomous Communities that have their own language (Catalonia, Valencia, the Balearic Islands, Galicia and the Basque Country), that language may also be used.
Anyone else taking part in the proceedings may use either Spanish or the language of the Autonomous Community where the proceedings are being held, in both written documents and oral proceedings. If someone cannot understand the Autonomous Community language, the court will appoint an interpreter to provide a translation into Spanish. Such appointment will be made either where stipulated by law or on request by the person claiming denial of due process.
If someone other than a party gives evidence in a different language because they cannot speak Spanish or the language of the Autonomous Community, the party proposing that evidence will be responsible for providing an interpreter.
Proceedings must always be commenced in writing in a document known as an 'application' (*demanda*), which is straightforward for cases under EUR 2 000. It must contain the following information:
a) the applicant's personal details and address, and the other party's personal details and address, where known, and
b) exactly what the applicant is seeking from the other party.
People who do not engage a court procedural representative can choose whether or not to deal with the courts electronically. They can change their chosen method at any time.
General access point for the Courts Service
All legal practitioners are required to use the Courts Service's electronic or distance filing systems to submit both the initial application and subsequent application documents, as well as other documents, to ensure that filings are genuine and to provide a reliable record that documents have been sent and received in full, as well as the date on which they were sent and received.
The following organisations and individuals are also required to deal with the courts electronically:
a) legal entities;
b) entities without legal personality;
c) professionals working in areas requiring registration in a professional organisation for any formalities and actions that they carry out with the Courts Service when exercising their professional activities;
d) notaries and registrars;
e) representatives of an interested party that must have electronic dealings with the Courts Service; and
f) public administration officials, for any actions and steps that they carry out because of their position.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are standard forms and printed documents for lodging claims for amounts not exceeding EUR 2 000, and also for financial claims submitted under a special procedure known as an 'order for payment procedure'. There is no limit on the amount that can be claimed under the order for payment procedure, but you must provide documentary evidence of the debt.
These forms (together with user guides) are available on the internet at:
Oral trials (*Juicio Verbal*) (for small claims)
The payment procedure (*Juicio Monitorio*) (for the special procedure)
They are also available to the public at the central court registry and common procedural services offices for each court district.
For claims not exceeding EUR 2 000, this is a very simple document. All it needs to contain are the applicant's personal details, the other party's personal details, where known, and a precise description of what the claimant is asking for.
For claims of more than EUR 2 000, the document is more complicated and must be drafted by a lawyer because it must also include a description of the facts of the case, the legal grounds for the application, and an ordered list clearly identifying the documents and other evidence submitted.
In both cases, the initial application must be accompanied by all the documentary evidence in support of the application, plus any expert witness reports or other evidence relating to the case. In general, these documents cannot be submitted at a later date, except in very special cases.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Individuals do not have to pay a fee.
Legal entities (companies, foundations, associations) must pay a fee in order to bring an application before the civil, commercial or contentious administrative courts, and to appeal against a judgment handed down in the social courts. No fees are payable in the criminal courts. More information is available at:
Court fees (*Tasas judiciales*)
In the Autonomous Community of Catalonia, legal entities (but not individuals) must pay a fee:
Autonomous Community of Catalonia (*Comunidad Autónoma de Cataluña*). Fee
There are no standard tariffs for lawyers' fees. Both the level of fees and the method of payment are set by mutual agreement with the client.
There is a standard tariff for the fees charged by court procedural representatives.
Fee for court procedural representatives (*Arancel Procuradores*) (standard tariff)

Legal practitioners generally ask for an up-front payment to cover initial costs, which is offset against the total fees. Proceedings are divided into stages, and practitioners can ask their clients to pay the corresponding percentage of the total fees at the start of each stage.
Practitioners do not usually ask for full payment of fees until the case is completed.

11 Can I claim legal aid?

People who can prove that they do not have the means to go to court are entitled to legal aid.
Legal aid (*Justicia Gratuita*) (Ministry of Justice)
People's means are assessed using an index known as the IPREM (*indicador público de renta de efectos múltiples*, public basic-level income index).
An individual is deemed to lack the means to go to court where their annual household income from all sources is no more than:
a) twice the IPREM applicable at the time the application is made, for individuals who are not part of a family unit.
b) two and a half times the IPREM applicable at the time the application is made, for individuals who are part of any of the types of family unit with fewer than four members.
c) three times the IPREM, for individuals who are part of a family unit with at least four people.
For 2023, the annual IPREM is EUR 7 200.00 (twelve instalments).
IPREM 2023
Certain not-for-profit organisations may also qualify for legal aid.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is officially considered to have been brought from the date on which it was filed, once it has been submitted to the clerk's office and an order has been issued admitting the application to process, following confirmation that the matter falls within the court's jurisdiction.
You will be notified of the court's decision to admit the application to process and of all subsequent decisions via your court procedural representative, if you have one. Where a court procedural representative is not needed, you will be notified directly by recorded delivery to the address given in the application.
If the application contains an error that means it cannot be admitted to process, the court will allow you a period of time in which to correct it. If the error cannot be corrected, the court clerk will inform the judge, who will decide whether or not to allow the application to proceed.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The parties will be notified immediately of all stages or events in the proceedings, either directly or through their court procedural representative where they have one.
As a general rule, there is no set timetable for proceedings, but there are time limits that have to be met.

Last update: 11/07/2023

How to bring a case to court - France

1 Do I have to go to court or is there another alternative?

It might be preferable to use alternative dispute resolution methods. See more on this subject.

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case. This question of time limits on bringing court actions can be clarified by a legal adviser or a citizen's advice bureau.

3 Should I go to a court in this Member State?

See 'Jurisdiction of the courts - France'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See 'Jurisdiction of the courts - France'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See 'Jurisdiction of the courts - France'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

In some cases, you must be assisted in court by a lawyer from the beginning of the proceedings.
In principle, you must be represented by a lawyer before the combined court (*tribunal judiciaire*). However, there are certain exceptions, for example in cases involving commercial leases, or matters falling under the jurisdiction of the chamber for protection disputes (*juge des contentieux de la protection*).
Before a family court (*juge aux affaires familiales*), representation by a lawyer is not compulsory in matters of delegation of parental authority, post-divorce proceedings, parental authority, setting contributions to the costs of a marriage and maintenance obligations.
Before a commercial court (*tribunal de commerce*), enforcement chamber (*juge de l'exécution*), juvenile court (*juge des enfants*), social affairs tribunal (*tribunal des affaires sociales*), employment tribunal (*conseil des prud'hommes*) or agricultural land tribunal (*tribunal paritaire des baux ruraux*), representation by a lawyer is not compulsory.
Under French law there are two methods of referral.
The services of a bailiff must be used if the proceedings have to be brought by means of a summons. However, the services of a bailiff are not needed if the proceedings may be brought by an ex parte or joint application.
It should be noted that for applications for interim measures (*référés*), the action must be brought by means of a summons.
In divorce matters, the action is brought by means of a summons or by joint application.
A case is referred to a juvenile court judge by one of the parents, the guardian or the minor themselves by means of a simple application.
In order to bring a case before an enforcement chamber, a summons is compulsory except in cases concerning enforcement proceedings regarding decisions relating to deportation.
Before a commercial court , the injunction to pay proceedings that can be brought by means of a simple application concern debts arising from a banker's draft (*traite*), a bill of exchange (*lettre de change*), a promissory note (*billet à ordre*) or an assignation of debts note (*bordereau de cession*). In other matters, the action must be brought by means of a summons.
Before an employment tribunal , a claim may be made by application, which can be (but does not have to be) sent by registered letter.
The parties may apply to the agricultural land tribunal by application or by means of a bailiff. The parties may also apply to the tribunal by means of a joint application, a joint action in which they submit their claims to the judge. This application is submitted to the clerk of the court office.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

All requests for information should be made to the reception desk of each court. In addition, free legal consultations are available in most courts, community justice centres (*maisons de justice et du droit*) and town halls (*mairies*).
In order to bring a legal claim you need to apply to the court office.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

French is the only language accepted. An interpreter may assist a party during the hearings but judges are not obliged to use one if they know the language the party is speaking.
Claims are made in writing.
As the regulations currently stand, it is not possible to bring a case before a civil court by fax or e-mail.
Since the beginning of 2021, an online referral service has been available on the portal for citizens involved in legal proceedings (*Portail du justiciable*). This portal is available for applications to join proceedings as a civil party after receipt of a notice to the victim from the court, application to the guardianship chamber for the management of measures to protect adults and referral by application to the family court for proceedings without mandatory representation by a lawyer.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The French Centre for the Registration and Revision of Forms (CERFA) provides forms for referrals to the courts by application. The file must include information about the claimant and the opposing party and all the documents relating to the subject of the case, which must be submitted, depending on the case, to the court office when the action is brought or to the judge at the time of the hearing.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Access to justice at first instance is free of charge. As a rule, there are no charges payable to the State when bringing an action, with the exception of those relating to commercial courts where there are fixed court charges.
The costs represent the expenses generated by the conduct of the proceedings. These include compensating witnesses and paying experts' fees and bailiffs' and lawyers' expenses, excluding fees. Some costs must be paid at the start of or during the proceedings. At the end of the proceedings, costs are, as a rule, charged to the losing party by the judge, unless that party is receiving legal aid.
Lawyers' fees are subject to a fee agreement established with their client. Lawyers may require a retainer, which is an amount paid in advance or during the work done by them as a payment on account by the client.

11 Can I claim legal aid?

If the means of a claimant of legal aid do not exceed an eligibility ceiling that is re-evaluated each year, he/she can receive legal aid (€1 043 in 2020 for full legal aid and up to €1 564 for partial legal aid). The thresholds may be amended according to the plaintiff's family situation (see 'Legal aid – France').

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The action is brought:
by submitting a copy of the summons to the court office;
by lodging or registering the application with the court office.
Claimants do not receive any confirmation of the validity of their action.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The court office may provide information on the progress of proceedings and the hearing date that has been set.

Related links

Ministry of Justice website

Last update: 08/10/2021

How to bring a case to court - Croatia

1 Do I have to go to court or is there another alternative?

Parties may resolve a dispute in court, but there are also out-of-court methods of dispute resolution. In Croatia, such methods include arbitration, mediation and court actions in a broader sense aimed at achieving a court settlement.
Mediation in civil, commercial, labour-related and other disputes regarding rights that parties may freely exercise is governed by the Mediation Act (*Zakon o mirenju*) (*Narodne Novine* (NN; Official Gazette of the Republic of Croatia) No 18/11). Mediation means any procedure, regardless of the name used (*mirenje, medijacija, posredovanje, koncilijacija*) in which the parties aim to resolve their dispute by coming to a mutual agreement, i.e. by achieving a mutually acceptable agreement that is in line with their needs and interests, with the help of a neutral third party – one or more mediators (*posrednik, medijator, koncilijator*), who help the parties reach a settlement, without the power to impose a binding solution. Mediation is conducted in a manner agreed on by the parties; the procedure is characterised by its optional nature and by the autonomy of the parties. It is voluntary and consensual, informal and confidential, and the parties are equal in the proceedings.
In contrast, arbitration (*arbitraža* or *izbrano suđenje*) is a trial held before an arbitration court, regardless of whether it is organised or conducted by a legal person or the body of a legal person that organises and conducts the work of arbitration courts. Arbitration is a voluntary, quick, efficient, non-public manner of resolving disputes where parties may arrange who will act as judge if a dispute should arise, the place of arbitration, the applicable substantive and procedural law and the language(s) in which it will be conducted; the decision of an arbitration court on the facts of the case has the force of a definitive court ruling.
The Civil Procedure Act (*Zakon o parničnom postupku* (NN Nos 53/91, 91/92, 112/99, 129/00, 88/01, 117/03, 88/05, 2/07, 84/08, 96/08, 123/08, 57/11, 25 /13, 89/14 and 70/19) provides that a court may, considering all the circumstances, especially the interests of the parties and of the third parties related to them, the duration of their relations and their level of mutual reliance, issue a decision, at a hearing or otherwise, instructing the parties to launch mediation proceedings within eight days or proposing that they seek to resolve their dispute through mediation proceedings. Furthermore, at the preliminary hearing, the court informs the parties that the dispute may be resolved by a court settlement or in a mediation procedure, and explains those options to them.
In certain cases (filing an action against the Republic of Croatia), the person intending to file such an action is obliged, prior to filing it, to contact the state attorney's office which has territorial and subject-matter jurisdiction for representation before the court where an action against the Republic of Croatia will be filed, and request an amicable settlement of the dispute, except in cases in which special legislation specifies a deadline for filing an application. The request for amicable settlement of a dispute must contain all the information required for a standard application to court.

2 Is there any time limit to bring a court action?

The time limit for bringing a court action depends on the type and legal nature of the action. For example, for judicial protection of employment-related rights there is a deadline of fifteen days within which the employee must file an application to the competent court in order to protect the violated right, after having submitted a request for the protection of their rights to their employer, except in the event of a claim for damages or other monetary claim arising from the employment relationship.

3 Should I go to a court in this Member State?

Yes. In Croatia, in civil procedures, the courts rule within the limits of their subject-matter jurisdiction as defined by law, and judicial authority is exercised by ordinary and specialised courts and the Supreme Court of the Republic of Croatia (*Vrhovni sud Republike Hrvatske*).

The ordinary courts are municipal courts (*općinski sudovi*) and county courts (*županijski sudovi*). The specialised courts are commercial courts (*trgovački sudovi*), administrative courts (*upravni sudovi*), misdemeanour courts (*prekršajni sudovi*), the High Commercial Court of the Republic of Croatia *Visoki trgovački sud Republike Hrvatske*), the Supreme Administrative Court of the Republic of Croatia (*Visoki upravni sud Republike Hrvatske*) and the High Misdemeanour Court of the Republic of Croatia (*Visoki prekršajni sud Republike Hrvatske*).

Croatia's highest court is the Supreme Court of the Republic of Croatia.

The law may establish other ordinary and specialised courts according to their subject-matter jurisdiction or for certain legal areas.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

The general rule states that the competent court is the court with general territorial jurisdiction for the defendant, i.e. the court covering the area where the defendant has their permanent residence. If the defendant does not have permanent residence in the Republic of Croatia, the court with general territorial jurisdiction is that covering the area where the defendant has their temporary residence.

If the defendant, in addition to permanent residence, also has temporary residence in any other place, and due to the circumstances it can be deduced that they will reside there for a relatively long period of time, the court in the place of temporary residence has general territorial jurisdiction.

For trials in disputes against a Croatian citizen who is permanently resident abroad where they have been posted to work for a national authority or legal entity, the general territorial jurisdiction lies with the court covering their last known permanent residence in the Republic of Croatia.

In disputes with international elements, a court in the Republic of Croatia is competent for the trial when explicitly specified by law or international treaty. If the law or international treaty does not explicitly state that a Croatian court is competent for a specific type of dispute, then a Croatian court is competent for trial when this is derived from the legal provisions regarding the territorial jurisdiction of courts in Croatia.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The aforementioned depends on the kind of dispute and the provisions of the Civil Procedure Act governing matters of territorial and subject-matter jurisdiction.

The sum involved in the dispute is not a distinct criterion affecting territorial and/or subject-matter jurisdiction of courts in Croatia.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

According to the current organisation of the litigation process as set out by the Civil Procedure Act, any party – natural or legal person – can freely choose whether they will represent themselves in the proceedings, or will be represented by an intermediary, usually a lawyer, unless the Civil Procedure Act states otherwise.

However, Article 91 of the Civil Procedure Act significantly limits parties' right to represent themselves: if, in disputes involving property claims, the amount in dispute exceeds HRK 50,000, agents for legal persons may only be persons who have passed the bar exam.

Furthermore, Article 91a of the Civil Procedure Act states that parties may submit a request for permission to apply for review, or an application for review, via their representative, i.e. attorney, or, exceptionally, they may do so themselves, if they have passed a bar exam, or the request for permission to apply for review or the application for review may be submitted on their behalf by a person who is authorised in accordance with the Civil Procedure Act or any other law to represent them in this capacity despite not being an attorney, provided that that person has passed the bar exam.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Civil proceedings are initiated by filing an action before a competent court, directly in the court's registry office, by post or by wire.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Civil proceedings are conducted in the Croatian language and with the use of Latin script unless the use of another language or script has been introduced in individual courts by law.

Parties and other participants in the proceedings file their actions, complaints and other submissions with the court in the Croatian language and the Latin script.

An action may be filed directly in the court's registry office, by post or by wire, although it is most common to file it directly in the registry office or by post.

The Civil Procedure Act provides for the possibility of submitting documents electronically. Electronically submitted documents must be signed using a qualified electronic signature in accordance with special legislation.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

Forms are used only for European small claims procedures. Further details on this are available in the leaflet entitled 'Small Claims – Republic of Croatia'.

The Civil Procedure Act states that the application must contain the following: a specific claim regarding the merits and incidental claims, the facts on which the applicant bases the claim, evidence to support those facts and other information which must be enclosed with every submission (Article 106 of the Civil Procedure Act).

Each submission, including applications, must contain the following: the name of the court, the name and permanent or temporary residence of the parties, their legal representatives and agents, if any, the personal identification number of the submitting party, the subject of the dispute, and the submitting party's statement and signature.

The party or their representative signs their name at the end of the submission.

If the statement contains a claim, the party must state in the submission the facts on which they are basing their claim and the evidence, when necessary.

The court proceeds on the application even if the applicant has not stated the legal grounds for the application; even if the applicant has stated the legal grounds, the court is not bound by this.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Parties must pay the court fees regulated by the Court Fees Act (*Zakon o sudskim pristojbama*) (NN No 118/18).

The court fees prescribed by the Court Fees Act apply to persons at whose request or in whose interest certain actions prescribed by law are undertaken.

Unless otherwise provided for by the Court Fees Act, there are court fees for:

• submissions (applications, legal remedies, applications for enforcement, etc.) at the moment of submission; and for submissions put on record, when the record is completed,

• submissions in defence after the final termination of the proceedings for each party, proportionate to their success in the case,

• court transcripts, when requested,

• judicial decisions, when the party or their representative is served with a copy of the decision,
• certificates of succession, when they become final,
• forced settlement, bankruptcy and liquidation proceedings, on issue of a decision on the main division or of a decision approving forced settlement,
• other actions, when they are requested or when the court starts to act.
The general rule for paying the costs of litigation proceedings is that the party that loses the case in its entirety must cover the expenses of the opposing party and their intervener in the proceedings. The intervener on the side of the party that loses the case must cover the expenses incurred by their actions.
The costs of representation by attorneys, and attorneys' remuneration and reimbursement of costs is regulated by the Legal Profession Act (*Zakon o odvjetništvu*) (NN Nos 9/94, 117/08 translation, 50/09, 75/09, 18/11 and 126/21).
An attorney is entitled to a fee for legal services and to the reimbursement of any costs incurred in connection with the work done, according to the tariff established by the Bar Association and approved by the minister for justice; attorneys must issue their clients with an invoice upon performance of a service. In the case of cancellation or revocation of the power of attorney, the attorney issues an invoice within 30 days of the day on which the power of attorney was cancelled or revoked.
In property-law matters attorneys may arrange remuneration for their work with their party commensurate with their success in the proceedings, i.e. in the legal actions that they undertake on behalf of the party, in accordance with the official tariff. Such a contract is valid only if it has been concluded in written form.
Therefore, in property law matters, parties may regulate their relationship with their attorney in a written contract.

11 Can I claim legal aid?

If a party requires professional legal aid, they may seek legal advice from attorneys, who, in accordance with Article 3 of the Legal Profession Act are authorised in Croatia to provide all forms of legal aid, especially to provide legal advice, prepare actions, complaints, motions, requests, applications, extraordinary legal remedies and other pleadings, as well as to represent parties.
Furthermore, parties can avail themselves of free legal aid. Specifically, the Free Legal Aid Act (*Zakon o besplatnoj pravnoj pomoći*) (NN Nos 143/2013 and 98/19) provides for free legal aid to be granted to citizens who are unable to obtain legal aid themselves, but are in need of it. Information on the free legal aid scheme in Croatia can be found on the following website: https://pravosudje.gov.hr/besplatna-pravna-pomoc/6184.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

A civil procedure is brought by filing an action and is initiated by serving the action on the defendant.
After an action has been received, preparations are made for the main hearing.
These preparations include preliminary examination of the action, and, if the action is not comprehensible or does not contain everything necessary to act on it, the court orders the submitting party to correct or amend the submission in accordance with the instructions provided and returns it for the purposes of correction or amendment.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The parties, their attorneys and representatives are informed about the progress of the case by the official of the registry office on the basis of the information in the register and the file.
The information is limited to data regarding the stage of the proceedings and the single judges, presidents of the chamber, chamber members and court counsellors who are dealing with the case.
When information is provided, it is prohibited to make statements on the correctness of individual court actions or on the likely outcome of the proceedings. Information can be given by telephone, e-mail and in written form.
The parties can access information through the internet regarding the progress of the proceedings and the single judges, presidents of the chamber, chamber members and court counsellors who are dealing with the case if the service Public Access to Basic Information on Court Cases / e-Case (*Javni pristup osnovnim podacima o sudskim predmetima – usluga e-Predmet*) is in use for the case in question.
Deadlines for appearing before the court and other steps taken by the parties or the court are prescribed by the Civil Procedure Act.
Further information on the deadlines and the types of deadlines is available in the information package entitled 'Procedural deadlines – Republic of Croatia'.

Last update: 06/02/2023

Please note that the original language version of this page it has been amended recently. The language version you are now viewing is currently being prepared by our translators.

How to bring a case to court - Italy

1 Do I have to go to court or is there another alternative?

The Italian legal system guarantees that you can have resort the the courts as a general channel for protecting your rights.
But in some matters you first need to attempt mediation, with your lawyer's assistance, and only if that fails can you bring a court action: these areas are condominium disputes, property rights, division of assets, inheritance, family agreements, rent or lease, loans for use, business leases, claims for damages due to medical malpractice, defamation in the press or other media, and disputes relating to insurance, banking and financial contracts..
Another option is arbitration, where the dispute is adjudicated by a private arbitrator designated by the parties to the dispute. Recourse to arbitration as an alternative to court action must be agreed upon by the parties concerned.

2 Is there any time limit to bring a court action?

Specific time limits apply according to the type of claim. The standard time limit is 10 years; however, some types of claim have shorter time limits (Sections 2934–2961 of the Civil Code).

3 Should I go to a court in this Member State?

To obtain a final judgment adjudicating a dispute, you have to go to court. To identify the court with jurisdiction, you must consider the type of dispute and the national and EU rules governing jurisdiction.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

The basic rule is that the competent court is the court of the place where the defendant resides; this is the rule of territorial jurisdiction that determines what is described as the ordinary forum for natural persons (*foro generale delle persone fisiche*). Depending on the value of the dispute, or on the specific matter at issue, you will have to turn to a specific court in the relevant area (the justice of the peace (*giudice di pace*), or the general court (*tribunale*) sitting with one

judge or with a panel of judges), or indeed to a court outside the ordinary forum for natural persons (in which case there is said to be mandatory territorial jurisdiction (*competenza per territorio inderogabile*)).
See the factsheet on 'Jurisdiction'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Actions concerning movable property for a value of up to €5 000 must be brought before the justice of the peace (*giudice di pace*). The justice of the peace is also competent for actions having a value of up to €20 000 if they relate to compensation for damage caused by the movement of vehicles and boats.
Actions where the sum at issue is larger are handled by the general court (*tribunale*) sitting with one judge. Certain matters are assigned irrespective of their value to the justice of the peace (Section 7, third paragraph of the Code of Civil Procedure), the single-judge general court (Section 409 of the Code of Civil Procedure) or the general court sitting with a panel of judges (Section 50-*bis* of the Code of Civil Procedure).
See the factsheet on 'Jurisdiction'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

As a general rule, you will have to be represented by a lawyer: professional representation is mandatory (*obbligo di difesa tecnica*). This rule does not apply to claims for small sums (claims of €1 100 or less before the justice of the peace) or if you yourself are a qualified lawyer (Section 86 of the Code of Civil Procedure).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application must be addressed to the other party and filed with the competent office of the clerk of the court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send it by fax or by e-mail?

The application can be made orally only in claims before the justice of the peace (Section 316 of the Code of Civil Procedure). In all other cases it must be written, in the Italian language. The application cannot be sent by fax or e-mail.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are no set forms; the application must indicate the parties, the court, the subjectmatter and the heading.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

You will need to pay to the State a fee, which will depend on the amount you are claiming, at the time you file the application (single fee under the Consolidated Law on Legal Costs, Presidential Decree No 115/2002).
The amount and timing of payment of lawyer's fees will depend on the arrangements you make directly with your lawyer.

11 Can I claim legal aid?

Both Italian nationals and foreign nationals can claim legal aid if they fulfil the legal personal income requirements (Consolidated Law on Legal Costs, Presidential Decree No 115/2002).

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The action is considered to have been brought
when it is served on the defendant, in the case of a writ of summons addressed to the other party (*atto di citazione*),
when it is filed at the office of the clerk of the court, in the case of an application addressed to the court (*ricorso*).
The court will not consider whether the case has been presented properly until it comes to trial, when both parties can be heard.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The time allowed for entering an appearance, and the timing of other steps to be taken by the parties or by the court, are set out in the Code of Civil Procedure. Each court applies these rules from one step in the proceedings to the next or by setting an overall schedule for the proceedings (Article 81*bis* of the Decree implementing the Code of Civil Procedure).

Related annexes

Bringing a case to court articles Code of Civil Procedure (84 Kb) it

Last update: 21/07/2022

How to bring a case to court - Cyprus

1 Do I have to go to court or is there another alternative?

There are alternatives, including resolving the dispute through out-of-court settlement, recourse to arbitration or using the mediation mechanism provide for in the Certain Aspects of Mediation in Civil Matters Act 159(I)/2012.

2 Is there any time limit to bring a court action?

Yes, there is. Under the Limitation Act 66(I)/2012, no action can be lodged with a court if ten (10) years have elapsed from the date of completion of the basis of the claim, unless otherwise provided in the law, such as in the following cases:
If a claim concerns civil wrongs, contracts, bills of exchange, cheques, promissory notes, etc., no action may be brought after a period of six (6) years has elapsed from the date of completion of the basis of the claim.
If a claim concerns compensation for negligence, annoyance or breach of institutional duty, no action may be brought after a period of three (3) years has elapsed from the date of completion of the basis of the claim. This time limit may be extended by the court within two (2) years from the expiry date, if a claim concerns compensation for bodily injury and/or death caused by a civil offence.
The limitation period for bringing an action relating to a deceased person's property, irrespective of the share in that property, bequest or the validity of a will expires after eight (8) years from the date of death.
The limitation period for bringing an action concerning a mortgage or pledge expires after a period of twelve (12) years has elapsed from the date of completion of the basis for the action.
If an action concerns a court judgment, no action may be brought after a period of fifteen (15) years has elapsed from the date of issuance of the final judgment.

3 Should I go to a court in this Member State?

If the basis of the action or the enforceable right arose within the Republic of Cyprus or in territory which is deemed to be territory of the Republic of Cyprus or if the basis of the action is such that a court of the Republic of Cyprus may have jurisdiction, you will have to go to a court of the Republic of Cyprus.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

In the case of a **civil dispute,** you will have to go to the district court of the district in which:
the basis of the action arose entirely or partly;

the defendant, or any of the defendants, lived or worked at the time of lodging the action;
the Sovereign Base Area is situated, provided that all the parties to the case are Cypriot nationals and the basis of the action arose entirely or partly within the Sovereign Base Areas or the defendant (or any of the defendants) lives or works therein;
the Sovereign Base Area is situated, provided that the basis for the action arose entirely or partly within the Sovereign Base Area due to the use of a motor vehicle by a person that was, or should have been, insured under Article 3 of the Motor Vehicles (Third Party Insurance) Act;
the Sovereign Base Area is situated, provided that the basis for the action arose entirely or partly within the Sovereign Base Area due to an employee's accident or occupational disease that took place during his/her employment in relation to an employer's liability for which he/she was, or should have been, insured under Article 4 of the Motor Vehicles (Third Party Insurance) Act;
the property, which is the object of an action relating to the distribution or sale of the immovable property or any other matter that concerns that immovable property, is situated.
If the dispute concerns a **labour dispute** that involves a claim for compensation equal to the salaries of up to 2 years, you will have to go to the **industrial dispute tribunal** of the district in which the dispute arose or, in the absence of that, the one in which the claimant has his/her usual domicile or permanent place of residence. Otherwise, you will have to go to the competent district court.
In the case of a **dispute concerning leased property,** the rent control tribunal established in the district in which the property is situated will have jurisdiction.
In the case of a **family dispute** (e.g. divorce, property disputes, etc.), you will have to go the **family court,** and in particular to the family court of the district in which any of the parties to the case lives or works, or in the case of a dispute that concerns an underage child, to the family court of the district in which the underage child or the defendant lives.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Please see the answer to question 4 above.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

You can bring an action by yourself. The law does not require a person to be represented by a lawyer or other intermediary (except in the case of underage or incompetent persons, as defined in relevant legislation).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The judicial documents required to initiate the case (writ of summons, initiating application, etc.) should be filed with the registration department of the competent court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The application should always be made in writing, in Greek. Any applications (or other judicial documents) submitted by e-mail or fax will ***not*** be accepted.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The writ of summons for bringing an action should be drafted according to Form 1 of the Civil Procedure Rules in the case of a general endorsed writ of summons, or according to Form 2 in the case of a specific endorsed writ of summons.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Yes, you will have to pay a stamp duty fee. The fee should be paid upon registration of the document for which a fee has to be paid.
Whether to pay the lawyer in advance or not will depend on the agreement reached with your lawyer.

11 Can I claim legal aid?

Yes, where the legal proceedings are brought before the family court or in the case of proceedings that concern cross-border disputes, or asylum seekers, refugees or illegally staying third-country nationals, given that the request for legal aid is granted.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

From the time of registration of the action. In the event of invalid or overdue registration or any other problem associated with the registration of the action, you will receive feedback from the competent registration department.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Information on timetables and appearance before the court is provided at a later stage.

Last update: 07/12/2023

How to bring a case to court - Latvia

1 Do I have to go to court or is there another alternative?

In Latvia, a person may go to a law court or, if the parties have mutually agreed and concluded an arbitration agreement, to a court of arbitration (except for certain disputes that are not open to arbitration).

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary depending on the particular case. To clarify questions of time limits, please consult a lawyer or a public information agency.
There are various general time limits laid down in civil law. They can be affected by the subject-matter and circumstances of the claim, and have to be determined from case to case, taking into account the following:

Family law

Actions arising from an engagement to be married must be brought within a period of one year calculated from the day when the engagement is cancelled or when one of the parties withdraws from it, or where the fiancée is pregnant from the day when the child is born, if at such time the engagement has already been cancelled or the party has withdrawn from it.
Actions arising from the property relations between spouses must be brought within one year with respect to a transaction concluded by the other spouse.
The husband of a child's mother may contest a presumption of paternity within two years of the day he discovers that the child is not his. The mother of a child has the same right to contest a presumption of paternity. A child may himself or herself contest a presumption of paternity within two years after reaching the age of majority.
Actions arising from recognition of paternity must be brought within two years of the time when the party becomes aware of the circumstances that exclude the paternity, or of the child reaching the age of majority if the claim is brought by the child himself or herself
Actions arising from the relations between a guardian and a minor must be brought within one year of the minor's reaching the age of majority or the occurrence of other circumstances laid down in the law.

Property law

Actions for interference with possession or deprivation of possession must be brought within one year of the time the party becomes aware of the interference or deprivation.
Actions against a person who is in possession of a property and who may acquire it by prescription must be brought within 10 years of the time the other party becomes aware of the possession.
Actions brought by a new owner arising from augmentations formed as a result of natural processes must be brought within two years.

The law of obligations

Rights under the law of obligations are time barred if the person entitled does not duly exercise them within the period specified by law.
Actions arising from rights under the law of obligations for which the law does not specify a shorter term must be brought within 10 years; all such rights for which the law does not specify a shorter term are time barred if the person entitled does not exercise them within 10 years, except for some rights that cannot be time barred.
The right to request annulment of a purchase contract owing to excessive loss is barred if the claim has not been brought within one year of the conclusion of the contract.
Actions regarding losses resulting from pouring, throwing or falling must be brought within one year.

Commercial cases

Actions arising from a commercial transaction must be brought within three years, unless another limitation period is specified by law.
Actions arising from a commercial agency contract must be brought within four years of the end of the calendar year in which the claim arose.
Actions against an individual trader arising from the conduct of his or her business must be brought within three years after his or her removal from the commercial register, unless the claim is subject to a shorter limitation period.
Actions arising from a prohibition imposed on a member of a partnership preventing that member from concluding transactions in the same line of business as the partnership, or from being a member with full liability in another partnership which carries on the same line of business without the consent of the rest of the members, must be brought within three months of the day when the other members of the partnership become aware of the breach of the ban on competition, but no later than within five years of the time when the breach is committed.
Actions against a member of a partnership arising from the obligations of the partnership must be brought within three years of the day that the termination of the partnership is entered in the register, unless the claim against the partnership is subject to a shorter limitation period.
Actions against the founders of a company regarding obligations undertaken by the company before its establishment must be brought within three years of the day when the company is entered in the commercial register.
Actions against the founders regarding specific losses to the company and to third parties which have occurred during the establishment of the company must be brought within five years of the day when the company is entered in the commercial register. This time limit also applies to persons who facilitated the occurrence of such losses.
Actions arising from the rights against a company of a creditor who cannot obtain the satisfaction of his or her claim from the company and turns to the persons liable under the law (founders, third parties, etc.) must be brought within five years of the day that the claim arose.
Actions arising from a breach of a competition prohibition imposed on members of the board of a company must be brought within five years of the day of the breach.
Actions arising from losses caused during a reorganisation of a company to the company, its members or its creditors must be brought within five years of the day the reorganisation takes effect.
Actions against a forwarder must be brought within three years.
Actions against a forwarder regarding freight, unless the forwarder has acted in bad faith or has permitted gross negligence, and actions against a warehousekeeper, unless the warehousekeeper has acted in bad faith or has permitted gross negligence, must be brought within one year.

3 Should I go to a court in this Member State?

See factsheet on 'Jurisdiction of the courts'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See factsheet on 'Jurisdiction of the courts – Latvia'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See factsheet on 'Jurisdiction of the courts – Latvia'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

An application may be submitted by the plaintiff himself or herself or by an authorised person. The authorisation may be attached to the application. It is not obligatory to use a lawyer or another legal adviser.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

An application must be submitted to the court of first instance that has jurisdiction.
The application must be submitted to the registry (*kanceleja*) of the court by the applicant or authorised person. Applications may also be sent by post, and should be addressed to the respective court.
Applications are accepted during working hours by an employee appointed by the president of the court – usually this is the assistant to the president of the court or an employee of the registry.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Under the Law on Civil Procedure (*Civilprocesa likums*), parties must submit any foreignlanguage documents with a translation into the official language, Latvian, certified in accordance with the procedures laid down. No translation needs to be attached by a person who is exempted from covering court costs.
A court may accept certain procedural steps in another language if any party so requests and all the parties agree. The minutes of hearings and the decisions of the court are drawn up in Latvian.
An action is brought by submitting a written application to a court. The application may be submitted by the plaintiff in person or by a person authorised by the plaintiff, and may be sent by post, but not by fax or e-mail.
It should be added that documents certified with a secure electronic signature may be used to bring any kind of application unless the law lays down a specific procedure for initiating proceedings. Electronic documents are not accepted for certain types of contracts concerning real estate, family and succession and certain types of guarantee contracts.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

An application must be in writing. For most claims there is no set form. There are, however, specific forms for small claims (*maza apmēra prasības*, Chapter 30.3 of the Law on Civil Procedure); enforcement of obligations on court notice (*saistību piespiedu izpildīšana brīdinājuma kārtība*, Chapter 50.1 of the Law); and applications for provisional protection against violence (*pagaidu aizsardzība pret vardarbību*, Chapter 30.5 of the Law).

When there is no set form, the minimum information and data to be indicated in the application are laid down in the Law on Civil Procedure. Under the Law on Civil Procedure, the application must indicate following:
the name of the court to which the application is submitted;
the given name, surname, personal identity number and registered place of residence, or failing that, the *de facto* place of residence of the plaintiff; in the case of a legal person, the name, registration number and registered office; if the plaintiff agrees to communicate with the court by electronic means or if they are included among the persons/entities listed under Section 56(23) of the Law on Civil Procedure, an e-mail address and, where they are registered in the online system for correspondence with the court, the registration reference should also be indicated. The plaintiff may also indicate another address for correspondence with the court;
the given name, surname, personal identity number, registered place of residence and any declared additional address of the defendant or interested party, or failing that a *de facto* place of residence; for a legal person, the name, registration number and registered office. The personal identity number or registration number of the defendant is to be indicated if known;
the given name, surname, personal identity number and address for correspondence with the court of the representative of the plaintiff, if the action is brought by a representative, or in the case of a legal person, the name, registration number and registered office; if the representative of the plaintiff, with a registered place of residence or an address for correspondence in Latvia, agrees to communicate with the court by electronic means, an e-mail address and, where they are registered in the online system for correspondence with the court, the registration reference should also be indicated. If the registered place of residence or the address for correspondence of the representative of the plaintiff is outside Latvia, the e-mail address or the reference for their registration in the system for correspondence with the court is to be indicated too. If the plaintiff's representative is a lawyer, the e-mail address of their chambers should be added;
the name of a credit institution and the account number to which the recoverable amounts are to be paid and the legal costs reimbursed;
the subject-matter of the claim;
the amount of the claim, if the claim can be assessed in terms of money, showing the manner of calculation of the amount being recovered or disputed;
the facts on which the plaintiff bases his or her claim, and evidence which corroborates such facts;
the law on which the claim is based;
any reports on mediation attempted before bringing action before the court;
the claims of the plaintiff;
a list of the documents appended to the application;
the date on which the application was drawn up, and any other information that may be relevant. The plaintiff may indicate his or her telephone number, if he /she agrees to communicate with the court by phone.
Further information is required by the Law on Civil Procedure for applications of particular kinds (e.g. for divorce) and for special types of proceeding (e.g. confirmation or annulment of adoption, protection of inheritance and guardianship).
The application must be signed by the plaintiff or his or her representative, or by the plaintiff together with the representative if the court so requires, except where the law provides otherwise. If the representative is to act on the plaintiff's behalf, a power of attorney (*pilnvara*) or another document certifying the representative's right to conduct the action must be attached to the application.
The application must be submitted to court in as many copies as there are defendants and third parties in the case.
As provided for in the European Union legislation and international conventions, an application for maintenance must be made using the forms indicated in the relevant legislation and may be submitted or sent via the Latvian central authorities designated for the purposes of cooperation.
The application must also be accompanied by documents which:
show that State fees (*valsts nodevas*) and other court costs have been paid in accordance with the procedures laid down by law and in the correct amounts;
confirm that the procedures for preliminary extrajudicial examination of the matter have been followed, where such examination is required by law;
attest to facts on which the claim is based.
On the Latvian courts portal, under *E-Pakalpojumi* ('e-services'), *E-veidlapas* ('e-templates'), there are a number of templates for procedural documents. The templates may be downloaded and completed and submitted in printed form.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court costs have to be paid before the application is submitted (State fee (*valsts nodeva*), registry fee (*kancelejas nodeva*), and expenses necessitated by the consideration of the case (*ar lietas izskatīšanu saistītie izdevumi*)); this can be done at a bank. When the court rules in favour of a party it will order the unsuccessful party to pay the successful party all the court costs they have incurred. If a claim has been satisfied in part, the court costs will be awarded in proportion. If a plaintiff discontinues an action or a case remains unadjudicated, the plaintiff must reimburse the defendant's court costs (except in cases laid down by law where a claim is related to the issuance of the certificate provided for in Regulation (EC) No 1896/2006 of the European Parliament and of the Council). In that case the defendant does not reimburse the court costs paid by the plaintiff, but if a plaintiff discontinues the action because the defendant voluntarily satisfies the claim after the application is submitted, the court may at the plaintiff's request order the defendant to pay the plaintiff's court costs.
Similarly, the costs of conducting the case (lawyer's fees, expenses of attendance at court and expenses related to the gathering of evidence) will be awarded against the defendant in the plaintiff's favour if the plaintiff's claim is allowed in whole or in part, or if the plaintiff discontinues the action because the defendant voluntarily satisfies the claim after the application is submitted. If an action is dismissed, the court will order the plaintiff to reimburse the defendant for the costs of conducting the defence.
The fees payable to a lawyer or legal adviser are determined by agreement between the client and the lawyer or legal adviser.

11 Can I claim legal aid?

See the factsheet on 'Legal aid'.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Documents received by post, or during customer service hours, are registered by the court in a register of incoming correspondence on the day of their receipt. An application is considered to be brought on the day it is received. A time limit for any procedural step to be carried out in court expires at the time when the court ceases work. If an application, appeal or other postal consignment is delivered to a communications operator by 24:00 on the final date of the time allowed, it is considered to have been submitted within the time limit.
If an application is not drawn up correctly, or any of the necessary documents are missing, a judge will take a reasoned decision finding that no action should be taken on the application. A copy of that decision is sent to the plaintiff with a time limit for the rectification of the deficiencies. This time limit cannot be shorter than 20 days starting from the day of posting of the decision. If the plaintiff rectifies the deficiencies within the time limit set, the application is

considered to have been submitted on the day when it was first received by the court. If the plaintiff fails to rectify the deficiencies within the time limit set, the application is considered never to have been submitted, and is returned to the plaintiff. The fact that an application has been returned does not prevent the plaintiff from submitting it to the court again.
Specific confirmation that an application is correctly presented: if an application is correctly drawn up, and all the necessary documents are appended thereto, a judge will take a decision within seven days of receipt of the application at the court accepting the application and initiating the proceedings.
When proceedings are initiated the application and copies of documents attached thereto are sent to the defendant with a time limit for submission of written observations. Upon receipt of the observations the judge sends a copy thereof to the plaintiff and interested third parties. The judge may require the plaintiff to comment on the observations. Once the observations have been received, or the time limit for the receipt of observations has expired, the judge sets a date for the court hearing. The court clerk sends the parties a court summons. If the case is to be adjudicated by written procedure, no date is set for a hearing, and no court summons is sent to the parties.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The parties to a case receive a court summons giving notice of the time and place of the court hearing or other procedural action. The court summons is sent to a person's registered place of residence, but a person may also indicate another address for correspondence with the court.
If the defendant does not have a registered place of residence in Latvia and the plaintiff, for objective reasons, has not succeeded in establishing the defendant's place of residence outside Latvia, the court, upon a reasoned application by the plaintiff, may make use of the procedures for tracing the defendant's address provided for in the international agreements binding on Latvia or in European Union legislation.
If the defendant's address cannot be traced using the procedures provided for in the international agreements binding on Latvia or in the EU legislation, or if it proves impossible to send the documents to the defendant at the address established by the plaintiff, or if it proves impossible to send the documents to the defendant by the procedures provided for in European Union legislation, or by the procedures provided for in the international agreements binding on Latvia, or by the procedure provided for in the Civil Procedure Law for international cooperation in civil proceedings, a defendant who has no declared place of residence in Latvia is summoned to the court by a notice published in the official gazette, *Latvijas Vēstnesis*.
On the Latvian courts portal, under *E-pakalpojumi* ('e-services') and *Tiesvedības gaita* ('progress of legal proceedings'), information can be obtained on the progress of legal proceedings by the number of the case or summons.

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How to bring a case to court - Lithuania

1 Do I have to go to court or is there another alternative?

The laws of the Republic of Lithuania provide for a number of alternative dispute settlement options. In 2012, a recast Law on Commercial Arbitration (*Komercinio arbitražo įstatymas*) came into force in Lithuania. This Law applies to arbitration proceedings taking place on the territory of the Republic of Lithuania irrespective of the citizenship or nationality of the parties to a dispute, whether they are natural or legal persons, or whether the arbitration proceedings are organised by a permanent arbitration body or take place on an *ad hoc* basis. Arbitration is an equivalent alternative to state courts. It provides an option to quickly and conveniently settle most business disputes by bringing them before independent, authoritative and reputable private persons who are acceptable to both parties rather than to judges. The parties to arbitration may agree on the rules governing the arbitration proceedings more freely. The arbitration court may sit at any place convenient to the parties to the dispute and freely choose the language of the proceedings and the form of the decision, etc. Electronic arbitration agreements are recognised as written agreements.
In 2008, the Law on Conciliatory Mediation in Civil Disputes (*Civilinių ginčų taikinamojo tarpininkavimo įstatymas*) was adopted. Conciliatory mediation in civil disputes (also called mediation) is an amicable dispute settlement procedure involving an unbiased third-party conciliatory intermediary (mediator). The law specifies that mediation may be used to settle civil disputes (i.e. disputes involving family and other matters) which may be heard by a court in civil proceedings. The parties may use this option to settle their dispute both prior to referring their dispute to the court (extrajudicial mediation) and after court proceedings have started (judicial mediation). It should be noted that the start of mediation suspends the limitation period of a claim. Hence, even if an amicable settlement of a dispute fails, the parties retain their right to seek remedy in court. Judicial mediation is a free of charge. Moreover, if you chose to settle your dispute in a civil matter by way of judicial mediation, you will save a significant amount of time and effort compared to legal proceedings, and also money because, in the event the mediation procedure ends with an amicable agreement, 75 % of the court fee paid will be refunded. Settling a dispute by way of judicial mediation guarantees confidentiality, and any party can withdraw from judicial mediation without stating their reasons.
Extrajudicial settlement of disputes arising from consumer contracts is governed by the Law on Consumer Protection (*Vartotojų teisių apsaugos įstatymas*), which came into force in 2007 and enshrines an alternative to judicial proceedings, including its rules of procedure and institutional set-up. The bodies involved in alternative dispute settlement in Lithuania are the State Consumer Protection Service (*Valstybinė vartotojų teisių apsaugos tarnyba*), the Communications Regulation Service (*Ryšių reguliavimo tarnyba*) and other bodies dealing with disputes in individual sectors (the Communication Regulation Service hears disputes in the areas of electronic communications and postal and courier services, the Bank of Lithuania (*Lietuvos bankas*) deals with consumers' disputes with providers of financial services, etc.). Consumers may use legal assistance during alternative dispute settlement, but the costs of legal assistance are not refunded. State-guaranteed primary and secondary legal aid is provided to those consumers who meet the criteria set out in legislation. An application to an alternative dispute settlement body does not usually have suspensory effect on the limitation period. Therefore, given the relatively long deadlines for the settlement of consumer disputes and certain short limitation periods for claims, there is a serious risk of exceeding the limitation period.

2 Is there any time limit to bring a court action?

The general limitation period is ten years.
Lithuanian legislation lays down shorter limitation periods for particular types of claims.
A shorter one month limitation period is applied to claims arising from the results of tendering procedures.
A shorter three months limitation period is applied to claims to have the decisions of a legal entity's bodies declared invalid.
A shorter six months limitation period is applied to:
claims concerning the enforcement of default (a fine, late payment interest);
claims concerning defects of sold items.
A shorter six months limitation period is applied to claims arising from relations between transport companies and their clients with regard to consignments dispatched from within Lithuania while a one year limitation period is applied to consignments dispatched abroad.
A shorter one year limitation period is applied to insurance claims.

A shorter three years limitation period is applied to claims for damages, including claims for damages resulting from the inadequate quality of products.
A shorter five years limitation period is applied to claims for enforcement of interest and other periodic payments.
Claims regarding defects of works carried out are subject to shorter limitation periods.
Claims arising from the transport of cargo, passengers and luggage are subject to the limitation periods set out in the codes (laws) applicable to specific transport modes.

3 Should I go to a court in this Member State?

A dispute relating to contractual obligations is regulated by the law chosen by agreement between the parties involved; if the parties have chosen the law of the Republic of Lithuania, they can defend their legal interests before Lithuanian courts. Such agreement of the parties may be set out in the contract or established in accordance with the factual circumstances of the case. The parties may agree that the law of a certain state will govern the whole contract or a certain part(s) of the contract. Where the parties decide that the law of a foreign state should be applied to a contract, this cannot be used as grounds for waiving any mandatory rules applicable in the Republic of Lithuania or any other state that cannot be changed or waived by agreement of the parties.
If the parties do not indicated which law should govern the contract, the law of the state with which the contractual obligation is most closely associated applies. There is a presumption that the contractual obligation is most closely associated with the state in the territory of which:
the party bound by the obligation most characteristic of the contract has its permanent place of residence or central administration. If the obligation is more closely associated with the law of the state where the business of the party to the obligation is located, the law of that state will apply;
immovable property is located, if the subject matter of the contract is the right to the immovable property or the right to its use;
the main place of business was located at the time of concluding a transport contract, provided that the state of the main place of business of the carrier is the same as the state in which the cargo was loaded, or the registered office of the consignor is located, or the cargo was dispatched from.
Arbitration agreements are governed by the law applicable to the main contract. If the main contract is invalid, the law of the place where the arbitration agreement was concluded will apply; if this cannot be identified, then the law of the state of arbitration will apply.
The rights and obligations of the parties arising from damage are governed, at the choice of the affected party, either by the law of the state in which the relevant act was committed or any other circumstances resulting in the damage are located, or by the law of the state in which the damage was suffered.
The legal regime governing matrimonial property is determined by the law of the state of the spouses' permanent residence. Where the spouses' permanent places of residence are located in different states, the governing law will be the law of the state of which both spouses are nationals. Where the spouses are nationals of different states and have never had a common place of residence, the governing law will be the law of the state in which the marriage was contracted. The legal regime governing matrimonial property defined by contract is the law of the state chosen by the spouses in their contract. In this case, the spouses may choose either the law of the state in which they have or will have their permanent place of residence, the law of the state in which the marriage was contracted or the law of the state of which one of the spouses is a national. The spouses' agreement as to the applicable law property will be valid as long as it complies with the requirements of the law of the chosen state or the law of the state in which the agreement was made.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

The rules of jurisdiction are set out in Articles 29–30 of the Code of Civil Procedure (*Civilinio proceso kodeksas*). A claim may be filed with a court according to the defendant's place of residence. A claim against a legal entity should be filed according to the registered office of the legal entity as indicated in the register of legal entities. If the defendant is the state or a municipality, the claim should be filed according to the registered office of the body representing the state of the municipality.
A claim against a defendant whose place of residence is unknown may be filed according to the location of his/her property or last known place of residence.
A claim against a defendant who does not have a place of residence in the Republic of Lithuania may be filed according to the location of his/her property or last known place of residence in the Republic of Lithuania. A claim relating to the activities of a branch of a legal entity may also be filed according to the registered office of the branch.
A claim for the award of alimony and the determination of paternity may also be filed according to the claimant's place of residence. A claim for compensation for damage to a person's health, including death, may be filed according to the claimant's place of residence or the place where the damage was suffered. A claim for damage to a person's property may be filed according to the claimant's place of residence (registered office) or the place where the damage was done.
A claim concerning an agreement/contract specifying the place of performance may also be filed according to the place of performance indicated in the agreement/contract.
A claim relating to acting in the capacity of a guardian, custodian or property administrator may also be filed according to the place of residence (registered office) of the guardian, custodian or property administrator.
A claim concerning consumer contracts may also be filed according to the consumer's place of residence.
A claimant is entitled to choose between several courts having jurisdiction for the case.
Claims for rights in rem in immovable property, the use of immovable property, except for applications concerning the liquidation of matrimonial property in divorce cases, and cancellation of the seizure of immovable property fall within to the jurisdiction of the court at the place of the immovable property or main part of the property.
Claims by creditors of a succession submitted before the heirs have accepted and inheritance fall within the jurisdiction of the court at the place of the inheritance or the main part of the inheritance.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

All civil cases are heard by district courts as first instance courts, except for cases that are heard by regional courts or Vilnius Regional Court.
Regional courts hear the following civil cases as first instance courts:
since 4 April 2013, actions involving claims exceeding LTL 150.000, except for cases concerning family and employment relations and cases concerning compensation for non-material damage;
cases regarding legal non-property copyright relations;
cases regarding legal relations in civil public tenders;
cases regarding bankruptcy or restructuring, except for cases relating to the bankruptcy of natural persons;
cases where one of the parties is a foreign state;
cases based on claims regarding the compulsory sale of shares (stake, interest);
cases based on claims regarding the investigation of a legal entity's activities;
cases regarding compensation for material and non-material damage resulting from the violation of established patients' rights;
other civil cases which are required to be heard by regional courts as first instance courts under specific laws.
The following cases are heard solely by Vilnius Regional Court, as first instance court:
cases regarding disputes as referred to in the Law on Patents (*Lietuvos Respublikos patentų įstatymas*);

cases regarding disputes as referred to in the Law on Trademarks (*Lietuvos Respublikos prekių ženklų įstatymas*);
cases regarding the adoption of a Lithuanian citizen residing in the Republic of Lithuania as applied for by nationals of other states;
other civil cases falling within the sole jurisdiction of Vilnius Regional Court as the first instance court under specific laws.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Persons may bring a court action themselves or via their representatives. A person's participation in a hearing does not deprive that person of the right to have a representative in the proceedings. It is considered appropriate for a representative to attend a court hearing on behalf of the person he/she represents unless the court deems it necessary that the person being represented is present.
A person must have a lawyer in proceedings in the cases specified in the Code of Civil Procedure and the Civil Code (*Civilinis kodeksas*), e.g. if the court is hearing a case involving a person being declared legally incapable, the person in question must be represented by a lawyer.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Persons wishing to submit documents to a court or obtain documents from it must contact the court registry, which will explain the procedure for submitting, obtaining or returning documents. Court contact points
Since the launch of the e-services portal e.teismas.lt on 1 July 2013, it has been possible to file case documentation, keep track of proceedings, pay the court fee and obtain other services on-line.
With a view to ensuring that cases are handled consistently, it is laid down by resolution that, since 1 January 2014, cases processed electronically by lower instance courts and transferred to appeal and cassation courts have also had to be processed electronically.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Persons participating in a case must provide original copies of procedural documents. In addition, the court must receive a sufficient number of copies of printed procedural documents: one copy for each opposing party (in cases involving multiple defendants or claimants, one copy for each of them, or if a representative or authorised person has been appointed to receive the procedural documents relating to the case, just one copy for that representative or authorised person) and for third parties, except where a procedural document is filed using electronic communications. Any annexes to procedural documents must be submitted in the same number of copies as the procedural documents, except where they are filed using electronic communications or if the court has authorised that annexes not be supplied to the parties because there is a large number of them.
All the procedural documents and their annexes must be submitted to the court in the national language. Where parties to the proceedings to whom the procedural documents are to be addressed do not speak the national language, the court must receive translations of such documents into a language they understand. Where the documents supplied have to be translated into a foreign language, the parties must provide duly certified translations.
A claim may be filed electronically via the electronic services portal of the Lithuanian courts https://e.teismas.lt/lt/public/home/, which can be accessed on the website of the National Courts Administration (*Teismų administracija*): https://www.teismai.lt/en.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

An electronic claim form can be filled in on the electronic services portal of the Lithuanian courts https://e.teismas.lt/lt/public/home/.
Any claim filed to the court must meet the general requirements applicable to the content of procedural documents. (Article 111 of the Code of Civil Procedure). Procedural documents must be submitted to the court in writing. Each procedural document of a party to the proceedings must specify:
the name of the court to which the procedural document is being filed;
the procedural status, names, surnames, personal identification numbers (if known), and places of residence of the parties to the proceedings; other addresses of other parties to the proceedings for serving procedural documents known to the applicant; where the parties to the proceedings or one of them is a legal person, the full name, registered office and any other addresses of other parties to the proceedings for the serving of procedural documents known to the applicant, codes, numbers of current accounts (if known) and details of credit institutions (if known);
the method to be used for serving the procedural documents to the party and the, postal address for correspondence, if different from the place of residence or seat;
the nature and subject matter of the procedural document;
circumstances substantiating the subject matter of the procedural document and any evidence confirming those circumstances;
any annexes must be attached to the procedural document filed;
the signature of the person filing the procedural document and the date it was drawn up.
A person to the proceedings who bases a procedural document on a rule of interpretation adopted by an international court or a court of a foreign state must provide a copy of the court decision setting out that rule and a duly certified translation of the decision into the national language.
A procedural document filed to the court by a representative must contain the information about the representative specified in points 2 and 3 above and must be accompanied by a document attesting to the representative's rights and obligations, provided that such a document has not yet been filed or the term of validity of the authorisation included in the file has expired.
A person authorised by a party to the proceeding who is unable to sign the procedural document must sign it on behalf of the latter, indicating the reason for which the party cannot sign the submitted document himself/herself.
Article 135 of the Code of Civil Procedure specifies that the statement of claim must contain the following information:
the amount of the claim, where a value is to be determined on the claim;
the circumstances on which the claimant bases his/her claim (factual grounds of the claim);
evidence attesting to the circumstances set out by the claimant, the places of residence of witnesses, and the location of other evidence;
what the claimant is seeking (the subject matter of the statement of claim);
the claimant's opinion concerning the possibility of a default judgement being handed down if there is no response to the claim or preliminary procedural document;
information as to whether the case will be conducted through an attorney. If it will be, the name, surname and office address of the attorney should be supplied;
the claimant's opinion concerning the possibility of concluding a settlement agreement if the claimant wishes to provide such an opinion.
The statement of claim must be accompanied by documents or other evidence on which the claimant bases his/her claims, proof of payment of the court fee and any requests for the taking of evidence which the claimant is unable to submit, indicating the reason for this.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

A statement of claim must be accompanied by all documents supporting your claims and proof of payment of the court fee. The court fee for non-pecuniary demands is LTL 100. In pecuniary disputes the court fee payable is equal to a percentage of the amount being claimed, as specified by specific laws: 3 % and at least LTL 50 for claims up to LTL 100 000; LTL 3 000 plus 2 % of the amount being claimed for claims above LTL 100 000 and up to LTL 300 000; and LTL 7 000 plus 1 % of the amount being claimed for claims above LTL 300 000. The total court fee in pecuniary disputes may not exceed LTL 30 000.

Specific laws provide for cases in which claimants are exempted from the court fee. In addition, the court is entitled to grant partial exemption from or defer payment of the fee until its decision has been adopted, taking into consideration a person's financial situation. Any request for exemption from or deferral of the court fee must be justified and accompanied by proof of the person's poor financial situation.
In documentary proceedings, the court fee payable is half of the fee payable for the claim, but not less than LTL 20.
No court fee is payable for separate appeals, except for separate appeals seeking the application of interim measures, for which a LTL 100 court fee is payable.
Where procedural documents or annexes to such documents are filed with the court using electronic communications only, the fee payable is equal to 75 % of the court fee payable for the procedural document in question, subject to a minimum fee of LTL 10.
A client must agree on the provision of legal services with his/her attorney, attorneys or a professional attorney association by signing an agreement. The party must pay the agreed fee for the provided legal services. The parties are free to agree on the timing of the payment as they wish.

11 Can I claim legal aid?

The Law on State-Guaranteed Legal Aid (*Lietuvos Respublikos valstybės garantuojamos teisinės pagalbos įstatymas*) guarantees the provision of primary and secondary legal aid in accordance with the arrangements laid down.
Primary legal aid is provided to nationals of the Republic of Lithuania and other EU Member States, persons lawfully resident in the Republic of Lithuania or other EU Member States, and persons entitled to such aid under international agreements to which the Republic of Lithuania is a party. Primary aid must be provided immediately. Where this is not possible, you will be notified when it will be accepted, which must be not later than 5 days from the date of the application. Municipal officials and employees, attorneys or specialists of public agencies with which the municipality has concluded a contract will give personal advice on the out-of-court settlement of your dispute, provide information on the legal system, laws and other legislation and help with drafting a settlement agreement or completing an application for secondary aid. Primary legal aid may be refused where the applicant's claim is clearly not justified, the applicant has already received an extensive consultation on the same question, it is clear that the person is able to obtain lawyer's advice without the legal aid guaranteed by the state in accordance with the law, or the application does not relate to the person's own rights and legitimate interests, except for the cases of representation specified under the law.
Secondary legal aid may be received by the same recipients, but the provision of such aid is also subject to the level of their total income.
Secondary legal aid may be provided to any person resident in the Republic of Lithuania whose assets and annual income does not exceed the eligibility levels set by the Government with regard to provision of legal aid. The assets and income are classified into levels I and II: for level I, the state covers 100 % of the costs of secondary legal aid, while for level II, the state covers 50 % of the costs of secondary legal aid (the remaining 50 % must be borne by the person).
The following persons are entitled to receive secondary legal aid free of charge irrespective of their assets or annual income: suspects, accused persons or convicts in criminal cases where the participation of a defence lawyer is mandatory; victims in cases relating to compensation for damage resulting from a crime, including cases where the matter of compensation is to be decided in a criminal case; recipients of social benefits; persons supported by residential social care establishments; persons confirmed to be suffering from a severe disability or recognised as being unfit to work; persons who have reached retirement age and have been judged to have a high level of special needs; guardians (custodians) of such persons, where legal aid is required to represent and protect the rights and interests of persons under their guardianship (custodianship); persons who have furnished proof (an attachment order on property, etc.) that they are unable for objective reasons to use their property and funds and, as a result, their property and annual income which they would be able to use as they wish does not exceed the eligibility level set by the Government with regard to provision of the secondary legal aid; persons suffering from a serious mental illness, where their forced hospitalisation or treatment is at issue; guardians (custodians) of such persons, where the legal aid is required to represent and protect the rights and interests of such person; debtors, where a claim is being made against their last place of residence where they currently live; the parents or other statutory representatives of a minor, where removal of the child is at issue; minors who are not married or declared by a court to have full legal capacity and who go to court in their own right in the cases specified in specific laws; persons seeking to be declared legally incapable in cases concerning the declaration of a natural person as legally incapable; persons seeking to register a birth and other cases provided for in international agreements to which the Republic of Lithuania is a party.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

A court will decide on admissibility by adopting a resolution. This procedure is regarded as the start of a civil case. If there are any shortcomings and a person participating in the case or having filed a claim/procedural document eliminates that shortcoming in line with the court's requirements and deadlines, the claim/document is deemed to have been filed on the date of its delivery to the court. Otherwise it is regarded as not having been filed and is returned to the applicant, together with the annexes, by order of the judge not later than five working days after the deadline for the elimination of the shortcomings.
A claimant is entitled to withdraw his/her claim as long as the court has not sent a copy of it to the defendant. The claim may be withdrawn at a later stage only if the defendant agrees and that the claim is withdrawn before the court of first instance adopts its decision.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Parties to proceedings are informed of the time and place of the court hearing or individual procedural measures by a summons or court notice. A schedule of court hearings is also available on the internet via the Lithuanian Courts Information System accessible on the website of the National Courts Administration. http://liteko.teismai.lt/tvarkarasciai/

Last update: 21/10/2019

How to bring a case to court - Luxembourg

1 Do I have to go to court or is there another alternative?

Mediation is an alternative dispute resolution procedure which may avoid having to take a case to court.

2 Is there any time limit to bring a court action?

Time limits for bringing court actions vary according to the case.

3 Should I go to a court in this Member State?

See 'Which country's court is responsible? - Luxembourg'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See 'Which country's court is responsible? - Luxembourg'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See 'Which country's court is responsible? - Luxembourg'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

The answer depends on the amount of the claim and its subject-matter.

Broadly speaking, the following applies, although specific exceptions are laid down by law:

If the claim is for no more than €15 000, the case will normally be heard by a justice of the peace (*juge de paix*). In these courts, you may appear in person or be represented either by a lawyer or by another person to whom you have given a special authorisation (*mandat*).

If the claim is for more than €15 000, the case will normally be heard by the district court (*tribunal d'arrondissement*). Here you must be represented by a full lawyer (*avocat à la cour*), except in applications for interim measures (*actions en référé*), actions under commercial law, where you may be assisted or represented or may appear in person, and actions before the family court (*juge aux affaires familiales*) other than divorce. You must be represented by a full lawyer before the Court of Appeal (*Cour d'appel*), which forms part of the Supreme Court of Justice (*Cour supérieure de justice*).

In some cases justices of the peace have jurisdiction even if the amount involved is more than €15 000; these include disputes between landlord and tenant and applications for maintenance (*pensions alimentaires*) except when connected with an application for divorce or separation. An action before the justice of the peace is usually brought by having a summons (*citation*) served on the other party by a bailiff (*huissier de justice*). The summons has to comply with certain formal requirements intended in particular to ensure that the rights of the defence are respected. In some cases the parties may bring the action themselves, without involving a bailiff, by making a written application (*requête*) to the justice of the peace (which is a simplified procedure less costly than going to the district court). In either case you may appear in court in person or be represented either by a lawyer or by another person to whom you have given a special authorisation (*mandat*).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The answer depends on which of the above categories your case falls into.

For claims for up to €15 000, you can apply to the court of the justice of the peace that has jurisdiction, either directly by written application (*requête*) or indirectly by a summons (*citation*) served by a bailiff. In practical terms you submit your application to the clerk of the court (*greffier en chef*).

For claims for more than €15 000, you will normally have to instruct a lawyer, who will arrange for a bailiff to serve a summons (*assignation*) on the opposing party on behalf of his or her client. The lawyer will lodge the papers initiating proceedings with the competent district court or the Supreme Court of Justice.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

French, German or Luxembourgish may be used, although specific provisions apply to certain types of case.

Proceedings are initiated by serving a summons (*citation* or *assignation*), except in cases in which a simple application (*requête*) may be made to the court. With a few rare exceptions for certain cases heard by justices of the peace, applications to the courts must be made in writing. Documents sent by fax or email are not admissible.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

In some specific cases (e.g. applications for orders for payment of sums due or unpaid invoices) there are forms that can be completed. As a rule, summonses to appear before the justice of the peace, applications and summonses for the district court and appeals brought before the higher courts must include certain information and follow a specific format, failing which they will be declared null and void. There are no ready-made forms for these purposes.

There are also forms for applications based on Community legislation. These include applications for European orders for payment, based on Regulation (EC) No 1896/2006, and applications under the European small claims procedure, based on Regulation (EC) No 861/2007.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

As a rule court fees are payable when the action ends. The court may order the losing party to pay the winning party a procedural indemnity (*indemnité de procédure*) if the court considers that it would be inequitable to leave the winning party to bear all of the fees and expenses they have incurred. The court may also order one or more of the parties to the proceedings to pay a security or advance (e.g. where the court calls for an expert opinion).

The legal fees payable to lawyers by their clients are a matter for agreement between them. In practice, it is customary to pay the lawyer an advance on fees.

11 Can I claim legal aid?

See 'Legal aid – Luxembourg'.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Applicants who represent themselves, where this is permitted by law, will receive a reply from the court.

Where a case is presented by a lawyer on behalf of his or her client, the court will reply to the lawyer, as the client's legal representative. The lawyer may provide the client with details of the timetable of events where these are known or foreseeable.

13 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

See the answer to the previous question.

In written proceedings the time allowed to enter an appearance is generally laid down by law; the court may also set time limits especially for the hearing of either party or a third party in person. The time limits laid down by law vary depending on the court and on whether the defendant lives in Luxembourg or abroad. When the proceedings are oral, the applicant generally has to give the defendant a precise date on which to appear in court.

Related links

http://www.legilux.lu/

Last update: 15/03/2024

How to bring a case to court - Hungary

1 Do I have to go to court or is there another alternative?

Claims for overdue payments may also be enforced by an order for payment, whereas certain claims specified by law may be enforced by an order for payment only. Such out of court proceedings are handled by civil law notaries. See the topic Order for payment procedures.

Alternative dispute resolution procedures are available in Hungary. See the topic Alternative dispute resolution.

2 Is there any time limit to bring a court action?

Whether there is a time-limit for bringing court action and the form of the time-limit varies according to the case. For example, in the case of property claims there is no time-limit for bringing action, nor is a limitation period applicable. By contrast, there is no time-limit for bringing an action for non-contractual damages but such action is subject to the general limitation period (5 years) that the court takes into consideration in the proceedings if invoked by the other party. For other claims, the time-limits for bringing court action are laid down by law.

It is therefore recommended to clarify the issue of time-limits with a lawyer, a legal advisor or the Citizens Advice Bureau.

3 Should I go to a court in this Member State?

The issue of jurisdiction, determining the Member State whose courts have competence in the various types of cases with a foreign dimension is specified by the law of the European Union, the relevant international conventions and Hungarian private international law rules.

Relevant EU legislation which is generally applicable in commercial and civil matters includes Regulation (EU) No 1215/2012 and the new Lugano Convention (published by Decision No 2009/430/EC), Regulation (EC) No 2201/2003 in matrimonial matters and matters of parental responsibility and Regulation (EC) No 4/2009 in matters relating to maintenance.

Where neither the legislation of the EU nor the bi- or multilateral conventions to which Hungary is party apply, jurisdiction is determined based on the provisions of Act XXVIII of 2017 on private international law.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See the topic Jurisdiction of the courts – Hungary.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See the topic Jurisdiction of the courts – Hungary.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Any person may proceed in court actions in person or by proxy, who

a) has full capacity under the rules of civil law,

b) is a partially incapacitated adult, but whose capacity under the rules of civil law is not limited regarding the subject-matter and procedural acts of the case, or

c) has authority under the rules of civil law to validly give instructions regarding the subjectmatter of the case.

A legal representative will proceed on the party's behalf in the case, if

a) the party lacks capacity in the case,

b) a legal representative has been appointed for the party without affecting his or her capacity, unless the party proceeds in person or by proxy, or

c) the party is not a natural person.

Representation by a legal representative is obligatory under Act CXXX of 2016 on the Code of Civil Procedure ('the CCP') in court proceedings. The CCP exempts district court cases at first instance and labour court proceedings under the competence of administrative and labour courts from the basic rule of obligatory legal representation; in such cases legal representation is not obligatory unless otherwise provided for by law.

The CCP also specifies who may act as a legal representative. The parties' legal representatives are typically lawyers and law firms. Where legal representation is obligatory, a person who has passed the bar examination may proceed in their own case without legal representation, unless otherwise provided by law.

In cases where it is not obligatory to involve a legal representative, the application initiating the proceedings may be submitted by an authorised representative (for example a lawyer) appointed by the party or his or her legal representative. The rules on who may be an authorised representative and who may not are laid down in the CCP.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application has to be submitted directly to the court which has jurisdiction and competence to hear the case. The CCP allows a party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court to submit their application orally during designated office hours and have it registered on the appropriate form at the competent court of their place of residence, registered office or place of work, or at the court which has jurisdiction in the case.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The language of court proceedings is Hungarian. Unless otherwise provided for by law, a binding legal act of the European Union or an international convention, submissions addressed to the court must be filed in Hungarian and submissions and decisions of the court are served in Hungarian. Every person is entitled to use his or her mother tongue in court proceedings, as well as his or her regional or minority language where this is provided for by international conventions.

By signing the European Charter for Regional or Minority Languages, Hungary became obliged to allow with regard to Croatian, German, Romanian, Serbian, Slovak, Slovenian, Romani and Boyash:

the party appearing before the court in person to use his or her regional or minority language without having to pay extra costs to do so,

documents and evidence to be submitted in a regional or minority language, with the help of interpreters and translators, if necessary.

The court assigns an interpreter, a sign language interpreter or translator, if doing so is necessary to uphold the party's right to use the language or is otherwise necessary under the provision of the CCP on language use.

The application must be submitted in writing to the court where the proceedings are to be brought. Where communication by electronic means is obligatory or is chosen, the application must be submitted electronically, in a manner defined by law. If communication is paper-based, the application must be submitted by post or in person (during office hours in the administration office or any time during working hours by placing it in the collection box set up at the entrance of the court), but a party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court may submit the application orally during the designated office hours and have it registered on the standard form at the competent court of their place of residence, registered office, place of work or at the court which has jurisdiction in the case.

Applications may not be submitted by fax.

For information regarding the possibility of electronic submission, see the topic Automatic processing.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

Action must be brought by means of an application, i.e. a written submission containing the claim. Requirements concerning the elements of an application and documents to be attached to the application are specified in detail in the CCP.

A party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court must submit his or her application on a form introduced for this purpose. The claim of the party proceeding without legal representation is greatly helped by this as the mandatory information to be included in the application appears on the form and the form refers to the annexes to be attached. The forms are published on the central website of the courts (http://birosag.hu/nyomtatvany-urlapok/keresetlevel-nyomtatvanyok).

The application and its annexes must be submitted in one more copy than the number of parties involved in the proceedings in the case of paper-based communications. If several parties have a joint representative (proxy), they will jointly receive a single copy.

For information regarding submitting applications electronically, see the topic Automatic processing.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

It is obligatory to pay court charges in civil proceedings. The amount of court charges payable in each of the proceedings is laid down in Act XCIII of 1990 on Duties. The party initiating proceedings must pay the charges when the application is submitted, unless the decision on the payment of charges is to be taken subsequently. In the latter case the charges are borne by the person obliged to do so by the court.
A court in which civil proceedings are brought will reject an application without issuing a request for further information if the applicant has not paid an amount in procedural fees which is proportional to the amount of the claim indicated in the application or a flat-rate fee specified by law and has not submitted an application for legal aid or cited any legal aid which is based on law.
The party may be granted legal aid in order to assist him or her in upholding his or her rights during the trial.
Unless otherwise provided for by law, a party is entitled to personal legal aid ('*személyes költségmentesség*') and a personal exemption from paying costs in advance ('*személyes költségfeljegyzési jog*') on request based on his/her income and financial situation, while a personal exemption from the payment of court charges ('*személyes illetékmentesség*') based on his/her person is granted *ex officio*. A party is granted case-specific legal aid (*'tárgyi költségkedvezmény'*) by reason of the subject-matter of the case, while a reduction of charges (*'mérsékelt illeték'*) is granted *ex officio* if specific acts occur during the case.
An exemption from court charges either exempts the person subject to court charges from the payment of such charges or is applied with regard to the subject-matter of the charges. In case of an exemption from court charges the party is exempt from the advance payment of the charges and, unless otherwise provided for by law, from the payment of any unpaid charges. An exemption from court charges does not exempt a party from paying charges that were not paid during enforcement proceedings. The Act on Duties specifies which legal entities may be granted a personal exemption from court charges. These include the Hungarian State, municipalities, budgetary agencies and churches.
If an exemption is granted due to the subject-matter of the case, both parties are exempted from paying the charges, irrespective of their income or financial situation. An exemption is granted due to the subject-matter of the case in, for example, appeals against decisions on legal aid, counterclaims filed in a divorce case and requests for corrigenda, adjustments or supplements to decisions.
Irrespective of their income or financial situation, the parties are granted an exemption from paying charges in advance due to the subject-matter of the case (*'tárgyi illetékfeljegyzési jog'*) in, for example, proceedings relating to the protection of persons under civil law or claims brought for damages caused during the exercise of official authority. Any person granted such exemption from paying charges in advance due to the subject-matter of the case is exempted from paying charges in advance. In this case, the charges are paid at the end of the procedure by the party ordered by the court to do so.
A party is exempted from paying a part of the charges if he or she is granted a reduction of charges. A reduction of charges is a form of legal aid that fundamentally differs from the rest in that it is granted when certain acts occur during the proceedings, without the need for an application, and is not based on the personal circumstances of the party or the subject-matter of the case.
The benefit of not paying charges in advance is a part of both legal aid and an exemption from paying costs in advance. Legal aid may also be granted to specific persons or in view of the subject-matter of the case. The types of cases in which legal aid may be granted due to the subject-matter of the case and the criteria for granting personal legal aid are specified by law. An example of a case where an exemption from paying costs may be granted due to the subject-matter is guardianship proceedings.
An exemption from paying costs in advance may also be granted to persons or in view of the subject-matter of the case. The parties are granted a case-specific exemption from the payment of costs in advance in, for example, proceedings to establish parentage or proceedings regarding parental responsibility.
According to the Act on the activities of lawyers the appointment of a lawyer may be negotiated freely for the pursuit of the activities of a lawyer, unless otherwise provided for by the Act on the activities of lawyers or the Civil Code; therefore the parties may freely negotiate the lawyer's fees within the bounds specified by the Act on the activities of lawyers. Legal aid includes the exemption from paying an advocate's fees or paying them in advance. Representation by an advocate is authorised by the legal aid service.

11 Can I claim legal aid?

The party may be granted personal legal aid or case-specific legal aid in order to assist him or her in upholding his or her rights during the trial. A natural person is entitled to personal legal aid on request based on his or her income and financial situation and case-specific legal aid on an *ex officio* basis due to the subject-matter of the proceedings. If a party is granted legal aid, he or she is exempted from paying court charges in advance and from paying an advance for any costs arising during the proceedings and any unpaid charges, unless otherwise provided for by law, as well as from paying any costs advanced by the State and from paying a deposit for the costs of the proceedings.
The criteria related to income and financial standing which a party must meet in order to be granted personal legal aid are specified by law, and so are the cases where legal aid may be granted due to the subject-matter of the case.
Citizens of the European Union and non-EU citizens legally residing in the territory of a Member State may be granted personal legal aid and a personal exemption from the payment of costs in advance subject to the conditions applicable to Hungarian citizens, while other foreign nationals may be granted the above on the basis of international treaties.
Legal aid includes travel costs to a hearing for citizens of the European Union and nonEU citizens legally residing in the territory of a Member State if the party's presence at the hearing is obligatory by law.
If the law of a foreign State provides a higher level of benefit to a Hungarian party before a foreign court than a case-specific exemption from paying the costs in advance, these more advantageous rules must be applied in the course of the hearing to the foreign party involved in litigation before a Hungarian court.
Please also consult the topic Legal aid.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

As a general rule, an action is considered to have been officially brought when the application arrives at the court and is filed by the court office. If communication is by electronic means, as a general rule, the submission must be considered to have been filed when the IT system sends an acknowledgement of receipt.
The question of when an application is officially considered to have been brought is of particular importance in cases where there is a time-limit for bringing an action. Such timelimits differ in terms of both the duration they cover and the conditions based on which applications are considered submitted in time.
As regards procedural time-limits, the CCP states that the consequences of missing a time-limit do not apply if a submission to the court is sent as registered mail at the latest on the last day of the time-limit. If communication during the proceedings is by electronic means, the consequences of missing a deadline - set in terms of days, working days, months or years - do not apply if a submission to the court is sent electronically in accordance with the IT requirements at the latest on the last day of the time-limit. However, unless the law provides otherwise, this rule does not apply to the calculation of the statutory time-limit for submitting applications. Applications are considered submitted in time if they arrive at the court at the latest on the last day of the time-limit set for submitting applications.
Applications submitted after the deadline are rejected by the court. The court serves the order rejecting the application on the applicant and notifies the defendant of the measure taken. The order is subject to a special appeal by the applicant.

It is therefore recommended to consult a legal advisor, a lawyer or a Citizens Advice Bureau in order to clarify when an application is considered to have been officially brought in time.
If a party proceeding without legal representation in a case before a district court or in labour court proceedings before an administrative and labour court is able to submit their application orally during the designated office hours at the competent court of their place of residence, registered office or place of work, or at the court which has jurisdiction in the case, then the representative of the court provides the party with appropriate guidance and calls on him or her to correct any deficiencies without delay. Otherwise the court does not inform the parties of the mere fact that the proceedings have been started. Once it has received the application, the court examines whether it contains all the elements required by law.
If the application is suitable for initiating proceedings, the court serves the application on the defendant and at the same time calls upon him or her to submit his or her counterclaim within forty-five days of receipt of the application. The defendant enters an appearance by filing the counterclaim.
The court processes the initiation of proceedings following the submission of a written counterclaim against the application in a manner defined under the CCP, depending on the circumstances of the case, and then closes the initiation phase and sets a date for a hearing on the merits of the case.
For information regarding the possibility of electronic submission of an application and the relevant acknowledgement, see also the topic Automatic processing.

13 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Following the submission of the application the court proceeds as described under Section 12. Depending on the circumstances of the case, the party may receive further information during further written submissions, if these have been ordered, or at the trial preparation hearing and the hearing on the merits of the case, based on the individual characteristics of the proceedings.

Last update: 15/01/2024

How to bring a case to court - Malta

1 Do I have to go to court or is there another alternative?

Yes, you have to go to court to bring a case in Malta. An advocate (lawyer) or legal procurator makes an application to the court and pays the relevant charge. If the case is to be brought before a superior court, the person filing the suit has to take an oath.

2 Is there any time limit to bring a court action?

No, a case may be brought to court at any time. However, the respondent is entitled to plead prescription at any stage of the proceedings in court.

3 Should I go to a court in this Member State?

The person bringing the case must be physically present in the court hall during the sessions. In his absence, the lawyer or legal procurator acts as his representative. If a party is absent from Malta, a curator is appointed in Malta to continue the judicial proceedings in the absence of the party.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Although Malta has only one court building, this is divided into several different courts, according to the subject-matter of the case, the value of the applicant' s claim and the applicant's place of residence. The different courts in Malta are shown below:
a. Civil Court (Family Section) [Qorti Ċivili (Sezzjoni tal-Familja)] - hears any request related to families such as separation proceedings, divorce, maintenance issues, filiation and annulment.
b. Court of Magistrates (Gozo Family Section) [Qorti tal-Maġistrati (Għawdex Sezzjoni Familja)] – as in 'a' above but persons bring cases in this court against persons who reside in Gozo or who have their ordinary residence in the Island of Gozo;
c. The First Hall of the Civil Court (Constitutional Jurisdiction) [Prim' Awla tal-Qorti Ċivili (sede Kostituzzjonali)] - cases of a constitutional nature;
d. Court of Magistrates (Malta) [Qorti tal-Maġistrati (Malta)] – hears and decides cases of a purely civil nature regarding all claims of an amount not exceeding €15,000 against persons who reside or have their ordinary residence in some part of the Island of Malta and any other claim stipulated under Maltese law;
e. Court of Magistrates (Gozo Inferior Jurisdiction) [Qorti tal-Maġistrati (Għawdex Inferjuri)] - as in 'd' above, however, this court is used by persons wishing to bring cases against a person who resides in Gozo or who has his ordinary residence in the Island of Gozo. It also has the powers given to the Civil Court in its Voluntary Jurisdiction.
f. First Hall of the Civil Court [Prim' Awla tal-Qorti Ċivili] - hears and decides cases of a purely civil nature regarding all claims of an amount exceeding €15.000, as well as any cases (regardless of the value of the claim) in which there are claims on immovable property, or concerning easements, burdens or rights annexed to immovable property, including any claim for the ejectment or eviction from immovable property, whether urban or rural, tenanted or occupied by persons residing or having their ordinary abode within the limits of the jurisdiction of such court.
g. Court of Magistrates (Gozo) (Superior Jurisdiction) (General Section) [Qorti tal-Maġistrati (Għawdex) Gurisdizzjoni Superjuri, Sezzjoni Ġenerali)] - as in 'f' however, this court is used by persons who want to bring a case against a person residing in Gozo or who has his ordinary residence in the Island of Gozo;
h. First Hall of the Civil Court in its Voluntary Jurisdiction [Prim' Awla tal-Qorti Ċivili, Ġurisdizzjoni Volontarja] - This court hears non-contentious matters, such as the opening of secret wills, tutelage and adoption. Furthermore, this court authorises or gives its permission for the conclusion of contracts. This court also authorises the adoption of provisions that the law does not permit unless prior authorisation or permission has been granted.
Together with these courts, there are also a number of Tribunals. The Small Claims Tribunal (Tribunal tat-Talbiet iż-Żgħar) (which hears and decides all money claims not exceeding €5.000), the Administrative Review Tribunal (Tribunal ta' Reviżjoni Amministrattiva) and the Industrial Tribunal (Tribunal Industrijali). In Malta there is also an Arbitration Centre (Ċentru tal-Arbitraġġ) providing services related to arbitration. Maltese law provides that in certain circumstances the parties are compelled to go to arbitration (mandatory arbitration). Disputes concerning commonhold properties and motor vehicle traffic are subject to mandatory arbitration.
All these courts are courts of first instance and all are ordinary courts. Appeals against the decisions of these courts may therefore be lodged in the Court of Appeal (Qorti tal-Appell). Appeals against decisions delivered by the Small Claims Tribunals, the Arbitration Centre or the Courts of Magistrates must be filed in the Court of Appeal in its Inferior Jurisdiction (with one judge presiding). Appeals against the First Hall of the Civil Court must be filed in the Court of Appeal in its Superior Jurisdiction (with three judges presiding). Appeals on decisions delievered by the First Hall of the Civil Court (Constitutional Jurisdiction) are to be filed in the Constitutional Court (Qorti Kostituzzjonali), and appeals against a decision of the Court of Magistrates (Gozo), both in its inferior and in its superior jurisdiction, must always be filed in the Court of Appeal in Malta.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Kindly refer to the answer in question 4.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

A lawyer or legal procurator is needed to bring action in the Inferior Courts. If action is brought in the Superior Courts, both a lawyer and a legal procurator are required.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

In the Court registry.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The application must be drawn up in the Maltese language. It must be filed in writing and the lawyer or legal procurator must file it in person.
A request may also be filed for proceedings to be conducted in the English language if one of the party is a foreigner.
In Malta there is no possibility of filing an application by e-mail or fax.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are forms to be completed when bringing a case in the Arbitration Centre or the Small Claims Tribunal. However, there are no forms for filing suit in the Courts of Magistrates or the First Hall of the Civil Court. When action is brought in the First Hall of the Civil Court, it is essential that the application contains:
(a) a statement which gives in a clear and explicit manner the subject of the case in separate numbered paragraphs, in order to emphasise the claim and also declare which facts the applicant was personally aware of;
(b) the cause of the claim;
(c) the claim or claims, which shall be numbered; and
(d) in every sworn application, the following notice shall be printed in clear and legible letters immediately under the Court heading:
"*Whosoever is in receipt of this sworn application in his regard shall file a sworn reply within twenty (20) days from the date of service thereof, which is the date of receipt. Should no written sworn reply be filed in terms of the law within the prescribed time, the Court shall proceed to adjudicate the matter according to law.*
It is for this reason in the interest of whosoever receives this sworn application to consult an advocate without delay that he may make his submissions during the hearing of the case."
(e) Such documents as may be necessary in support of the claim shall be produced together with the sworn application.
(f) The sworn application shall be confirmed on oath before the registrar or legal procurator appointed as Commissioner for Oaths under the Commissioners for Oaths Ordinance (Cap 79).
(g) The plaintiff shall together with the declaration also give the names of the witnesses he intends to produce in evidence, stating in respect of each of them the facts and proof he intends to establish by their evidence.
(h) The application shall be served on the defendant.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Yes, when an application is made, the corresponding charge must be paid. The amount of the charge varies according to the type of case and/or the value of the claim.

11 Can I claim legal aid?

Yes, a person without resources may claim legal aid. A request for legal aid is made by application to the First Hall of the Civil Court. Requests may also be made verbally to a Legal Aid Lawyer. For legal aid to be granted certain criteria must be satisfied, namely, the applicant must take an oath before the Registrar and when the request is made verbally, he must take an oath before a Legal Aid Lawyer:
(a) that he believes that he has reasonable grounds for taking or defending, continuing or being a party to proceedings;
(b) that excluding the subject-matter of the proceedings, he does not possess property of any sort, the net value whereof amounts to €6,988.12, not including everyday household items that are considered reasonably necessary for the use by the applicant and his family, and that his yearly income is not more than the national minimum wage established for persons of eighteen years and over.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

When an application is filed, the case is set for hearing by the court. The court notifies the applicant and the respondent with the date of first hearing (notice of hearing). One can also check whether his or her case has been set for hearing through the Courts of Justice website. The parties do not receive any confirmation whether the case has been filed correctly or not; however, it should be noted that the Court Registrar will not receive any sworn application that does not satisfy the elements indicated in question number 9.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The applicant is served with the notice of hearing. The date of the next hearing is fixed during the ongoing hearing. Some information on the case may be obtained from the Courts of Justice website.

Last update: 16/10/2017

How to bring a case to court - Netherlands

1 Do I have to go to court or is there another alternative?

No, you do not always have to go to court to resolve your dispute. In some cases, it is perfectly possible to make use of alternative forms of dispute resolution, such as mediation and arbitration.

2 Is there any time limit to bring a court action?

Yes, very often there is, but the time limits for bringing a court action vary from case to case and it is not possible to answer in general terms. For questions, it is best to contact a lawyer or the Legal Help Desk (*Juridisch loket*).

3 Should I go to a court in this Member State?

As a basic rule, the defendant is summoned by the court of the Member State of his/her residence.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Unless otherwise provided by law, your case must be brought before the district court in the place of residence of the defendant. In the absence of a known place of residence of the defendant in the Netherlands, the court in the place where this person is actually staying also has jurisdiction. You will therefore have to find out at which address and in which Dutch municipality the defendant is living. Once you know that, you can consult the Judicial Classification Act (*Wet op de rechterlijke indeling*) to find out which judicial district the place of residence or stay is situated in. On this basis, it is possible to determine the district court to which the case must be submitted.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

For the reply to this question, see the previous question. For further information to determine which court to bring your case before, we refer you to the website De Rechtspraak, which explains the Dutch judicial system.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

In the Netherlands, the legal principle is that the parties must be represented by a lawyer in civil and commercial cases. It makes no difference in this respect whether the matter involves proceedings initiated by writ of summons, proceedings initiated by application or summary proceedings, a procedure for an interim injunction or, for example, proceedings in default for failure to appear.

An exception applies only for claims up to a maximum of €25,000 or for claims of indeterminate value, but where there is a clear indication that the value they represent does not exceed €25,000. In these cases, the sub-district court (*kantonrechter*) has jurisdiction and the parties can opt to represent themselves in the proceedings. You are not then required to engage a lawyer. The sub-district court also deals with cases relating to employment law, leases, consumer sales and consumer credit. In these cases the monetary value of the claim is irrelevant. Other matters dealt with by the sub-district court include administration, guardianship, curatorship and the renunciation or acceptance of an inheritance.

For more information about whether or not you are required to engage a lawyer, click here.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The written documents with which proceedings can be initiated must be addressed to the clerk's office of the competent court. It is necessary to bear in mind here the difference between proceedings initiated by writ of summons and proceedings initiated by application. In proceedings initiated by writ of summons, the writ of summons is first served on the defendant and then registered at the clerk's office. Both actions must be carried out by a bailiff. After this, the proceedings are conducted via the cause list (list of cases heard during the session). In proceedings initiated by application, an application is submitted directly to the clerk's office and the rest of the proceedings are also conducted via the clerk's office of the competent court. See also 'Service of documents'.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

In the Netherlands, Dutch is the official language of court proceedings. This means that the writ of summons or the (written) application initiating proceedings must be drawn up in Dutch. As an exception, procedural documents in a case pending before a court established in the province of Friesland may be drawn up in Frisian.

Documents may also be lodged with the clerk's office of a court by fax. Faxed documents received by the clerk's office before 24.00 on the final day are considered to have been submitted within the deadline. There is an exception to this: applications in family cases are not accepted if they have been sent by fax. Documents cannot be submitted by e-mail.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

Proceedings initiated by writ of summons

In proceedings initiated by writ of summons, the writ of summons is first served on the defendant and then registered at the clerk's office. The summons must include: the name of the claimant, what the claim is, the name of the defendant, the grounds for the claim and the substantiating documents submitted by the claimant in support of the claim. The summons also states the date of the hearing and the court at which the case will be heard.

The file must contain the following documents:

The original writ of summons - if necessary: an amended writ and authorisation under Article 117 of the Code of Civil Procedure (*Wetboek van Burgerlijke Rechtsvordering*);

If the writ of summons has to be served abroad, the original documents showing that this has been done correctly;

Evidence of publicly funded legal aid or income statement or a copy of the application for publicly funded legal aid or income statement;

Evidence of the choice of domicile of the defendant;

The exhibits (documents) to be invoked in the proceedings;

The notification of whether mediation has taken place before the proceedings and, in the cases listed below, copies of the following documents are also submitted:

if a claim is made for reimbursement of attachment costs, a copy of the attachment documents;

in cases of referral, the referral decision and the documents included up to the referral;

if the writ of summons has to be published or translated into a foreign language, the documents showing that this has occurred.

Proceedings initiated by application

In proceedings initiated by application, an application is submitted directly to the clerk's office and the rest of the proceedings are also conducted via the clerk's office of the competent court.

The file must contain the following documents:

The first names, surname and place of residence or, in the absence of a place of residence in the Netherlands, the place where the applicant is actually staying, as well as

The name, address, place of residence or, in the absence of a place of residence in the Netherlands, the place where each defendant and each interested party is actually staying, as far as the applicant knows, as well as

A clear description of the application and the grounds on which it is based, including the grounds for the local jurisdiction of the court, as well as

The name and telephone number of the lawyer assigned to the case;

In cases concerning an inheritance, the application must also state the last place of residence of the deceased or the reason why it is not possible to provide this information.

Any party invoking any document in the writ of summons, written statement or brief is required to enclose a copy of that document.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court fees must be paid on bringing a court action. Their amount depends on the type of dispute and the amount involved. In practice, your lawyer will often advance this amount and charge it to you afterwards. If it is necessary during the course of the proceedings to call in an expert (for example, an auditor, medical expert or technical expert), the court will ultimately charge the costs to the losing party unless it decides otherwise (for example, in family cases, where the costs are usually borne by the party that has incurred them). The same also applies for the costs of witnesses or of other forms of evidence.

Lawyers charge a fee for their work which is based on an hourly rate, unless there is entitlement to subsidised legal aid (also see question 11). In principle, lawyers' fees in the Netherlands are not fixed. It is advisable to obtain information on the subject in good time from the lawyer representing you or from the Dutch Bar Association (*Nederlandse Orde van Advocaten*). Most lawyers ask for an advance, then charge for their services in the course of the proceedings and submit a final invoice at the end.

11 Can I claim legal aid?

The possibility of subsidised legal aid exists in the Netherlands. In some cases you can obtain a contribution towards the costs of legal advice and assistance in proceedings. If you cannot afford all of the costs of a lawyer you may, under certain circumstances, be eligible for a contribution to the costs of legal aid. The Legal Aid Board (*Raad voor Rechtsbijstand*) then pays part of the costs of a lawyer and you will just pay a means-tested contribution. The application is submitted by the lawyer to the Legal Aid Board. Further information about subsidised legal aid can be found on the website of the Legal Aid Board.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

Under the proceedings initiated by writ of summons, the lawsuit is pending from the moment the summons is served on the defendant by the bailiff. The writ of summons must be submitted by the claimant to the clerk's office by the last day on which the clerk's office is open prior to the cause list date stipulated in the summons (scheduled date for the hearing). If the writ is not submitted to the clerk's office by that deadline, the case is deleted from the list, unless a valid replacement writ is issued within two weeks of the cause list date indicated in the summons.

Under the proceedings initiated by application, the lawsuit is pending when the application has been submitted to the clerk's office.

In general, no confirmation is sent that a case has been validly presented. In cases initiated by writ of summons, if this writ is deficient, the claimant will in some cases be given the opportunity to remedy the deficiency. The same applies in the case of proceedings initiated by application. However, the clerk's office is not obliged to offer this opportunity.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Precise information concerning the timetable for proceedings cannot be given immediately by the office of the clerk of the court or when the action is initiated. Obviously, you will be notified of when your case is finally to be heard. Both parties will receive an invitation to attend the hearing at a given time and place.

Last update: 16/11/2022

How to bring a case to court - Austria

1 Do I have to go to court or is there another alternative?

It might be better to use alternative dispute resolution before going to court.

2 Is there any time limit to bring a court action?

Time limits vary from case to case. You should obtain legal advice on time limits.

3 Should I go to a court in this Member State?

See 'Which country's court is responsible? – Austria'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See 'Which country's court is responsible? – Austria'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See 'Which country's court is responsible? – Austria'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

In civil and commercial cases to be settled through the courts, claims filed at the District Courts (Bezirksgerichte), which as a rule have jurisdiction for amounts in dispute of EUR 15 000 or less, must be signed by a lawyer if the amount in dispute is over EUR 5 000. This obligation to be represented by a lawyer does not apply to cases which must be filed with the District Courts irrespective of the amount in dispute (i.e. even if it exceeds EUR 15 000); such cases include disputes between spouses, civil partners and family members, disputes over land boundaries, disputes about interference with possession, disputes over tenure of property, disputes arising from contracts between mariners, carriers and innkeepers and their principals, passengers or guests, and disputes over livestock defects.

Nor does the obligation to be represented by a lawyer apply to claims made in non-contentious proceedings (i.e. declaratory proceedings under civil law that are more flexible and less formal than contentious proceedings under the Code of Civil Procedure - Zivilprozessordnung, ZPO), in particular non-contentious proceedings between spouses or civil partners or with regard to children's rights, the rights of adults without legal capacity, inheritance matters, land and property register and company register matters, undisputed residential occupation rights, etc.

Where legal representation before the District Courts is not compulsory, anyone can file a written claim or application initiating proceedings with the court.

In civil and commercial cases to be brought before the courts, claims filed with the Regional Courts (Landesgerichte) must normally always be signed by a lawyer. The Regional Courts have jurisdiction for all claims for which the District Courts do not have jurisdiction, irrespective of the amount in dispute, such as disputes concerning industrial property law, unfair competition and action for injunctions brought by consumer protection associations.

There is no need for a lawyer to sign claims under labour or social security law (proceedings under the Labour and Social Courts Act – ASGG) to be brought before the Regional Courts. This applies in particular to claims by employees against employers arising from their contract of employment.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Written claims must be sent to the court's address for correspondence. If one of the parties would like to file a claim with the court themselves, they must deliver it to the reception area of the court or post it in the inbox provided by the court.

If there is no obligation to be represented by a lawyer and the party is not represented by a lawyer, the claim may also be registered orally on any court open day (Amtstag, generally once a week) at the District Court with jurisdiction in the case or at the District Court in whose district the party is currently residing.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The official language in all courts is German. Some courts also allow use of Burgenland Croatian, Hungarian or Slovenian as official languages for minority language groups.

Claims or applications to initiate proceedings must be filed in writing with a handwritten signature. If there is no obligation to be represented by a lawyer and the party is not represented by a lawyer, the claim may also be made orally at the District Court with jurisdiction, as explained under Question 7 above.

Claims can be filed online via the closed system of the Austrian e-Justice (ERV) platform, for which it is necessary to register (this is only financially viable for those filing large numbers of claims before the Austrian courts). Claims cannot be filed by email and a claim submitted by email cannot be rectified after the deadline. Claims submitted by fax do not satisfy the requirements of the Code of Civil Procedure (ZPO) either. But if a claim is submitted by fax the original may be filed later, and will be deemed to have met the deadline.

Since the beginning of 2013, submissions and attachments can be lodged with courts and the public prosecution service online using the citizen's card (Bürgerkarte) function (chip card or mobile phone signature) with the online forms available on Austria's Federal Ministry of Justice website ('Elektronische Eingaben an Gerichte und Staatsanwaltschaften').

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The only compulsory forms available are for applications for conditional payment orders (Mahnklagen). All payment claims up to EUR 75 000 must be filed in the form of an application for a payment order under this procedure (Mahnverfahren). The appropriate forms can be obtained from the court or printed out from the Federal Ministry of Justice website. The appropriate forms can be obtained from the court or printed out from the Federal Ministry of Justice website.

There are optional forms for a court order terminating a residential tenancy agreement or a commercial lease for one or more business premises.

As a rule, every claim may be accompanied by any documents (exhibits) which support the claim (to be filed in the same number of copies as the claim itself, see Question 12). Any written agreements on the place of jurisdiction or domestic forum (jurisdiction agreements) may be enclosed with the claim. The same applies to written agreements on the place of performance of a contract, if the claimant wishes to rely on that place of jurisdiction, and other particular facts relevant to jurisdiction or special procedures (for example, the procedure for enforcing payment of a bill of exchange).

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court fees are payable when a civil claim is filed with the court; they are intended to cover the overall cost of the lawsuit at first instance. Fees are usually graduated depending on the amount in dispute. They are to be paid when the action is brought, and this is best done by authorising the deduction of the amount concerned (e.g. by indicating 'fee payment' as the purpose of the payment, and providing an IBAN code, and, in international payments, a BIC code as well) on the very first page of the claim.

How lawyer's fees are paid is a matter for individual agreement; the same applies to the amount to be paid in lawyer's fees (unless payment has been agreed in accordance with the Legal Fees Act (Rechtsanwaltstarifgesetz) or General Fee Guidelines (Allgemeine Honorar-Kriterien)). Reimbursement can normally be demanded from the opposing party only once final judgment has been delivered, always depending on how successful the lawsuit was.

11 Can I claim legal aid?

Legal aid is granted to persons who cannot pay the cost of the proceedings without endangering their livelihood. An application for legal aid may be filed orally or in writing with the court before which the proceedings are being or are to be conducted. If the seat of that court is outside the district of the District Court in which the person is permanently or temporarily resident, the application may also be registered orally at the District Court in their place of residence. If the financial and substantive conditions are satisfied, legal aid may be applied for before a claim is filed, for the purpose of filing the claim and/or the entire subsequent proceedings.

Additional information on legal aid is available under 'Service' (Helpdesk) on the Federal Ministry of Justice website. Application forms, which contain additional information and advice, can also be downloaded from the website.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

A claim is considered to have been filed when received by the court with (at least theoretical) jurisdiction. A claim is considered to have been duly filed if it does not give grounds for immediate rejection or correction by the court (in other words, if it appears to be a claim which can be dealt with in accordance with the rules of procedure). Written claims must be filed in as many copies as there are parties to the proceedings (one copy for each opposing party and one copy for the court). If the claim contains errors of form and/or content, the court will probably issue instructions for it to be corrected. Those instructions will indicate the consequences of failure to make the corrections by the required date. Confirmation of receipt of a claim is normally only issued on request, unless it was filed via the Austrian e-Justice platform, in which case confirmation is automatic.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

In payment order proceedings (Mahnverfahren), the claim form already contains an application for an enforceable copy of the payment order. The claimant therefore automatically receives either an enforceable copy of the payment order (writ of execution - Exekutionstitel) or a copy or notice of any objection filed on time by the other party, usually together with a summons to an oral hearing (which initiates ordinary proceedings). There is as yet no minimum period for the summons in proceedings before the District Courts; however, in proceedings before the Regional Courts, it is at least 3 weeks.

In proceedings for a court order terminating a tenancy agreement for residential premises or a commercial lease, the landlord must apply separately for an enforceable copy of the termination order. If the person being given notice files an objection on time (within four weeks), the landlord is automatically informed (usually together with a summons to the hearing).

Except in special procedures (such as procedures to obtain an order for payment of a debt, payment of a bill of exchange or a landlord's notice of termination), once a claim has been received (and any correction procedure completed) in cases before the District Court with jurisdiction, the court usually serves the claim on the defendant automatically, together with a summons to the hearing and, at the same time, sends the claimant a summons to the hearing. In cases before the Regional Courts, the defendant is automatically asked to file a written defence to the claim (and reminded that it must be signed by a lawyer) when the complaint is served. If the defendant fails to defend the claim on time, a default judgment is issued at the claimant's request; otherwise proceedings are suspended. If the defence is received on time, the claimant is sent a copy of it, often together with a summons to the hearing.

At the preparatory meeting (first session in the oral proceedings), the subsequent timing and order of the proceedings are discussed with the parties, who must normally attend in person unless their representative is sufficiently informed of the facts, and then decided by the court. The timing and order of the proceedings is also included in the record of proceedings, as the case timetable. A copy of the record of proceedings is to be sent to the parties (or their representatives). Changes to the case timetable must be notified to the parties and, where appropriate, discussed with them when convenient.

Last update: 23/04/2024

Please note that the original language version of this page pl has been amended recently. The language version you are now viewing is currently being prepared by our translators.

How to bring a case to court - Poland

1 Do I have to go to court or is there another alternative?

An alternative to bringing a case before a court is referring it to mediation proceedings. Mediation is an extrajudicial (amicable) method of dispute resolution, with the participation of an independent and qualified person or institution (a mediator). Mediation proceedings are voluntary (a party to the dispute may at any time withhold the consent to mediation and withdraw from mediation) and confidential (participants are obliged to keep information obtained in the course of mediation confidential), and mediators are impartial and independent (they do not take the side of either of the parties and in principle do not suggest solutions to the dispute).

2 Is there any time limit to bring a court action?

Generally, actions may be lodged with the court at any time, unless special regulations provide for a time limit. However, a party lodging an action after the expiry of the limitation period of the claim runs the risk of losing the case if the other party argues that the action is time-barred.
Limitation periods (*terminy zawite*) apply under Polish law. The specific nature of a limitation period means that if the entitled party fails to undertake a specific action within the limitation period, the party's right to carry out that specific action expires. The Code of Civil Procedure (CCP, *Kodeks postępowania cywilnego*) does not contain any general provision regulating limitation periods, but indicates those periods in regulations concerning specific situations.
The expiry of the right as a result of the expiry of the limitation period is binding on the parties to the legal relationship, the court or another authority examining the case. The authority takes this into account automatically, not at the request of a party or as a result of a plea being raised. The limitation period can be reinstated only in exceptional circumstances, where the failure to meet it was not due to the party's fault.

3 Should I go to a court in this Member State?

In order to establish whether a court in the territory of a given Member State is competent to hear a specific case, the jurisdiction of that court should be determined.
The general jurisdiction of ordinary courts in Poland to resolve civil cases in its territory is called national jurisdiction and is regulated by the CCP.
Cases to be tried are subject to national jurisdiction if the defendant is domiciled or habitually resident in Poland or has its registered office in Poland.
Moreover, national jurisdiction rests with Polish courts in the following cases:
• matrimonial (national jurisdiction is exclusive if both spouses are Polish citizens and are domiciled and habitually resident in Poland);
• concerning the relationship between parents and children (national jurisdiction is exclusive if all parties are Polish citizens and are domiciled and habitually resident in Poland);
• concerning maintenance and relating to the establishment of a child's parentage (they are subject to national jurisdiction if the claimant is an entitled party domiciled or habitually resident in Poland);
• concerning labour law (cases in which the claimant is an employee are subject to national jurisdiction if the work usually is, was or was to be carried out in Poland);
• concerning insurance (cases concerning a relationship of insurance and brought against the insurer are subject to national jurisdiction if the claimant is domiciled in Poland or if there is another element indicating the territorial jurisdiction of Poland);
• concerning consumers (cases in which a consumer is the claimant are subject to national jurisdiction if the consumer is domiciled or habitually resident in Poland and undertook the actions necessary to enter into an agreement in Poland; in such cases, the other party to the agreement with the consumer is treated as an entity domiciled or with its registered office in Poland if it has an undertaking or a branch in Poland and the agreement with the consumer was concluded as part of the business of that undertaking or branch).
Polish courts also have exclusive national jurisdiction over: cases concerning rights in rem to real estate and the possession of real estate located in Poland; cases concerning lease (*najem* or *dzierżawa*) and other relationships involving the use of such real estate (except for cases for rent and other amounts due for using or deriving benefits from the real estate); other cases where the court's ruling concerns rights in rem, possession, or use of real estate located in Poland;
cases for the dissolution of a legal person or an organisational unit which is not a legal person, as well as for repealing or annulling resolutions of their governing bodies, if the legal person or organisational unit not being a legal person has its registered office in Poland.
Moreover, if national jurisdiction covers a case brought under the main claim, this jurisdiction also covers the counterclaim.
The parties to a specified legal relationship may agree in writing to submit matters concerning property rights that arise or may arise from the relationship to the jurisdiction of Polish courts.
The court automatically considers the absence of national jurisdiction at each stage of the case.
If it is found that national jurisdiction does not apply, the court rejects the claim or application.
The absence of national jurisdiction is a reason for invalidity of the proceedings.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

In order to establish which district court (*sąd rejonowy*) or regional court (*sąd okręgowy*) is competent to hear the case, the territorial jurisdiction of the court should be taken into account. Under Polish law, we distinguish general territorial jurisdiction, alternative territorial jurisdiction and exclusive territorial jurisdiction.
a. general territorial jurisdiction
Generally, actions must be brought to the court of first instance with territorial jurisdiction over the defendant's domicile (under the Civil Code, the domicile of a natural person is the town/city in which they stay with the intention to stay on a permanent basis). If the defendant is not domiciled in Poland, territorial jurisdiction is determined according to their place of stay, and where that place is unknown or is outside Poland – according to the defendant's last domicile in Poland. Actions against the State Treasury must be lodged in the court with jurisdiction over the registered office of the state organisational unit which the claim concerns. Actions against a legal person or another entity which is not a natural person must be brought in the court with jurisdiction over the location of that entity's registered office.
b. alternative territorial jurisdiction
Based on the regulations on alternative territorial jurisdiction, claimants may – at their discretion – bring the action either before the court of general jurisdiction or before another court specified in legislation as the competent court. In Polish civil proceedings, alternative territorial jurisdiction is provided for in cases: for a maintenance claim and for establishing a child's parentage; for a property claim against a business entity;
concerning disputes under contracts; for a tort claim; for payment of an amount due for handling a case (a fee payable to an attorney); for a claim under lease (*najem* or *dzierżawa*) of real estate; concerning a promissory note or cheque.
Actions for a maintenance claim and for establishing a child's parentage and related claims may be brought according to the domicile of the entitled party. Actions for a property claim against a business entity may be brought before the court with jurisdiction over the location of the headquarters or the branch if the claim is connected with the activities of the headquarters or of that branch. Actions for concluding an agreement, establishing its content, amending an agreement and for establishing the existence of an agreement, for the performance, termination or annulment of an agreement, as well as for damages on account of a failure to perform or properly perform an agreement may be brought before the court having jurisdiction over the place of performance of the agreement. Should there be any doubts, the place of performance of the agreement should be confirmed by a document. Actions for a tort claim may be brought before the court in the territorial jurisdiction of which the event causing the damage occurred. Actions for the payment of an amount due for handling a case may be brought before the court having jurisdiction over the place where the legal representative handled the case. Actions for a claim under real estate lease (najem or dzierżawa) may be brought before the court with jurisdiction over the location of the real estate. Actions against a party obliged under a promissory note or cheque may be brought before the court having jurisdiction over the place of payment. Several parties obliged under a promissory note or cheque may be sued jointly before the court having jurisdiction over the place of payment or the court having general jurisdiction for the acceptor or issuer of the promissory note or cheque.

c. exclusive territorial jurisdiction

Provisions governing exclusive territorial jurisdiction are mandatory. They exclude, in certain categories of cases, the possibility of bringing an action before the court of general jurisdiction and also before the court of alternative jurisdiction, as well as the possibility of referring the case for resolution to another court by means of a jurisdiction agreement. In the case of exclusive jurisdiction, only one court from among courts of the same level is competent to hear a specific case. Depending on the type of the case, this will be a specific district or regional court.

Actions for ownership or other rights in rem over real estate, as well as for the possession of real estate, may be brought only before the court with jurisdiction over the location of the real estate. If the subject of the dispute is a land easement, jurisdiction is determined according to the location of the encumbered property. The aforementioned jurisdiction encompasses personal claims related to rights in rem and rights pursued jointly with those claims against the same defendant. Actions concerning succession, a reserved share, as well as bequests, instructions or other testamentary dispositions, may be brought only before the court having jurisdiction over the testator's last place of habitual residence, and if the testator's habitual residence in Poland cannot be established, before the court having jurisdiction over the location of the inheritance or part thereof. Actions concerning membership in a co-operative, partnership, company or association may be brought only in the court with jurisdiction over the location of the registered office. Actions concerning a relationship of marriage may be brought only before the court in the territorial jurisdiction of which the spouses were last domiciled, if even one of them is still domiciled or habitually resident within that jurisdiction. In the absence of such a basis, the court with exclusive jurisdiction is the court with jurisdiction over the domicile of the defendant, and in the absence also of that basis - the court with jurisdiction over the domicile of the claimant. Actions concerning a relationship between parents and children and between adopter and adoptee may be brought exclusively before the court with jurisdiction over the domicile of the claimant, provided there is no basis for filing an action under general jurisdiction provisions.

In addition, if the jurisdiction of several courts is justified or if the action is brought against several parties for which various courts are competent under the legislation on general jurisdiction, the claimant can choose from among those courts. The same applies if the real estate whose location is the basis for determining the court jurisdiction is situated in several jurisdiction areas. If the competent court cannot hear the case or take other steps due to an obstacle, its superior court will designate another court at a closed session. If, under the provisions of the CCP, territorial jurisdiction cannot be established on the basis of the circumstances of the case, the Supreme Court (*Sąd Najwyższy*) will designate the court before which the action is to be brought at a closed session. The parties may agree in writing to submit an already existing dispute, or any disputes that may arise in the future out of a specified legal relationship, to a court of first instance which does not have territorial jurisdiction under law. That court will then have exclusive jurisdiction, unless the parties have agreed otherwise or unless the claimant has filed a statement of claim in an electronic procedure by writ of payment (*elektroniczne postępowanie upominawcze*, EPU). The parties may also limit, by means of a written agreement, the claimant's right to choose from among several courts competent for such disputes. The parties may not, however, change exclusive jurisdiction.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The material jurisdiction of ordinary courts (*sądy powszechne*) of the Republic of Poland is regulated by the provisions of the Code of Civil Procedure.

In civil proceedings, the courts of first instance are district courts and regional courts, and the courts of second instance are regional courts and courts of appeal (*sądy apelacyjne*).

In principle, civil cases are heard at first instance by district courts,

unless jurisdiction is reserved for regional courts. The jurisdiction of regional courts

at first instance covers cases:

• for non-property rights (and property claims pursued together with those rights), except for cases for establishing or disputing a child's parentage, cases for annulling an acknowledgment of paternity and for dissolving adoption;

• for the protection of copyrights and related rights, as well as cases concerning inventions, utility models, industrial designs, trade marks, geographical indications and integrated circuits topographies, and cases for the protection of other intangible property rights;

• for claims under the Press Law;

• for property rights where the value of the subject of the dispute exceeds PLN 75 000 (except for maintenance cases, cases for infringement of possession, cases for establishing the separation of property of spouses, for aligning the content of a land register with the actual legal status, and cases examined in an electronic procedure by writ of payment);

• for issuing a judgment in lieu of a resolution to divide a co-operative;

• for repealing, annulling or establishing the non-existence of resolutions of governing bodies of legal entities or organisational units which are not legal persons but which have been granted legal personality by law;

• for preventing and combatting unfair competition;

• for compensation on account of damage caused by issuing an unlawful final judgment.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

In principle, in civil proceedings the parties and their governing bodies or statutory representatives may act before the court in person or through representatives.

However, the CCP provides for mandatory representation by a lawyer in specified situations. In proceedings before the Supreme Court, parties must be represented by advocates (*adwokat*) or legal counsels (*radca prawny*). In cases concerning industrial property, they must also be represented by patent agents. The representation requirement applies also to procedural steps related to proceedings before the Supreme Court, taken before a court of lower instance. The representation requirement does not apply if proceedings concern an application for exemption from court charges, for appointing an advocate or a legal counsel, or if the party, its governing body or statutory representative or legal representative is a judge, public prosecutor, notary or professor of law or a post-doctoral degree holder in law (*doktor habilitowany nauk prawnych*), as well as if the party, its governing body or statutory representative is an advocate or a legal counsel or a counsel of the General Counsel to the State Treasury (*Prokuratoria Generalna Skarbu Państwa*).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Actions should be lodged with the competent court.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Pleadings must be submitted to the court in Polish or with a translation into Polish enclosed. The statement of claim should be in written form. An exception is a situation (concerning labour and social security law)

in which an employee or an insured person acting without an advocate or a legal counsel may orally submit to the competent court an action, the content of legal remedies and other pleadings, to be included in the records.

In an electronic procedure by writ of payment, a pleading may be submitted also via a data transmission system.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

A statement of claim must be submitted on official forms only if a special provision provides for it. There are two situations where the statement of claim must be submitted on an official form: where the claimant is a service provider or seller and pursues claims under an agreement concerning a specific subject

matter (the provision of postal and telecommunications services; mass transport of people and luggage; supply of electricity, gas and fuel oil; supply of water and removal of waste water; waste disposal and supply of thermal energy), and in summary proceedings (*postępowanie uproszczone*).
A statement of claim should be in written form. An exception to this rule are labour law and social security proceedings in which an employee or an insured person acting without an advocate or a legal counsel may submit an action orally to the competent court, to be included in the records.
A statement of claim must:
include the name of the court to which it is submitted; the names of the parties, their statutory representatives and legal representatives;
specify the type of pleading;
include the value of the subject of the dispute or of the appeal, if the material jurisdiction of the court, the fee amount or the admissibility of a legal remedy depends on that value and the specified amount of money is not the subject matter of the case;
specify the subject of the dispute;
specify the domicile or registered office and address of the parties, their statutory representatives and legal representatives,
include the claimant's PESEL (General Electronic Population Registration System) number or tax identification number (NIP) if the claimant is a natural person obliged to have such a number or has it without being obliged to have it; or include the claimant's National Court Register (KRS) number, and in the absence of a KRS number – the claimant's number in another relevant register or record, or, if the claimant is not a natural person and is not obliged to be entered in the relevant register or record but is obliged to have a NIP, include the claimant's NIP;
include the substance of the application or statement and evidence supporting the invoked circumstances;
precisely specify a claim, and in cases concerning property rights also indicate the value of the subject of the dispute, unless the subject of the dispute is a specified amount of money;
specify the date on which the claim fell due in cases where a payment order is sought;
describe the factual circumstances justifying the claim and, if necessary, justifying also the jurisdiction of the court;
indicate whether the parties have attempted mediation or another extrajudicial method of dispute resolution, and if no such attempts have been made, the reasons for not doing so;
bear the signature of the party or its statutory representative or legal representative;
include a list of appendices.
The following documents should be enclosed with the statement of claim:
the power of attorney or its certified copy (if the statement of claim is filed by a legal representative);
copies of the statement of claim and of its appendices to be delivered to the parties participating in the case, and if the originals of the appendices have not been submitted to the court, one copy of each for the court files (in an electronic procedure by writ of payment, electronically certified copies of appendices are to be enclosed with the statement of claim filed via a data transmission system).
Additionally, a statement of claim may include: applications for precautionary measures, for declaring the judgment immediately enforceable and for trying the case in the absence of the claimant; applications relating to the preparation of the hearing (and in particular applications: to summon the witnesses and court appointed experts indicated by the claimant to attend the hearing; to conduct a visual inspection; to instruct the defendant to provide, for the hearing, a document held by the defendant and necessary to hear the evidence, or the object of the visual inspection;
to request the provision of evidence held by other courts, offices or third parties for the hearing).

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

In principle, conducting court proceedings involves costs. Court costs include fees and expenses.
The obligation to pay the court costs rests on the party which lodges with the court a pleading (including a statement of claim) which is subject to a fee or generates expenses. If the due fee is not paid, the court summons the party to pay it within a week, otherwise the pleading will be returned (if the pleading has been lodged by a party domiciled or having its registered office abroad and not having a representative in Poland, the time limit for paying the fee is at least a month). After the expiry of the time limit without the fee being paid, the court returns the pleading to the party. A returned pleading has no effects associated under law with the filing of a pleading with a court.
If a special provision provides that a pleading may be lodged only via a data transmission system (the EPU procedure), the pleading is lodged together with the payment of the fee.
Pleadings lodged by an advocate, a legal counsel or patent agent (if they are subject to a fee in a fixed or proportional amount calculated based on the value of the subject of the dispute specified by the party) which have not been duly paid for are returned by the court without the party being called upon to pay the fee (Article 1302 of the CCP). The party may pay the fee due within a week. If the fee is paid in the required amount, the pleading has legal effects from the date on which it was originally filed. Such an effect does not take place if the pleading is returned again for the same reason.
Issues concerning fees payable to advocates or legal counsels (such as deadlines for payment) should be regulated in an agreement between the client and the legal representative.

11 Can I claim legal aid?

Both natural persons and legal persons may apply for legal aid – a court-appointed legal representative to handle the case (*pełnomocnik z urzędu*).
Natural persons may request appointment of an advocate or a legal counsel if they submit a statement to the effect that that they would not be able to pay an advocate's or a legal counsel's fee without hardship to themselves or their families.
Legal persons (or other organisational units entitled by law to be a party in court proceedings) may request appointment of an advocate or a legal counsel if they demonstrate that they do not have sufficient funds to pay an advocate's or a legal counsel's fee.
The court will grant the request if it finds the participation of an advocate or a legal counsel in the case necessary.
The issue of exemption from costs and the assignment of a court-appointed legal representative in cross-border disputes is regulated by the Act of 17 December 2004 on the right to legal aid in civil law proceedings conducted in the European Union Member States
and on the right to legal aid in order to resolve a dispute amicably before proceedings are instituted.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is brought before the court upon the statement of claim being filed. The CCP does not provide for a certificate confirming that the case has been correctly brought before the court.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Information about the steps planned or undertaken in the case can be obtained from the Court Customer Service Office (*Biuro Obsługi Interesanta*, BOI) of the relevant court. You can obtain information about the dates of subsequent court sessions by calling the Customer Service Office number specified on the court website and providing the case file number.

Last update: 22/10/2019

How to bring a case to court - Portugal

1 Do I have to go to court or is there another alternative?

In Portugal, you do not necessarily have to go to a court to resolve a dispute. Alternative means of dispute resolution exist, namely:
arbitration centres,
mediation services,
Justices of the Peace, and
support systems for over-indebtedness.
The Alternative Dispute Resolution Office (*Gabinete de Resolução Alternativa de Litígios, GRAL*) is responsible for supporting the creation of such extra-judicial means of resolving disputes and putting them into practice.
Information on how to avail yourself of these alternative means of dispute resolution is available here.

2 Is there any time limit to bring a court action?

Yes. By law, the right to go to court must be exercised within a certain period, after which said right is forfeited.
The general rules on forfeiture are laid down in Articles 332 and 327(2) of the Civil Code (*Código Civil, CC*).
Special rules of forfeiture exist for the following:

a) the right to bring an avoidance action (Article 618 CC);
b) actions to annul the sale of defective goods (Article 917 CC);
c) actions to revoke donations (Article 976 CC);
d) the right to terminate lease contracts (Article 1085 CC);
e) actions to maintain and recover possession (Article 1282 CC);
f) actions concerning breach of a promise of marriage (Article 1595 CC);
g) actions to annul marriages due to a lack of witnesses (Article 1646 CC);
h) actions to contest paternity (Articles 1842 and 1843 CC);
i) actions to declare debarment from succession (Article 2036 CC);
j) actions to reduce gifts exceeding the disposable portion of an estate (Article 2178 CC);
k) actions to resolve provisions of wills (Article 2248 CC); and
l) actions to annul wills or provisions therein (Article 2308 CC).

3 Should I go to a court in this Member State?

Yes. Portuguese courts are competent internationally in the following cases:
when the action may be brought in a Portuguese court in accordance with the rules on Portuguese territorial jurisdiction established in Portuguese law;
when the fact which has caused the action, or any of the facts pertaining to it, occurred on Portuguese territory;
when the right invoked may only be upheld by means of the proposed action in Portuguese territory or there is appreciable difficulty for the plaintiff in taking the action abroad, because there is an important connection, personal or real, between the subject-matter of the dispute and the Portuguese legal system.
The general rules on international jurisdiction of Portuguese courts are laid down in Articles 59, 62, 63 and 94 of the Code of Civil Procedure (*Código de Processo Civil, CPC*).

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

For a detailed answer to this question, please consult the factsheet on this page entitled 'Jurisdiction'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

For a detailed answer to this question, please consult the fact sheet on this page entitled 'Jurisdiction'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

As a rule, parties may bring legal proceedings before a court themselves.
It is compulsory to be represented by a lawyer in the cases indicated in Articles 40 and 58 CPC.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

As a rule, the initial application is submitted to the court *by electronic means, in accordance with the terms set out in Order No 280/2013 of 26 August 2009.*
Electronic processing of judicial cases
Article 144(7) CPC provides for cases in which applications may be lodged with the court in one of the following ways:
delivery to the court registry;
delivery by registered post;
delivery by fax.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The language used in judicial documents is Portuguese, in accordance with Article 133 CPC.
Foreign nationals who need to be heard in a Portuguese court may use a different language if they do not speak Portuguese.
Format of procedural documents: in general, procedural documents may be formulated orally or in writing. The method selected should be the one that best corresponds to the intended purpose (Article 131 CPC).
Means of submitting procedural documents before a court: see reply to question 7.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

Yes, there are. In addition to the forms set out in Community legislation, there are specific forms in Portugal for executive actions, which can be obtained on the:
Citius Portal.
National law provides that procedural documents may conform to templates approved by the competent authority; however, only templates concerning court office documents are considered to be mandatory (Article 131 CPC).
The following information must be included in the file:
In the initial application, the applicant must:
a) designate the court and section where the action is to be brought and identify the parties, indicating their names, domiciles or registered offices. As regards the plaintiff (and, wherever possible, the other parties), civil identification and tax numbers, professions and workplaces must also be provided;
b) indicate the business address of their legal representative;

c) indicate the type of action;
d) outline the essential facts which have given rise to the action and the reasons in law which form the basis for the action;
e) formulate the application;
f) declare the amount of the claim;
g) designate the enforcement agent with responsibility for issuing the summons or the legal representative responsible for promoting it.
When contesting a case, the defendant must:
a) identify the case;
b) present the factual and legal grounds for contesting the plaintiff's application;
c) set out the essential facts on which the objections raised are based; and
d) submit a list of witnesses and request other forms of evidence. When the defendant submits a counterclaim and the plaintiff responds, the defendant is permitted to amend their original request for evidence.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Yes, as a rule it is necessary to pay court fees. Procedural costs include court fees, charges and the costs of the party.
The most relevant rules concerning procedural costs are essentially set out in Articles 145, 529, 530, 532 and 533 CPC and in the Procedural Costs Regulation.
Court fees are paid at the following junctures (Article 14 of the Procedural Costs Regulation):
Cases in which it is compulsory to appoint a legal representative:
The first or sole instalment of court fees must be paid by the time the procedural act in question is delivered.
If a second instalment is to be paid, this must be done within 10 days of notification of the final hearing.
Cases in which it is not compulsory to appoint a legal representative:
If the document is filed directly by the party, payment of the court fee for instigating proceedings is due only after notification, which specifies a period of 10 days to make the payment and the applicable penalties if the payment is not made.
A court fees simulator is available here.
Lawyer's fees are included in the costs of a party and are borne by the losing party in accordance with Article 533 CPC.
Parties entitled to costs must send the court and the unsuccessful party a detailed and descriptive invoice, pursuant to the terms and the timeframes set out in Article 25 of the Procedural Costs Regulation.

11 Can I claim legal aid?

Yes, you can, provided you satisfy the conditions for the granting of legal aid.
Law No 34/2004 of 29 July 2004, which governs the Access to Law and Justice, sets out the requirements for requesting legal aid and establishes the relevant arrangements.
The application for legal aid must be submitted to the Portuguese social security services (*Segurança Social*).
The form for submitting an application for legal aid, the applicable legislation and a practical guide can be found here.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is deemed to have been officially brought at the time the initial application is deemed to have been submitted, as follows:
If the application is submitted electronically, it is deemed to have been submitted on the date of sending.
If the application is delivered to the court registry, it is deemed to have been submitted on the day of delivery.
If the application is sent by registered mail, it is deemed to have been submitted on the date entered in the relevant postal register.
If the application is sent by fax, it is deemed to have been submitted on the date of sending.
(Articles 259 and 144 CPC)
The court registry is responsible for taking appropriate steps to summon the defendant and to inform the applicant of:
the steps taken and, if no summons is made, the reasons for this;
the lodging of any defence, if the defendant has done so.
(Articles 226 and 575 CPC)

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Yes. The parties have the right to examine and consult the file. It is the responsibility of the court registries to provide this information (Article 163 CPC).
During the preliminary hearing (of by means of a notice), the judge schedules the acts to be carried out during the final hearing, the number of sessions and their probable duration, and the respective dates, after consulting with the legal representatives involved (Articles 591 and 593 CPC).

Applicable Legislation

Civil Code
Code of Civil Procedure
Electronic processing of judicial cases
Procedural Costs Regulation
Access to Law and Justice

Warning

The Contact Point and the courts are not bound by the information contained in this factsheet. The legislation in force and subsequent amendments thereto must also be consulted.
Last update: 08/08/2023

How to bring a case to court - Romania

1 Do I have to go to court or is there another alternative?

Any person who has a claim against another person must lodge an application with the court of law that has jurisdiction over the matter in question. The matter may be referred to the court only after a prior procedure has been completed, if the law expressly provides it. The proof of the completion of the prior procedure must be attached to the application.

A party to a dispute may also rely on alternative means of dispute resolution.
Meditation is optional before going to court. During legal proceedings, the judicial authorities are required to inform the parties of the option and advantages of mediation.
Mediation may occur in disputes relating to insurance, consumer protection, family law, professional liability cases, labour disputes and civil disputes with a value below RON 50 000, except for those in relation to which an enforceable court judgment has been delivered to initiate insolvency proceedings, actions relating to the commercial register and cases in which the parties opt for the procedures set out in Articles 1.014 - 1.025 or 1.026 - 1.033 of the Code of Civil Procedure (payment orders or small claims).
The parties to a dispute may also resort to arbitration, which is a private alternative jurisdiction. Persons with full capacity to act may agree to resolve disputes by arbitration, except for those relating to civil status, capacity of persons, succession proceedings, family relations and rights that cannot be decided by the parties.

2 Is there any time limit to bring a court action?

The right of pecuniary action is subject to time-barring, unless the law provides otherwise. In the cases specifically provided for by the law, other rights of action are also subject to the extinctive prescription, regardless of their subject matter (Article 2501 of the Civil Code).
The general limitation period is three years, pursuant to the provisions of Article 2517 of the Civil Code.
In accordance with Article 10(1) of Government Emergency Order No 39/2017 on actions for damages in respect of infringements of the provisions of competition law and amending and supplementing Law No 21/1996 on competition, by way of derogation from Article 2.517 of the Civil Code, the right to bring an action for damages is time-barred after 5 years.
The Civil Code lays down special prescription periods time-barring certain matters, such as:
the limitation period of ten years for real rights which have not been declared by law as indefeasible or not subject to another limitation period; compensation for the non-material/material damage suffered by a person as a result of torture or acts of barbarity or, as applicable, through violence or sexual assault against minors or persons who cannot defend themselves or express their will; compensation for damage to the environment;
the limitation period of two years for the right of action relying on a (re)insurance relation; the right of action relating to the payment of fees owed to intermediaries for services supplied under an intermediation agreement;
the limitation period of one year for the right of action relating to the refund of amounts collected from the sale of tickets for a performance that did not take place; caterers or hotel operators for the services they supply; professors, teachers, maestros and artists, for hourly, daily or monthly lessons; doctors, midwives, nurses and pharmacists for calls, procedures or medicine; retailers for the payment of merchandise sold and supplies delivered; craftsmen for the payment of their work; lawyers, against clients, for the payment of fees and expenses; notaries public and bailiffs, in respect of the payment of amounts they are entitled to for their activities; engineers, architects, land surveyors, accountants and other self-employed persons, for the payment of amounts they are entitled to; the right of action arising from an agreement for land, air or water transport of goods against the carrier.

3 Should I go to a court in this Member State?

The rules on international jurisdiction in disputes with cross-border implications are laid down in Book VII, International Civil Proceedings, of the *Code of Civil Procedure*. The provisions of this book, however, apply to proceedings with cross-border implications under private law, in so far as the international treaties to which Romania is a party, European Union law or special laws do not provide otherwise.
In matters concerning international jurisdiction, the Code of Civil Procedure lays down provisions relating to, among others: jurisdiction relying on the defendant’s domicile or office, voluntary prorogation of jurisdiction in favour of the Romanian courts, agreements for choice of court, arbitration exception, forum of necessity, internal jurisdiction, lis pendens and related actions at international level, exclusive personal jurisdiction, exclusive jurisdiction over pecuniary actions or preferential jurisdiction of Romanian courts (Article 1066 and the following of the Code of Civil Procedure).

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Territorial jurisdiction is regulated according to general criteria (defendant’s domicile/ office), alternative criteria (parentage, maintenance, transport agreement, insurance agreement, bill of exchange/check/promissory note/security, consumers, civil liability under tort law) or exclusive criteria (properties, inheritance, companies, actions against consumers), laid down by Article 107 and the following of the New Code of Civil Procedure.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Court jurisdiction according to the subject matter of the case is laid down by Article 94 and the following of the New Code of Civil Procedure and depends on the nature of the case or amount at stake.
As courts of *first instance*, district courts hear applications which are, pursuant to the *Civil Code*, within the jurisdiction of the custody and family court; applications for registration in the civil status records; applications related to the administration of multi-storey buildings/apartments/spaces owned exclusively by different persons and the legal relationships established by homeowners’ associations with other natural or legal persons; applications for eviction; applications related to shared walls and ditches, the distance between buildings and plantations, right of way, encumbrances, other limitations affecting ownership rights; applications related to changes in boundaries and to marking boundaries; applications for the protection of possessions; applications related to affirmative or negative obligations that cannot be measured in terms of money; applications related to judicial partition, regardless of the value involved; other applications that can be measured in terms of money, up to and including RON 200 000, regardless of the parties’ capacity.
Tribunals hear, as courts of *first instance*, all the applications which are not by law within the jurisdiction of other courts or any other applications which are by law within their jurisdiction.
Courts of appeal hear, as courts of first instance, applications relating to administrative and tax disputes or any other applications which are by law within their jurisdiction.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Parties may bring a court action personally or through a representative, and such representation may be subject to the law, an agreement or judiciary.
Natural persons who do not have the capacity to act will be represented by a legal representative. The parties may be represented by a representative of their choice, under the law, unless the law requires their appearance in person before the court of law.
At first instance and during appeals, natural persons may be represented by a lawyer or another proxy. If a person other than a lawyer acts as representative, the proxy can only make submissions as to procedural exceptions and the substance of the case through a lawyer, both in the stage of inquiry and during the presentation of arguments. With a view to drafting the application and setting out the grounds for appeal and to lodging and arguing the appeal, natural persons shall be assisted and represented, under the penalty of nullity, only by a lawyer.
Legal persons may be represented before courts of law under an agreement only by a legal advisor or lawyer. With a view to drafting the application and setting out the grounds for appeal and to lodging and arguing the appeal, legal persons shall be assisted and, as applicable, represented, under the penalty of nullity, only by a lawyer or legal advisor. The provisions mentioned above shall apply accordingly to associations, companies or other entities without legal personality.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The application is registered and attributed a specific date by applying the entry stamp. After registration, the application and accompanying documents, together with, where appropriate, evidence of how they have been forwarded to the court, are handed over to the President of the court or the person designated by the latter, who will take immediate steps to randomly establish a judicial panel, pursuant to law (Article 199 of the Code of Civil Procedure).

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Pursuant to Article 12(5) of Law No 304/2004 on organisation of justice, applications and procedural documents shall only be drafted in Romanian.
Applications shall only be made in writing. Article 194 of the New Code of Civil Procedure provides that the application, lodged personally or through a representative, received by post, courier, fax or scanned and sent by e-mail or as electronic document, shall be registered and attributed a specific date by applying the entry stamp.
Pursuant to Article 225 of the New Code of Civil Procedure, if any of the parties to be heard does not speak Romanian, the court shall resort to a legal translator. If the parties agree, the judge or clerk may act as translator. If the presence of a legal translator cannot be ensured, the translations made by trustworthy persons who speak the language in question may be used. If the person is mute, deaf or deaf mute or, for any other reason, cannot express himself or herself, communication shall be carried out in writing. If the person in question cannot read or write, an interpreter shall be used. The provisions regarding experts shall apply accordingly to translators and interpreters.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The Code of Civil Procedure does not foresee the use of any standardised forms for legal claims. The general rules on civil procedure lay down the content of some of the civil law claims (*e.g.* application, defence, counterclaim).

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

The legal costs are judicial stamp duties, lawyers', experts' and specialists' fees, amounts owed to witnesses in relation to travelling and amounts lost as a result of the need to appear before the court, travelling and accommodation costs, as well as any other costs needed for the proper conduct of the proceedings. The party claiming legal costs must prove the costs and their amount at the latest by the end of the discussions on the substance of the case.
The losing party will have to pay the winning party's legal costs, at the request of the latter. If the application has been allowed in part, the judges shall establish the extent to which each party may be ordered to pay the legal costs. If necessary, judges may order the offset of legal costs. The defendant who has acknowledged the claims made by the claimant at the first hearing to which the parties have been duly subpoenaed cannot be ordered to pay the legal costs, except where, prior to the initiation of the proceedings, the claimant sent a formal notice to the defendant or the defendant was lawfully in default. If there are several claimants or defendants, they may be ordered to pay the legal costs equally, proportionally or jointly, depending on their status in the proceedings or the nature of the legal relationship among them.

11 Can I claim legal aid?

Legal aid may be obtained pursuant to the provisions of Emergency Order No 51/2008 on public legal aid in civil matters, approved with further amendments by Law No 193/2008, as further amended. The New Code of Civil Procedure (Article 90 and 91) includes general provisions on legal aid.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The application is registered and attributed a specific date by applying the entry stamp. After registration, the application and accompanying documents are handed over to the President of the court or the judge replacing the President, who will take immediate steps to randomly establish a panel.
The panel to which the case has been randomly assigned verifies whether the application meets the necessary requirements. Where the application does not meet the requirements, the claimant is notified in writing of the deficiencies in question. Within maximum ten days as of the receipt of the communication, the claimant must provide the additional information or make the changes ordered, under the penalty of annulment of the application. If the obligations related to supplying additional information or amending the application are not fulfilled within the provided term, the court orders the annulment of the application through a hearing report issued in chambers.
Once the judge has found that all the legal conditions have been met in respect of the application, he/she orders, by a decision, its communication to the defendant.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Detailed information on the case may be obtained from the archive office of the courts or from their websites, if available, at https://portal.just.ro/ .
The court may rule on an application only if the parties have been subpoenaed or have appeared before the court personally or through a representative.
The court will postpone ruling on the case and will order that a party should be subpoenaed whenever it finds that the absent party has not been subpoenaed in compliance with the requirements provided for by the law, under the penalty of nullity. Communication of subpoenas and all procedural documents shall be made ex officio.
Once the judge has found that all the legal conditions have been met in respect of the application, he/she orders, by a decision, its communication to the defendant, who is informed of the obligation to submit a defence, under penalty, within twenty-five days as of the communication of the application. The defence is communicated to the claimant, who must submit a reply to the defence within ten days as of communication and the defendant will acquaint itself with the reply to the defence by accessing the case file. Within three days as of the date of submission of the reply to the defence, the judge sets, by a decision, the first hearing, which will take place within maximum sixty days as of the date of the court decision, and orders that the parties should be subpoenaed. If the defendant has not submitted a defence within the legal term or the claimant has not supplied a reply to the defence within the legal term, upon the expiry of the appropriate period, the judge sets, by a decision, the first hearing, which will take place within maximum sixty days as of the date of the decision, and orders that the parties should be subpoenaed. In urgent proceedings, the above periods may be shortened by the judge, depending on the circumstances of the case. If the defendant resides abroad, the judge will order a longer reasonable period, depending on the circumstances of the case.
The party that has lodged the application and has acknowledged the hearing date and the party that has appeared at a hearing will not be subpoenaed throughout the proceedings before that court as it will be deemed that the party in question is aware of the subsequent hearing dates. These provisions also apply to the party on which a subpoena to a hearing has been served as it is deemed that, in this case, the party in question is also aware of the hearing dates following the one for which the subpoena has been served. The subpoena also mentions that, further to the serving of the subpoena, subject to a signature acknowledging receipt, the subpoenaed party is deemed to be also aware of the hearing dates following the one for which the subpoena has been served.
At the first hearing to which the parties have been duly subpoenaed, after hearing the parties, the judge must estimate the necessary inquiry period, taking into account the circumstances of the case, so that a ruling may be handed down within an optimal and predictable period.

Last update: 10/09/2020

How to bring a case to court - Slovenia

1 Do I have to go to court or is there another alternative?

It might be better to resolve the dispute by means of alternative dispute resolution procedures. Alternative dispute resolution (ADR) methods allow disputes to be resolved without the intervention of a court, or at least without a court decision on the merits of the case. The main types of ADR practised in Slovenia include arbitration, mediation and court action in a broader sense aimed at encouraging a court settlement. The Alternative Dispute Resolution Act (Zakon o alternativnem reševanju sodnih sporov) obliges courts of first and second instance to enable parties to disputes arising from commercial, labour-related, family and other civil-law relationships to use ADR techniques to adopt and enforce an ADR programme. Under such a programme, courts are obliged to allow parties to use mediation, and possibly other forms of ADR as well.

Mediation is the settlement of a dispute with the help of a neutral third party, who cannot deliver a binding decision. Parties may agree to conclude a dispute resolution agreement in the form of a directly enforceable notarial record, a settlement before the court or a settlement-based arbitration decision.

The parties may, at any time during proceedings in a civil court, conclude a settlement on the subject of the dispute (court settlement). An agreement on the conclusion of a court settlement constitutes an executory title.

More on this topic can be found under 'Alternative dispute resolution'.

2 Is there any time limit to bring a court action?

The deadlines for bringing a court action depend on the nature of the case. A legal adviser or legal aid service can clarify questions relating to deadlines and limitation periods. More on this topic can be found under 'Procedural time limits'.

3 Should I go to a court in this Member State?

More on this topic can be found under 'Jurisdiction of the courts'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

More on this topic can be found under 'Jurisdiction of the courts'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

More on this topic can be found under 'Jurisdiction of the courts'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Parties may appear before courts themselves in Slovenia, except in procedures involving extraordinary legal remedies, where they may take legal action only through an intermediary who is a lawyer, or if the party or their legal representative have passed the state bar examination. Should a party wish to be represented by counsel, that intermediary may, in proceedings before a local court, be any person with full legal capacity, while before a district, higher or the Supreme Court, only a lawyer or other person who has passed the state bar examination may appear as counsel.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

An action may be sent to the court with jurisdiction by post or delivered directly to its reception office. See also reply 8.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

The official language of courts in Slovenia is Slovenian. However, in areas where there is a Hungarian or Italian ethnic minority, Hungarian or Italian also operates as an official language alongside Slovenian. The action must be drawn up in Slovenian and signed by the claimant him or herself.

An applicant's original signature means a handwritten signature as well as an electronic signature that is equivalent to a handwritten signature.

An application, as well as an action, must be filed in written form. A written application is deemed to be one that has been handwritten or printed and signed in the applicant's own hand (application in physical form) or an application in electronic form and signed with an electronic signature equivalent to a handwritten signature (application in electronic form). An application in physical form is submitted by post, by use of communications technology, delivered directly to the body, or delivered by a person engaged professionally in submitting applications. An action may also be submitted via fax.

The law also provides for electronic applications, i.e. applications in electronic form and signed with an electronic signature that is equivalent to a handwritten signature. Electronic applications are submitted to the judicial information system by electronic means. The information system automatically confirms to the applicant that the application has been received.

Notwithstanding the existing legal provisions (acts and implementing regulations) relating to all civil and commercial procedures, currently only procedures included in the e-Justice (e-Sodstvo) website may be initiated via the internet or electronically: certain types of enforcement procedure, the submission of applications and the issuing of decisions in insolvency proceedings, and the submission of land register proposals.

The e-Justice website exists in Slovenia for this purpose, and enables written material to be submitted in electronic form: https://evlozisce.sodisce.si/esodstvo/index.html.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

In Slovenia an action does not have to be submitted on a special form; however, it must contain certain legally-defined elements, some applying to all applications and some specifically to the action in question. An action must therefore include: a reference to the court, the names and permanent or temporary residence of the parties, the names of the legal representatives or counsels, the subject of the dispute and the content of the statement. It must also include the personal identification number (EMŠO) of a party, if that party is a natural person registered in the central population register; a tax number if the party is not registered in the central population register but is registered in the tax register; or date of birth if the party is registered neither in the central population register nor the tax register (this information is obtained by the court ex officio). If the party is a legal entity, the action must state the name or business name, registered office and business address, and the registration number or tax number if the legal entity is established in Slovenia. If the party is a sole trader (a self-employed person engaged in a gainful activity within an organised company) or a private undertaking (e.g. a doctor, a notary, a lawyer, a farmer or another natural person who is not a sole trader and practices a profession), the action must state the registered office and business address, and registration number or tax number if registered in Slovenia. The action must also include a specific request setting out the main subject of the case and the side claims, the facts supporting the claimant's request, evidence substantiating those facts, and the applicant's signature. If the jurisdiction of a court depends on the value of the subject of dispute, and the subject of dispute is not pecuniary, the claim must also state the value of the subject of dispute.

Applications that have to be delivered to the opposing party must be submitted to the court in as many copies as required by the court and the opposing party, and in a form that allows the court to submit them. This also applies to enclosures.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Court fees must be paid for the filing of actions, countersuits, motions for divorce by mutual consent, actions containing a proposal to issue an order for payment, motions for reopening a case, motions for the securing of evidence before the initiation of civil proceedings, motions for an attempt to settle, applications announcing an appeal, appeals, motions for the approval of an audit, and audits. Court fees must be paid no later than by a deadline determined by the court in the order for payment of the court fees.

If the court fee is not paid within this time limit and there are no conditions to allow for waiving or deferring the fee or paying the fee by instalments, the filing is considered withdrawn.

The costs of court proceedings are covered by the unsuccessful party in the case. Intermediaries who are lawyers are allotted their lawyers' fees in judicial proceedings under the Lawyers' Tariff Act (Zakon o odvetniški tarifi). Lawyers' fees are the total cost of lawyers' services and expenses necessary to perform the work, plus VAT if the lawyer is registered for VAT in Slovenia. In accordance with the regulations, a lawyer must issue the party or the contracting party

with an itemised invoice for the legal service provided or a receipt stating that the advance has been received no later than eight days after the service was provided or the advance paid. The legal service shall be deemed to be performed no later than after the lawyer has performed all the obligations set out in the mandate agreement or in a decision of the competent authority. The lawyer may request the party to pay an advance on the service requested and related costs prior to the end of proceedings.

11 Can I claim legal aid?

Parties may request legal aid, which shall be granted to them if they meet the conditions laid down in the Free Legal Aid Act (Zakon o brezplačni pravni pomoči, ZBPP). More on this topic can be found under 'Legal aid'.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is deemed to have been brought when it is received by the court that has jurisdiction. Where it is sent by registered post or by telegram, the date of posting is taken as the date of delivery to the court to which it is addressed. The applicant does not automatically receive confirmation that the action has been brought. If the application is delivered to the court's post box, the time at which it was received by the court's post box is taken as the moment of delivery to the court to which it is addressed.

The Electronic Applications Act (Zakon za vloge v elektronski obliki) stipulates that electronic applications are submitted to the judicial information system by electronic means. In this case, the time at which it was received by the judicial information system is taken as the moment of delivery to the court to which it is addressed. The information system automatically confirms to the applicant that the application has been received.

We should point out that, despite the legal provisions in place, it is currently not possible to file an action by electronic means in civil and commercial cases, with the exception of proceedings involving the land register, insolvency and enforcement.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Where events are tied to preclusive deadlines, the court warns the party in writing and attaches a legal notice explaining the consequences if the party fails to follow the court's instructions.

Related links

http://www.dz-rs.si/wps/portal/Home/deloDZ/zakonodaja/preciscenaBesedilaZakonov

http://www.sodisce.si/

https://www.uradni-list.si/glasilo-uradni-list-rs

http://www.pisrs.si/Pis.web/

Last update: 03/07/2019

How to bring a case to court - Slovakia

1 Do I have to go to court or is there another alternative?

For a response to this question, see also the section: "Alternative dispute resolution – Slovakia"

Not all disputes necessarily need to be addressed in court. Parties should first try to agree amicably and find a compromise acceptable to both parties. Another option is to resolve a dispute by mediation. Mediation is an out-of-court activity in which the persons involved in the mediation resolve their dispute, arising from their contractual or other legal relationship, with the assistance of a mediator. It is recommended that parties only turn to a court once they have exhausted all alternative methods of dispute resolution, or in cases when the objective is to obtain a precise definition of the position of the parties, their rights, and mutual responsibility.

Under certain conditions set out by the Act on Arbitration (*zákon o rozhodcovskom konaní*), as amended, an arbitration tribunal may rule in cases pertaining to:

a) a resolution of property disputes arising from domestic and international commercial and civil-law relations, if the arbitration venue is in the Slovak Republic;

b) recognition and enforcement of domestic and foreign arbitration awards in the Slovak Republic.

If the type of dispute subject to judicial proceedings is one that the Act on Arbitration does not exclude from its scope, parties to the proceedings can agree, either in or out of court, that they will proceed with arbitration. This agreement must contain an arbitration agreement. An agreement of that sort delivered to a court has the effect of a withdrawal of the claim and of the consent of the defendant to that withdrawal, in line with the Code of Civil Adversarial Procedure (*Civilný sporový poriadok*, CCAP).

2 Is there any time limit to bring a court action?

According to the Code of Civil Adversarial Procedure, a right become statute-barred if it was not exercised within the period set by law. The time limits for the submission of a claim differ depending on the case.

Statutory limitation periods are set by law. The general limitation period is three years, which starts running from the time when the right could first be exercised.

The court will only take heed of a right being statute-barred at the suggestion of the debtor. If the debtor objects to the right being statute-barred, the statute-barred right cannot be granted to the creditor.

3 Should I go to a court in this Member State?

See section: "At which court can I file a claim? - Slovakia"

The authority of courts to deliberate on a certain matter is set out by European Union legislation – regulations, international multilateral or bilateral conventions, and in their absence, national legislation governing the conflict of laws.

The rules governing the authority of Slovak courts are set, at national level, by Act No. 97/1963, on international private and procedural law (*Zákon č. 97 /1963 Zb. o medzinárodnom práve súkromnom a procesnom*). The fundamental rule says that Slovak courts have jurisdiction if the person against whom a submission (claim) is directed has his residence or its registered office in the Slovak Republic, or, in the case of property rights, if he has property in the country. Further provisions specify the conditions subject to which Slovak courts have jurisdiction. In contractual relations, parties can establish jurisdiction by agreement. In certain cases, Slovak courts have exclusive jurisdiction, for example, in proceedings pertaining to rights in rem with respect to real property, lease of real property that is located in the Slovak Republic, or in proceedings pertaining to the registration or validity of patents, trademarks, designs, and other rights.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See section: "At which court can I file a claim? - Slovakia"

According to the Code of Civil Adversarial Procedure, the ordinary court of the party against whom the claim is directed (the defendant) has jurisdiction to hear the case, unless otherwise provided. The ordinary court for an individual (citizen) is the court in whose district that citizen has his residence, and, if he does not have a residence, in whose district he dwells; the ordinary court for a legal entity is the court in whose district the legal entity has its registered seat, and, in the case of a foreign legal entity, the court in whose district the entity's organisational unit is located. The ordinary court for the State is the court in whose district the circumstance giving rise to the right claimed occurred. The ordinary court in commercial matters is the court in whose district the defendant has its registered seat, and if it has no registered seat, the court in whose district he is engaged in business. If the defendant does not have a place of business, his ordinary court will be the court in whose district the defendant has his residence.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See section: "At which court can I file a claim? - Slovakia"

The fundamental rule for determining substantive jurisdiction is set out in Section 12 of the Code of Civil Adversarial Procedure. At first instance, a district court (*okresný súd*) have jurisdiction as a rule. A regional court (*krajský súd*) will only decide as a court of first instance in specific cases, for example, in disputes pertaining to a third country or to persons who enjoy diplomatic immunity and prerogatives, if the disputes fall within the authority of the courts of the Slovak Republic. Act No 371/2004, on seats and districts of courts in the Slovak Republic (*Zákon č. 371/2004 Z. z. o sídlach a obvodoch súdov Slovenskej republiky*) regulates the jurisdiction of registry courts, bankruptcy courts and composition courts, bill-of-exchange and cheque courts, courts deciding cases pertaining to protection of objects of industrial protection and unfair competition protection, court for hearing proceedings pertaining to stock-exchange transactions, court responsible for issues related to care for minors, and court responsible for legal aid in cases of financial need.

The amount in dispute has no bearing on which court in the Slovak Republic will have jurisdiction to rule on a matter.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Representation by a lawyer is not mandatory in civil procedures in the Slovak Republic.

The law mandates representation by a lawyer in selected types of procedure, e.g., in bankruptcy matters, competition protection, unfair competitive conduct, intellectual property rights, and in extraordinary appeal proceedings (Section 420 of the Code of Civil Adversarial Procedure).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

In line with the provisions of Section 125 of the Code of Civil Adversarial Procedure, a submission may only be made in writing, on paper or in electronic form. A submission made in electronic form must be delivered subsequently in paper form within 10 days, otherwise the submission is disregarded. A submission made on paper must be presented in the required number of counterparts.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Given that parties enjoy an equal position in civil judicial procedure, a claim need not be filed in the Slovak language. Parties are entitled to act before a court in their mother tongue or in another tongue that they understand. The court is obliged to ensure them equal opportunities for the exercise of their rights, i.e., also a translation and interpreting. A submission may be made in writing, either on paper or in electronic form.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are no prescribed forms for the filing of an action (application for the initiation of proceedings).

The general requirements are set in Section 127 of the Code of Civil Adversarial Procedure. A claim must be signed and clearly indicate to which court it is addressed, who is submitting it, to what matter it pertains, and what it seeks. A submission must be submitted with the required number of counterparts and appendices, such that one counterpart would remain at the court and each party would receive one counterpart and appendices, as required. If a party fails to submit the required number of counterparts and appendices, the court will make copies at the party's expense. If an ongoing case is involved, the particulars required include the file number of the case.

In addition to the general requirements, a claim should state the first and last names, and if possible also the date of birth, telephone number, and address of residence of the parties or of their representatives; information about their country of citizenship; a genuine depiction of decisive facts and designation of the proof on which the claimant relies; and make clear what the claimant is seeking. If a party is a legal entity, a claim must state the name or company name, registered office, and identification number, if one has been assigned. If a party is a foreign entity, an excerpt from a register or some other registry in which the foreign entity is registered must be enclosed with the claim. If an individual engaged in business is a party, a claim must state the company name, registered seat, and identification number, if it has been assigned. If the State is a party, the claim must state a designation of the State and of the relevant state authority that will represent the State.

In order to make court proceedings more flexible and to assist parties to the proceedings, the website of the Ministry of Justice of the Slovak Republic (*Ministerstvo spravodlivosti Slovenskej republiky*) features examples (forms) of selected claims for the initiation of proceedings. It is possible to download an example and fill it in. A form precisely navigates the claimant to the items that must be filled in. A completed form may be sent unsigned or signed with a certified electronic signature using a certified certificate. If the claimant sends off a submission without a certified electronic signature, he is obliged to supplement this submission by a submission on paper.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

The filing of a claim is subject to the payment of a court fee. A court fee must be paid by the party submitting the claim (applicant/claimant), unless his obligation to pay court fees has been waived at his request or if he is exempt from their payment by law. The amount of the fee is set by the court schedule of fees, which constitutes an annex to Act No 71/1992, on court fees and a fee for an excerpt from the criminal register (*Zákon č. 71/1992 Zb. o súdnych poplatkoch a poplatku za výpis z registra trestov*). The fee amount is stated in the schedule of fees, as a percentage from a fee base, or as a fixed sum. A court fee is payable upon the filing of a claim. If a fee has not been paid when payable, with the submission of an application for the initiation of proceedings, the court will ask the payer to pay the fee within a deadline that the court determines, usually ten days from the service of the request; if the fee is not paid in spite of the request within the time limit set, the court will suspend the proceedings. The payer must be informed in the request about the consequences of the non-payment of the fee.

Representation by a lawyer is not mandatory in civil procedures in the Slovak Republic.

11 Can I claim legal aid?

See the section: "Legal Aid – Slovakia".

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is deemed to have been brought as at the day on which it was filed at the court. The court will provide the claimant a confirmation that his action has been brought and recorded in the court register.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

A court will ask the party to supplement or correct an incorrect, incomplete, or incomprehensible submission within a time limit that the court determines, but which must not be shorter than ten days. Other submissions whose contents do not supply the particulars required for an action for the initiation of proceedings, if not duly corrected or supplemented, will be disregarded by the court.

Parties and their representatives are entitled to consult a court case file and make excerpts, copies, and photocopies of it, or they may ask the court to make photocopies for them, at cost.

In preparing for a hearing, the court will serve an application for the initiation of proceedings (action) to the respondent (defendant), together with a counterpart of the claim and its appendices. This service is made personally, and the parties must be duly instructed. The court will send the respondent's statement to the claimant without delay. If required by the nature of the matter or circumstances of the case, a court may oblige the respondent by means of a resolution to provide his written statement on the matter, and in the event that he does not agree with the claim in full, state in his statement of fact those facts that are decisive for his defence, attach documents to which he is appealing, and identify proof to document his claims. The court sets a time limit for the submission of the statement.

Unless the Code of Civil Adversarial Procedure or another specific regulation provides otherwise, a court will order a hearing on the matter at hand, in order to deliberate on the matter, to which it will summon the parties and other participants whose presence is required.

Last update: 22/04/2022

How to bring a case to court - Finland

1 Do I have to go to court or is there another alternative?

Sometimes an alternative procedure may be a better option. See 'Mediation in Member States' and 'Mediation in Member States - Finland'.

2 Is there any time limit to bring a court action?

Different time limits apply to different kinds of actions. For more information about time limits, you can talk to a lawyer or a Legal Aid Office (*oikeusaputoimisto*).

3 Should I go to a court in this Member State?

See 'Jurisdiction'.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See 'Jurisdiction – Finland'.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See 'Jurisdiction – Finland'.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Private individuals can bring any civil action to court without using legal counsel. In complicated cases it may be to your advantage to use a lawyer.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Court registries act as first points of contact.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Proceedings in Finnish courts are conducted in Finnish or Swedish. Claims (applications for a summons) must be made in writing and usually in Finnish. In the Åland Islands, Swedish must be used. Nationals of Finland, Iceland, Norway, Sweden and Denmark can use their own language if necessary. Claims can be submitted by fax or e-mail. Automatic processing is also available for certain kinds of proceedings. See 'Automatic processing – Finland'.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There are no special forms available. Your claim must clearly state what it is you are seeking and the grounds on which you are seeking it. As a rule, you should attach to your claim any contracts, undertakings or other written evidence you intend to rely on.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Once a case is over, the court will charge a handling fee. The amount of the fee depends on the stage in the proceedings at which the matter was resolved. Some cases can be resolved on the basis of written evidence alone. However, most cases are only decided after a hearing. For more information, visit: https://oikeus.fi/tuomioistuimet/karajaoikeudet/en/index/charges/chargescollectedbycourts.html

Lawyers' fees and when they are payable are matters of contract, and there are no specific rules.

11 Can I claim legal aid?

Eligibility for legal aid depends on your level of income. Legal aid is not granted towards petty actions. For more information, visit: https://oikeus.fi/oikeusapu/en/index.html.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The date on which proceedings start is the date on which the court receives your application for a summons. The court can send confirmation of receipt upon request. The court cannot provide confirmation of whether or not a case has been properly presented.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The court will keep the interested parties informed of the progress of the case and provide an approximate timeline for subsequent events. You can also contact the court to enquire about the progress of your case.

Last update: 19/04/2024

How to bring a case to court - Sweden

1 Do I have to go to court or is there another alternative?

It might be better to use alternative dispute resolution systems, such as mediation.

2 Is there any time limit to bring a court action?

In some cases there are provisions to the effect that the case must be brought within a certain period of time, otherwise it may be too late to demand payment of a debt, for example. The period of time allowed for bringing a case to court varies depending on the type of case at issue. Questions relating to the period of time for bringing a case may be answered by a legal adviser or consumer-affairs adviser, for example.

3 Should I go to a court in this Member State?

Information about the jurisdiction of the courts may be found here.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Where you live, where the opposite party lives, and other factors may be of importance for where the case must be brought. More information may be found here.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

The nature of the case, the amount disputed and other circumstances may be of importance in determining the kind of court before which the case must be brought. More information may be found here.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Individuals are permitted to bring a case to court on their own initiative. There is thus no requirement to be represented or to have a lawyer in Sweden. There is also no lawyers' monopoly in the sense that a legal representative or counsel must be a lawyer.

To summarise, it is possible to bring a case oneself, without appointing a lawyer.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

A summons application must be submitted to the court. It may be handed in at the court secretariat, pushed through the court's letterbox or placed in its post box, handed over to a court official, or sent to the court by post.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

In Sweden, the language of the courts is Swedish. A summons application must therefore be written in Swedish. If a document has been submitted in another language, however, the court may in some cases order a party to have it translated. In some exceptional cases, the court may translate documents itself.

A summons application must be submitted in writing and signed in person. If the application is not signed in person but is submitted by fax or e-mail, for example, the court must request confirmation of the application by means of an original signed document. If no such confirmation is forthcoming, the application will be rejected.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

There is no requirement to the effect that special forms must be used to bring a case. There is a summons application form for civil cases that may be used irrespective of the amount involved in the dispute in question. The form is available on the Swedish National Courts Administration ('Domstolsverket') website in Swedish and English.

A summons application must contain information about the parties, a statement of claims, the basis for the claims, information concerning the evidence being relied upon and what each piece of evidence is to prove, and information about the circumstances that render the court competent to hear the case.

Written evidence that is relied upon should be submitted together with the application.

If an application is incomplete, the court must request additional information. If such additional information is not forthcoming, the application will be rejected.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Applicants must pay an application fee for applications in civil cases. The fee is paid to the district court ('tingsrätt') when the application is submitted. The application fee is currently SEK 450 (approximately EUR 50). If the application fee is not paid, the court sends the applicant an order to fulfil the payment obligation. If the payment is not made despite this, the application will be rejected.

Questions concerning payment for lawyers' costs are a matter to be settled between the client and the lawyer. This is customary both in terms of requests for advance payment and in terms of subsequent invoicing for the work that has been done. There are special rules for cases where legal aid has been granted.

11 Can I claim legal aid?

Information may be found here.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

In Sweden, a case is regarded as having been brought on the date when the summons application arrives at the court. A summons application is regarded as having arrived at the court on the date when the documents or notification of a paid postal item containing the documents arrives at the court or reaches a duly authorised official.

If it can be assumed that the documents, or notification of them, were handed in at the court secretariat or separated out for the court at the post office on a certain date, they are regarded as having arrived on that date if they reached a duly authorised official on the next working day.

No confirmation is issued automatically to the effect that the case is regarded as having been brought properly. Information about this may, however, be obtained through contact with the court, for example by telephone.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

According to the provisions of the Swedish Code of Judicial Procedure ('rättegångsbalken'), the court should prepare a schedule for dealing with the case as quickly as possible. There may, however, be some cases where there is no point in preparing a schedule. In most cases, there is little basis for preparing a schedule until a statement of defence has been received.

It is always possible to obtain information about the ongoing handling of the case through contact with the court, for example by telephone.

Links

Ministry of Justice (Justitiedepartementet)

Swedish National Courts Administration (Domstolsverket)

Swedish National Tax Board (Riksskatteverket)

Last update: 24/04/2014

How to bring a case to court - England and Wales

1 Do I have to go to court or is there another alternative?

In England and Wales, the Government wants people to be able to resolve disputes in a way that is quick, efficient and cost effective and wants them to have a range of options available, and not just rely on the courts. Alternative Dispute Resolution (ADR) is about solving problems rather than imposing solutions, and in many cases it can yield creative and far reaching solutions to issues that are not able to be addressed within the court process.

Examples of ADR include Mediation and Arbitration; the MoJ even has a referral page of trained mediators who will mediate for a sliding fixed-fee . There is also a free telephone mediation service that is offered in defended Small Claims Track Cases provided the parties agree. Should the parties attempt ADR, and the matter not conclude, there is nothing that precludes the case continuing through the court process.

Should you go to court, the procedure is governed by the Civil Procedure Rules.

The information below may help you decide how best to resolve your dispute, it will only give you a general idea of what may happen. It does not explain everything about court rules, costs and procedures which may affect different types of claims in different ways. You should also remember that even if you win your case the court cannot guarantee that you will be able to get any money you are owed.

2 Is there any time limit to bring a court action?

There are time limits or limitation periods during which a court action should be made. The general limitation period is six years from a relevant date – for example the date of breach of contract or when damage was suffered or sometimes when any damage was discovered. Other limitation periods include one year for defamation or three years for clinical negligence and personal injury. Some, but not all, limitation periods can be found in the Limitation Act 1980. The question of time limits can be clarified with a lawyer, legal adviser or a Citizens Advice Bureau in the United Kingdom.

3 Should I go to a court in this Member State?

In most cases you should approach the court in the member state where the dispute arose. There are some exceptions to this rule which depend on the subject matter of the dispute[1] and there is a primarily paper based European Small Claims procedure . Further information is available from the UK European Consumer Centre .

[1] Cases involving contractual obligations, damages, consumer and employment contracts, patents/trademarks and ownership or tenancy of immovable property

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

Part 7 of the CPR and the accompanying Practice Directions can assist in determining how and where to start proceedings. The page “Jurisdiction" provides more information about the particular court in England and Wales at which a claim should be made. Details on court addresses can be found on the Ministry of Justice website.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

Again, Part 7 and the page “Jurisdiction” will provide more information about the particular court in England and Wales at which a claim should be made. Details on court addresses can be found on the Ministry of Justice website.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

There is no requirement for a person to seek the advice of, or be represented by, a lawyer; in a simple case of debt you may not consider it necessary to consult a solicitor. As a general rule, however, if your claim is for a sum over £10000 and particularly if it includes a claim for compensation ('damages'), it is advisable to seek the advice of a solicitor.

If the amount you are claiming is £10000 or less and is defended, you may take someone to the court hearing to speak on your behalf. A so-called ‘lay representative’ may be a spouse, relative, friend or an advice worker.

Other types of claims, for example personal injury claims, can be more complicated and it may be preferable to get some professional help and advice no matter what the value of your claim.

For many types of claim there is a 'pre-action protocol' [1] which sets out the steps the court will expect you to have taken **before** you issue your claim. It involves things such as writing to the person you are claiming from to set out the details of your claim, exchanging some evidence, allowing them to see your medical records if your claim is for personal injury and trying to agree the medical expert you will use.

Remember that you also have to prove your claim. To do this you will need evidence, for example a report from your doctor, or statements from witnesses who saw your accident. You will also need to make a realistic assessment of the amount of damages you are seeking. It may save you time and money to first ask a solicitor or advice worker if it is worth making a claim and, if it is, how best to prepare it, what evidence you need and what amount of damages to ask for.

If you are claiming on behalf of a limited company you may need a solicitor to go to the hearing for you. This will depend on how much money you are claiming and the type of hearing.

[1] There are a number of other pre-action protocols, such as for construction and engineering disputes, defamation, resolution of clinical disputes, professional negligence, and judicial review. Copies of all are available from a court or on the website of the Ministry of Justice.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

The rules relating to starting civil proceedings are contained in part 7 of the Civil Procedure Rules[1], which should be read in conjunction with the accompanying practice direction. The basic rule is that, in the absence of any rule or practice direction a claim in England and Wales may be brought in any County Court hearing centre; in practice county court money only claims must be submitted on line or posted to Money Claims on Line in Salford*; there is a complementary online procedure for possession claims* as well.

Certain claims such as those brought under the Consumer Credit Act procedure[2] must be brought in the County Court hearing centre where the Defendant resides or carries on a business. Some hearing centres have electronic facilities for communication; the rules in this respect are contained in part 5 of the CPR and the accompanying practice direction , with special rules for the High Court. The details for the High Court can be found online here.

Court staff cannot offer advice on the validity of a claim nor the appropriateness of your chosen course of action. You may be able to get advice from your Citizens Advice Bureau or Law Centre.

[1]Op cit

[2] CPR PD 7B5

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Claims should be completed in writing and in English, although Welsh facilities do exist for Welsh speakers. As noted above there is scope for electronic communication with the courts, both for lodging claims and making interlocutory applications, as well as for general communication with the Court. Guidnace for this can be found here.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

In general, to start a claim you must complete Form N1; other forms exist for specific matters such as possession. The form N1 includes notes for guidance for the claimant. You can seek help from a Citizens Advice Bureau. The notes for guidance give details of the information that should be included with your claim. When lodging post, you should make one copy for yourself, one for the court and one for each defendant you are claiming from. The court will serve a sealed copy on the defendants.

There are a number of other forms for use in other types of proceedings or for later stages of a claim. These too are available from a court or the website of the Ministry of Justice.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

You will usually need to pay a fee to start your claim. The level of the fee will depend on the amount you are claiming. If the defendant does not pay once you have judgment, or says the money is not owed and your claim proceeds as a 'defended' (disputed) case, you may have to pay further fees. If you win your case, the fees will be added to the amount the defendant owes you. You may also be allowed some costs to compensate you for time lost at work, although this will not necessarily cover the total amount you have lost.

In certain circumstances, for example if you are receiving income support, you may be able to ask for an exemption from paying fees. Full details of court fees can be obtained in a leaflet on the Ministry of Justice website. Here you will also find details about when it might not be necessary to pay a fee.
There may be further expenses. If the defendant defends your claim you may need witnesses to help tell the court what happened. You may have to pay their travelling expenses to and from the court and the money they would have earned that day. If you win, however, the court may order the defendant to pay towards those expenses.
You may also need to obtain a report from an expert such as a doctor, mechanic or surveyor. You may also need to ask this expert to come to a court hearing to give evidence on your behalf. You will have to pay the experts' expenses and charges but, again, if you win the court may tell the defendant to pay towards these.
If your claim is for a fixed amount of money (a 'specified amount') and the defendant is an individual who defends your claim, your claim may be transferred to the defendant's local court. This may mean you having to travel some distance for any hearing which takes place. If you win the case you may be able to claim your travel costs and something towards your lost earnings.
The amounts that can be claimed for witness, expert and legal advice costs are limited on the small claims track.
If English is not your first language and you need an interpreter the court will not be able to help you find one. You will have to do this yourself and also have to pay any fees the interpreter charges.
Lawyers' fees are usually payable at the end of a case. If you win your case the court may order the defendant to pay some or all of your lawyers' fees. However, if you have a solicitor and your claim is for less than £5000 you will usually have to pay for his or her help yourself, even if you win your case. You should also bear in mind that although the court may make a judgment in your favour (this means ordering the defendant to pay you), the court will not automatically take steps to make sure that the money is paid. If the defendant does not pay, you will need to ask the court to take action (called 'enforcing your judgment') for which you may have to pay another fee. More information on enforcing judgments can be obtained in a number of leaflets.

11 Can I claim legal aid?

There are different types of limited legal funding available in some civil matters. The type of funding and eligibility to receive it depends upon a number of factors including the type of legal action and the income of the applicant. More information is available at the following website on legal aid.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The date on which proceedings start is the date when the court issues a claim form. The date of issue is recorded by the court by a date stamp either on the claim form held on the court file or on the letter that accompanied the claim form when it was received by the court. If any necessary information is missing from the claim form or there are obvious errors the court will not issue the claim and will return the form to you. If the claim is issued the court will send you a Notice of Issue which gives details of the date of issue and the date the claim was sent to the defendant.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

Yes.
Once the claim has been issued and the defendants have been served with the N1 Claim Form and the supporting documents, the Defendants have 14 days to file a defence and/or contest jurisdiction. Once a defence has been lodged, the court will issue a provisional allocation to track, and Directions Questionnaire which must be returned within a set time. Once the DQ has been received, the matter will be transferred to a suitable court; generally this is the Defendant's local county court hearing centre. The Court will make sure that the parties are kept informed of all dates by which things are to be completed.

Related links

Links of specific relevance have been provided in the answers above. The following are links of more general use:.

- Ministry of Justice
- Legal aid/help
- Legal Services Commission
- Bar Council of England and Wales
- Law Society of England and Wales
- Citizens Advice
- Community Legal Advice

Last update: 12/05/2020

How to bring a case to court - Northern Ireland

1 Do I have to go to court or is there another alternative?

The following paragraphs give a broad outline of the arrangements in Northern Ireland regarding the commencement of proceedings. However, they are not intended and should not be regarded as a comprehensive statement of the law. Detailed procedures are set out in rules of court and, where possible, those rules should be consulted.
Few people are keen to rush to court and most are willing to explore the possibility of an amicable settlement. This can be done on an informal basis without legal support (e.g. by way of meeting, exchange of letters or telephone call) or, more formally, with the assistance of legal representatives or mediators. Only when an agreed settlement has been discounted should thoughts turn to court.
Further information on alternatives to going to court in Northern Ireland can be found on the Law Centre (NI) website
If court action is necessary, you will have to establish the appropriate venue for your case. If your claim is civil in nature, it may, subject to statute, be brought in the High Court. However, the majority of cases proceed in the County Court, where the general financial jurisdiction is currently £30,000. Northern Ireland is divided into Administrative Court divisions and the Administrative Court Guide can help you decide the appropriate venue. The guiding principle is that proceedings should generally be commenced in the Administrative Court Division in which the defendant resides or carries on business (although technically, proceedings can be commenced in any Division).
The Administrative Court Guide can be downloaded from the NICTS's website at http://www.courtsni.gov.uk/en-GB/Documents/Single%20Jurisdiction%20Internet%20Info%20Agreed.pdf However, you may wish to contact the Northern Ireland Courts and Tribunals Service's Communication Team (+44 300 200 7812) if you have any general queries.

2 Is there any time limit to bring a court action?

See the factsheet on Procedural Time Limits.

3 Should I go to a court in this Member State?

See the answer to point 1 and the factsheet on Jurisdiction.

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

See the answer to point 1 and the factsheet on Jurisdiction.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

See the answer to point 1 and the factsheet on Jurisdiction.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

Generally, a person is free to carry on or defend proceedings in his own right or through a legal representative. However there are some exceptions to this e. g., in the High Court the next friend or guardian ad litem of a person under a disability (e.g. under eighteen) must act through a solicitor. A corporate body must also act through a solicitor, unless the court allows a director to represent the company.

The leave of the court may be required to appear instead of or on behalf of a person.

In both the High Court and the County Court tiers, an un-represented person can be accompanied by a friend who may advise and take notes. However, the courts may impose conditions/restrictions to ensure that the case proceeds in an orderly manner.

Advocates, lawyers, barristers etc., from within the European Union can act in conjunction with local lawyers.

The High Court deals with the more complex cases and unrepresented persons are the exception, rather than the rule. This is also the case in the County Court. However, legal representation is less common in small claims cases. This is probably because those cases are subject to arbitration and the court arrangements are less formal. However, the value of a claim is unlikely to give a good indication of whether legal representation is required. Sometimes, low value claims can raise difficult questions about liability or contributory negligence. This is one of the reasons why personal injury claims are excluded from the small claims jurisdiction in Northern Ireland.

If you do not want to engage a lawyer, you may wish to seek advice or assistance from the voluntary sector (e.g. a Citizens Advice Bureau) or a statutory body (e.g. Consumer Council for Northern Ireland).

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

Generally to initiate a case the appropriate paperwork should be lodged in the appropriate court office along with the required fee. Court offices are normally open from 10.00 to 16.30.

Court staff can provide general assistance and informationon the processes but they are, unable to give legal advice or recommend legal representatives.

The Law Society of Northern Ireland has a list of local solicitors and the Bar Library can identify local barristers.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Most applications are commenced by a written document, which must be in English. However, oral applications may be made during the course of proceedings.

Documents are usually taken or posted to the relevant court office to be issued. However, once issued, they are to be served in accordance with the court rules. Depending on the document this may be by e-mail, fax, post or by personal service.

If interpreters or translation of documents are required, the parties, not the court, will usually be required to bear the cost.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

The rules of court prescribe a wide range of documents for use in various proceedings.

In the High Court, most actions (e.g. a claim for damages for personal injury or death, fraud, damage to property etc.) are commenced by writ of summons, which is issued by the Front of House Office on behalf of the Central Office and Chancery Office. One writ is fee stamped and sealed and the office retains this writ and returns one sealed and stamped original together with the required number of sealed service copies.

The writ can be generally endorsed (with a short statement of the nature of the claim and remedy sought) or specially endorsed (with a full statement of claim).

In the County Court, most cases are commenced by way of civil bill. The civil bill must state the full names and addresses of the parties and the relevant Administrative Court Division. An ordinary civil bill must include "21 day costs" - these are set costs that mean if the defendant pays the debt or damages plus the 21 day costs, the action will be stayed. The particulars of claim (including relevant dates and places) will be set out in the civil bill.

If your case is a small claim there is a special form for this which is available on the Northern Ireland Courts and trribunals Service website.

As a case progresses, other documents may need to be completed. Court staff can provide general assistance with these documents but as stated earlier, they cannot provide legal advice or draft the forms for you.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

Fees are payable on the issue of a writ, civil bill or small claim and also at various stages in the litigation process. The relevant form is usually stamped with a receipt for the fee. In the County Court tier, this can be done in any court office.

The general policy is that the losing party is responsible for all costs: his own and his opponent's. In the High Court, the costs are assessed on the basis of the work done. In the County Courts, there is a sliding scale of fixed costs that are linked to the value of claim. This helps in predicting the likely cost of litigation, however, in some county court cases the judge has discretion as to the level of costs.

Ordinarily, only a party to proceedings can be awarded, or be liable for, costs. You will have to bear the costs arising from your claim (e.g. witness expenses, travelling expenses, costs of expert evidence) during proceedings. However, if you are successful, you may be able to claim these back.

Please note, that, in small claims cases, costs will usually only be awarded if there is evidence of unreasonable behaviour by one of the parties.

The Enforcement of Judgments Office is responsible for enforcing civil judgments relating to the recovery of money, goods or property in Northern Ireland and can help to try to secure any payments that are due to you if you win your case and the other party does not pay within a reasonable time. There are charges for using the Enforcement of Judgments Office services. More information on the Enforcement of Judgments Office can be found on the Northern Ireland Courts and Tribunals Service website and in the factsheet on Procedures for enforcing a judgment.

The arrangements with regard to lawyers' fees are a matter for lawyer and client. Sometimes staged payments may be required. In other cases, the fees may be paid in full at the conclusion of the proceedings.

11 Can I claim legal aid?

There is a statutory scheme in Northern Ireland for the payment of legal costs out of public funds (the legal aid scheme).

However, certain proceedings are excluded from the scheme (e.g. defamation) and means and merits tests are applied.

A legal aid certificate cannot operate in respect of costs incurred before it was granted.

Further information on the legal aid scheme is available on the Legal Aid pages and on the website of the Law Society of Northern Ireland.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The issue of a small claim application, civil bill or writ marks the commencement of proceedings for limitation purposes.

If a form is prescribed in legislation any deviation which does not affect the substance or is not intended to mislead will not invalidate the form and any defect can usually be cured by amendment.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The litigation process is subject to various time limits and, although court staff can respond to specific queries, they will not track the individual stages of a case.

In the High Court, the plaintiff's shall set the action down for trial within 6 weeks from the close of pleadings or such other time allowed by the court, a fee is payable on the setting down. The plaintiff must serve notice of the setting down on the other parties to the action. A certificate of readiness must also be lodged in Personal Injury and Clinical Negligence cases before a date for hearing or review will be given.

If a memorandum of appearance is not lodged and served or the respondent fails to serve a defence the plaintiff can secure judgment by an administrative procedure (although they may have to attend before the Master (a judicial officer) to have damages assessed).

In the County Court the plaintiff must lodge a certificate of readiness if the respondent has served a notice of intention to defend. If the certificate is not lodged after 6 months, the parties must attend before the judge who may give directions for the future conduct of the proceedings. If a notice of intention to defend has not been served, the plaintiff can secure judgment by an administrative procedure (although they may have to attend before the district judge to have damages assessed).

In a small claims case the respondent will be given a fixed time to respond to the claim - called a return date - this is usually 21 days after the claim has been received in the court office. If the respondent returns a 'Notice of Dispute' then the case will be listed before the judge for a court hearing. If a Notice of Dispute is not received, the plaintiff can secure judgment by an administrative procedure (although they may have to attend before the judge to have damages assessed

Related links

Northern Ireland Courts and Tribunals Service

Northern Ireland Legal Services Agency

Last update: 10/09/2021

How to bring a case to court - Scotland

1 Do I have to go to court or is there another alternative?

Going to court should be your last resort. You should first consider other ways to settle the matter. For example, if you are owed money you could write a letter to the person who owes it, say how much they owe, what it is for, and what steps you have already taken to recover it. You could include a warning that if they do not pay by the suggested date you will start a court process. You may also want to consider alternative dispute resolution. Please refer to the information sheet on ADR for further information.

2 Is there any time limit to bring a court action?

In Scots law, there are time limits or limitation periods within which a court action must be raised. These are determined by the legal concepts of limitation and negative prescription. The applicable periods depend on the statute. You can find out whether the specific action you would like to raise is subject to specific time limits by seeking the advice of a lawyer or a Citizens Advice Bureau.

3 Should I go to a court in this Member State?

There are specific rules in EU legislation that determine the Member State in which claims should be brought.

General information on which courts deal with which types of cases within Scotland is provided in the sheet:

"Jurisdiction"

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

General information on which courts deal with which types of cases within Scotland is provided in the sheet:

"Jurisdiction"

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

General information on which courts deal with which types of cases within Scotland is provided in the sheet:

"Jurisdiction"

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

There is no requirement for a person to be legally represented in the Scottish civil courts.

A person who appears without legal representation is known as a “party litigant”. Some specific guidance is available for party litigants in the Court of Session: Guidance for party litigants

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

You should first contact the administrative staff in the court. You can contact the court either in writing, by phone or in person. If you write they will aim to reply to you either in writing or telephone you within 10 working days.

Information about opening times and contact details can be found on the website of the Scottish Courts and Tribunals Service under Court and Tribunal Locations.

The Scottish Courts and Tribunals Service provide staff who are properly trained to carry out the administrative, technical and organisational services necessary for the smooth running of the courts while giving an efficient and courteous service to court users. In that connection there is a Court Users Charter details of which are on the website of the Scottish Courts and Tribunals Service.

Scottish Courts and Tribunals staff are not legally qualified and therefore cannot provide you with legal advice. If you need legal advice, the Law Society of Scotland can provide contact details for solicitors in your area and the Scottish Legal Aid Board can provide information on eligibility for legal assistance.

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Court proceedings must be raised in English. Proceedings are conducted in English with the aid of interpreters if requested. Interpreters are paid for by the parties to the action. The necessary forms to raise an action must be taken in person or posted to the court.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

In general, to start a claim you must complete a form. The Rules of Court for each type of court specify which forms should be used to raise proceedings in those courts.

Please see the website of the Scottish Courts and Tribunals Service for more information relating to specific courts: Scottish Courts and Tribunals Service.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

You will usually need to pay court fees at the start of proceedings. The fees differ according to the type of action raised and the court it is raised in. The fees are set in secondary legislation (referred to as Fee Orders) and are regularly updated by Fee Amendment Orders. For the most up-to-date fees, please see the website of the Scottish Courts and Tribunals Service.

In certain circumstances you may be entitled to exemption from paying court fees. Those circumstances are also available on the SCTS website.
Going to court involves fees but there may be further expenses. Usually the losing party will be responsible for paying the court costs and other expenses incurred by the winning party and their own costs and expenses. In some cases, the judge has some discretion about how much the losing party has to pay. A winning party may still have to cover the costs of their own witnesses or expert evidence.
Lawyers' fees are usually payable at the end of a case. If you win your case the court may order the defender to pay some or all of your lawyers' fees. You should also bear in mind that although the court may make a judgment in your favour (this means ordering the defender to pay you), the court will not automatically take steps to make sure that the money is paid. If the defender does not pay, you will need to ask the court to take action (called 'enforcing your judgment') for which you may have to pay another fee. More information on enforcing judgments can be obtained in a number of leaflets: Leaflets on enforcing judgments

11 Can I claim legal aid?

There are different types of legal funding available in civil matters. The type of funding and eligibility to receive it depends upon a number of factors including the type of legal action and the income of the applicant. More information is available at the website of the Scottish Legal Aid Board.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

An action is begun when the form, writ, summons or petition is served on the defender by the pursuer. Service is usually done by post, but may be done by a Sheriff Officer or Messenger-at-arms.
When a form, writ, summons or petition is presented to a Sheriff Clerk for warranting (or in the Court of Session, presented to the offices of the court for signetting), the administrative staff will check the document to make sure the necessary information has been provided. The administrative staff do not provide legal advice on the merits of a case. Once an action has commenced, the court may still conclude that the action has not been raised correctly.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The documents served on the defender will provide the defender with information about how to defend the action, within what timescale and when the next hearing of the case will take place.
The Scottish and Courts Tribunals Service tries to arrange all hearings as quickly as possible. In civil cases the target for hearings on evidence is 12 weeks from the date that a hearing on evidence is granted by the court.

Related links

Scottish Courts and Tribunals Service
The Scottish Legal Aid Board
Law Society of Scotland (solicitors, including those with extended rights of audience)
Faculty of Advocates (counsel)

Last update: 25/04/2019

How to bring a case to court - Gibraltar

1 Do I have to go to court or is there another alternative?

Issuing a claim at court should be your last resort. You should first consider other ways to settle the matter. For example, if you are owed money you could write a letter to the person who owes it, say how much they owe, what it is for, and what steps you have already taken to recover it. You could include a warning that if they do not pay by the suggested date you will issue a court claim.
If you cannot settle things by any other way you may decide to issue a claim. If your claim is defended it can proceed in one of three ways. The small claims jurisdiction of the Supreme Court is a system for handling smaller claims (generally £10000 or less) in a quick, cheap and easy to use manner. For larger claims the Supreme Court has two other tracks. The fast track is normally for cases where the amount in dispute is more than £10000 but not more than £15000, where there is a need for only limited disclosure of documents to the defendant and where a period of no more than around 30 weeks is needed to prepare for a trial. All other cases are allocated to the multi track.
Most 'litigants' (people involved in court actions) acting for themselves choose to issue in in the Small Claims jurisdiction.
While the information below may help you decide how best to resolve your dispute it will only give you a general idea of what may happen. It does not explain everything about court rules, costs and procedures which may affect different types of claims in different ways. You should also remember that even if you win your case the court cannot guarantee that you will be able to get any money you are owed.

2 Is there any time limit to bring a court action?

There are time limits or limitation periods during which a court action should be made. The general limitation period is six years from a relevant date – for example the date of breach of contract or when damage was suffered or sometimes when any damage was discovered. Other limitation periods include one year for defamation or three years for clinical negligence and personal injury. The limitation periods can be found in the Limitation Act 1960 . The question of time limits can be clarified with a lawyer or the Citizens Advice Bureau.

3 Should I go to a court in this Member State?

There are specific rules in EU legislation that determine in which Member State a claim should be brought. More information can be found in the page " Juridiction".

4 If yes, which particular court should I go to in this Member State, given where I live and where the other party lives, or other aspects of my case?

There is only one court building in Gibraltar. The Gibraltar Courts Service is located at 277 Main Street, Gibraltar.

5 Which particular court should I go to in this Member State, given the nature of my case and the amount at stake?

There is only one court building in Gibraltar. The Gibraltar Courts Service is located at 277 Main Street, Gibraltar.

6 Can I bring a court action by myself or do I have to go via an intermediary, such as a lawyer?

There is no requirement for a person to seek the advice of, or be represented by, a lawyer. A litigant in person is able to bring any claim personally. It is up to the individual concerned.

7 To initiate the case, who exactly do I apply to: to the reception office or the office of the clerk of the court or any other administration?

You can "issue" or start a claim at the Supreme Court of Gibraltar, 277 Main Street, Gibraltar.
The Supreme Court Registry is open between 0930 and 1600 Monday to Thursday and between 0930 and 1545 on Fridays (shorter counter hours apply during the summer months). There is a public counter where court staff can receive claims and provide information on court procedures. Court staff cannot give legal advice. (They may be able to tell if you can apply for legal aid.)

8 In which language can I make my application? Can I do it orally or does it have to be in writing? Can I send my application by fax or by e-mail?

Claims should be completed in writing in English and the court proceedings are conducted in English, with the aid of interpreters if necessary. Generally, a claim should be taken in person to the Registry of the Supreme Court of Gibraltar.

9 Are there special forms for bringing actions, or, if not, how must I present my case? Are there elements that have to be included in the file?

In general, to start a claim you must complete a claim form (Form N1). The Supreme Court Registry staff can assist you with obtaining copies of the form. Staff can be contacted at the Supreme Court Registry, 277 Main Street, Gibraltar or on telephone number (+350) 200 75608.

This form includes notes for guidance for the claimant and the defendant (the person, firm or company against whom the claim is being made). Court staff can help with filling in the form. The notes for guidance give details of the information that should be included with your claim. Once you have completed the form you should make one copy for yourself, one for the court and one for each defendant you are claiming from. Once the Supreme Court Registry has issued the claim form, it will be returned to you so that you can send each defendant a copy. A defendant should also be sent an Acknowledgement of Service Form and Response Pack.

There are a number of other forms for use in other types of proceedings or for later stages of a claim.

10 Will I have to pay court charges? If so, when? Will I have to pay a lawyer right from the introduction of my application?

You will usually need to pay a fee to start your claim. The level of the fee will depend on the amount you are claiming. If the defendant does not pay once you have judgment, or says the money is not owed and your claim proceeds as a “defended” (disputed) case, you may have to pay further fees. If you win your case, the fees will be added to the amount the defendant owes you.

There may be further expenses. If the defendant defends your claim you may need witnesses to help tell the court what happened. You may have to pay their travelling expenses to and from the court and the money they would have earned that day. If you win, however, the court may order the defendant to pay towards those expenses.

You may also need to obtain evidence from an expert such as a doctor, mechanic or surveyor. You may also need to ask this expert to come to the court hearing to give evidence on your behalf. You will have to pay the experts' expenses and charges but, again, if you win the court may order the defendant to pay towards these.

The amounts that can be claimed for witness, expert and legal advice costs are limited on the small claims jurisdiction.

Lawyers' fees are usually payable at the end of a case but this is a matter to be agreed between the lawyer and yourself. If you win your case the court may order the defendant to pay some or all of your lawyers' fees. However, if you have a solicitor and your claim is for less than £10,000, you will usually have to pay for his or her help yourself, even if you win your case. You should also bear in mind that although the court may make a judgment in your favour (this means ordering the defendant to pay you), the court will not automatically take steps to make sure that the money is paid. If the defendant does not pay, you will need to ask the court to take action (called “enforcing your judgment”) for which you may have to pay another fee.

11 Can I claim legal aid?

In Gibraltar, legal aid in civil matters is referred to as “legal assistance”. The eligibility to receive it depends upon a number of factors. More information can be obtained from the Supreme Court Registry, 277 Main Street, Gibraltar or on telephone number (+350) 200 75608.

12 From which moment is my action officially considered to have been brought? Will the authorities give me some feedback on whether or not my case has been properly presented?

The date on which proceedings start is the date when the court issues a claim form. The date of issue is recorded by the court by a date stamp. If the claim is issued, the Supreme Court Registry will give you a Notice of Issue, which gives details of the date of issue.

13 Will I have detailed information about the timing of subsequent events (such as the time allowed for me to enter an appearance)?

The Notice of Issue which will be given to you by the Supreme Court Registry once the claim is issued gives details of the time limits by which the defendant must file a defence. If within that time the defendant disputes all or part of the claim a copy of that defence together with a Notice of Defence and Allocation Questionnaire will be sent to you. The notice and questionnaire are also sent to the defendant. Once completed, the questionnaire is used by a judge to decide which of the three tracks (small claims, fast or multi) to which to allocate the case. When the judge has made a decision on the allocation, a Notice of Allocation will be sent to you and the other parties.

If the defendant does not respond to the claim within the specified period you can ask the court to enter judgment “by default” (that is, make an order that the defendant pay you the amount you have claimed because no reply has been received). If the defendant admits that all the money is owed, you can also ask the court to enter judgment. These requests for judgment are made on the Notice of Issue which will be given to you when the claim is issued. This Notice stipulates that if such a request is not made within six months of the end of the period the defendant had to file a defence, your claim will be “stayed” (that is, stopped or halted). The only action you can then take is to apply to a judge for an order lifting the stay.

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