

ANNEX 46

- Country Report SLOVENIA

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COMMISSION EUROPEENNE

*- DG FOR JUSTICE, FREEDOM
AND SECURITY -*

**Study on the Transparency of Costs of Civil Judicial
Proceedings in the European Union**

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Team Leader

- COUNTRY REPORT -

- SLOVENIA -

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COUNTRY REPORT

Preliminary notes

The masculine and feminine terms as used in this report are to be considered gender neutral, used for both men and women.

Introduction

This report was prepared by Nataša Pipan Nahtigal, Matjaž Nahtigal, Veronika Vojir, Sašo Glavan and Ana Berce of Odvetniki Šelih & partnerji, o.p., d.n.o.

When preparing the answers, we have consulted the Slovenian Ministry of Justice, Supreme Court of the Republic of Slovenia, District Court in Ljubljana and other Slovenian courts, Bar Association of Slovenia, Slovenian legal information centre PIC, Department of Social Security, Association of Scientific and Technical Translators of Slovenia and various other Slovenian governmental bodies, courts, legal entities and individuals.

Executive Summary

1 Summary of the mains sources of costs:

the main sources of costs are court fees, attorney's fees, costs of possible translations, costs of possible experts, fees of enforcement officers.

2 Level of transparency in the sources of costs:

although information on all sources of costs exists and is accessible, there is a low level of transparency. Information on various costs is not accessible at a single point.

3 Determination of the amounts of costs:

it is sometimes difficult to make a precise calculation of costs. There is also a lack of empirical analyses - there are practically no studies or analyses in the area of cost calculation.

4 Level of transparency in determining the actual costs:

As the respective regulations are rather detailed, it is sometimes difficult for a lay person to calculate various costs and it can also be difficult to determine the costs in advance.

5 Proportion of each identified cost on the overall cost of civil judicial proceedings:

the main sources of costs are court fees, attorney's fees, costs of possible translations, costs of possible experts, fees of enforcement officers. Statistical information on proportion of each identified cost on the overall cost of civil judicial proceedings is not available. On a case-by-case basis such proportion depends upon the case. Usually, the court fees and attorney's fees are the predominant costs, but this changes if experts are involved, if substantial translations are required, or if enforcement procedure is more demanding / requires more procedural steps.

6 Proportion of each identified cost on the overall volume of activity:

Statistical information on proportion of each identified cost on the overall volume of activity is not available.

7 Proportion of each identified cost on the value of disputed claim:

Statistical information on proportion of each identified cost on the value of disputed claim is not available. Amounts of court fees, attorney's fees and fees of enforcement officers generally follow the value of the disputed claim up to a certain amount; all three types of costs tend to represent a lesser percentage of

the disputed claim in case of large claims as all three types of fees are capped. Costs of translations and expert fees do generally not depend upon the value of the disputed claim.

8 Specificities in relation to EU cross-border disputes:

in principle, cross-border disputes are handled in the same way as domestic disputes. The difference, however, is that the attorney's fees may be higher (up to 100 percent) if a foreign language is used and the costs of translation can be substantially higher than in average domestic cases. In addition, the lack of transparency is even more pressing for persons who do not speak Slovenian as the relevant legislation is not translated. Only a few acts are translated into English, and even these translations are unofficial and usually not publicly available.

9 Recommendations for EU action/national action:

EU action: recommend the countries to achieve the necessary level of transparency regarding the costs and perhaps set up a common website informing citizens on various costs of justice and provide links to the national sources of information. National action: set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.); and to translate the relevant legislation, information and web tools into foreign languages.

10 Relationship between the costs of justice, the transparency in the costs of justice and access to justice:

there appears to be little connection between the costs of justice and access to justice. It is generally known and accepted that the access to justice in the Slovenian legal system is relatively easy. This probably adds to the judicial backlogs

and also to judicial delays. Persons with financial hardships can also use two systems of legal aid. Ex ante predictability and determination of costs are more problematic due to the lack of transparency.

Detailed Draft Report

1 General Questions

1.1 Level of information on the transparency of fees and costs of justice:

The level of information on the transparency is rather low. Difficulties in calculating the costs of various procedures are likely, especially for lay persons.

1.2 Transparency perception:

although information on all costs exists and is accessible, an average citizen might not consider all sorts of costs (e.g. expert fees, enforcement officer costs etc.) before initiating a suit. The information available is fragmented. In addition, some regulations are rather detailed and may not be entirely understandable to a lay person.

1.3 Solutions to improve transparency:

setting up a centralized website regarding the costs of procedure together with the relevant legislation and a web tools for calculation of costs. Practical answers to various questions in the form of Q&A should also be available on such a website. A comprehensive statistical study on the costs of procedure should be prepared and

made publicly available. Finally, relevant information and relevant legislation should be available also in English and other languages.

1.4 Fairness of costs:

In the absence of comprehensive analyses it is difficult to make a qualified opinion. We are of the opinion that the costs of different procedures are on average low and make access to justice relatively easily accessible to the citizens.

2 Court fees

2.1 General

Regulation which defines the court fees is the Court Fees Act (slo. Zakon o sodnih taksah, Official Gazette of Social Republic of Slovenia, no. 1/1990, Republic of Slovenia, no. 14/1991 - as amended) - translation of this act into English does not exist.

Court fees are determined by the Slovenian government. Court fees for the suit have to be paid before or at the time a case is filed, court fees for the judgment at the time of judgment, other court fees as explained in answer 2.6 below. The court fees have to be paid for each step of the litigation (i.e. filing of the suit, judgement, appeal). Accepted methods of payment are cash, wire transfer and (up to a certain amount) court stamp-duties, which can be bought at any post office.

There are no statistical data on average amount of court fees in Slovenia.

The only way to receive information on the court fees or on the amount and calculation of fees is by examining the Court Fees Act, which is, among others, published in the Official Gazette and available at the Slovenian Government website: <http://www.uradni-list.si/1/objava.jsp?urlid=200420&stevilka=871>. There are no other public or private websites with the information regarding the court fees, but the Court Fees Act is also available on several other public and private websites. One can find basic information on the court fees, attorney's price list and notary tariff along with acts and regulations on the subject in a booklet, issued by the Official Gazette of the Republic of Slovenia, for a price of 12,44 EUR. Slovenian attorneys are obliged to provide information on the amount of court fees to their

clients. One can also contact courts and get the information for free. Slovenian legal information centre PIC (slo. Pravno-informacijski center, eng. Legal Information Centre, a non-governmental and non-profitable organization which also offers certain limited free-of-charge legal help to other non-governmental organizations and private individuals) provides basic information, but only on the basis of a written application.

The following organizations are exempted from paying the court fees: government and public authorities, municipalities, humanitarian organizations, foreign states and foreign citizens if so determined by the applicable treaty or on the basis of reciprocity.

Court fees do also not have to be paid in the following cases:

- First entry proposal and first entry of property right on structure or part of structure;
- Lodgement of claim by workers in accordance with The Compulsory Settlement, Bankruptcy and Liquidation Act (Official Gazette of the Republic of Slovenia, no. 67/93 - as amended);
- Application for withdrawal and decision on withdrawal of suit, proposal, legal resource or another application;
- Settlement;
- Procedure on deciding about allocating legal aid;
- Procedure on executing maintenance claim for child, spouse or person equalled with spouse in accordance with family law;
- Workers in individual labour disputes on award, existence and termination of employment, scholars or students in individual labour disputes against organization or employer regarding company scholarship and temporary or periodical performance of work.

Court fees in pecuniary social disputes are paid in accordance with the General Tariff (see point 2.2), but reduced for 70%. Payment of court fees falls due when costs of proceedings fall due.

According to article 13 of the Court Fees Act, the court may entirely or partially exempt a client from paying the court fee, if hers of her family's means of existence would be extremely reduced. Nevertheless, the court may also defer such

payment until a court decision is issued, or allow payment on instalments. The court shall issue a decision on exemption from court fee on the ground of the client's proposal and the following enclosed documents: client's and family member's last decision on personal income tax, client's and family members income certificates for the last three months counted from the day the proposal has been filed, and certificate on asset situation.

2.2 Cost of bringing an action to the courts

Court fees are determined in points (fixed costs) or in proportion to the amount requested in claim, expressed as percentages (proportional costs), however, they vary also depending on the type of proceedings. The amount of claim or subject matter and range value are determined with points, where one point currently equals 0,0793 EUR. The value of the point may be changed by the Slovenian government based on the consumer price index. VAT is not applicable.

For "domestic" suits as well as cross-border litigation, court fees are paid in consideration of the amount requested in the claim, as determined by the following schedule as contained in a special tariff attached to the Courts Act (hereinafter the General Tariff):

At the amount requested in the claim		Court fee in points
From points	up to	
	10,000	600
10,000	20,000	700
20,000	50,000	800
50,000	100,000	900
100,000		
1% of the amount requested in the claim, maximum of 20,000 points		

(1) Suit which contains a payment order, an enforcement claim, a claim for termination of lease of a business building or business premises, as well as for a response to a suit and response to an appeal or revision: one half of the court fee according to the General Tariff;

- (2) Proposal on insurance of a claim filed in accordance with the Enforcement of Judgments in Civil Matters and Insurance of Claims Act (slo. Zakon o izvršbi in zavarovanju, Official Gazette of the Republic of Slovenia, no. 51/1998 - as amended), proposal on restitution to the previous condition, proposal on perpetuation of evidence, proposal on settlement attempt before the initiation of court procedure, proposal on recognition of foreign court decision, proposal on postponement of enforcement, response to objection against decision on enforcement: 100 points (7,93 EUR);
- (3) Suit on trespass: 1,000 points (79,3 EUR);
- (4) Suit on real easement dispute: 800 points (63,44 EUR);
- (5) Suit on personal easement dispute and lifelong maintenance: 800 points (63,44 EUR);
- (6) Matrimonial suit: 400 points (31,72 EUR);
- (7) Suit on establishing or challenging maternity/paternity and suit on custody, education and child maintenance: 250 points (19,82 EUR);
- (8) Suit on non-pecuniary social disputes and suit on individual labour disputes regarding the individual rights and obligations with regard to the employment relationship, or in accordance with non-pecuniary employment relationship: 250 points (17,82 EUR).

2.3 Other proceedings costs

- (1) First Instance Judgment: the same as for suits (in consideration of the amount requested in the claim) (see the General Tariff above);
- (2) Default judgment, waiver judgment and judgment by recognition of a claim, issued no later than at the first hearing: half of the court fee according to the General Tariff;
- (3) Decision on payment order and decision on eviction of business building or business premises, decision on enforcement claim, decision in response to objection against enforcement decision, decision on postponement of enforcement, and decision on cost of civil procedure: half of the court fee according to the General Tariff;
- (4) Decision on insurance of a claim and decision on objection against the decision on insurance claim, both in accordance with the Enforcement of Judgments in Civil Matters and Insurance of Claims Act, decision on rejection of a suit, decision on proposal on restitution to the previous condition, decision on proposal on securing evidence, decision on proposal on recognition of foreign court decision: 100 points (7,93 EUR);

- (5) Decision on trespass: 1,000 points (79,3 EUR);
- (6) Decision on real easement dispute: 800 points (63,44 EUR);
- (7) Decision on personal easement dispute and lifelong maintenance: 800 points (63,44 EUR);
- (8) Decision on matrimonial suit: 400 points (31,72 EUR);
- (9) Decision on establishing or challenging maternity/paternity and decision on custody, education and child maintenance: 250 points (19,82 EUR);
- (10) Decision on non-pecuniary social disputes and decision on individual labour disputes regarding individual rights and obligations with regard to the employment relationship, or in accordance with non-pecuniary employment relationship: 250 points (17,82 EUR).

In case of cross-boarder disputes in which one party is member of a foreign country that is not a member of the EU, a security deposit payment has to be paid before the beginning of every court proceedings (to cover repayment of costs to the potentially winning defendant). However, in case of cross-boarder disputes in which one party is a member of the foreign country which is a member of the EU or is a member of the country, which is a member of the Hague Convention of the 1954, the Slovenian courts may not require such a security deposit.

2.4 Costs of legal recourses (Appeals...)

There are generally four kinds of legal resources: (a) appeal, (b) objection, (c) revision, and (d) motion for a new trial, which vary depending on the jurisdiction referred to and the type of proceeding. Court fees for each legal resource are described below, as follows:

- (1) Appeal against a judgment: in consideration of the amount requested in the claim - double court fee from the General Tariff, maximum of 40,000 points (3,172 EUR);
- (2) Appeal against a payment order or against a decision on eviction of business building or business premises, appeal against a decision on enforcement claim, appeal against a response to objection against enforcement decision, appeal against a decision on postponement of enforcement and appeal against a decision

on cost of civil procedure: in consideration of the amount requested in the claim, in accordance with the General Tariff;

- (3) Appeal against a decision on trespass: 2,000 points (158,6 EUR);
- (4) Appeal against a judgment on real easement dispute: 1,600 points (126,88 EUR);
- (5) Appeal against a judgment on personal easement dispute and lifelong maintenance: 800 points (63,44 EUR);
- (6) Appeal against a judgment on matrimonial suit: 400 points (31,72 EUR);
- (7) Appeal against a judgment on establishing or challenging maternity/paternity and appeal against a judgment on custody, education and child maintenance: 250 points (19,82 EUR);
- (8) Appeal against a judgment on non-pecuniary social disputes and appeal against a judgment on individual labour disputes regarding the individual rights and obligations stemming from employment relationship, or in accordance with non-pecuniary employment relationship: 250 points (17,82 EUR);
- (9) Objection against a payment order, objection against an order on termination of lease of business building or business premises, objection against an enforcement decision: in consideration of the amount requested in the claim, half of court fee according to the General Tariff;
- (10) Objection against a decision on insurance of a claim, appeal against a decision on rejection of a suit, appeal against an objection filed against a decision on insurance of a claim, appeal against a decision on granting or rejecting a proposal to restoration to the previous condition, and appeal against a decision on recognition of a foreign court decision: 100 points (7,93 EUR);
- (11) Revision and motion for new trial: in consideration of the amount requested in the claim; double court fee according to the General Tariff, maximum of 40,000 points (3,172 EUR).

2.5 Costs of ADR

The Civil Procedure Act (slo. Zakon o pravdnem postopku, Official Gazette of the Republic of Slovenia, no. 26/1999 - as amended) provides in Article 309, that one who intends to bring a suit may attempt to solve the dispute by court settlement within Local court on the territory of which the opposing party resides. By passing a decree to this effect, the competent court shall invite the opposing party and advise her on the offered terms of settlement. The party initiating such a

procedure shall bear the costs of these proceedings. If such settlement fails, costs incurred are considered as costs of the proceedings.

When litigation is brought to an end by entry into a court settlement, each party shall bear her own costs of proceedings, unless otherwise agreed upon in the settlement (Article 159).

Finally, Article 156/III provides that a party who did not attend a hearing in the court settlement procedure must reimburse costs of this court settlement hearing to the opposite party.

According to the Court Fees Act, a court fee in the amount of 100 points (7,93 EUR) has to be paid for a proposal on settlement attempt before the initiation of the court procedure.

Should parties enter into a court settlement during the procedure and before a judgment has been issued, one half of the court fee for the suit according to the General Tariff shall be reimbursed to the plaintiff. A request for reimbursement has to be filed with the competent court of first instance and within 60 days calculated from the day when the settlement has been entered into, but no later than 2 years after the court fee has been paid. There is no court fee on settlement decision.

2.6 Costs of legal aid proceedings

Court fees do not have to be paid in cases of procedure on deciding about allocating legal aid.

Certification costs, however, are never paid by the court or by the legal aid organizations. The Civil Procedure Act determines in Article 168 that exemption from payment of costs of proceedings shall include the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements, but certification costs are not mentioned. However, a notary may, on the request of a private individual with severe financial hardship, reduce certification costs, or exempt him from such costs, but only if no other party capable of paying such costs participates in the same legal transaction. If required by the notary, a private individual has to prove severe financial hardship by authentic written evidence.

2.7 Costs of fast track proceedings

The costs regarding the court fees in cases of fast track proceedings are the same as in normal proceedings. As we explained below under point 2.11 the number of hearings does not affect the court fees, since the court fees per hearing are not requested.

2.8 Costs of Group actions proceedings

The Slovenian judicial system as a rule charges court fees determined in points (fixed costs) or in proportion to the amount requested in claim (proportional costs) for every action filed before the court. However, in case that one suit includes more claims against the same defendant, the court fee is being calculated according to the sum of all claims. On the other hand if one suit includes more claims against different defendants and the claims relates to an essentially uniform facts of a case (“res gestae”) and legal basis, the court fee is being calculated according to the value of each singular claim.

2.9 Payment

See points 2.1 and 2.2 of the report.

Court fees have to be paid at the time such commitment occurs:

1. application - at the time the application is filed; application, given on the record - when the record is concluded;
2. court decision - when the hearing is concluded; if the client did not attend the hearing - when the court decision is served to the client or to her representative;
3. average court fee in the probate procedure - when a probate hearing is concluded;
4. average court fee in the bankruptcy procedure - when a decision on division becomes final; in the compulsory settlement procedure - when a confirmatory decision on settlement becomes final;
5. court transcriptions: when a transcription is required;
6. other actions. When such action is required or when a court procedure is commenced.

2.10 E-justice

Online court or ADR proceedings are not yet possible in Slovenia. The new Execution of Judgments in Civil Matters and Insurance of Claims Act which entered into force on November 25, 2006 determines that all enforcement claims shall be filed electronically and with the Ljubljana Local court. However, such electronic filing is not yet possible since the Ljubljana Local Court has not yet been provided with all the necessary technical equipment. The project is currently planned to be finished in September 2007.

Video conferences can not be organized.

2.11 Impact of the number of hearings on costs

The number of hearings does not affect the court fees - court fees per hearing are not requested.

There are no limitations regarding the number of hearings.

2.12 Transcription costs

According to Article 107 of the Civil Procedure Act, all documents enclosed to the suit, response to the suit and preparatory applications may be submitted either in original or in a copy. Such a copy does usually not need to be certified, but there are certain exceptions.

The parties and other participants in the court procedure receive judgments, court orders, invitations to the hearing, submissions of other parties etc. for free.

Certified copies of documents

If a certified copy is required, such a certification is within the powers of a notary public except if a specific law provides that a state body or another authorized person is competent to certify certain copies (Article 60/3 of the Notary Act). A copy certified by a notary public usually has the same validity as the original document, but there are some exceptions with respect to real property.

The regulation that defines costs of certification of copies is the Notary Tariff (slo. Notarska tarifa, Official Gazette of the Republic of Slovenia, no. 28/1995 - as amended) which is, among others, available in the Official Gazette, on the Governmental website address <http://www.uradni-list.si/1/objava.jsp?urlid=200137&stevilka=2129> and on the web site of the

Slovenian Notary Chamber <http://www.notar-z.si/predpisi.php>; a translation of this regulation into English does not exist.

The Notary Tariff is determined by the Minister of Justice; the Notary Chamber may provide its comments to a proposal of the Minister of Justice, but the Minister of Justice is not bound to follow such comments (Article 107 of the Notary Act).

Certification costs are determined in points, one point currently equals EUR 0,459 (without VAT at a rate of 20%). Certification costs are 5 points per page (Article 16/8 of the Notary Tariff), i.e. the certification costs are currently EUR 2,295 per page.

The value of one point may be corrected by the Executive Board of the Notary Chamber, considering the consumer price index as determined by the Statistical Office or considering the amount of salaries of Slovenian judges. A change of the point is only possible if the consumer price index or the amount of judges' salaries raises by more than 10% compared to the level at the time of the last increase of value of the point.

The only way to receive the information on costs of certification of copies or on the amount and calculation of such costs is to read the Notary Tariff. There are no other public or private websites that provide such information, but the Notary Tariff is also available on several other public and private websites. One can find the essential information on court fees, attorney's price list and notary tariff along with acts and regulations on the subject in a booklet, issued by the publisher of the Official Gazette of the Republic of Slovenia, for a price of 12,44 EUR. One can call the Chamber of Notaries of Slovenia and receive the basic information for free, the notaries themselves also provide such information. PIC provides private individuals with basic information, but only on the basis of a written application.

There are no statistical data on average amount of transcription costs in Slovenia.

Notaries are entitled to charge the service of certification of copies immediately upon completion of the service; persons responsible for paying such costs are the ones that ordered the such services. Certification costs are never paid by the court or by the legal aid organizations. The Civil Procedure Act determines in Article 168

that exemption from payment of costs of proceedings shall include the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements, but certification costs are not mentioned. However, a notary may, on the request of a private individual with severe financial hardship, reduce certification costs, or exempt him from such costs, but only if no other party capable of paying such costs participates in the same legal transaction. If required by the notary, a private individual has to prove severe financial hardship by authentic written evidence.

A court can order a losing party to pay certification costs only if the winning party claimed reimbursement of such costs until the end of the proceedings. The competent court shall then issue a decision on reimbursement of costs and the losing party shall be obliged to recover the awarded costs.

The accepted methods of payment are cash, or wire transfer, some notaries also accept credit cards.

Copies of judgments and documents from the court file

The parties and other participants in the court procedure receive judgments, court orders, invitations to the hearing etc. for free. They also receive submissions of other parties for free as it is the duty of a party filing a suit, a response or a preparatory application to provide this document in a sufficient number of copies for the court, all parties and other participants in the procedure.

If a party, a participant in the procedure or another person evidencing her legal interest wishes to receive a copy of a document from the court file, such a copy is charged at a rate of 5 points per page (one point currently equals 0,0793 EUR - see answer 2.2 above for more details with respect to court fees. According to tariff no. 31 of the Court Fees Act if the party wishes to receive a transcription of a document from the court file, such a transcription is charged at a rate of 30 points per page of the original, and 5 points for every additional transcription copy. Such copies have to be paid upon issuing of the request on payment of such costs by the court. If a copy of a document from the court file is made by technical facilities (copy machine, personal computer, printing machine, etc.), such a copy is charged at rate of 5 points per page (one point...).

2.13 Conclusions and recommendations

Our general opinion on the costs regarding the court fees is that although such information exists and is accessible, there is a low level of transparency. Sometimes it is difficult for a lay person to make a precise calculation of such costs, since an average citizen might not consider all sorts of costs (e.g. Initiating fees, judgment fees, appeal fees etc.) before initiating a suit. The information on court fees and transcription fees in the Court Fees Act and Notary Tariff is quite fragmented and rather detailed and may not be entirely understandable to a lay person.

Nevertheless, we are of the opinion that the costs of different court procedures are on average low and make access to justice relatively easily accessible to the citizens, although the court fees together with the attorney's fees are usually the predominant costs in the disputes where experts are not involved or substantial translations are not required, or the enforcement procedure is more demanding / requires more procedural steps.

Our recommendations would be to set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.) and to translate the relevant legislation, information and web tools into foreign languages. Furthermore, such website should make available also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

3 Lawyers' consulting and representation fees

3.1 General

General on Attorneys' Tariff

The regulation that governs the calculation of attorneys' consulting and representation fees and serves also as a basis for the court decisions on

repayment of such costs by the losing party is the Attorneys' Tariff (slo. Odvetniška tarifa, Official Gazette of the Republic of Slovenia, no. 67/2003, Republic of Slovenia, no. 70/2003 as amended) - no English translation of this act is available.

The ways to obtain information on the attorneys' consulting and representation fees or on the amount and calculation of such fees are as follows:

- a) by checking the Attorneys' Tariff, which is, among others, published on the website of the Bar Association of Slovenia <http://www.odvzb.si/default.aspx?cid=2&aid=13> and on the website of the Government of Slovenia <http://www.uradni-list.si/1/objava.jsp?urlid=200367&stevilka=3245>;
- b) By contacting any attorney, law firm or the Slovene Bar Association. Generally someone can get such information without any payment.
- c) The publisher of Official Gazette of the Republic of Slovenia offers a special brochure on the court fees, Attorneys' Tariff and Notary Tariff for the price of 12.44 €, in which it is possible to find all the essential information about the enumerated fees.

No other public or private websites contain this information, but the Attorneys' Tariff is also available on several other public and private websites.

Attorneys' consulting and representation fees are adopted by the Bar Association of Slovenia in agreement with the Minister of Justice. Changes in this respect were currently proposed by the Ministry of Justice and are opposed to by the Bar Association.

Explanations concerning the use of the Attorneys' Tariff are regularly adopted by the Bar Association.

The decision on the changes of the value of the point shall be made by the Board of Lawyers of the Bar Association. Such decision shall be approved by the Minister of Justice.

Legal representation

In the Slovenian judicial system any person who is competent to stand a trial can act as a representative of anyone or can represent himself/herself before

the local courts. A person can remain unrepresented in proceedings before the district courts and higher courts, but if he chooses a representative, such a representative has to be an attorney or another person who has passed the bar exam. In proceedings of judicial review carried out by the Supreme Court, representation by an attorney or another person who has passed the bar exam is mandatory, except if the party (or its statutory representative in case of legal entities) has himself passed the bar exam.

The general rule in cross-border litigation is that the parties have to use attorneys living in the competent jurisdiction. However, Slovenia as a member state of the European Union allows some exceptions to that rule (described below) according to Article 34 of the Bar Act (unofficial consolidated version of this act can be found, among others, on the web site of the Bar Association of Slovenia <http://www.odv-zb.si/eng/regulations.htm>):

A) An attorney from a foreign country which is a member of the European Union can be entered into the Roll of foreign attorneys that are allowed to practice their legal profession in the Republic of Slovenia under their professional title of "attorney", including all her rights and obligations associated with the practicing of the legal profession, provided that she passes an examination testing the knowledge of the legal order of the Republic of Slovenia and that she meets the following conditions:

1. To be contractually capable and in general health condition,
2. To have an active command of the Slovenian language,
3. To be reliable for practicing the legal profession,
4. To dispose of equipment and premises required and suitable for practicing the legal profession.

The application for entry into the Roll shall contain a Certificate of Citizenship in the Republic of Slovenia, the evidence that she is entitled to practice her legal profession in her parent country as well as other evidences that prove the fulfillment of the terms and conditions referred to in the preceding paragraph. The pieces of evidence shall not be older than three months and shall be submitted under the form of a certified translation into Slovene language.

The attorney from a foreign country which is a member of the European Union shall be entered into the Roll of foreign attorneys that are allowed to practice their legal profession in the Republic of Slovenia under the professional title of "attorney" irrespective of the terms and conditions referred above, provided that she has actually and permanently performed her profession in the Republic of Slovenia for at least three years.

In the proceedings of entering into the Roll, the prerequisite referred to in the paragraphs above shall be proved by submission of a list of matters handled by the lawyer, containing the respective case number, contents, period, type and extent of activity as well as phase of the procedure, and attaching copies of documents, applications and protocols modified to secure personal data in the form securing the confidentiality of personal data.

The attorney entered into the Roll on the basis of previous two paragraphs is entitled to use in her legal practice the professional title from his parent country, expressed in the official language or in one of the official languages of his parent country, together with the title of "attorney".

B) An attorney from a foreign country which is a member of the European Union can be entered into the Roll of foreign attorneys that are allowed to practice their legal profession in the Republic of Slovenia under the professional title from her parent country, if she submits the certificate of being entered with the competent authority of her parent country. The application for entry into the Roll shall contain a Certificate of Citizenship, professional liability evidence as well as evidence on the possible membership in law firms in her parent country or in any other country. The Bar Association of Slovenia must inform the competent authority of the attorneys' parent country about the entry into the Roll. Such an attorney can perform his/her legal profession actually and permanently, thereby using her professional title from her parent country, expressed in the official language or in one of the official languages of his/her parent country, and indicating the authority she is entered with in her parent country.

She may give legal advice on the legislation of his/her parent country, on the legislation of the European Union, on the international law and on the legislation of the Republic of Slovenia. In the performance of attorneys' services related to the representation of clients before the courts in the Republic of Slovenia such an attorney must cooperate with an attorney who is entitled in

the Republic of Slovenia to practice the legal profession under the professional title of "attorney".

C) An attorney from a foreign country which is a member of the European Union, who is not entered into the Roll of foreign attorneys can perform individual services appurtenant to the practice of the legal profession, however she must inform the Bar Association of Slovenia in writing, by submitting evidence on the qualification for practicing the legal profession as well as professional liability evidence from her parent country. She also states the address or indicates her proxy for services in the Republic of Slovenia. If all the conditions are fulfilled the Bar Association of Slovenia will issue to the attorney an acknowledgment of receipt of the application for performance of services. When performing her services the attorney must consider the rules of the code of conduct applicable to attorneys in the Republic of Slovenia. When performing individual services in the Republic of Slovenia, the attorney shall use the professional title from her parent country, such as expressed in the official language or in one of the official languages of her parent country, thereby indicating also the professional organization that has issued him/her the license for practicing the legal profession in her parent country.

D) An attorney from a foreign country other than a member of the European Union who is entitled to practice the legal profession in the country other than a member of the European Union is allowed to perform attorney's services and/or to practice the legal profession under the terms and conditions specified in the Bar Act for the attorneys from a foreign country which is a member of the European Union, provided that the condition of actual mutuality has been fulfilled.

Payment of attorneys' services

Attorneys are entitled to the payment for their services and to the reimbursement of costs related to the performed task according to the attorney's tariff valid at the time when the attorney has performed the service. There are two exceptions to this rule:

- attorney is entitled to a higher payment for his services if so agreed with the client in writing;
- in property-related matters, attorneys and clients may agree in writing on a success fee of a maximum of 15 percent instead of the payment according to the attorney's tariff.

Contingency fees (“pactum the quota litis”) are permitted if concluded in writing and as long as the legal fees are not higher than 15 per cent of the entire amount awarded to the winning party by the court/arbitral tribunal.

Such special agreements are, however, not considered by courts when deciding on repayment of attorney fees by the losing party.

Attorneys' consulting and representation fees and costs as contained in the Attorney's Tariff were generally determined according to the following criteria:

- the professional expertise and complexity of the service,
- liability,
- value of the matter in dispute,
- specialized legal knowledge requested,
- professional knowledge of other than legal special fields,
- knowledge of foreign legal sources,
- use of foreign language,
- time needed for performance of the service,
- number of represented persons,
- other measures according to the Attorney's Tariff.

Attorneys' consulting and representation fees are determined in points. If the value of attorneys' service is not determined with points, the attorney himself has to calculate the value of his service considering the amount of the claim and the Tariff number 18 of the Attorneys' Tariff as explained below.

The amount of the claim and the range value are determined in points, where one point currently equals 0,459 EUR. VAT in the amount of 20% is applicable to attorneys or legal firms that are subject to VAT registration. The value of one point may be corrected by the Executive Board of the Bar Association upon confirmation of the Minister of Justice, considering the consumer price index as

determined by the Statistical Office or considering the amount of salaries of Slovenian judges. A change of the point is only possible if the consumer price index or the amount of judges' salaries raises by more than 10% compared to the level at the time of the last increase of value of the point.

For all legal actions the attorneys' consulting and representation fees are paid as to the amount requested in the claim, as follows (hereinafter »General Attorneys Tariff«):

Tariff number 18 of the Attorneys' Tariff:

1. Suits - according to the value of the matter in dispute:

Value of the matter in dispute		Value of the attorney's service (points)
Above points	Up to points	
	750	100
750	3.000	200
3.000	10.000	300
10.000	20.000	400
20.000	35.000	500
35.000	50.000	600
50.000	65.000	700
65.000	80.000	800
80.000	100.000	900
100.000	120.000	1.000

The value of the attorneys' service is increased by 100 points for every 40.000 points above 120.000 points, but it cannot exceed the maximum value of 2.000 points or in commercial disputes maximum of 3.000 points.

2. Suits in other matters:

- a) Disputes on trespassing (300 points);
- b) Disputes on real and personal easement (300 points);
- c) Disputes arising from lease contracts - considering the value of one-year rent and according to General Attorneys Tariff (see above), but it cannot be lower than 160 points;
- č) Disputes on establishing or challenging maternity/paternity (160 points);
- d) Matrimonial disputes (160 points);
- e) Disputes on parentage, alimony and statutory maintenance (160 points)
- f) Disputes arising from copyright law, law of industrial property, law of unfair competition and other similar disputes - if the value of the matter in dispute can be estimated, the value of attorneys' service is summed up according to General Attorneys Tariff (see above) and if the value of the matter cannot be estimated this service amounts to 300 points);
- g) Disputes before an international arbitration - if the value of the matter in dispute can be estimated, the value of attorneys' service is summed up according to the General Attorneys Tariff (see above) and if the value of the matter cannot be estimated this service amounts to 300 points);
- h) payment order issued by the court on the basis of invoice or on the basis of accounting books in the summary procedure - the value of attorneys' service is 50 percent of the value under General Attorneys Tariff (see above), but it cannot exceed 100 points.

Other legal actions (answer to the suit, preparatory applications, representations at hearings, appeals and other legal remedies etc.) are usually charged by reference to the General Attorneys Tariff (in percentage of the General Attorneys Tariff), and sometimes in a fixed number of points, as can be seen in the examples in section 3.2 below.

In case of a use of foreign legal sources, professional knowledge of other than legal special fields or in case of a use of foreign language or specialized legal knowledge, attorneys may charge higher fees for their services than those determined by the General Attorneys Tariff. However, these fees all together cannot be increased for more than 100 percent. When deciding on repayment of

attorney fees by the losing party, courts are not bound to consider such increases.

For services rendered on a request of the party or the court during the holidays, work-free days, Saturdays and Sundays or during the night time on working days (from 8 pm. to 8 am.) the attorney can charge a fee according to the General Attorneys Tariff (see above), increased by 100 percent.

For waiting on the hearing that was delayed and for the time spent for the representation on the hearing, during an on site inspection or in case of other similar services, the attorney can charge, in addition to the fee for representation, also a special fee that amounts to 50 points for every 2nd and every next half an hour during the rendering of the service. However, if the waiting on the hearing together with the hearing or other official deed last less than half an hour, the attorney is only entitled to a fee for the representation on the hearing or other official deed.

For the absence from the office during travel on behalf of a party, the attorney can charge a fee of 20 points for every half an hour. The time of absence of the attorney from office does not include the time of the hearing or other official deed.

In case of representation of foreign parties the attorney can charge the representation and consulting fees according to the rules or tariff valid in the respective foreign state in which the attorney represents and serves the party. In case of representation of Slovene parties in a foreign state, the attorney can charge the representation and consulting fees according to the Slovene Attorney's Tariff or according to the rules or tariff valid in the respective foreign state. Such special agreements are, however, not considered by courts when deciding on repayment of attorney fees by the losing party.

3.2 Fees depending on the nature of the litigation

1. FAMILY LAW:

Children Custody Right and Divorce:

1. Suit in case of paternity and matrimonial disputes:

The value of attorneys' service in both cases is 160 points.

2. Answer to the suit, first grounded preparatory application in case of paternity and matrimonial disputes:

The value of attorneys' service for these written applications is evaluated according to the General Attorneys Tariff (see above).

3. The second and the following written preparatory application and all other applications in case of paternity and matrimonial disputes:

a) For the second preparatory application the value of attorneys' service is 75 percent of the value according to the General Attorneys Tariff (see above);

b) For the third and every following written preparatory application the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) For all other written applications the value of attorneys' service is 50 points.

4. Legal representation in case of paternity and matrimonial disputes:

a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);

b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing, the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);

d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

5. Appeal and answer to the appeal in case of paternity and matrimonial disputes:

- a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent;
- b) In case of appeal against procedural order of the court and answer to this appeal the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

6. Extraordinary appeal and answer to the extraordinary appeal in case of paternity and matrimonial disputes:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

2. LABOUR LAW:

Work Accidents and Redundancies:

1. Suit and answer to the suit in case of individual labour disputes:

a) If the value of a disputed matter can be estimated, the value of attorneys' service is summed up according to the General Attorneys Tariff, but it cannot be lower than 160 points;

b) In case of property rights or other individual rights and obligations, where the value of the matter in dispute cannot be estimated, the value of attorneys' service is 300 points.

2. Other grounded applications during proceedings in case of individual labour disputes:

The value of attorneys' service for these written applications is 75 percent of the value according to the General Attorneys Tariff (see above), but it cannot be lower than 100 points.

3. Legal representation in case of individual labour disputes:

a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);

b) At the second and every following hearing, on site inspection etc. the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above), but it cannot be lower than 100 points.

4. Appeal and answer to the appeal in case of individual labour dispute:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent.

5. Extraordinary appeal and answer to the extraordinary appeal in case of individual labour dispute:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

3. COMMERCIAL LAW:

A) Payment for a commercial or services agreement and goods or services not in accordance with specifications:

1. Suit in commercial disputes:

The value of attorneys' service is calculated according to the General Attorneys Tariff (see above).

2. Answer to the suit, first grounded preparatory application in commercial disputes:

The value of attorneys' service for these written applications is evaluated according to the General Attorneys Tariff (see above).

3. The second and the following written preparatory application and all other applications in commercial disputes:

a) For the second preparatory application the value of attorneys' service is 75 percent of the value according to the General Attorneys Tariff (see above);

b) For the third and every following written preparatory application the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) For all other applications the value of attorneys' service is 50 points.

4. Legal representation in commercial disputes:

- a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);
- b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);
- c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);
- d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

5. Appeal and answer to the appeal in commercial disputes:

- a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent.
- b) In case of an appeal against a procedural order of the court and answer to this appeal the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

6. Extraordinary appeal and answer to the extraordinary appeal in commercial disputes:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

B) Litigation between shareholders:

1. Suit in disputes between shareholders:

The value of attorneys' service is calculated according to the General Attorneys Tariff (see above).

2. Answer to the suit, first grounded preparatory application in disputes between shareholders:

The value of attorneys' service for these written applications is evaluated according to the General Attorneys Tariff (see above).

3. The second and the following written preparatory application and all other applications in disputes between shareholders:

- a) For the second preparatory application the value of attorneys' service is 75 percent of the value under the General Attorneys Tariff (see above);
- b) For the third and every following written preparatory application the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);
- c) For all other applications the value of attorneys' service is 50 points.

4. Legal representation in disputes between shareholders:

- a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);
- b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);
- c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing, the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);
- d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

5. Appeal and answer to the appeal in disputes between shareholders:

- a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent.
- b) In case of an appeal against a procedural order of the court and answer to this appeal the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

6. Extraordinary appeal and answer to an extraordinary appeal in disputes between shareholders:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

C) Mandates and agents:

1. Suit and answer to the suit in mandate and agent disputes:

The value of attorneys' service for these written applications is 500 points.

2. Grounded applications during proceedings in mandate and agent disputes:

a) In case of the first written application the value of attorneys' service is evaluated according to point 3.C) 1 above;

b) In case of the second and every following written application the value of attorneys' service is 50 percent of the value according to point 3.C) 1 above.

3. Legal representation in mandate and agent disputes:

a) At the first hearing session the value of attorneys' service is evaluated according to point 3.C) 1 above:

b) At the second and every following hearing the value of attorneys' service is 50 percent of the value according to point 3.C) 1 above.

4. Appeal and extraordinary appeal in mandate and agent disputes:

a) Appeal against a decision on the merits is evaluated according to point 3.C) 1 above, increased by 25 percent;

b) Appeals against other decisions are 50 percent of the value according to point 3.C) 1 above;

c) In case of extraordinary appeal the value of attorneys' service is evaluated according to point 3.C) 1 above, increased by 50 percent.

4. CIVIL LAW:

A) Consumer protection and (consumer) product liability:

1. Suit in consumer protection and product liability disputes:

The value of attorneys' service is calculated according to the General Attorneys Tariff (see above).

2. Answer to the suit, first grounded preparatory application in consumer protection and product liability disputes:

The value of attorneys' service for these written applications is evaluated according to the General Attorneys Tariff (see above).

3. Second and the following grounded preparatory application and all other applications in consumer protection and product liability disputes:

a) For the second preparatory application the value of attorneys' service is 75 percent of the value according to the General Attorneys Tariff (see above);

b) For the third and every following written preparatory application the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) For all other applications the value of attorneys' service is 50 points.

4. Legal representation in consumer protection and product liability disputes:

a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);

b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);

d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

5. Appeal and answer to the appeal in consumer protection and product liability disputes:

- a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent;
- b) In case of appeal against procedural order of the court and answer to this appeal the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

6. Extraordinary appeal and answer to the extraordinary appeal in consumer protection and product liability disputes:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

5. PROPERTY LAW:

A) Lease:

1. Suit in lease disputes:

The value of attorneys' service is calculated considering the value of one-year rent and according to the General Attorneys Tariff (see above), but it cannot be lower than 160 points.

2. Answer to the suit, first grounded preparatory application in lease disputes:

The value of attorneys' service for these written applications is evaluated according to the General Attorneys Tariff (see above).

3. Second and the following written preparatory application and all other applications in lease disputes:

a) For the second preparatory application the value of attorneys' service is 75 percent of the value according to the General Attorneys Tariff (see above);

b) For the third and every following written preparatory application the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) For all other applications the value of attorneys' service is 50 points.

4. Legal representation in lease disputes:

- a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);
- b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);
- c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);
- d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

5. Appeal and answer to the appeal in lease disputes:

- a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent.
- b) In case of an appeal against a procedural order of the court and answer to this appeal the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

6. Extraordinary appeal and answer to the extraordinary appeal in lease disputes:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

B) Ownership and co-ownership:

1. Suit in ownership and co-ownership disputes:

The value of attorneys' service is calculated according to the General Attorneys Tariff (see above).

- a) In case of trespass disputes the value of attorneys' service is 300 points.

b) In case of personal easement and real easement disputes the value of attorneys' service is 300 points.

2. Answer to the suit, first grounded preparatory application in ownership and co-ownership disputes:

The value of attorneys' service for these written applications is evaluated according to the General Attorneys Tariff (see above).

3. Second and the following grounded preparatory applications and all other applications in ownership and co-ownership disputes:

a) For the second preparatory application the value of attorneys' service is 75 percent of the value according to the General Attorneys Tariff (see above);

b) For the third and every following written preparatory application the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) For all other applications the value of attorneys' service is 50 points.

4. Legal representation in ownership and co-ownership disputes:

a) At the first hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above);

b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);

d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above).

5. Appeal and answer to the appeal in ownership and co-ownership disputes:

a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent;

b) In case of appeal against a procedural order of the court and answer to this appeal the value of attorneys' service is 50 percent of the value under the General Attorneys Tariff (see above).

6. Extraordinary appeal and answer to the extraordinary appeal in ownership and co-ownership disputes:

The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 50 percent.

6. NON-LITIGIOUS CIVIL LAW:

A) Civil status:

1. a) Motion for deprivation of someone's contractual capacity:

The value of attorneys' service is 100 points.

b) Motion for proclamation of a desist:

The value of attorneys' service is 200 points.

2. Grounded applications during proceedings in civil status disputes:

a) In case of the first written application the value of attorneys' service is evaluated according to the point 1 of civil status disputes (see above);

b) In case of the second and every following written application the value of attorneys' service is 50 percent of the value according to the point 1 of civil status disputes (see above).

3. Legal representation in civil status disputes:

a) At the first hearing the value of attorneys' service is evaluated according to point 6.A) 1 above;

b) At the second and every following hearing the value of attorneys' service is 50 percent of the value according to point 6.A) 1 above.

4. Appeal and extraordinary appeal in civil status disputes:

a) In case of an appeal against the decision on the merits the value of attorneys' service is evaluated according to point 6.A) 1 above, increased by 25 percent;

- b) In case of an appeal against other decisions the value of attorneys' service is 50 percent of the value according to point 6.A) 1 above;
- c) In case of the extraordinary appeal the value of attorneys' service is evaluated according to point 6.A) 1 above, increased by 50 percent.

7. ENFORCEMENT LAW:

1. Enforcement claim:

The value of attorneys' service for this written application is 50 percent of the value according to the general attorneys tariff (see above), but it cannot exceed 200 points.

2. Motion to issue a preliminary injunction, interim injunction and objection against these motions:

The value of attorneys' service for these written applications is 50 percent of the value according to the General Attorneys Tariff (see above).

3. Motion to secure money claims with pledge on movable and immovable property based on the previous mutual agreement of the parties:

The value of attorneys' service for this written application is 50 percent of the value according to the General Attorneys Tariff (see above).

4. Motion for the recognition of a foreign final decision:

a) If the value of the disputed matter can be estimated, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

b) If the value of the disputed matter cannot be estimated, the value of attorneys' service is 200 points.

5. Appeal, extraordinary appeal and answers to such appeals:

a) The value of attorneys' service is evaluated according to the General Attorneys Tariff (see above).

6. Other grounded applications:

a) In case of enforcement of a monetary claim on a monetary claim of the debtor the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);

b) In case of enforcement of a monetary claim on movables of the debtor the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

c) In case of enforcement of a monetary claim on a claim on delivering movable or immovable property or other property or substantive rights and in case of enforcement of a non-monetary claim, the value of attorneys' service is 75 percent of the value according to the General Attorneys Tariff (see above).

7. Legal representation:

a) At the first hearing fixed by the judge or the enforcement officer where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 50 percent of the value according to the General Attorneys Tariff (see above);

b) At the second and every following hearing where the disputed matter is discussed or the evidence is presented, the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above);

c) At every hearing where only procedural questions are discussed or where the hearing ended before discussing the matter in dispute because of the withdrawal of a suit or acknowledgement of the claim or in case of adjournment of the hearing the value of attorneys' service is 12,5 percent of the value according to the General Attorneys Tariff (see above);

d) At every hearing outside the court building, at on site inspection or during the witness expert work the value of attorneys' service is 25 percent of the value according to the General Attorneys Tariff (see above).

8. ADMINISTRATIVE LAW:

1. Complaint in administrative proceedings and answer to such a complaint:

a) If the value of the disputed matter can be estimated, the value of attorneys' service is calculated according to the General Attorneys Tariff (see above);

b) If the value of the disputed matter cannot be estimated, the value of attorneys' service is 200 points.

2. Grounded applications during administrative proceedings:

- a) In case of the first written application the value of attorneys' service is evaluated according to point 8.1 above;
- b) In case of the second and every following written application the value of attorneys' service is 50 percent of the value according to point 8.1 above;
- c) In case of other written applications the value of attorneys' service is 25 percent of the value according to point 8.1 above.

3. Legal representation in administrative proceedings:

- a) At the first hearing the value of attorneys' service is evaluated according to point 8.1 above;
- b) At the second and every following hearing the value of attorneys' service is 50 percent of the value according to point 8.1 above.

4. Appeal and extraordinary appeal in administrative proceedings:

- a) In case of an appeal against the decision on the merits the value of attorneys' service is evaluated according to point 8.1 above, increased by 25 percent;
- b) In case of the extraordinary appeal the value of attorneys' service is evaluated according to point 8.1 above, increased by 50 percent.

For the judicial review of administrative decisions (the so-called "administrative dispute"), see section 3.3 below.

3.3 Fees depending on the type of lawsuit or proceedings

CONSTITUTIONAL LAW:

Constitutional dispute:

- 1. Claim for the constitutional-court review of constitutionality and legality of regulations and general acts issued for the exercise of public powers:

The value of attorneys' service for such written applications can be evaluated from 500 points and up to 2000 points according to the professional expertise and complexity of the disputed matter.

2. Grounded applications during these proceedings:

The value of attorneys' service for these written applications is 75 percent of the value according to point 1 above.

3. Legal representation during these proceedings:

The value of attorneys' service for representation on every hearing during the proceedings is 75 percent of the value according to point 1 above.

Constitutional complaint:

1. Constitutional complaint in case of violation of human rights by individual acts or actions:

a) If the value of the disputed matter can be estimated, the value of attorneys' service is evaluated according to the General Attorneys Tariff (see above), increased by 25 percent, but it cannot be lower than 300 points;

b) If the value of the disputed matter cannot be estimated, the value of attorneys' service can be evaluated from 500 points and up to 1500 points according to the professional expertise and complexity of the disputed matter.

2. Grounded applications during these proceedings:

The value of attorneys' service for these written applications is 75 percent of the value according to point 1 above.

3. Legal representation during these proceedings:

The value of attorneys' service for representation on every hearing during the proceedings is 75 percent of the value according to point 1 above.

ADMINISTRATIVE LAW:

Judicial review of administrative acts (“administrative dispute”):

1. Suit and answer to a suit in case of judicial review of administrative acts:
 - a) If the value of a disputed matter can be estimated, the value of attorneys’ service is calculated according to the General Attorneys Tariff (see above);
 - b) If the value of a disputed matter cannot be estimated, the value of attorneys’ service is 500 points.

2. Grounded applications during proceedings of judicial review of administrative acts:
 - a) In case of the first written application the value of attorneys’ service is evaluated according to point 1 above;
 - b) In case of the second and every following written application the value of attorneys’ service is 50 percent of the value according to point 1 above;
 - c) In case of other written applications the value of attorneys’ service is 25 percent of the value according to point 1 above.

3. Legal representation in judicial review of administrative acts:
 - a) At the first hearing the value of attorneys’ service is evaluated according to point 1 above;
 - b) At the second and every following hearing the value of attorneys’ service is 50 percent of the value according to point 1 above.

4. Appeal and extraordinary appeal in case of judicial review of administrative acts:
 - a) In case of appeal against a decision on the merits the value of attorneys’ service is evaluated according to point 1 above, increased by 25 percent;
 - b) In case of extraordinary appeal the value of attorneys’ service is evaluated according to point 1 above, increased by 50 percent.

If the suit in administrative dispute is successful and the disputed administrative act is annulled or found to have been illegal, the plaintiff is entitled to a partial repayment of the above expenses by the state. The Ministry of Justice adopted special Rules on reimbursement of expenses in administrative dispute.

Irrespective of the actual costs, such successful plaintiff is only entitled to reimbursement of the following:

- EUR 80 if the plaintiff was not represented by an attorney and the matter was completed without a hearing;
- EUR 350 if the plaintiff was represented by an attorney and the matter was completed without a hearing;
- EUR 90 if the plaintiff was not represented by an attorney and there was a hearing;
- EUR 450 if the plaintiff was represented by an attorney and there was a hearing;
- 10% of the above if grounded applications had to be filed to provide additional explanations;
- costs of witnesses, experts and translators pursuant to the general rules.

3.4 Fees depending on the value of the claim

See points 2 and 3 of the chapter Attorneys' consulting and representation fees.

3.5 Fees depending on the jurisdiction

See points 2 and 3 of the chapter Attorneys' consulting and representation fees. The part that refers to the alternative dispute resolution is accurately described on the website <http://www.gettingthedealthrough.com/>, under the chapter Dispute Resolution in Slovenia.

3.6 Legal aid cases

Attorney's fees are never paid by the court or by the legal aid organizations. The Civil Procedure Act determines in Article 168 that exemption from payment of costs of proceedings shall include the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements, but consulting and representation costs are not mentioned. However, an attorney may, on the request of a private individual with severe financial hardship, reduce consulting and representation costs, or exempt him from such costs at his own discretion.

3.7 Contingency fees

In property related matters the attorney can agree with the client on such payment that instead of the payment according to the attorney's fee he/she can claim at maximum a 15 percent share of the amount awarded to the client by the court. Such an agreement must be made in writing. Therefore, the average percentage claimed is 15 percent.

3.8 Payment

Attorneys' consulting and representation fees have to be paid after the attorney has performed a certain task and the payment for services and costs has to be accounted according to the attorney tariff in force on the decision date, unless otherwise provided for individual cases.

Customarily accepted methods of payment are wire transfer and cash (for small amounts only).

According to the Attorneys' Tariff the attorney has also the right to retain from the amounts of money received on behalf of her client the amount of the agreed payment and costs for her services. When doing so, the attorney has to issue to her client a statement of account.

In case of bad financial situation of the party or his family attorneys can consider a partial or total exemption from payment of the attorneys' consulting and representation fees, at their own discretion and their own expenses.

3.8.1 Retainer

Retainers are not common in litigation matters, but they may be agreed upon under conditions as described in section 3.1.3 (Payment of attorneys' services) above.

Attorneys may, according to the Attorney's Tariff, take an advance payment before the legal services are rendered at their own discretion. The amount of such an advance payment depends on the task that has to be performed.

3.9 Conclusions and recommendations

Our general opinion on the costs regarding the attorney's fees is that although such information exists and is accessible, there is a low level of transparency. Sometimes is difficult for a lay person to make a precise calculation of such costs,

since an average citizen might not consider all sorts of costs (e.g. costs of filing suits, grounded preparatory applications, appeals, legal representations, counseling etc.) before initiating a suit. The information on attorney's fees in the Attorney's Tariff is quite fragmented and rather detailed and may not be entirely understandable to a lay person.

Nevertheless, we are of the opinion that the costs of different attorney's services are on average low and make access to justice relatively easily accessible to the citizens, although the attorney's fees together with the court fees are usually the predominant costs in the disputes where experts are not involved or substantial translations are not required, or the enforcement procedure is more demanding / requires more procedural steps. On the other hand we should point out that in case of cross-border disputes the attorney's fees may be higher (up to 100 percent) if a foreign language is used.

Our recommendations would be to set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.) and to translate the relevant legislation, information and web tools into foreign languages. Furthermore, such website should make available also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

4 Bailiff fees

4.1 General

Slovenian legal term for bailiff is an enforcement officer.

Enforcement service is a public service, therefore an enforcement officer's field of work and authorizations are determined by law. Enforcement service is an independent private business, performed by the enforcement officers appointed by the Ministry of Justice in accordance with the Execution of Judgments in Civil Matters and Insurance of Claims Act.

The regulation that defines enforcement officers' fees is the Rules on the tariff payable for the enforcement officer's services and on the reimbursement of expenses relating to their services (hereinafter The Rules, slo. Pravilnik o tarifi za plačilo dela izvršiteljev in o povračilu stroškov v zvezi z njihovim delom, Official Gazette of the Republic of Slovenia, no. 18/2003 - as amended) - a translation of this regulation into English does not exist.

The only way to get the information on the enforcement officer's fees or on the amount and calculation of such fees is by examining The Rules, published in the Official Gazette, on the on the website of the Slovenian Government:

<http://www.uradni-list.si/1/objava.jsp?urlid=200318&stevilka=722>

and on other websites. There are no other public or private websites with that information, nor are there any brochures on the subject. One can call the Enforcement chamber and get the basic information on how enforcement officer's fees are calculated, for free.

There are no statistical data on the average amount of enforcement officer's fees in Slovenia.

Enforcement officers' fees are determined by the Slovenian government and have to be advanced by the creditor within 8 days from the issuance of invoice. Fees can also be paid before any enforcement act, if so required by the enforcement officer. Deadline for paying enforcement officer's security deposit must not be shorter than 8 days.

Enforcement officer's fees are determined in points, and according to the schedule (see below). One point without VAT at the rate of 20% currently equals 0.21 EUR. The value of one point may be corrected by the Minister of Justice after the preliminary opinion of the Enforcement Chamber, and considering the amount of salaries of Slovenian judges. A change of one point is only possible if the consumer price index of the amount of judge's salary raise by more than 10% compared to the level at the time of the last increase of value of the point.

Enforcement officer's fees are calculated by either:

- Amount requested in claim: aggregate value of debtor's debt determined by the decision on enforcement claim, default interest and proceedings costs;

- Value of object or right to be seized: amount of object or right, determined by regulations regulating enforcement service;
- Amount of time: this method is used when the fee can not be determined by amount requested in claim, of object or right;
- Fixed amount.

Enforcement officers are also entitled to enforcement costs (such as postal and bank services, copies, etc.), travel expenses, daily allowance, accommodation, and deposit costs.

Schedule of Enforcement officer's fees (hereinafter the Schedule):

Claim value from	up to	enforcement officer's fees
1,000	250	
1,000	3,000	500
3,000	20,000	800
20,000	50,000	1,500
50,000	100,000	1,700
100,000	200,000	2,000
1% of the amount requested in the claim, maximum of 2,500 points		

4.2 Ante judgment

There can be usually no intervention of the enforcement officer prior to the judicial proceedings.

4.3 During proceedings

There can be usually no intervention of the enforcement officer during the proceedings.

Also see point 4.4.

4.4 Post proceedings

Intervention of the enforcement officer is required only if and when so decided by the competent court.

The respective court's decision has to become final before the enforcement officer can act in the following proceedings and according to the following fees:

- (1) Seizure: according to the Schedule;
- (2) Special seizures:
 - seizure of money: 50% according to the Schedule;
 - frequent seizures of money in the same enforcement matter and the same debtor: every additional seizure amounts to 25% according to the Schedule;
 - seizure of property, not registered in the land register: according to the Schedule;
 - seizure of securities: according to the Schedule;
 - note of seizure in seizure minutes: 100 points (21 EUR);
 - filing a claim on entering seizure and prohibition of alienation in the public register of seizable movable property and pledge: 50 points (10.50 EUR);
- (3) Deposit and handling: fee depends on weight of goods;
- (4) Sale of seized goods and repayment of debtors:
 - organizing and performing a public auction: according to the Schedule;
 - sale by direct contract: 50% according to the Schedule;
 - sale through a broker: 20% according to the Schedule;
- (5) Delivery of securities: 10% according to the Schedule;
- (6) Transfer of movable property: 150 points (31.50 EUR);
- (7) Seizure of movable property: 250 points (52.50 EUR);
- (8) Eviction, transfer and restitution to the previous condition of a property: fees depend on the area of property;
- (9) Property inspection: fee is calculated by the hour;
- (10) Obligation of performing, allowing or waiving something: fee is calculated by the hour;
- (11) Child deprivation: fee is calculated by the hour;
- (12) Physical division of assets: 50% according to the Schedule;
- (13) Inventory of bankrupt's estate and assets: fee depends on the value of the bankrupt's estate;
- (14) Notification:
 - direct personal notification: 50 points (10.50 EUR);
 - regular notification: 20 points (4.2 EUR);
- (15) Assessment by similarity: fees for all enforcement actions not determined above are calculated by comparison with similar actions as described above
- (16) Fixed amount payments:
 - file briefing and file register: 50 points (10.50 EUR);

- calculation of default interests: 50 points (10.50 EUR);
- individual court deposits: 50 points (10.50 EUR),
- accepting voluntary cash or non-cash repayment: 50 points; transferring other subjects of obligation: 150 points (31.50 EUR);
- acts that are necessary to preserve and execute rights deriving from securities: 50 points (10.50 EUR);
- acquiring information on debtor's residence and employment: 50 points (10.50 EUR);
- costs account: 20 points (4.20 EUR).

4.5 Legal Aid Cases

Legal aid does not cover the enforcement proceedings.

4.6 Payment

Accepted methods of payment are cash (for small amounts only) and wire transfer.

Enforcement officer's costs are costs of the enforcement procedure. If not determined otherwise by law, a creditor may claim reimbursement of such costs by its debtor, with a claim to be filed with the competent court at the time such costs arise and the amount can be established, and no later than within 30 days after the enforcement procedure is concluded or terminated, or after the conclusion of the final enforcement act which completed a part of the enforcement procedure. A court shall not issue a decision on reimbursement of costs if such cost are not claimed within the above time limit.

4.6.1 Retainer

Retainers are not common and most probably also not allowed.

The following rules apply with respect to advance payments:

- (a) Internal disputes: If required by the enforcement officer, enforcement officer's fees have to be paid before any enforcement act. Deadline for paying enforcement officer's security deposit fee must not be shorter than 8 days.

(b) Cross border disputes: Slovenia is a signatory of the 1954 Hague Convention on Civil Procedure, therefore Slovenian courts shall grant legal assistance to all other signatory member states without requiring security deposit for legal assistance, unless required by the enforcement officer pursuant to the rules applicable in internal disputes.

4.7 Conclusions and recommendations

Our general opinion on the costs regarding the court fees is that although such information exists and is accessible, there is a low level of transparency. Sometimes is difficult for a lay person to make a precise calculation of such costs, since an average citizen might not consider all sorts of costs (e.g. Initiating fees, judgment fees, appeal fees etc.) before initiating a suit. The information on court fees and transcription fees in the Court Fees Act and Notary Tariff is quite fragmented and rather detailed and may not be entirely understandable to a lay person.

Nevertheless, we are of the opinion that the costs of different court procedures are on average low and make access to justice relatively easily accessible to the citizens, although the court fees together with the attorney's fees are usually the predominant costs in the disputes where experts are not involved or substantial translations are not required, or the enforcement procedure is more demanding / requires more procedural steps.

Our recommendations would be to set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.) and to translate the relevant legislation, information and web tools into foreign languages. Furthermore, such website should make available also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

5 Expert fees

5.1 General

The regulation applicable to experts, their fees and costs is the Rules on court experts and court appraisers (slo. Pravidnik o sodnih izvedencih in sodnih cenilcih, Official Gazette of the Republic of Slovenia, no. 7/2002 - as amended) - a translation of this regulation into English does not exist.

The only way to get information on the amount and the calculation of costs and fees is by examining the Rules on court experts and court appraisers, published in the Official Gazette and, among other websites, on the website of the Slovenian Government <http://www.uradni-list.si/1/objava.jsp?urlid=20027&stevilka=411>. There are no other public or private websites with that information (although several other websites contain the wording of the Rules) nor are there any brochures on the subject.

The Civil Procedure act determines in Article 244 that expert examinations are performed by court-appointed experts. Before deciding on the expert, the court may invite both parties to state their opinion on experts. Experts are usually selected from the list of court experts for a specified type of expert field which is prepared and updated by the Ministry of Justice. Expert examination can also be entrusted to a professional institution (e.g. hospital, chemical laboratory, university, etc.). If there are special institutions for specific fields such as forgery of money, handwriting, fingerprints, etc., the task, especially if it is a complex one, shall in principle be entrusted to such an institution.

If the enclosures do not satisfy for the evaluation of the professional knowledge and practical ability or experience, the candidate has to submit to the Ministry of Justice the opinion of the state authority, institute or professional association, or any other institution in which the candidate wishes to practice the expert's or appraiser's work, along with the justified evaluation of candidate's professionalism and ability. If such an opinion and evaluation cannot be submitted or the opinion does not satisfy to evaluate candidate's professionalism and ability, or the mandatory special test of expertise is required for particular area of expertise in accordance with the annual program, the Minister of Justice shall order a special

test of expertise. In that case the candidate may be appointed for the expert or appraiser only if he successfully performs the special test of expertise.

One who wants to become a court expert has to file an application along with several enclosures, with the Slovenian Ministry of Justice who then issues a decision on appointment of an expert or appraiser. If the enclosures do not satisfy for the evaluation of the professional knowledge and practical ability or experience, the candidate has to submit to the Ministry of Justice the opinion of the state authority, institute or professional society, or any other institution in which the candidate wishes to practice the expert's or appraiser's work, along with the justified evaluation of candidate's professionalism and ability. If such an opinion and evaluation cannot be submitted or the opinion does not satisfy to evaluate candidate's professionalism and ability, or the mandatory special test of expertise is required for particular area of expertise in accordance with the annual program, the Minister of Justice shall order a special test of expertise. In that case the candidate may be appointed for the expert or appraiser only if he successfully performs the special test of expertise.

Lists of court experts and court appraisers are easy accessible to clients. Both lists are published on the following websites of the Ministry of Justice:

Court experts: [http://www2.gov.si/mp/tol.nsf/\(WebIzvedenci\)?OpenView](http://www2.gov.si/mp/tol.nsf/(WebIzvedenci)?OpenView)

Court appraisers: [http://www2.gov.si/mp/tol.nsf/\(WebCenilci\)?OpenView](http://www2.gov.si/mp/tol.nsf/(WebCenilci)?OpenView)

5.2 Fees

Court expert fees are determined by the Slovenian government and in points, where one point (without VAT at the rate of 20%) currently equals 0,459 EUR. VAT is applicable if the respective court expert or appraiser is a VAT taxable person in the Republic of Slovenia.

Regular expert's fees (i.e. fees of experts that are not court-appointed) are not limited by any regulation, therefore they may also charge a higher fee.

There are no statistical data on average amount of expert fees in Slovenia.

A different expert compensation system does not exist and fees do also not depend on the nature of litigation.

In addition to the fees, court experts and court appraisers are also entitled to reimbursement of the following costs regarding their work.

- travel expenses,
- accommodation,
- wage compensation or lost profit,
- material costs regarding expert's or appraiser's opinion.

Court Expert and court appraiser fees are calculated as follows:

(1) File study:

up to 50 pages	100 points (45,90 EUR)
50 - 200 pages	200 points (91,80 EUR)
200 - 500 pages	300 points (137,70 EUR)
500 - 1000 pages	500 points (229,50 EUR)
more than 1000 pages	1000 points (459 EUR)

(2) Additional documentation:

- collecting and studying additional documentation:

less extensive (up to 25 pages)	100 points (45,90 EUR)
extensive (25 - 50 pages)	200 points (91,80 EUR)
very extensive (50 - 100 pages)	300 points (137,70 EUR)
extremely extensive (more than 100 pages)	500 points (229,50 EUR)

- review or inspection:

less demanding (up to 1 hour)	100 points (45,90 EUR)
demanding (up to 30 hours)	200 points (91,80 EUR)
very demanding (more than 3 hours)	300 points (137,70 EUR)

(3) Finding and opinion:

- written findings and opinion:

less demanding	400 points (183,60 EUR)
demanding	600 points (275,40 EUR)
very demanding	900 points (413,10 EUR)
extremely demanding	1000 points (459 EUR)

- oral presentation:

75 points (34,43 EUR) for every half an hour.

5.3 Payment

The party who has ordered an expert opinion has to advance all the costs within 15 days from issuance of the invoice. When the fees have to be paid by the court that has ordered the expert opinion, or such costs have been paid in advance, the court is obliged to issue a decision regarding a claim on reimbursement of costs within 8 days, counted from the day the claim has been filed. The court has to pay out such costs within 30 days counted from the day a decision on the claim has become final. After the proceedings are completed, fees and costs of the expert are ultimately borne by the losing party. See point 5.5 below.

Advances of expert fees and ultimate expert fees are paid to the court (in the same manner as court fees - see above) and the court pays them to the respective expert upon receipt of her invoice.

In the case of a favourable decision for the party that has paid the costs, the court can order that the interest on the deposited amounts be paid by the losing party.

According to Article 153 of the Civil Procedure Act, the party that puts forward a request to present a piece of evidence (such as an expert opinion), shall, on the basis of a court order, deposit an amount required for the costs. The court omits the presentation of the evidence if the amount necessary for the production of a certain piece of evidence is not deposited in a determined period of time. In such a case, the court assesses the meaning of such omission of payment in its own judgment, considering all circumstances of the case. If a part of the advanced payment is not spent, it is returned to the party that gave the advance payment.

Such advance payments are considered a part of the costs of procedure and have to be paid by the losing party at the end of a trial, provided that they are properly requested (if applicable).

5.3.1 Retainer

Retainers are not common and most probably also not allowed.

Court may summon a party who proposed an expert or appraiser opinion, to pay a security deposit (advance payment) for expert's or appraiser's service. The amount of security deposit is determined by the court. After studying a file, an expert may propose to the court to increase the security deposit, if he estimated that the already paid security deposit shall not be sufficient to cover his costs and fee.

5.4 **Legal aid cases**

Expert fees are never paid by legal aid organizations.

However, the Civil Procedure Act determines in Article 168 that exemption from payment of the costs of proceedings shall include the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements. A party that may be exempt from payment of costs of proceedings is a private individual who is not able to cover these costs without detriment to maintenance of himself and his family, due to his severe financial hardship. According to Article 171 of the Civil Procedure Act, costs of proceedings are in such a case paid from the court resources.

On the other hand, independent entrepreneurs and legal entities may not be exempt from payment of advancements for costs of witnesses, expert examinations, inspections and court announcement, but only from payment of court fees if conditions set forth in the Civil Procedure Act are met.

For more details on legal aid, see section 10 below.

5.5 Reimbursement of experts' fees

A court orders the losing party to pay the expert costs and fees, but only if the winning party claimed a reimbursement of such costs until the end of proceedings. The competent court shall then issue a decision on reimbursement of costs and the losing party shall be obliged to recover the awarded costs.

5.6 Practical questions

Experts shall be engaged when it is necessary to procure findings and opinions of a specialist possessing the relevant expertise in order to determine or assess a material fact.

Expert's report, produced by an accredited expert of another EU member state is also possible in Slovenia, but not commonly used.

There are no limitations regarding the validation of an expert's report.

We are not in relation with experts accredited by our country's court or by courts from other countries.

See also point 5.1

6 Translation and interpretation

In Slovenian civil procedure system there are two main categories of translators and interpreters, the ones that are appointed by the court and that service the parties in dispute before the court and the ones who take orders by the parties in dispute outside the courts and therefore are not acting as interpreters or translators before the court.

6.1 General

The regulation that governs the calculation of translation and interpretation fees for interpreters and translators appointed by the court is the Rules on Court Interpreters (slo. Pravilnik o sodnih tolmačih, Official Gazette of the Republic of Slovenia, no. 49/2002, Republic of Slovenia - as amended) - no English translation of these Rules is available.

The ways to get the information on the translation and interpretation fees for interpreters and translators appointed by the court or on the amount and calculation of such fees are as follows:

- a) One can consult the Rules on Court Interpreters which are, among others, published on the web site of the Association of Scientific and Technical Translators of Slovenia (slo. Društvo znanstvenih in tehniških prevajalcev Slovenije) <http://www.dztps.si/> and on the website of the Government of Slovenia <http://www.uradni-list.si/1/objava.jsp?urlid=200249&stevilka=2395> and <http://www.uradni-list.si/1/objava.jsp?urlid=200375&stevilka=3622>,
- b) One can contact any accredited court interpreter or any professional translator or translation agency. Generally someone can get such information without any payment; or
- c) There are also some public and private websites with information on translation fees. This information is customarily free of charge.

Translation and interpretation fees for interpreters and translators appointed by the court are adopted by the Ministry of Justice. On the other hand, translation fees for regular translators (i.e. not court accredited translators) are not fixed by any regulation. Such translators do, however, usually follow the fees as recommended by the Association of Scientific and Technical Translators of Slovenia, although they are not obliged by any formal rule to do so.

Slovenia does not have a national organization or association that would provide for basic rules, rights and obligations for all translators and accredited interpreters. However, if someone needs a list of accredited court interpreters and translators, it is possible to find it on the website of the Ministry of Justice [http://www2.gov.si/mp/tol.nsf/\(WebTolmaci\)?OpenView](http://www2.gov.si/mp/tol.nsf/(WebTolmaci)?OpenView) and if someone needs to find a translation agency in Slovenia he can find many of them just by submitting the key words on the internet search websites.

Generally the information on accredited court interpreters and translators and information on documents that should be interpreted or translated by them are easily accessible by contacting an interpreter or translator from the list of accredited court interpreters and translators; such information is usually provided for free. However, it is not so easy to receive an exact amount of the fees that will

be charged in case of interpretation or translation since there are various characteristics that should be observed while calculating the fees for such deeds.

6.2 Interpretation and translation fees for the interpreters and translators appointed by the court

The regulation that governs the calculation of interpretation fees for interpreters and translators appointed by the court is the Rules on Court Interpreters (slo. Pravilnik o sodnih tolmačih, Official Gazette of the Republic of Slovenia, no. 49/2002 - as amended). A translation of these Rules into English does not exist. The Slovene version of this regulation is published, among others, on the website of the Association of Scientific and Technical Translators of Slovenia (slo. Društvo znanstvenih in tehniških prevajalcev Slovenije) <http://www.dztps.si/slo/index.html> and on the websites of the Government of Slovenia <http://www.uradni-list.si/1/objava.jsp?urlid=200249&stevilka=2395> and <http://www.uradni-list.si/1/objava.jsp?urlid=200375&stevilka=3622>.

The interpretation and translation fees for court interpreters and translators are adopted by the Ministry of Justice that also keeps records of accredited court interpreters. This list is accessible on the website of the Ministry of Justice [http://www2.gov.si/mp/tol.nsf/\(WebTolmaci\)?OpenView](http://www2.gov.si/mp/tol.nsf/(WebTolmaci)?OpenView).

Generally the interpretation and translation fees for court interpreters and translators should not vary depending on the language of translation or interpretation, the nature of interpretation or the nature of litigation. However, court interpreters and translators can charge higher fees in case of extremely demanding translations that require special, additional knowledge and study of particular technical terminology. These are the only exceptions according to the Rules of court interpreters in addition to the exceptions applicable to the disadvantageous working time (see below).

According to the Rules of court interpreters, interpretation and translation fees for services rendered by interpreters and translators appointed by the court are always determined in points and according to a schedule defined by the Rules of court interpreters (see below). One point currently equals 0,459 EUR. The value of one

point is the same as the current value of the point defined by the Attorney's Tariff and its correction may be effected as described under point 3.1.3 above.

If the invoice is issued by an individual or entity subject to VAT registration, Interpretation and translation fees and costs have to be increased by VAT at a rate of 20%.

Schedule of interpretation and translation costs:

a) For a written translation of a document an accredited court interpreter and translator can charge a translation fee per page as follows:

1. Translation of a document from foreign language to Slovene (55 points per page),
2. Translation of a document from Slovene to foreign language (80 points per page),
3. Translation of a document from foreign language to another foreign language (90 points per page).

One standard page consists of 1500 characters, without counting the spaces between words, sentences and paragraphs.

Translation fee for the translation of a document shorter than one standard page is defined in proportion to the length of the document, but it cannot be lower than 40 points.

For every following copy of the translated document the court interpreter and translator has the right to charge 10 percent of the amount charged for the first copy.

The fee charged by a court interpreter for an oral interpretation is 75 points for every starting half an hour of interpretation.

While waiting at the hearing and for presence on the place of interpretation that is longer than half an hour, an interpreter can charge an additional fee of 20 points for every starting half an hour.

For the travelling to the court a court interpreter is entitled to a fee of 20 points for every starting half an hour.

For the verification and certification of a translation made by the party herself, a court interpreter and translator can charge 50 percent of the fees determined in the above schedule.

b) For translating during the holidays, work-off days, Saturdays and Sundays, during the night time on working days (from 8 pm. to 8 am.) and in other urgent cases a court interpreter and translator can charge a fee according to the above schedule, increased by 100 percent.

For translating or interpreting of extremely demanding translations or interpretations that require special, additional knowledge and study of particular technical terminology a court interpreter and translator can charge a proportionally higher fee, but the aggregate fee as charged cannot exceed 100 percent of the fees determined in the above schedule.

Retainers are not common.

In case of cross-boarder disputes in which one party is member of a foreign country that is not a member of the EU, a security deposit payment has to be paid before the beginning of every court proceedings (to cover repayment of costs to the potentially winning defendant). However, in case of cross-boarder disputes in which one party is a member of the foreign country which is a member of the EU or is a member of the country, which is a member of the Hague Convention of the 1954, the Slovenian courts may not require such a security deposit.

6.3 Translation fees for the translators appointed by the parties in dispute for certified translations of documents for the court

Slovenia does not have a basic regulation that would govern the calculation of translation fees. In the past there was an attempt to adopt an “Act on Translation” that would enact basic rules for all Slovenian translators and would define fees, rights and obligations of those translators, but this proposal was not adopted. Consequently, translators and translation agencies can discretionarily determine their translation fees according to the supply and demand of such services on the market and there is no organization or association that has the power to determine the range of fees for the service of the translators.

In principle, translation fees should not vary depending on the language of translation, nature of translation or the nature of litigation (except the complexity

of the matter to be translated and professional expertise required), although in reality these factors might have an influence on the amount of the charged fees. As we mentioned above, there are no compulsory rules or special compensation systems.

As mentioned above, translators and translation agencies can discretionarily define their translation fees according to the supply and demand of such services on the market, since there is no legal act on such fees nor an organization or association that has the power to determine the range of fees for the service of the translators. Nevertheless, the Association of Scientific and Technical Translators of Slovenia has defined some recommendations regarding the translation and interpretation fees according to a schedule (see below), which are generally considered by the translators and translation agencies.

Recommended schedule of translation costs:

a) Translations of professional texts:

FROM foreign language TO Slovene	FROM Slovene TO foreign language
25.87 EURO	38.81 EURO

b) Translations of extremely demanding texts:

FROM foreign language TO Slovene	FROM Slovene TO foreign language
33.80 EURO	50.49 EURO

If the invoice is issued by an individual or entity subject to VAT registration, translation fees and costs have to be increased by VAT, which amounts to 20 percent of the defined value of the fees and costs.

Translation fees are usually calculated per page. The translation rates stated above refer to a standard page of translated text that consists of 1500 characters. Spaces between words, sentences and paragraphs are not counted.

6.4 Payment

The party who has made a motion before the court for a translation or interpretation by an accredited court interpreter or translator has to advance all the costs within 15 days from issuance of the pro forma invoice. However, if the interpretation or translation by an accredited court interpreter or translator is ordered by the court, then the fees are advanced by the court that has ordered such services to be done within thirty days counted from the day, when the decision on the claim (see next sentence) has become final. In either of the cases described above the court is obliged to issue a decision regarding a claim on reimbursement of costs within 8 days, counted from the day the claim has been filed. After the proceedings are completed, fees and costs of the accredited court interpreters and translators are ultimately borne by the losing party. See point 5.5 above.

Commonly accepted method of payment is the wire transfer.

Advances of translation and interpretation fees and ultimate translation and interpretation fees are paid to the court (in the same manner as court fees - see above) and the court pays them to the respective court interpreter or translator upon receipt of her invoice.

However, costs of translation or interpretation service that is not made before the court are paid to the translators or interpreters by the person who ordered such service, directly after the order is made. Payment terms are usually not longer than 15 days after the receipt of the invoice.

Commonly accepted methods of payment are the wire transfer and cash, although some translators, translation agencies and court interpreters accept also credit cards and cheques.

6.5 Practical questions

Translation Fees

As a general rule, certified translations of documents for the court can be produced only by accredited court interpreters and translators. However, is it possible to conclude that there is no significant difference between standard translation and certified (accredited) translation with the exception of the fact who can produce such translations (translations by court interpreters and translators contain always a

special stamp that is given to the accredited court interpreters and translators by the Ministry of Justice) and that the court interpreters and translators are bound by a major obligation of secrecy regarding to the contents of the translation.

The same as in case of interpretations by the accredited court interpreters (see below), as an exception to the general rule the judge can at her own discretion allow the translation of the necessary documents for issuing of the final judgment to any translator, if such translation service is needed for the final decision of the judge and there is no court accredited translator for a specific language available. However, in such cases this translator makes that service on her own responsibility and she is liable for such a translation.

In case of certified translations produced by an accredited translator from another Member State in case of cross-border disputes, the Slovene judge can also allow or deny such translations at her own discretion. The same stands for the decision of the judge regarding the accreditation before a Slovene court of an accredited translator, who was accredited before the court of another Member State. In such cases these translators are not automatically accredited as court interpreters before the Slovene court; however the judge can allow their translations of documents in the proceedings before the court at his/her own discretion, if there is no court accredited translator for a specific language available in Slovenia.

Generally, the translations as mostly required in civil litigation are the following: translations of contracts, translations of powers of attorney, translations of suits, translations of court decisions and judgments and similar. The translation conditions and the timeframe for these translations are usually set by the person who orders these services.

As a general rule, the validity of the certified translations does not expire.

A translation can be produced from a copy of the original document. A client can do the translation himself and have it certified by an accredited court interpreter, since the Rules on Court Interpreters contain a special provision that specifically allows that.

Practical case: The Slovenian judicial system does not allow photocopies of certified copies of documents to be presented as evidence before the court. If you have a document that is translated by a accredited court translator, but you have lost the original version of the certified translation, you should have this document translated again by the accredited court translator or make her certify such copy of the translated document once again.

Interpretation Fees

The court interpreters' accreditation procedures are carried out by the Ministry of Justice according to the Courts Act and the Rules on court interpreters in compliance with the provisions defined by the General Administrative Procedure Act.

Candidates have to file an application for accreditation with the Ministry of Justice containing their personal data and the language for which they want to be appointed as court interpreters.

The profession of a court interpreter can be practiced by everybody who fulfils the following terms and conditions:

- To be a citizen of the Republic of Slovenia (the candidate shall have the certificate of citizenship of the Republic of Slovenia);
- To have an active command of the Slovenian language (the candidate shall have the certificate of active knowledge of the Slovene language issued by an authorized educational organization);
- To submit a public document containing her personal data;
- To submit a CV;
- To be adequately qualified for the profession (decision on this is based on the CV, submitted certificates and documents, and an interview with the candidate);
- To submit a document proving that the candidate has not been deprived of her contractual capacity and that should not be older than 30 days;
- To submit an excerpt of the criminal record that should not be older than 30 days;
- To submit certificates of the university education or other professional education according to the Courts Act;
- To submit certificates of appropriate expert knowledge and practical capability and experiences with the respective language;
- To successfully pass an exam before a commission appointed by the Minister of Justice. The exam is composed of two parts, written and oral. The written part consist of translating a lawsuit, judgment, administrative decision, contract or another document from Slovenian into the respective foreign language and from that foreign language into Slovenian language. The oral part of the exam consists of testing the knowledge of the candidate on:
 - o basic institutes on the constitutional system of the Republic of Slovenia;

- organization and functioning of the judicial system;
- basics of judicial procedures that the interpreters most frequently encounter during their work;
- rules on the rights and duties of court interpreters;
- formulation and certification of translations and keeping of records of the translations.

The oral part of the exam is in Slovene (candidates who have graduated from a law faculty in Slovenia are not required to take exams in Slovene) and in the respective foreign language.

A decision on appointment of the court interpreter or on refusal of the candidate's application shall be issued by the Minister of Justice. The decision shall also state the language for which the candidate is appointed as a court interpreter or for which his/her application was rejected.

A court interpreter can commence working as soon as she takes an oath before the Minister of Justice. After signing the minutes of oath, the interpreter receives a decision on the appointment and a book in which translated documents need to be registered. The appointment is published in the Official Gazette of the Republic of Slovenia and the court interpreter is enrolled on the list of accredited interpreters that is kept by the Ministry of Justice.

Generally, the most frequently provided interpretations are the following: interpretation of contracts, interpretation of powers of attorney, interpretation of lawsuits, interpretation of decisions and judgments etc.

There is no significant difference between standard interpretations and certified (accredited) interpretations with the exception of who can provide such interpretations (court interpreters' interpretations are always confirmed with a special stamp that is given to the accredited court interpreters by the Ministry of Justice) and the fact that court interpreters are bound by a major obligation of secrecy regarding to the contents of interpretations.

6.6 Legal aid cases

Translation and interpretation fees are never paid by legal aid organizations.

However, the Civil Procedure Act determines in Article 168 that exemption from payment of the costs of proceedings shall include the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements. A party that may be exempt from payment of costs of proceedings is a private individual who is not able to cover these costs without detriment to maintenance of himself and his family, due to his severe financial hardship. According to Article 171 of the Civil Procedure Act, costs of proceedings are in such a case paid from the court resources.

On the other hand, independent entrepreneurs and legal entities may not be exempt from payment of advancements for costs of witnesses, expert examinations, inspections and court announcement, but only from payment of court fees if conditions set forth in the Civil Procedure Act are met.

For more details on legal aid, see section 10 below.

6.7 Reimbursement

A court orders the losing party to pay the costs of translations and interpretations, but only if the winning party claimed a reimbursement of such costs until the end of proceedings. The competent court shall then issue a decision on reimbursement of costs and the losing party shall be obliged to recover the awarded costs.

6.8 Conclusions and recommendations

Our general opinion on the costs regarding the translation and interpretation fees is that although such information exists and is accessible, there is a low level of transparency. Sometimes it is difficult for a lay person to make a precise calculation of such costs, since an average citizen might not consider all the factors that have an impact on the height of such costs (e.g. length of the documents, difficulty of the documents, velocity of the translation, necessity of translations of some documents in the Slovene language before submitting them before the court etc.) before initiating a suit. The information on translation and interpretation fees in the Rules on Court Interpreters and pricelists of the Association of Scientific and Technical Translators of Slovenia, different translators or translation agencies is quite fragmented and may not be entirely transparent to a lay person.

Nevertheless, we are of the opinion that the costs of different translation and interpretation services are on average not needed or are low and make access to

justice relatively easily accessible to the citizens. However, in some cases (especially in cross-border cases) the translation and interpretation fees could be the predominant costs, if substantial translations and interpretation procedures are required. Therefore, in cross-border disputes, where a foreign language is used, the costs of translation and interpretation can be substantially higher than in average domestic cases.

Our recommendations would be to set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.) and to translate the relevant legislation, information and web tools into foreign languages. Furthermore, such website should make available also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

7 Witness Compensation

7.1 General

You can get information on witness compensation on public web sites, such as the Governmental web site ..., European Judicial Network in civil and commercial matters (http://ec.europa.eu/civiljustice/index_en.htm - information is free), private web sites, such as IUS-INFO (information is payable), other web sites of private organizations, societies, forums on legal aid and web sites of different law offices. On private web sites only basic information is available. Information is free, but not accessible immediately. After writing a question you have to wait for an answer, which can take some time. Most web sites require registration. You can get some basic information on witness compensation if you call the Legal-information Centre for NGOs - LIC or trade unions which provide legal help to their members. You can always call an attorney but the information might not be free. You might not need to pay anything or would have to pay between 20 and 49 EUR.

Information available allows one to become aware of her travelling cost reimbursement, accommodation, food and loss of profit. Information available is not so detailed to calculate precise amounts.

The main difference between the social fees and the attorney's tariff is that the information on attorney's tariff and court fees is exact and precise, whereas information regarding the witness compensation is informative.

Information on witnesses' rights is not easily accessible, mainly because under Slovenian law a witness has mostly duties - to appear as a witness at the court and to testify. In addition to the right not to answer particular questions and not to testify in certain circumstances, the only right a witness has is the right to a compensation.

There are no public or private agencies or offices that would deal with the witnesses' rights.

7.2 Fees

Witnesses are not paid, only compensated for: travelling expenses, accommodation and food, and working days lost (earnings lost for not working).

In general, witnesses are not compensated for their time.

Regulations applicable to witnesses and their compensation are:

- 1) Civil Procedure Act (consolidated text), Official Gazette of the Republic of Slovenia, No. 12/2003, National Assembly of Republic of Slovenia;
- 2) Rules on reimbursement of civil procedure-related costs, Official Gazette of the Republic of Slovenia, No. 15/2003, Minister of Justice of Republic of Slovenia;
- 3) Labour and Social Courts Act, Official Gazette of the Republic of Slovenia, No. 2/2004, National Assembly of Republic of Slovenia (not available in English)

All the above regulations are freely accessible on the following websites:

- <http://zakonodaja.gov.si/>;
- <http://www.dz-rs.si/index.php?id=101&vt=6>.

For an English version please see Annex 3. Please, note that The Civil Procedure Act is enclosed as an unofficial translation and Rules on reimbursement of civil procedure related costs is our own translation.

7.3 Legal Aid Cases

Witness compensation is included in the costs of proceedings. According to the Article 9 of the Free Legal Aid Act - official consolidated version, Official Gazette of the Republic of Slovenia, No. 96/2004, legal aid does not cover costs of proceedings, actual costs and the reward for the attorney of the opposite party, thus witness compensation is not covered by legal aid. Nevertheless, according to the Article 168 of the Civil Procedure Act, Official Gazette of the Republic of Slovenia, No. 43/2006, the court can exempt from payment of the costs of proceedings a party who is not able, with respect to his pecuniary circumstances, to cover these costs without detriment to maintenance of themselves and their family.

The exemption from payment of the costs of proceedings includes the exemption from payment of court fees and advancements for costs of witnesses, expert examinations, inspections and court announcements.

7.4 Payment

Witness compensation covers:

- a) travel expenses,
- b) accommodation, food and
- c) loss of earnings.

Compensation of witnesses is calculated through travelling expenses and working days lost - earnings lost for not working.

According to Article 10 of the Rules on reimbursement of civil procedure-related costs (Official Gazette of the Republic of Slovenia, No. 15/2003), a witness, expert or interpreter has the right to a compensation for the costs of accommodation and food only if he stays outside the place of his permanent or temporary residence for more than 8 hours (this time includes the time needed to come to the place of testifying, expert work or interpreting and the time to come back). In case testifying, expert work or interpreting takes less than 8 hours, compensation for costs of accommodation and food is not payable. The actual compensation of a witness is determined by the trial judge. All compensated costs are based on invoices that witnesses submit to the Court.

Witnesses are compensated in cash. VAT is applicable to witness compensation only indirectly; VAT is regarded in invoices that witnesses submit to the court.

There are no differences in witness compensation regarding the nature of the litigation.

Slovenian Courts do not hold any statistics about average amount of witness compensation on a per day basis and there is no schedule of witness's compensation available. According to our experience, witnesses usually do not claim any compensation or claim only travelling expenses, but there are exceptions.

According to the Civil Procedure Act - consolidated text (Official Gazette of Republic of Slovenia, No. 12/2003), witnesses can only be compensated for travel expenses, accommodation, food and loss of earnings; there is no award for testifying. Nevertheless, witness compensation is included in the costs of proceedings which are, at the conclusion of a trial, paid by the losing party. The court can exempt from payment of the costs of proceedings a party which is not able, with respect to his financial circumstances, to cover these costs without detriment to the maintenance of himself and his family. If the losing party is at the same time the party that was exempted from paying the costs of proceedings, these costs are covered from funds of the court.

If each party partially wins the litigation, the court may decide, considering the outcome of litigation, that each party cover their own costs of proceedings, or may, considering the circumstances of the case, order one party to refund the other party and their intervener an appropriate amount of costs. The court may also decide that one party refunds the total costs incurred by the opposing party and their intervener if they failed to succeed only in respect of a relatively small part of their claim and when no extra expenses were due to that particular part of claim.

In the case of a cross-border litigation, written witness statements have to be translated, the same as all other documents that are not written in the official language of the court. There are no special procedural rules governing collecting of witness statements in cross-border litigations. Conventions on legal aid apply.

7.5 Practical questions

Anyone who is capable of giving information about facts that have to be proved during the trial (who is able of giving data relevant as to facts to be established - Article 229/II of Civil Procedure Act) can be recognized as a witness.

Before the testimony the judge asks the person that has been invited to the court as a witness to present his name, last name, father's name, occupation, place of residence, place of birth, age and his relation to the plaintiff and the defendant. The Civil Procedure Act does not distinguish between an ordinary and an expert witness in this respect. The court assesses on a case-by-case basis whether the witness is capable of giving information about a certain fact - this is in accordance with the rule on discretionary judgment of evidence. The court does usually not check the identity documents of witnesses. The authentication of the witness's testimony is assessed by the court separately in each case. There are no explicit conditions for authentication of a testimony.

According to Article 238/I of the Civil Procedure Act, a witness is obliged to present evidence orally. The oral testimony of a witness is then recorded in the minutes of the trial. Only in case a witness does not speak the language used in the proceedings, he is examined through an interpreter. If a witness is deaf, the questions are asked in writing, whereas hearing impaired witnesses are requested to answer in the same manner. If a witness cannot be examined in the said manner, he is examined through an interpreter capable of communicating with him.

The trial judge first asks the witness to tell the court everything he knows about the matter and then proceeds to examine the witness. When the trial judge finishes the examination of a witness, the members of panel, parties and their representatives may put direct questions to the witness. Everything a witness tells before the court is then dictated by the trial judge to the recording clerk, who enters the testimony into the minutes of the trial.

If a testimony of a witness is collected by the court of another country, the testimony is valid before the court of the Republic of Slovenia if so provided by the international agreements and in all cases where reciprocity with respect to this matter is recognized. If there is a doubt regarding the reciprocity, the Ministry of Justice passes a binding opinion thereon.

7.6 Conclusions and recommendations

Information on witness compensation is not easily accessible and in is not transparent. In most cases witnesses do not even know, that they have the right to compensation.

Our recommendations would be to set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.) and to translate the relevant legislation, information and web tools into foreign languages. Furthermore, such website should make available also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

8 Pledges and security deposits

8.1 General

Under Slovenian law, a creditor can seek to secure his claim with the help of a special procedure - security procedure. In this security procedure, a creditor can

- a) propose an establishment of a pledge based on an enforceable act, or
- b) propose a security, where there is no enforceable act yet.

The security procedure is regulated in the Execution of Judgments in Civil Matters and Insurance of Claims Act (Official Gazette of the Republic of Slovenia, No. 44/2006 et seq.) and is applicable in all types of litigations.

Means/instruments of security, according to Execution of Judgments in Civil Matters and Insurance of Claims Act, are:

- 1) attachments in aid of execution,
- 2) interim measures and
- 3) pledge as a form of security for pecuniary claims.

Attachments in aid of execution

are possible when a creditor has an (yet) unenforceable document and can be proposed to secure pecuniary claims. A court issues the attachment if a creditor:

- has an unenforceable decision of a Slovenian court or other authority and the decision refers to a pecuniary claim;

- has reached a court or administrative settlement or has a directly enforceable notary record for a pecuniary claim that has not yet fallen due; and if such a creditor demonstrates that there is a potential danger that the enforcement of the respective pecuniary claim will be rendered impossible or made difficult to bring into force.

If the attachment in aid of execution is rendered on the basis of a judgment that was rendered because the debtor admitted his debt, or on the basis of a settlement, additional conditions can be requested. The debtor can demand a certain security deposit from the creditor in case of a possible damage that can occur to the debtor because of the attachment.

Instruments of security with an attachment are:

1. seizure of movable property and entry of this seizure into the register;
2. seizure of a pecuniary claim or a claim to deliver assets;
3. seizure of other property or material rights;
4. prohibition to an organization for payment transactions (i.e. a bank) to pay to the debtor (or any other person) from the debtor's account the amount secured with an attachment;
5. entry of a pledge on the share of capital of a debtor - shareholder into the competent court register or in the dematerialised securities register;
6. entry of a pledge on the debtor's real property into the land register or entry of the pledge on the right entered on the debtor's real property into the land register.

A security with an attachment can be approved by the court only for the amounts that will fall due within a year.

Interim measures

Interim measures are precautionary measures that are limited in time and designed either to preserve the status quo or to establish a new, provisional situation in order to allow the effective execution of a creditor's claims at a later date (measures of a protective nature), or to avert serious and damaging consequences and the threat of violence (measures of a regulatory nature).

According to the Execution of Judgments in Civil Matters and Insurance of Claims Act, interim measures may be divided into measures to safeguard pecuniary claims and measures to safeguard non-pecuniary claims.

Interim measures to safeguard pecuniary claims include all measures which can be used to achieve the safeguarding aim and which, as regards the goal being pursued, are of a purely protective nature. By way of example, the Act lists the following types of interim measures for safeguarding pecuniary claims:

1. a measure banning a debtor from making free use of movable property, and ordering the safekeeping of such property;

2. a measure banning a debtor from transferring or mortgaging his real estate or rights that are registered in his favour on the real estate, with that ban being recorded in the land register;

3. a measure banning a debtor of the debtor from paying claims or handing over property to the debtor and banning the debtor from receiving property, collecting claims or making free use of them;

4. an instruction to an organization dealing with the payment transactions (i.e. a bank) to refuse the payment from the debtor's account to the debtor or another person based on the debtor's instructions with regard of the amount of money for which the interim measure is issued.

Measures to safeguard non-pecuniary claims include all measures which can be used to achieve the safeguarding aim and which, as regards the goal being pursued, are of a protective or a regulatory nature. By way of example, the Act lists the following types of interim measures for safeguarding non-pecuniary claims:

1. a measure banning the transfer or mortgage of the movable property to which the claim refers and ordering the safekeeping of such property;

2. a measure banning a debtor from transferring or mortgaging the real estate to which the claim refers, with that ban being recorded in the land register;

3. a measure banning the debtor from doing anything that might cause damage to the creditor or banning him from changing anything in the property to which the claim refers and imposing a fine in the event of an infringement of that ban;

4. a measure banning a debtor of the debtor from handing over to the debtor the property to which the claim refers;

5. payment of compensation for lost salary to an employee while a dispute is pending with regard to the legality of a decision terminating his employment, where such compensation is necessary to maintain the employee and persons whom he is legally obliged to maintain.

Interim measures can be issued before the beginning of a trial, during the trial and also after the end of a trial, until the enforcement.

Interim measures can not be issued if the conditions for attachment are met.

Contrary to an attachment, a pledge is not a result of an interim measure.

Only courts have the power to issue interim measures.

Court issues an interim measure if the creditor demonstrates the preponderance of evidence, and

a) in case of pecuniary claims:

- subjective risk for the implementation of enforcement exists; or that
- the debtor will suffer only insignificant damage;

b) in case of non-pecuniary claims:

- objective risk for implementation of enforcement exists;
- the debtor will suffer only insignificant damage;
- danger of use of force or that hardly replaceable damage will occur;
- the debtor will not suffer any worse consequences than the creditor if the interim measure is not going to be issued.

The conditions for issuing the interim measure are demanding and therefore interim measures are difficult to obtain.

In neither of the above cases (pecuniary or non-pecuniary claims) the creditor is required to demonstrate any risk if he is able to demonstrate the probability that the debtor would suffer only minor damage as a result of the proposed measure. However, in both cases a risk is deemed to exist if the claim would have to be enforced abroad.

The court may also issue an interim measure where a creditor has not demonstrated the probability of a claim and of a risk if, within a prescribed time-limit, the creditor lodges a sum fixed by the court as a guarantee against any damage that the debtor might suffer as a result of the interim measure being issued and executed.

Instead of the interim measure, a creditor can suggest to the court immediately or during the security procedure, to order the debtor to make a security deposit. Such a suggestion can be also made by the debtor himself.

Interim measures are in some cases issued *ex officio* (procedures concerning violation of the quiet enjoyment of possession, procedures in marital disputes and in disputes in relationship between parents and children to protect the best interest of a child).

Pledge

A pledge as a form of security can be issued only to protect pecuniary claims.

A pledge can be issued in execution procedures and in security procedures.

8.2 Fees

There is a special security procedure under Slovenian law, applicable to all types of litigation which enables the creditor to establish appropriate security for his claim either with the help of attachments, interim measures or with a pledge. The security deposit is randomly used and can never be the only possibility for securing the creditor's claim. Pledge is never automatically required.

Pledges are not required more often in cross border litigations, because pledges are optional under Slovenian law. It is a creditor's discretionary right to request a pledge as a security for his claims.

If the plaintiff does not prove that the security deposit for the costs of proceedings was made, it is considered that the plaintiff's suit was withdrawn. The amount of a security deposit is determined by the court in every case separately, according to the actual costs that are foreseen to occur.

1. Bailiff, section 4.1.
2. Court fees - Court Fees Act, section 2.2. par. 2. Proposal on insurance of a claim filed in accordance with the Enforcement of Judgments in Civil Matters and Insurance of Claims Act section 3.2, point 7.
3. Attorney's tariff, section 3.1.3. Proposal for preliminary injunction and objection against the preliminary injunction, plus insurance of pecuniary claim with the mortgage and settlement on the basis of an agreement = 50 percent of the tariff no. 8 of the Attorney's Tariff.

8.3 Payment

Section 4.5., 2.1., 2.2. and 2.6.

See also section 5.3.

8.4 Practical questions

See 8.1 General.

8.5 Conclusions and recommendations

Our general opinion on the costs regarding pledges and security deposits is, that although such information exists and is accessible, there is a low level of transparency. Sometimes it is difficult for a lay person to make a precise calculation of costs, since an average citizen might not consider all sorts of costs (e.g. Initiating fees, bailiff fees, etc.) before filing a motion for the issue of an interim measure of an attachment in aid of execution.

Our recommendations would be to set up a common website informing citizens on various costs of justice, possibly also including web tools for calculation of such costs (to alleviate problems related to different systems of points as used in different regulations etc.) and to translate the relevant legislation, information and web tools into foreign languages. Furthermore, such website should make available

also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

9 Court decisions

9.1 Cost of notification

Under Slovenian law court decisions do not have to be published, only promulgated/declared. Such promulgation is free. Notifications of court decisions and other court writings is made by post, by court officials, in the court, or in another manner provided by law. A court may also order, upon a proposal by the opposite party, that the notification is performed by a person performing notifications on the basis of a special permit issued by the Minister of Justice. This type of service is usually proposed if a party does not accept regular post from the court or can not be found. The party that proposes such a notification must make an advanced payment of the costs of such notification in the amount as determined by the trial judge considering the expected actual costs of notification.

In case one of the parties does not understand the official language of the court and, the court decision needs to be translated (see above, section 6).

Enclosed, see also the table of the District Court in Ljubljana regarding the litigation files.

9.2 Cost of obtaining an authenticated decision

The **costs of obtaining the enforcement of a decision** consist of court fees, regular proceeding costs (attorneys' fees, notification, etc.) and of the payment for the work of the enforcement officer (bailiff fees). With respect to the general rules on court fees and bailiff fees, see sections... and ... above. Bailiff fees are measured according to the value of the matter and according to the type of action. Seizure fees are also measured according to the Rules on the tariff payable for the enforcement officer's services and on the reimbursement of expenses relating to

their services. Costs of seizure proceedings are determined by the type of the action that has to be taken and the amount of the claim to be safeguarded.

In case of enforcement of a court decision in labour disputes, there is no court fee.

Payments for drawing up an inventory of movable property depend on the value of the claim: for example, if the claim is worth between 625,94 EUR and 4.172,93 EUR the fee is 166,92 EUR; if the claim is worth between 4.172,93 EUR and 104.323,15 EUR, the fee is 312,97 EUR. Where the movable property is taken into safekeeping, the fee depends on the weight of the items and on how long they are kept. For example, the fee for keeping goods in closed premises is 0,42 EUR for each seven-day period commenced and for each 100 kg or a part thereof.

According to the tariff No. 1 - Rules on the tariff payable for the enforcement officers services and on the reimbursement of expenses relating to their services (Official Gazette of the Republic of Slovenia, No. 18/2003) seizure costs depend on the value of the matter:

- if the value of the matter is less or equals 210 EUR, the fee is 52,52 EUR ;
- if the value of the matter is between 210 EUR and 630 EUR, the fee is 105 EUR;
- if the value of the matter is between 630 EUR and 4.200 EUR, the fee is 168 EUR;
- if the value of the matter is between 4.200 EUR and 10.500 EUR, the fee is 315 EUR;
- if the value of the matter is between 10.500 EUR and 21.000 EUR, the fee is 357 EUR;
- if the value of the matter is between 21.000 EUR and 42.000 EUR, the fee is 420 EUR;
- if the value of the matter is more than 42.000 EUR the fee is 1% of the EUR value of the matter but not more than 525 EUR.

Fee for organization and realization of the compulsory sale is measured according to the tariff No. 1 of the Rules on the tariff payable for the enforcement officer's services and on the reimbursement of expenses relating to their services (Official Gazette of the Republic of Slovenia, No. 18/2003), which is explained above.

The steps and costs of obtaining an attachment are:

- For filing an application for the attachment, the creditor shall pay a court fee of 7,93 EUR.
- For issuing an attachment, the creditor shall pay 7,93 EUR of court fees.
- The creditor must cover in advance the costs of the enforcement officer (bailiff). The costs of bailiff are measured by the value and type of the matter, according to the Rules on the tariff payable for the enforcement officer's services and on the reimbursement of expenses relating to their services as explained in section

The steps and costs of obtaining an interim measure are:

- Creditor files an application for the attachment: court fee is 7,93 EUR.
- For issuing an interim measure, the creditor shall pay 7,93 EUR of court fee.
- Costs of seizure proceedings are determined by the type of the action that has to be taken or on the amount of the claim to be safeguarded. Payments for drawing up an inventory of movable property depend on the value of the claim: for example, if the claim is worth between 625,94 EUR and 4.172,93 EUR the fee is 166,92 EUR; if the claim is worth between 4.172,93 EUR and 104.323,15 EUR, the fee is 312,97 EUR. Where movable property is taken into safekeeping, the fee depends on the weight of the items and how long they are kept. For example, the fee for keeping goods in closed premises is 0,42 EUR for each seven-day period commenced and for each 100 kg or a part thereof. Organization and realization of the compulsory sale is measured according to the tariff No. 1 of the Rules on the tariff payable for the enforcement officer's services and on the reimbursement of expenses relating to their services.

To obtain an authenticated copy of a court decision is free of charge.

10 Legal aid

10.1 General

You can get information on free legal aid on public web sites such as:

- http://ec.europa.eu/civiljustice/legal_aid/legal_aid_slj_sl.htm;

- <http://e-uprava.gov.si/e-uprava/dogodkiPrebivalci.euprava?zdid=810>;

- <http://sodisca.av-studio.si/default.asp?idall=1072&showin=all>

and private web sites such as:

- www.pic.si;

http://www.ljudmila.org/~cnvoswww/dostop/index.php?option=com_content&task=view&id=12&Itemid=32. The information on these web sites is free.

The information on free legal aid can also be found in a leaflet issued by PIC (Legal-information Centre for NGOs - LIC). One can also call the district courts or Legal-information Centre for NGOs - LIC and members of trade unions can also contact the respective trade unions (Zveza svobodnih sindikatov Slovenije, KNSS-Neodvisnost, konfederacija novih sindikatov Slovenije, Pergam). Most attorneys will also provide general information on legal aid for free.

Regulations that regulate legal aid are:

1) Free Legal Aid Act - official consolidated version, Official Gazette of the Republic of Slovenia, No. 96/2004;

2) Instruction on keeping and the contents of records concerning free legal aid, Official Gazette of the Republic of Slovenia, No. 75/2001;

3) Rules on the application form for granting free legal aid and the submission of documents, Official Gazette of the Republic of Slovenia, No. 75/2001, 29/2007;

4) Rules on terms and conditions for the entry into the register of persons offering free legal aid, Official Gazette of the Republic of Slovenia, No. 83/2001, 42/2005, 32/2007;

5) Instructions on the keeping of and the contents of the records in cross-border disputes, Official Gazette of the Republic of Slovenia, No. 3/2005;

6) Rules on the form of the referral, Official Gazette of the Republic of Slovenia, No. 126/2004;

7) Civil Procedure Act (consolidated text), Official Gazette, No. 12/2003.

Only Free legal aid act and Civil procedure act are available in English. The translations are not official and are not publicly accessible.

These regulations are available on the following web sites:

- <http://zakonodaja.gov.si/>;

- <http://www.dz-rs.si/index.php?id=101>;

- <http://www.uradni-list.si/main.cp2>;

- http://www.mp.gov.si/si/zakonodaja_in_dokumenti/zakoni/.

Exemptions from payment of court fees and other costs in addition to legal aid

In addition to the legal aid as described above and further in sections 10.2 to 10.4, there is also a possibility of exempting an individual, an independent entrepreneur or a legal entity from payment of court fees and advancements for cost of witnesses, expert examinations, inspections and court announcements. The conditions for such an exemption are set forth in Article 168 of the Civil Procedure Act and are generally less strict and the proceedings much less formalized than in the legal aid procedures.

An individual may be exempted from payment of the enumerated costs of proceedings if he is not able, with respect to his severe financial circumstances, to cover these costs without detriment to the maintenance of his family. Such costs are paid by the court from its own financial sources. If so requested by such an exempted individual, the court may also appoint an attorney to protect his interests (if this is urgently required to protect his rights) and exempt the respective individual from payment of his attorney's fees. Also such an attorney is paid by the court.

An individual may also be exempted from payment of the court fees only if such payment would substantially reduce the means of her maintenance or the maintenance of her family. In such a case, the court may also allow deferred payment of court fees or payment of court fees in several instalments.

An independent entrepreneur or a legal entity may only be exempted from payment of certain enumerated court fees (generally court fees for a suit, appeal and similar, but not court fees for judgments), provided that such an entrepreneur or a legal entity does not have the necessary means to pay the court fees and can also not obtain such means without endangering its business activity. In such a case, the court may also allow deferred payment of court fees or payment of court fees in several instalments.

Decisions on the above mentioned exemptions are adopted by the first instance court.

The Civil Procedure Act contains further detailed provisions on the proceedings applicable to exemptions regulated in Article 168 of the Civil Procedure Act, on the possibility of the court to revoke the exemptions should a party become able to cover the costs, and on the repayment of such costs after completion of procedures (depending on whether the party exempt from payment wins or loses).

Legal aid does not cover the following demerits: adoption, pensions, health, war veterans, consumer protection (commercial and civil law), representation and agency (commercial law), contracts (civil law), education, lease, real property, civil status.

Maximum income for which it is possible to have the advantage of legal aid is 538.53 EUR gross per one member of the family; average income per inhabitant in Slovenia is 1,279.40 EUR gross or 833.08 EUR net.

If a person eligible for legal aid wins the case and its costs and expenses are to be borne by the opposite party, the amount of awarded costs as previously paid within the framework of legal aid is transferred to the Republic of Slovenia.

If (i) a person eligible for legal aid is successful in the proceedings and on the basis thereof acquires property other than maintenance or compensation for non-pecuniary damage due to diminished capacity in everyday activity and (ii) the opposite party fails to pay the costs of proceedings, such costs have to be paid by the person eligible for legal aid.

If a person eligible for legal aid is partially or entirely successful in the proceedings and on the basis thereof the court awards him property or incomes, he is obliged to repay to the Republic of Slovenia the difference between the costs effectively paid as legal aid and the amount repaid by / collected from the opposite party as compensation for the costs of proceedings.

If a person eligible for legal aid is not successful in the proceedings, he is not obliged to repay the costs paid within the framework of legal aid, unless his financial or material position improves within one year of the day of the decision on completion of the respective proceedings becoming final to such an extent that he is capable of repaying, entirely or partially, the interest-free costs incurred within

the framework of legal aid (e.g. receipt of inheritance, gift, change of jobs, winning a game of chance).

10.2 Conditions of a grant

According to Article 10 of the Free Legal Aid Act - official consolidated version (Official Gazette of the Republic of Slovenia, No. 96/2004), persons entitled to legal aid in cases without an international element are the following:

- citizens of the Republic of Slovenia with a permanent residence in the Republic of Slovenia;
- aliens holding a permit for permanent or temporary residence in the Republic of Slovenia and stateless persons residing legally in the Republic of Slovenia;
- other aliens subject to the condition of reciprocity or under the conditions and in cases laid down in international treaties binding the Republic of Slovenia;
- non-profitable non-governmental organizations and associations that operate in public interest and that are entered in the appropriate register pursuant to the valid legislation, in relation to disputes involving the performance of activities in the public interest or activities for the purpose of which they were founded and
- other persons determined by law or an international treaty binding the Republic of Slovenia to be persons eligible for legal aid,

which, in view of their financial position and that of their families, are not able to cover the costs of legal proceedings on their own, without jeopardizing their financial position and the financial position of their families. Their financial position is assessed on the basis of their monthly income and that of their families, and the property owned by them and their families (regular - ordinary Free Legal Aid). Persons entitled to free legal aid are subject to different rules depending on whether the case concerning is a domestic dispute or a dispute with cross-border elements.

If a petitioner for the free legal aid receives cash social assistance, he is entitled to the free legal aid without questioning his financial position and that of his family (exceptional free legal aid).

If a petitioner or his family has savings or property in the value of more than 20 minimum salaries, the free legal aid is not granted.

The body responsible for legal aid (generally, president of the district court, Article 2, par. 2 of the Legal Aid Act) decides on entitlement to free legal aid on the basis of a petitioner's application and according to a precise examination of the matter.

The conditions to grant free legal aid to a petitioner are as follows:

- the matter is not clearly unreasonable, and
- the matter is important for the petitioner's personal and socio-economic status, and
- the expected outcome of the matter is of vital importance for the petitioner or his family, and
- the matter is likely to succeed and it is reasonable to institute it or defend it or - complain in the proceeding using legal remedies with respect to the outcome of the matter, and
- the unsolved matter is the reason for which the person has found himself in distress.

In cases concerning alleged violations of human rights and fundamental freedoms, where the petitioner for the free legal aid wants to file a constitutional complaint with the Constitutional Court of the Republic of Slovenia, or start the procedure in front of International Tribunals or Arbitrations, the above conditions do not have to be met.

Once a petitioner has been informed of the decision granting free legal aid, the specialized department for free legal aid (of the competent court - see below) issues a referral document containing the petitioner's personal details, a description of the case for which free legal aid is granted, the form and extent of the legal aid granted and other information laid down in the relevant regulations (Rules on the form of the referral, Official Gazette of the Republic of Slovenia, No. 126/2004). Once the legal aid services have been performed, the petitioner must return this referral document to the specialized legal aid department as soon as all the records of expenditure and certificates of exemption from payment of costs have been attached to it.

Free legal aid can be granted to entities other than a natural person, but only to the not-profitable non-governmental organizations and associations that operate in the public interest and that are entered in the appropriate register pursuant to the valid legislation, in relation to disputes involving the performance of activities in the public interest or activities for the purpose of which they were founded.

Free legal aid can be granted to a national involved in a cross-border case where the competent court is located in another member state. The conditions for such a legal aid are the same as in described above.

Free legal aid includes the first free legal advice. First free legal advice includes explanation of the procedure of filing a free legal aid request and explanation about the necessary documents that have to be enclosed to the free legal aid request in the Member State in which the competent court is located.

There are two cases of cross-border situations:

a) Petitioner residing in another Member State, the competent court and legal aid organism are located in the Republic of Slovenia:

The request for free legal aid and all documents enclosed to the request have to be translated into Slovenian language.

Regardless of the fact that the petitioner or his family have savings or property worth more than 20 minimum salaries, the petitioner gains free legal aid if he proves that because of the difference in living expenses between Slovenia and the respective Member State, he is not able to cover the costs of legal proceedings on his own without jeopardizing his social position and the social position of his family.

The body responsible for free legal aid decides on entitlement to free legal aid on the basis of the petitioner's application and according to a precise examination of the matter, considering also the possible existence of any other ways of covering the expenses of the legal proceedings, especially potential petitioner's insurance coverage covering the costs of legal advice and representation and costs of judicial proceedings.

Free Legal Aid is granted for the procedure of first instance and for the appeal.

b) The petitioner resides and the legal aid organism is located in the Republic of Slovenia, the competent court is located in another Member State:

A petitioner files a request for free legal aid at the District Court where he permanently or temporarily resides on the form determined by the European Commission and published in the Official Journal of the European Union or on the form determined by the legal provisions of a Member State in which the competent court is located. The request for free legal aid is then sent to the Ministry of Justice of the Republic of Slovenia except in case the matter is clearly unreasonable. Nevertheless, a petitioner can file a request for free legal aid directly to the body competent for accepting requests for free legal aid in the member state where the competent court is located. The request and all required supporting documents have to be translated into the language of the member state where the competent court is located. If the request and the required documents are not translated, Legal aid professional service assures the translation. Legal aid professional service helps the rightful claimant to file a request for free legal aid and makes sure that all the required documents are enclosed. The Ministry of Justice (body sender) sends the request for free legal aid along with the required documents (in appropriate language) to the body responsible for receiving such requests in the member state where the competent court is located (body receiver).

The body responsible to grant free legal aid is the legal aid authority operating at the court based in the region where the petitioner has a permanent or temporary residence or where his head office is based:

- the relevant district court in matters for which courts of general jurisdiction are competent;
- labour and social courts in matters involving individual and collective labour and social disputes;
- the relevant administrative court in matters involving administrative disputes; and
- the court from the aforesaid courts whose jurisdiction covers constitutional action, petitions for assessment of constitutionality and lawfulness, disputes before international courts, and out-of-court settlement of disputes.

If the petitioner - an alien or a stateless person - does not have a permanent or temporary residence in the Republic of Slovenia, the decision on the application for

free legal aid is granted by the legal aid authority operating at one of the courts selected by the petitioner.

In case request for free legal aid is denied or withdrawn by the rightful claimant in a member state where the body receiver is located, the legal aid authority claims back the costs of translation of the required documents.

The body responsible for granting free legal aid (Legal Aid Authority) has to act according to the General Administrative Procedure Act - official consolidated text (Official Gazette, No. 24/2006). The decision of the body responsible for granting free legal aid can not be subject to an appeal, but can be a subject of a judicial review of administrative acts.

10.3 Strings attached

All rightful claimants according to Article 10/1 of the Free Legal Aid Act (Official Gazette of the Republic of Slovenia, No. 96/2004) have the right to free first legal advice without fulfilling the conditions defined in the Free Legal Aid Act. Each rightful claimant has the right to only one free legal advice in the same matter.

The first free legal advice may also be given to eligible persons within the general administrative procedure in matters involving health, pension, disability, social insurance and insurance in the event of unemployment. Nevertheless, free legal aid can not be granted in administrative procedures, only in court procedures.

Free Legal Aid can also cover the enforcement of the court decisions.

The legal aid authority can:

- determine a different scope of individual forms of legal aid if it estimates that individual forms of legal aid will achieve the expected result;
- grant legal aid for the requested forms of legal aid only partially in such a manner as to link the approval to the completion of individual stages of the proceedings in the same matter (e.g. in the first stage legal advice with an attorney exclusively, in the second stage legal advice and representation in the proceedings in the first instance following the attorney's advice and recommendation);

- determine or restrict the type of services or the number of hours of legal advice;
- restrict the legal aid to a specified quantity or type of evidential material related to disproportionate costs.

The Legal Aid Authority can link the approval of legal aid to a specified deadline and conditions (e.g. deadline for out-of-court settlement, deadline for filing an appeal).

According to Article 1/1 of the Free Legal Aid Act, free legal aid encompasses the exercise of the right to judiciary protection, where judiciary protection includes protection of rights, obligations, legal relationships and protection against charges in criminal cases before legally authorized domestic and international courts, and also all defined forms of out-of-court settlement of disputes, when so determined by law.

If free legal aid can be granted in ADR proceedings, it can be also granted in proceeding of enforcement of an ADR decision. Nevertheless, free legal aid can not be granted for direct acts of enforcement.

There is no automatic right to free legal aid in case the lower court's decision is appealed. The person eligible for free legal aid must file the request for free legal aid once again. It is necessary to provide a precise explanation for such aid. Only in case of domestic cross-border dispute it is possible to obtain legal aid in first and second instance.

According to the Article 41 of the Free Legal Aid Act, a petitioner for the free legal aid has to fulfil the criteria/conditions for free legal aid the whole time for which free legal aid is granted and also a year after the matter is finally closed. From the time free legal aid is granted till the final costing (until the final calculation of costs, Article 41, par. 1 of the Legal Aid Act.) the rightful claimant must regularly inform the specialized department for free legal aid about all the facts, conditions and especially changes that would influence his right to free legal aid. The rightful claimant has to notify the specialized department for free legal aid about any such change within 8 days of becoming aware of it.

10.4 Practical questions

Free legal aid covers the costs of legal help in full or in part and exemption from the costs of court proceedings. In practice, this encompasses the costs of legal advice, legal representation before general courts, specialized courts, the Slovenian constitutional court, international courts and before all bodies, institutions and persons in Slovenia which have jurisdiction for out-of-court settlement of disputes, and exemption from paying the cost of court proceedings.

The approved legal aid does not cover the repayment of opposite party's costs (court fees, attorney fees, expenses).

If a person eligible for legal aid wins the case and its costs and expenses are to be borne by the opposite party, the amount of awarded costs as previously paid within the framework of legal aid is transferred to the Republic of Slovenia.

If (i) a person eligible for legal aid is successful in the proceedings and on the basis thereof acquires property other than maintenance or compensation for non-pecuniary damage due to diminished capacity in everyday activity and (ii) the opposite party fails to pay the costs of proceedings, such costs have to be paid by the person eligible for legal aid.

If a person eligible for legal aid is partially or entirely successful in the proceedings and on the basis thereof the court awards him property or incomes, he is obliged to repay to the Republic of Slovenia the difference between the costs effectively paid as legal aid and the amount repaid by / collected from the opposite party as compensation for the costs of proceedings.

If a person eligible for legal aid is not successful in the proceedings, he is not obliged to repay the costs paid within the framework of legal aid, unless his financial or material position improves within one year of the day of the decision on completion of the respective proceedings becoming final to such an extent that he is capable of repaying, entirely or partially, the interest-free costs incurred within the framework of legal aid (e.g. receipt of inheritance, gift, change of jobs, winning a game of chance).

10.5 Conclusions and recommendations

Information on legal aid is easily accessible. Nevertheless, our recommendations would be to set up a common website informing citizens on legal aid. Such website should make available also practical answers to various questions in the form of Q&A and the results of comprehensive statistical studies with statistics on the costs of procedure.

11 Personal experience:

Although information on all sources of costs exists and is accessible, access to information regarding costs of justice is not very well organized. This is especially true for average citizens when trying to determine costs in advance. The information available is fragmented, some can be obtained at the Ministry of Justice, others at the courts or some specialized NGO's dealing with legal aid. Access to information for foreign citizens is even more difficult as the applicable legislation is not translated. Several improvements could and should be made: centralized information, probably by setting up a centralized website, a comprehensive statistical study on the actual costs of justice in various legal procedures. Such a study would offer a more realistic insight on the extent how far costs of justice present an obstacle or facilitate efforts to realize individual's legal rights. Legal aid system which is currently in place might benefit from certain simplifications in order to run an efficient legal aid system in the country.

12 Case studies

12.1 Case study 1

Case n° 1

Presumptions:

- Spouses have reached an agreement regarding the custody, education and child maintenance and an agreement on division of assets,
- There was only one hearing.
- Assets value amounts to EUR 125,000.00.

Case	Court			Appeals			ADR	
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Study								
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Matrimonial suit - 31,72 EUR (400 points)	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).	Court decision 31,72 EUR (400 points)	X (agreement)	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).	X	X	n/a
Case B	See case A	See case A	See case A	See case A	See case A	See case A	See case A	See case A

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	no	Complaint - 160 points or 73.44 EUR (+ 20% VAT) Answer to the complaint & First preparatory	no	n/a	n/a	no	n/a

		application & Legal representation on the first hearing - each according to the general tariff - 1,300 points or 596.70 EUR (+ 20% VAT)					
Case B	no	See case A increased up to 100 percent	See case A	See case A	See case A	See case A	See case A

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	As both parties agreed to a divorce, there is no unsolved conflict between them and no need for proving anything through witnesses.	/	In the proceedings in matrimonial actions and the proceedings in actions concerning the relations between parents and children, the court may render, upon a motion by a party or ex officio, interim measures concerning the care and maintenance of the children as well as on the removal of a spouse from a common dwelling, if this is required to prevent violence. Such interim measures are issued according to the Execution of Judgments in Civil Matters and Insurance of Claims Act. Because of the agreement on separation, in this case interim measures are not likely.	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		
Case B	Yes, potential witnesses are compensated:	Costs depend on the	The same as above.	The same as above.		

	<p>-for traveling costs, - accommodation and food and -earnings lost.</p>	<p>actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the receipts that witness submits to the court. (Example: train ticket from state A to state B- 50 EUR, lunch- 5 EUR, loss of earnings- determined by the court in every case separately), if proven by the witness in practice. Witnesses usually request compensation only for the</p>				
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		costs of traveling.				
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Case	Legal Aid		Conditions	Reimbursement			
	When and under which conditions is it applicable?	When is support total?		Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Free legal aid can be granted if one of the divorcing couple meets the conditions determined by the Free legal aid act. Free legal aid can be granted also in ADR proceeding.	The support can be total if on of the parties requests free legal aid for the notification of the agreement on the divorce at the notary public, and for costs of procedure before the court, which consist mainly from court fees. A party can get the referral for the representation by the attorney. In this case the costs of attorney are determined according to the Attorney's tariff and paid from the funds of the court.		In this case both parties cover their own costs.	70-80%	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself.	/
Case B	Free legal aid can be granted to the spouse			In this case both parties cover their own costs.	70-80%		

residing in state B if he meets the conditions determined by the Free legal aid act.							
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Case	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	Not necessary	None	Not necessary	None		
Case B	Not necessary - they would probably both know the language of the Member State B since they lived in the Member State B together	None	Necessary only if they will not know the legal system of the Member State B	It depends on the difficulty and professional expertise of the service and on the length of the documents that has to be interpreted all according to the Rules on Court Interpreters		

12.2 Case Study 2

Case n° 2

Presumptions:

- Spouses have reached an agreement regarding the custody, education and child maintenance and an agreement on division of assets,
- There was only one hearing.
- The disputed matter value amounts to EUR 125,000.00.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Suit - 19,83 EUR (250 points); Respond to suit- 9.915 EUR (50% of a court fee for suit)	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).	Judgment - 19,83 EUR (250 points)	Appeal against judgment - 19,83 EUR (250 points)	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).			
Case B	See case A	See case A	See case A	See case A	See case A	See case A	See case A	See case A

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Complaint - 160 points or 73.44 EUR (+ 20% VAT) Answer to the complaint & First preparatory application & Legal representation on the first hearing - each according to the general tariff - 1,300 points or 596.70 EUR (+ 20% VAT)	no	n/a	n/a	Only to decide whether custody is executed within the anticipated range	Please see point 5.2 of the Country Report
Case B	No	See case A increased up to 100 percent	See case A	See case A	See case A	See case A	See case A

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	Yes, witnesses are compensated: -for traveling costs, - accommodation and food and -earnings lost.	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request	In the proceedings in matrimonial actions and the proceedings in actions concerning the relations between parents and children, the court may render, upon a motion by a party or ex officio, interim measures	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		

		compensation only for the costs of traveling.	concerning the care and maintenance of the children as well as on the removal of a spouse from a common dwelling, if this is required to prevent violence. Such interim measures are issued according to the Execution of Judgments in Civil Matters and Insurance of Claims Act.			
Case B Predpostavlja mo, da je SLO state A.	Yes, witnesses are compensated for traveling expenses, accommodation and food and earnings lost.	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request compensation only for the costs of traveling.	In the proceedings in matrimonial actions and the proceedings in actions concerning the relations between parents and children, the court may render, upon a motion by a party or ex officio, interim measures concerning the care and maintenance of the children as well as on the removal of a spouse from a common dwelling, if this is required to prevent violence. Such interim measures are issued according to the Execution of Judgments in Civil Matters and Insurance of Claims Act.	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Free legal aid can be granted if one of the persons meets the conditions determined by the Free legal aid act.	When the party that was granted free legal aid, wins the case.	The losing party has to pay the costs of the procedure, or the winning party is subsidiary obliged to pay the costs of the proceeding.	Yes.	70-80%	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself.	No.
Case B	Free legal aid can be granted if one of the persons meets the conditions determined by the Free legal aid act.	The party requesting for free legal aid must request free legal aid for the costs of procedure, and for legal advice and presentation.	When the party that was granted free legal aid, wins the case and the other party voluntarily pays the costs of the procedure.	Yes.	Which are the costs of the procedure that are not paid by the opposing party is determined by the court in every case separately, according to actual facts.	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself.	No.

Case	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	Not necessary	None	Not necessary	None		

Case B	Not necessary - the mother would probably know the language of the Member State A since she lives in the Member State A	None	Necessary only if the mother would not know the legal system of the Member State A	It depends on the difficulty and professional expertise of the service and on the length of the documents that has to be interpreted all according to the Rules on Court Interpreters		
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12.3 Case Study 3

Case n° 3

Presumptions:

- Spouses have reached an agreement regarding the custody, education and child maintenance and an agreement on division of assets,
- There were two hearings.
- The disputed matter value amounts to EUR 125,000.00.

Case Study	Court				Appeals		ADR	
		Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Suit- 19,83 EUR (250 points); Respond to suit - 9,915 EUR (50% of a court fee for suit)	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).	Judgment 19,83 EUR (250 points)	Appeal against judgment - 19,83 EUR (250 points)	Certified copies of documents : 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).			
Case B	See case A	See case A	See case A	See case A	See case A	See case A	See case A	See case A

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Complaint - 160 points or 73.44 EUR (+ 20% VAT) Answer to the complaint & First preparatory application & Legal representation on the first hearing - each according to the general tariff - 1,300 points or 596.70 EUR; Second preparatory application & Legal representation on the second hearing - each according to the general tariff - 650 points or 298.35 EUR (+ 20% VAT)	no	n/a	n/a	No	Please see point 5.2 of the Country Report
Case B	No	See case A increased up to 100 percent	See case A	See case A	See case A	See case A	See case A

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	Witnesses are compensated for the traveling expenses, accommodation	Costs depend on the actual costs of traveling, actual costs of	In the proceedings in matrimonial actions and	7,93 EUR for the motion for an		

	and food and earnings lost.	accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request compensation only for the costs of traveling.	the proceedings in actions concerning the relations between parents and children, the court may render, upon a motion by a party or ex officio, interim measures concerning the care and maintenance of the children as well as on the removal of a spouse from a common dwelling, if this is required to prevent violence. Such interim measures are issued according to the Execution of Judgments in Civil Matters and Insurance of Claims Act.	interim measure and 7,93 EUR for the court order		
Case B	Witnesses are compensated for the traveling expenses, accommodation and food and earnings lost.	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request compensation only for the costs of traveling.	In the proceedings in matrimonial actions and the proceedings in actions concerning the relations between parents and children, the court may render, upon a motion by a party or ex officio, interim measures concerning the care and maintenance	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		

			of the children as well as on the removal of a spouse from a common dwelling, if this is required to prevent violence. Such interim measures are issued according to the Execution of Judgments in Civil Matters and Insurance of Claims Act.			
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Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Free legal aid can be granted if one of the persons meets the conditions determined by the Free legal aid act.	The party requesting for free legal aid must request free legal aid for the costs of procedure, and for legal advice and presentation.	When the party that was granted free legal aid, wins the case and the other party voluntarily pays the costs of the procedure.	Yes.	Which are the costs of the procedure that are not paid by the opposing party is determined by the court in every case separately, according to actual facts.	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself	No.
Case B	Free legal aid can be granted if one of the persons meets the conditions determined by the Free legal aid	The party requesting for free legal aid must request free legal aid for the costs of procedure, and for legal advice and	When the party that was granted free legal aid, wins the case and the other party	Yes.	Which are the costs of the procedure that are not paid by the opposing party is determined by the court in every case separately,	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself	No.

	act.	presentation.	voluntarily pays the costs of the procedure.		according to actual facts.		
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Case	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	Not necessary	None	Not necessary	None		
Case B	Not necessary - the mother would probably know the language of the Member State A since she decided to move and to sue in the Member State A	None	Necessary only if the mother would not know the legal system of the Member State A	It depends on the difficulty and professional expertise of the service and on the length of the documents that has to be interpreted all according to the Rules on Court Interpreters		

12.4 Case Study 4

Case n° 4

Presumptions:

- There were two hearings.
- The disputed matter value amounts to EUR 20,000.00.

Case Study	Court			Appeals			ADR	
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Suit -	Certified	Judgment	400 EUR	Certified			

	100 EUR (1% of the amount requested in the claim, decreased by 50%); Respond to a suit - 100 EUR (1% of the amount requested in the claim, decreased by 50%).	copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).	- 200 EUR (1% of the amount requested in the claim)	(1% of the amount requested in the claim, increased by 100%)	copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).			
Case B	See case A	See case A	See case A	See case A	See case A	See case A	See case A	See case A

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Complaint & Answer to the complaint & First preparatory application & Legal representation on the first hearing - each according to the general tariff - 600 points or 275.40 EUR (+ 20% VAT) Second preparatory application & Legal representation on the second hearing - each according to the general tariff - 300 points or 137.70 EUR	no	n/a	Please see point 4.1 and 4.4 of the Country Report	no	Please see point 5.2 of the Country Report

		(+ 20% VAT)					
Case B	No	See case A increased up to 100 percent	See case A	See case A	See case A	See case A	See case A

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	Yes, witnesses are compensated for the traveling expenses, accommodation and food and earnings lost.	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request compensation only for the costs of traveling.	Interim measures are possible to secure the debtors claim.	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		
Case B	Yes, witnesses are compensated for the traveling expenses, accommodation and food and earnings lost.	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request compensation only for the costs of traveling.	Interim measures are possible to secure the debtors claim.	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		

Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Free legal aid can not be granted because the seller and the buyer are not natural person.	/	/	Yes.	70-80%	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself.	/
Case B	Free legal aid can not be granted because the seller and the buyer are not natural person.	/	/	Yes.	70-80%	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself.	

Case	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	Not necessary	None	Not necessary	None		
Case B	In this case the translation of the contract in dispute from language of the	If the translation would be made by a court	Necessary only if there would be some uncertainties in the translation of the disputed	It depends on the difficulty and professional expertise of		

	Member State B to language of the Member State A would be probably essential for a proper representation of case before the court for the attorney of the seller.	<p>interpreter the cost of his/her service would depend on the difficulty and professional expertise of the service and on the length of the documents that would have to be interpreted all according to the Rules on Court Interpreters.</p> <p>If the translation would be made by a translator the cost of his/her service would depend on the difficulty and professional expertise of the service and on the length of the documents that would have to be interpreted all according to his/her pricelist or the pricelist of the translation agency that he/she works for.</p>	contract.	the service and on the length of the documents that has to be interpreted all according to the Rules on Court Interpreters.		
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12.5 Case Study 5

Case n° 5

Presumptions:

- There were three hearings.
- The disputed matter value amounts to EUR 100,000.00.

Case	Court			Appeals			ADR	
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Study								
	Initial court fees	Transcription fees	Other fees	Initial court fees	Transcription fees	Other fees	Is this option open for this type of case?	Costs
Case A	Suit - 100 EUR (1% of the amount requested in the claim, decreased by 50%); Respond to a suit - 100 EUR (1% of the amount requested in the claim, decreased by 50%).	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).	Judgment - 200 EUR (1% of the amount requested in the claim)	Appeal against judgment - 400 EUR (1% of the amount requested in the claim, increased by 100%)	Certified copies of documents: 5 points per page (0.3965 EUR); Documents from the court file: 5 points per page (0.3965 EUR).			

Case Study	Lawyer		Bailiff			Expert	
	Is representation compulsory?	Average costs	Is representation compulsory?	Pre-judgment costs	Post-judgment costs	Is use compulsory?	Cost
Case A	No	Complaint & Answer to the complaint & First preparatory application & Legal representation on the first hearing - each according to the general tariff - 1,200 points or 550.80 EUR (+ 20% VAT) Second preparatory application - according to the general tariff - 900 points or 413.10 EUR (+ 20% VAT)	no	n/a	Please see point 4.1 and 4.4 of the Country Report	no	Please see point and 5.2 of the Country Report

		Third preparatory application & Legal representation on the second hearing - each according to the general tariff - 600 points or 275.40 EUR (+ 20% VAT) Legal representation on the third hearing - according to the general tariff - 300 points or 137.70 EUR (+ 20% VAT)					
Case B	No	See case A increased up to 100 percent	See case A	See case A	See case A	See case A	See case A

Case	Witness compensation		Pledge or security		Other fees	
	Are witnesses compensated?	Cost	Does this exist and when and how is it used?	Cost	Description	Cost
Case A	Yes, witnesses are compensated for the traveling expenses, accommodation and food and earnings lost.	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that witness submits to the court. Witnesses usually request compensation only for the costs of traveling.	Interim measures are possible to secure the debtors claim.	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court order		
Case B	Yes, witnesses are compensated for the traveling expenses, accommodation and food and	Costs depend on the actual costs of traveling, actual costs of accommodation and food and actual earnings lost. The actual compensation is determined by the court according to the invoices that	Interim measures are possible to secure the debtors claim.	7,93 EUR for the motion for an interim measure and 7,93 EUR for the court		

	earnings lost.	witness submits to the court. Witnesses usually request compensation only for the costs of traveling.		order		
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Case	Legal Aid			Reimbursement			
	When and under which conditions is it applicable?	When is support total?	Conditions?	Can the winning party obtain reimbursement of litigation costs?	If reimbursement is not total what is percentage in general?	What costs are never reimbursed?	Are there instances when legal aid should be reimbursed to the legal aid organization?
Case A	Free legal aid can be granted only to the natural person- in this case to the customer.	The party requesting for free legal aid must request free legal aid for the costs of procedure, and for legal advice and presentation.	When the party that was granted free legal aid, wins the case and the other party voluntarily pays the costs of the procedure.	Yes.	Which are the costs of the procedure that are not paid by the opposing party is determined by the court in every case separately, according to actual facts.	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself	

Case B	Free legal aid can be granted only to the natural person- in this case to the customer.	The party requesting for free legal aid must request free legal aid for the costs of procedure, and for legal advice and presentation.	When the party that was granted free legal aid, wins the case and the other party voluntarily pays the costs of the procedure.	Yes.	Which are the costs of the procedure that are not paid by the opposing party is determined by the court in every case separately, according to actual facts.	If costs are a result of the default or of the accident of one party, this party must cover this costs by himself	
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Case	Translation		Interpretation		Other costs specific to cross-border disputes?	
	When and under which conditions is it necessary?	Approximate cost?	When and under which conditions is it necessary?	Approximate cost?	Description	Approximate cost?
Case A	Not necessary	None	None	Not necessary		
Case B	In this case the translations of the relevant documents to this case into the languages of the parties involved would be probably essential for a proper representation of case before the court for the attorneys of the parties.	<p>If the translations would be made by court interpreters the costs of their services would depend on the difficulty and professional expertise of the services and on the length of the documents that would have to be interpreted all according to the Rules on Court Interpreters.</p> <p>If the translation would be made by translators the costs of their services would depend on the difficulty and professional expertise of the services and on the length of the documents that would have to be interpreted all according to their pricelist or the pricelist of the translation agencies that they work for.</p>	In this case would probably be necessary to clear possible uncertainties in the translation of the relevant documents.	It depends on the difficulty and professional expertise of the services and on the length of the documents that would have to be interpreted all according to the Rules on Court Interpreters.		