NATIONAL REPORT FOR SLOVENIA ON CROSS-BORDER SERVICE OF DOCUMENTS

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Project DIGI-GUARD 2023

DIGI-GUARD

Co-funded by the European Union

Digital communication and safeguarding the parties' rights: challenges for European civil procedure – DIGI-GUARD

Project ID: 101046660 — DIGI-GUARD — JUST-2021-JCOO

Questionnaire for National Reports

On the Cross-border Service of Documents

This questionnaire addresses practical and theoretical aspects regarding the service in the Member States of judicial and extrajudicial documents in civil or commercial matters. Each partner should provide substantive answers for their respective Member State (or additional Member State, if specifically stipulated by the coordinator). Where the term "Regulation" is used below, it refers to Regulation (EU) 2020/1784 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

For useful information please refer (among other sources) to:

- Regulation (EU) 2020/1784 of the European Parliament and of the Council of 25 November 2020 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (recast) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32020R1784)
- Impact assessment of the Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=SWD:2018:287:FIN)
- Opinion of the European Economic and Social Committee on a) Proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (COM[2018] 378 final — 2018/203 [COD]) and on b) Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 1393/2007 of the European Parliament and of the Council on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents) (COM[2018] 379 final — 2018/204 [COD]) (https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv%3AOJ.C_.2019.062.01.0056.01.ENG&toc=OJ%3AC%3A2019%3A062%3ATOC)
- The provided information in the European Judicial Atlas in civil matters on the service of documents (https://e-justice.europa.eu/38580/EN/serving_documents_recast)
- Briefing of the European Parliamentary Research Service (EPRS) on the reform of the service of documents regulation (2019) (https://www.europarl.europa.eu/RegData/etudes/BRIE/2019/642240/EPRS_BRI(2019)642240_EN.pdf)
- Other *travaux preparatoires* of the Recast Taking of Evidence Regulation (see e.g. https://www.europeansources.info/record/proposal-for-a-regulation-amending-regulation-ec-no-1393-2007-on-the-service-in-the-member-states-of-judicial-and-extrajudicial-documents-in-civil-or-commercial-matters-service-of-documents/)

The structure of each individual report should follow, to the utmost extent possible, the list of questions enumerated below and the given structure. If authors choose to address certain issues elsewhere within the questionnaire, they are urgently requested to make cross-references and specify where they have provided an answer for the respective question (e.g. "the/an answer to this question is already provided in 1.6."). Following the structure of the questionnaire will enable and ease comparisons between the various jurisdictions.

The list of questions is not to be regarded conclusive. It might be that important issues in certain jurisdictions are not mentioned. Please address such issues on your own initiative where appropriate. On the other hand, questions that are of no relevance for your legal system can be left aside; in this case, you are requested to add a reference to the lack of relevance.

Please provide representative references to court decisions and literature. You are also asked to illustrate important issues by providing examples from court practice. If possible, please include empirical and statistical data. **Where the answer would be "no" or "not applicable", because something is not regulated in your national legal order, if possible please specify how you think it should be regulated**.

Please do not repeat the full questions in your text. There is no limitation as to the length of the reports.

Language of national reports: English.

Deadline: 31 March 2023.

In case of any questions, remarks or suggestions please contact the project coordinators, prof. dr. Vesna Rijavec: vesna.rijavec@um.si and prof. dr. Tjaša Ivanc: tjasa.ivanc@um.si.

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NATIONAL SERVICE OF DOCUMENTS

1. What is the legal basis for service of documents in your Member State? Is there a special act regulating the service of documents within your national legal system.

In Slovenia, service of documents in contentious civil court proceedings is regulated in Chapter 11 (Article 132 and the following) of the Contentious Civil Procedure Act (Zakon o pravdnem postopku[1], shorter ZPP, hereafter: CPA). Service of process is thus regulated by this law, along with the other procedural rules that apply in civil court proceedings. The CPA lays down the procedural rules under which courts shall hear and decide disputes arising out of property and other civil law relations of natural and legal persons, unless any of the said disputes falls within the jurisdiction of a specialised court or a different body under a special Act.

The Non-contentious Civil Procedure Act (Zakon o nepravdnem postopku-1[2], shorter ZNP-1, hereafter NCPA-1) lays down the procedural rules pursuant to which courts shall deal with civil statuses, family and property relations, and other matters for which this Act or another Act stipulates that they shall be resolved in a non-contentious civil procedure. The CPA rules on service apply *mutatis mutandis* also in a non-contentious civil procedure (Article 42 of NCPA-1).

The provisions of the CPA on service shall apply, *mutatis mutandis*, also to the enforcement and security of claims proceedings unless otherwise provided by Enforcement and Security Act (Zakon o izvršbi in zavarovanju[3], shorter ZIZ, hereafter: ESA) or any other Act (Article 15 of ESA).

Some special laws also specifically provide for how service is to be effected in special proceedings, for example Land Register Act (Zakon o zemljiški knjigi -1[4], shorter ZZK-1) and Register of Companies Act (Zakon o sodnem registru[5], shorter ZSReg).

2. Explain the term "service" as used in your national legal system. If there is a legal definition, please quote it.

The Slovenian CPA does not define the term "service".

It means the transfer of a document from the court (or authorised agent on behalf of the court) to the addressee. It also includes, although this is possible only to a very limited degree, sending the briefs and submissions directly between the parties' representatives.

3. How do you define "civil and commercial matters" in your national legal system? Does this definition differ from the term of the Regulation, and if so, in what way?

Slovenian law does not explicitly define the term "civil and commercial matter".

[1] Official Journal RS, nb. 26/99 of 15 April 1999 with subsequent changes and amendments.
[2] Official Journal RS, nb. 16/19 of 15 March 2019.
[3] Official Journal RS, nb. 51/98 of 17 July 1998 with subsequent changes and amendments.
[4] Official Journal RS, nb. 58/03 of 18 June 2003 with subsequent changes and amendments.
[5] Official Journal RS, nb. 13/94 of 10 March 1994 with subsequent changes and amendments.

However CPA determines that it "lays down the procedural rules under which courts shall hear and decide disputes arising out of personal and family relations, and disputes arising out of property and other civil law relations of natural and legal persons, unless any of the said disputes falls within the jurisdiction of a specialised court or a different body under a special Act" (Article 1).

The CPA also specifically regulates the procedure in commercial disputes (Chapter 32). For the purpose of applying specific rules of procedure, the CPA determine the following situations as commercial disputes (Article 481):

1. disputes in which each of the parties is one of the following persons: a commercial company, an institute (including a public institute), a cooperative society, the state or a local community;

2. disputes arising from mutual legal relations of sole traders originating from their gainful activity and to disputes arising from legal relations created between sole traders in relation to their gainful activity and persons referred to in the preceding point.

Notwithstanding the above written provision, the rules of procedure in commercial disputes shall not be applied to real rights disputes regarding immovable and movable property or to disputes for interference with possession.

CPA furthermore specifies that the rules of procedure in commercial disputes shall also apply (Article 482):

1. to disputes between partners, disputes between partners and companies, and disputes between companies and members of management bodies, to which company law is to be applied;

2. to disputes among founders of institutes (including public institutes) arising from their mutual legal relations regarding the foundation, changes in the status or liquidation of institutes;

3. to disputes between members of cooperative societies, disputes between cooperative societies and their members, and disputes between cooperative societies and members of their management bodies, to which law on cooperative societies is to be applied.

The rules of procedure in commercial disputes shall also apply to disputes between the persons referred to in Article 481 and in points 1 to 3 of paragraph one of this Article and the state bodies and organisations vested with public authority when they appear in litigation as parties.

The rules of procedure in commercial disputes shall also apply (Article 483 of CPA):

1. to disputes relating to ships and navigation on the sea and to disputes to which navigation law is applied (navigational disputes), except for disputes on passenger transport;

2. to disputes arising from entries in the court register;

3. to disputes arising from concession contracts;

4. to disputes arising from the annulment of an arbitration agreement and to disputes arising for the annulment of an arbitration award when the arbitration award relates to a dispute which the court were to resolve according to the rules of procedure in commercial disputes;

5. to disputes relating to the protection or use of inventions and distinguishing marks or the right to use a trade name and to disputes relating to the protection of competition;

6. to disputes arising from bankruptcy proceedings.

4. For what purpose does your legal system define the concept "civil and commercial matters"?

See above answer 3.

5. How is the concepts "judicial and extrajudicial documents" defined in your legal system? Does your national legal system distinguish between judicial and extrajudicial documents in the context of (official) service? If yes, please define these categories and give examples.

There is no definition of judicial and extrajudicial documents. The CPA only regulates service of judicial documents. There are no specific rules about service of extra-judicial documents (e.g. notarial deeds)

6. What is the purpose of service of documents? Are there overarching principles of procedures that are intertwined with the service of documents in your Member State?

The purpose of service is, on the one hand, to enable the addressee to know that a procedural act has been carried out by the court or a party and, on the other hand, to provide the court with reliable proof of receipt. Confirmation that a shipment has been genuinely and timely served is a prerequisite for the normal development of the procedure.[6]

Service is a condition for the right to information of a party, which in turn allows the right to be heard, which is fundamental right of Slovenian civil procedure (Article 5 of CPA), determined also in Constitution of the Republic of Slovenia[7] (Article 22). Furthermore, the service enables development of the procedure, which is in line with access to justice or right to a fair trial (Article 23 of Constitution of the Republic of Slovenia).

7. Who is responsible for the service of documents?

The court is responsible for the service of documents (and it usually relies on services of universal post providers). The service shall be performed in line with Articles 132–149 of CPA.

The CPA provides for one exception, which does not (yet) work in practice: If all the parties to the proceedings are represented by lawyers, submissions and attachments may be served directly between the counsel in the course of proceedings, or the court may order them to serve documents on each other directly. Direct service between counsels shall be made by registered mail with a return receipt or by secure electronic means. By agreement, service may also be made in some other manner. A copy of the submission and the proof of service shall be sent to

[6] V. Rijavec, 'Vročanje pisanje in pregled spisov', in L. Ude, N. Betetto, A. Galič, V. Rijavec, D. Wedam Lukić, J. Zobec (eds.), Pravdni postopek, zakon s komentarjem, 1. book, (GV Založba 2005), p. 535.
[7] Official Journal RS, nb. 33/91-I of 28 December 1991 with subsequent changes and amendments.

the court. By agreement of the parties, service may be effected in such manner even if the parties are not represented by counsels who are attorneys (Article 139a of CPA).

It is also the applicant's burden to provide the defendant's residential address at which the document is served.

7.1. If the court is responsible for service: What can be done if the court has failed to act? Can one sue the state and claim damages? Or can one sue the court to initiate the service?

The CPA does not provide for special sanctions in case the court fails to effect service. In case of inactivity of the court, sanctions under the Act on the Protection of the Right to a Trial without Undue Delay (Zakon o varstvu pravice do sojenja brez nepotrebnega odlašanja[8], shorter ZVPSBNO) are applicable. Remedies for the protection of the right to a trial without undue delay under this Act are: an appeal with a proposal to expedite the hearing of the case (so-called supervisory appeal); an application for the fixing of a time-limit (so-called 'time-limit application'); and a request for equitable relief.

It should however be noted that the deadlines (eg prescription or preclusive periods) are interrupted already when the party sends the document to the court and not when the document is subsequently served on the other party.

7.2. If the parties are responsible for service: Within what time frame must service be affected?

Parties are not responsible for service. The CPA provides for one exception, which is not (yet) applied in practice (Article 139a). If all the parties to the proceedings have counsels who are attorneys, submissions and attachments may be served directly between the counsels in the course of proceedings, or the court may order them to serve documents on each other directly. Direct service between counsels shall be made by registered mail with a return receipt or by secure electronic means.

7.3. If the responsibility of service is shared between the court and the parties: Under your Member State's law, how is it determined who is responsible for the service of documents?

Not applicable

7.4. What are the national requirements for a valid service of documents in your Member State?

[8] Official Journal RS, nb. 67/12 of 12 May 2006.

That service is effected in accordance with the CPA rules as described below.

8. What documents must be sent to the respondent? Who prepares the documents?

Both, court documents (e.g. judgment, the summons to the hearing) as well as documents of the other party (e.g. briefs, motions, so called "preparatory submissions") are served on the defendant in the same manner In both situations, the document is sent by the court, which prepares it. However, if the court sends a party's document to the other party, submissions to be served on the opposing party shall be furnished to the court in a sufficient number of copies for the court and for the opposing party, and in such form that they can be served by the court. The same shall also apply to attachments (first paragraph of the Article 106 of CPA).

Submissions and attachments filed by electronic means which are to be served on the opposing party shall be submitted in a single copy. The court shall make as many electronic copies or photocopies as are required for the opposing party (second paragraph of the Article 106 of CPA). If the opposing party consists of several persons who have a common legal representative or counsel, submissions and attachments may be filed for all these persons in a single copy (third paragraph of Article 106 of CPA).

In addition to the document (from the court or a party) sent by the court, the court sends the addressee (an oppossite party) a writing from the court informing the defendant briefly on next steps (for example, if the court sends a claim to the defendant, it also sends a court's writing stating how to file an answer to claim and the consequences of default).

9. What information or other aspects must be included in the documents?

The CPA determines the content of submissions (Article 105 of CPA). Submissions under CPA shall mean actions, responses to actions, legal remedies and other statements, motions or notifications given outside a hearing. Submissions must be comprehensible and must contain everything that is necessary for them to be proceeded upon. In particular, they shall contain: the **name of the court**, the **name** and permanent or temporary **residence** or registered office of the parties, their statutory **representatives and counsels**, if any, the subject of dispute and the contents of the statement. Unless this is impossible due to the form of the submission, the submission must be **signed** by the party filing the submission.

If the statement contains any claim, the party shall state in the submission the **facts** on which his or her claim is based, and the **evidence**, when necessary.

Furthermore, the CPA sets out additional elements that an **action** must have (Article 180). An action must contain a specific **claim** regarding the merits and lateral claims, the **facts** on which the plaintiff bases the claim, **evidence** to support these facts and the **identification data** of the parties (referred to in Article 180a of CPA).

If the jurisdiction of the court depends on the **value of the subject** of the dispute and the subject of the claim is not a monetary sum, the plaintiff shall also indicate in the action the value of the subject of the dispute.

9.1. Please provide the definition of the term "address for service" under your national legal system.

CPA does not define the term "address of service". However, the CPA requires the plaintiff to specify the defendant's address in the action. The plaintiff must contain (among others also) the name and permanent or temporary residence or registered office of the parties (Article 105).

The address for service and different types of residence are defined by Residence Registration Act (Zakon o prijavi prebivališča[9], shorter ZPPreb-1, hereafter RRA).

"Address for service" shall mean the address of the registered permanent or temporary address of an individual in the Republic of Slovenia intended for the service of postal deliveries of state authorities, self-governing local community authorities, and legal and natural persons unless otherwise provided by another Act (point 6 of Article 2 of RRA). "Permanent residence" shall mean the address in the Republic of Slovenia where an individual permanently resides and this address represents the centre of his or her vital interests, which is assessed on the basis of his or her family, partnership, professional, economic, social and other relationships demonstrating that the ties between the individual and the address where he or she lives are genuinely strong and permanent (point 2 of Article 2 of RRA). "Temporary residence" shall mean the address in the Republic of Slovenia where an individual resides temporarily for reasons of work, education, serving a sentence or other reasons (point 5 of Article 2 of RRA).

An individual may have his or her address for service at the address of his or her registered permanent or temporary residence in the Republic of Slovenia. An individual may only have one address for service (first and second paragraph of Article 25 of RRA).

If an individual has only permanent or only temporary residence, this address shall be deemed to be the address for service. If an individual has permanent and temporary residence, he or she shall determine, when registering permanent or temporary residence, which of the two addresses shall be deemed to be the address for service. If he or she does not determine the address for service, the permanent residence address shall be deemed to be the address for service. If the temporary residence where the individual referred to in the preceding paragraph had his or her service address ceases, the address of his or her permanent residence shall be deemed to be the address for service. If the permanent residence where the individual under paragraph two of this Article had the address for service ceases on account of his or her permanent relocation abroad, the address of his or her temporary residence shall be deemed to be his or her address for service. If the individual has registered temporary residence at a prison, correctional facility, residential treatment institution or special education institution, or its department at a separate location, this address shall be deemed to be the address for service. If a child has registered temporary residence with foster carers, the address for service shall be the address of his or her permanent residence, or the address of his or her temporary residence with the foster carers if the child's parents or other statutory representative agree thereto (Article 26 of RRA).

An individual who has permanent and temporary residence may determine a new address for service at the administrative unit or via the one-stop e-government portal with electronic signature being equivalent to the handwritten signature in accordance with the Act governing electronic signature and electronic business (Article 27 of RRA).

[9] Official Journal RS, nb. 52/16 of 29 July 2016 with subsequent changes and amendments.

It should however be stressed that the above rules on "address for service" cannot always apply. According to the case law of the Constitutional Court a natural person may only validly be served on such address if he or she actually lives there (it must be a real "whereabouts", not merely fictitious/registered address. Art. 139 CPA uses the term "dwelling" of the addressee, which implies a personal, physical contanct (to the contrary of the concept of e.g. permanent registered address).

Thus it is important to note that natural persons must be served at the address where they actually reside. Service at the registered address, where the natural person does not actually reside, is not sufficient. Usually, the first attempt of service of documents is made at the address of the registered residence. If this attempt fails, the court will ask the other party to provide another address (new address, place of work, etc.) where the addressee can be served. If the addressee's location is still unknown and if reasonable attempts to find the wheareabouts of the addresse, the court may appoint a representative *ad litem* (a temporary representative) from the list of lawyers or other qualified persons to represent the party (Article 82 of CPA).

Service can also be validly effected at the workplace of the addressee (Art. 139 CPA)

Service of documents can also be effected using secure electronic means. Such service shall be effected via the e-justice information system directly to the service address registered in the e-justice information system or to a secure electronic mailbox through the agency of legal or natural persons performing the service of documents via secure electronic means as a registered activity who have been granted the authorisation by the minister responsible for justice, provided they meet the technical requirements prescribed by that minister (third paragraph of Article 141a of CPA).

9.2. Provide definitions of other (mandatory) aspects mentioned in Question 9.

Regarding residence:

For the claim to be complete, the plaintiff has to provide permanent or temporary residence of the defendant. It suffices if the claimant states the registered address of the defendant even if the does not actually lives there.

See also answer 9.1.

Unless this is impossible due to the form of the submission, the submission must be **signed** by the party filing the submission. The handwritten signature of the party filing the submission shall be deemed to be his or her original signature, as well as the electronic signature which shall be deemed equivalent to his or her handwritten signature. If the party filing the submission is illiterate or unable to sign, he or she shall put a print of his or her index finger on the submission instead of the signature. Should the court have doubts about the authenticity of such submission, it may order a certified submission to be submitted (third paragraph of Article 105 of CPA).

10. How are documents <u>without a cross-border element</u> served in your national jurisdiction? What is the usual method of service? Please explain the different methods of service in detail.

Generally, CPA distinguishes between personal and ordinary service.

The most important documents (actions, court decisions against which a separate appeal is allowed, extraordinary legal remedies and orders for the payment of court fees for some of the submissions (referred to in paragraph one of Article 105a of CPA), and summons to a party to a settlement hearing or the first hearing for the main hearing if the settlement hearing was not scheduled) shall be served on the party by personal service (first paragraph of Article 142 of CPA). Other court documents shall be delivered by personal service when the court considers that greater caution is needed because of the original documents attached to them or for some other reason (second paragraph of Article 142 of CPA). Other documents are served in an ordinary way.

Ordinary service shall be effected as follows (Articles 140–141 of CPA):

The mail carrier primarily locates the addressee at his **home address**. If the person on whom court documents are to be served is not found at his or her dwelling, service shall be made by delivering the court document to an adult member of his or her household, who shall be obliged to receive it (**substituted service**). If such service of court documents is not possible, service on a natural person shall be made such that the postman **leaves the court documents in the house mailbox** or an outdoor mailbox at the dwelling's address. Service of court documents **shall be deemed to have been effected on the day when the court documents have been left in the mailbox**, which the addressee shall be explicitly informed of on the court documents. The process server shall note on the proof of service and on the court documents the reason for such handling and the date when the court documents were left to the addressee and shall sign them.

If the addressee **does not have a mailbox or if the mailbox is not fit** for purpose, the court documents shall be delivered to the court which has ordered the service, and if the court documents are to be served by mail, they shall be delivered to the post office at the place of the addressee's dwelling and the process server shall leave a notice of service attached on the dwelling's door indicating the place where the court documents are to be found. Service of court documents shall be deemed to have been effected on the day when the notice of service was attached to the door, which the addressee shall be explicitly informed of in the notice of service. The process server shall note on the notice of service and on the court documents which should have been served the reason for such handling and the date when the notice of service was left to the addressee and shall sign them. The court documents shall be kept by the post office for 30 days. If the court documents are not collected by the addressee within the above time limit, they shall be returned to the court.

The court which has ordered the service shall be immediately informed of the service of court documents effected in the manner laid down in above paragraphs.

If the service of court documents is made at the **workplace** of the person on whom the court documents are to be served and if that person is not found there or is found at a workplace to which the process server is not allowed access due to the work process organisation, the court documents shall be served on the person authorised to receive mail, who shall be obliged to receive such court documents, or on a person working at the same workplace, provided that he or she agrees to receive the court documents.

If the addressee **residing in a building intended for group accommodation** or a building intended for carrying out activities involving a 24-hour stay (such as residence halls for secondary students or college students, homes for the elderly, residence halls for single persons, social welfare institutions, and hospitals) is not found there and does not have a separate mailbox at that address, service shall be made on the person authorised to receive mail for the residents in that building.

Service of court documents to another person shall not be allowed if that person is participating in the litigation as the party opposing the person to be served.

Personal service shall be effected as follows (Article 142 of CPA):

Service of documents to be served by personal service shall first be attempted as described above for ordinary service. The postman tries to serve the letter at home. If he cannot find the addressee at home, the service shall be made by delivering the court document to an adult member of his or her household, who shall be obliged to receive it (**substituted service**). If such service of court documents is not possible, personal service on natural persons shall be made such that the process server delivers the documents to the post office at the place of the addressee's dwelling and shall leave a notice in the house mailbox or outdoor mailbox or attached on the dwelling's door indicating the place where the court documents are to be found and a 15-day time limit in which they have to be collected by the addressee. The postman shall note on the notice of service and on the court documents which should have been served the reason for such handling and the date when the notice of service was left to the addressee and shall sign them.

The difference between personal service and ordinary service is therefore, in simple terms, that in the case of personal service, the addressee, who cannot be served at home or at workplace, has an additional period of time to collect the document from the local post office.

The service referred to in the preceding paragraph **shall be deemed to have been effected on the date when the addressee collects the documents**. Instead of the addressee, the documents may be collected by a person whom the addressee has authorised at the post office for the collection of court documents, provided that such authorisation is deposited with the post office and that the authorised person identifies him- or herself with an identity document carrying a photo at the post office. The authorised person shall add the words "by authorisation" on the proof of service next to his or her signature.

If the addressee fails to collect the documents within 15 days, it shall be deemed that the service has been effected upon the expiry of this period, which the addressee must be informed of in the notice of service. After the expiry of this period, the process server shall leave the documents in the house mailbox or outdoor mailbox of the addressee. If the addressee does not collect the document, the document is deemed to have been served at the time when the time limit expires and is then handed over to the addressee by ordinary postal service.Despite the term "personal delivery" it is therefore possible that the document is eventually left in the addressee's postbox.

This latter method of service is (incorrectly) referred to in the Slovenian legal system as the fiction of service. The document is namely after the expiry of the 15th day left in the addressee's

mail-box. This is therefore not fictitious service but a method of service where it is highly probably that the addressee actually received it.

If the addressee does not have a mailbox or if it is not fit for purpose, the documents shall be returned to the court, which the addressee must be informed of in the notice of service.

The court which has ordered the service shall be immediately informed of the service effected in the manner laid down in above paragraphs.

If court documents are served on a statutory representative or counsel, they shall be deemed to have been served on the party in person. In the case of service on a lawyer, the same shall apply as described above as regards personal/ordinary service. If it is not possible to serve the document on the lawyer immediately (which should in principle be possible, as it should be possible to serve it in the law office), it will be held in the post office for 15 days. This is especially dangerous if the lawyer has an "poste restante" post-box at the post office where mail is delivered and which is not emptied regularly.

However, it is also possible to serve the document by **secure electronic means** (Articles 141a and 141b of CPA).

Service of court documents using secure electronic means shall be effected via the e-justice information system directly to the service address registered in the e-justice information system or to a secure electronic mailbox through the agency of legal or natural persons performing the service of documents via secure electronic means as a registered activity.

The service of documents that have to be served personally shall be effected such that the e-justice information system sends the document directly to the addressee to his or service address registered in the e-justice information system or to his or her secure electronic mailbox through the agency of a legal or natural person previously referred to. The addressee must collect the documents within 15 days. The addressee shall be acquainted with the content of court documents sent by secure electronic means and shall collect them by identifying himself or herself before the receipt in the prescribed manner, by signing the proof of service electronically and returning it to the sender via secure electronic means. The addressee shall be deemed to have been acquainted with and to have collected all court documents contained in a secure electronic mailbox or found at the service address registered in the e-justice information system at the time of his or her collection of such documents. The service shall be deemed to have been effected on the day when the addressee collects the electronic document. If the document is not collected within 15 days, the service shall be deemed to have been effected upon the expiry of this time limit. The addressee must be able to become acquainted with the content of the court document at least three months after the expiry of the time limit referred to in the previous sentence.

Court documents that have to be served ordinary, may be served by secure electronic means by leaving them at the service address registered in the e-justice information system or in a secure electronic mailbox. Service shall be deemed to have been effected on the day on which the electronic document was left at the service address registered in the e-justice information system or in a secure electronic mailbox, which the addressee must be explicitly informed of in the court document. Service effected in such manner shall be notified to the sender by returning the electronic proof of service to the sender by secure electronic means.

10.1. Does the method of service differ from the cross-border service of documents within the scope of the Regulation?

No (with exception that a Slovenian court in a capacity of a receiving agency cannot appoint a temporary representative ad litem if the addressee, even after reasonable attempts, cannot be found and it will not engage in formal attempts to trace the whereabouts of the defendant who cannot be found on the address specified in the request)

10.2. Are there several alternative methods of service in your Member State?

Court documents shall be served by mail, by secure electronic means, by court employees, directly by the court or in another manner provided by an CPA. The court may order, on a motion by the opposing party, that the court documents be served by a detective or an enforcement officer proposed by the party. The costs of such service of documents shall be advanced by the person who files such motion (first and second paragraph of Article 132 of CPA). CPA does not establish a hierarchy among different methods of service. The court/judge is the one that chooses which one will be used. The only exception is above-mentioned service by a detective or an enforcement officer. This can only be done upon a motion by the opposing party, who must pay the costs in advance.

Service by secure electronic means can only be made under the following conditions. A party may inform the court that they want the documents to be served by secure electronic means into a secure electronic mailbox or at the address for service by secure electronic means, registered in the e-justice information system, which they indicate in the motion. The aforesaid address shall be considered equivalent to the address of the party's residence or registered office. If a party submits a document in electronic form, it shall be considered that they want documents to be served by secure electronic means unless communicated otherwise by the party. Notwithstanding the above rule, the court may also serve documents on a party by secure electronic means in any other proceedings provided it can establish with reliability, on the basis of the available information on the party, that the party already has his or her secure electronic mailbox or an address for service by secure electronic means registered in the e-justice information system, and provided it has served a prior notice on the party in person that any further documents in the procedure will be served on him or her by secure electronic means until communicated otherwise by the party (third and fourth paragraph of Article 132 of CPA). These are the conditions for service by secure electronic means, but such service is not yet possible in practice.

10.3. Does your national legal system provide for special means for the service of documents for professionals (e.g., lawyers, notaries etc.) or state authorities? How do the methods of service relate to each other?

The CPA provides that service to state authorities, attorneys, notaries public, enforcement officers, insolvency administrators and other persons for whom the CPA so provides shall always be effected by secure electronic means (seventh paragraph of Article 132 of CPA). In practice, such service currently only works in certain special procedures (for example in certain type of enforcement procedure).

Service by secure electronic means is equivalent to service by post.

10.4. What considerations must the deciding court take into account when choosing the method of service?

CPA does not establish a hierarchy among different methods of service. The court/judge is the one that chooses which one will be used. The only exception is above-mentioned service by a detective or an enforcement officer. This can only be done upon a motion by the opposing party, who must pay the costs in advance.

However, service is usually carried out by post – i.e. the national postal service. In exceptional cases, usually where the postal worker is not able to provide the service because the addressee is not to be found, a court server, usually a licensed private detective or a judicial enforcement officer, can be appointed.

The CPA provides for secure electronic means of service, but this does not yet work in practice in litigation.

Service of documents can also occur during the court's hearing: exchange of documents, scheduling the next session of the main hearing etc. The service of summons to a hearing is not required, provided that the court at the previous hearing in the same case orally summoned the person present before the court to the next hearing and instructed him or her on the consequences of failure to attend. The summons thus made shall be entered in the record of the hearing. Thus the summons shall be deemed to have been served (Article 132a of CPA).

If the programme for the conducting of proceedings is made at the preparatory hearing and if it contains the dates set for the hearings for the main hearing, the summons to attend the hearing shall be deemed to have been served by informing the parties of the programme (third paragraph Article 239č of CPA).

10.5. Have the methods of service laid down in your national legal system been extended <u>for domestic service</u> after the entry into force of the Regulation?

No.

11. How is service in third-party countries regulated?

The first document – the claim – is served on the defendant in accordance with the Hague Convention or, if applicable, bilateral treaty, or – if none of the above – via diplomatic channels.

Along with the claim the defendant is served with a court order instructing him to appoint a representative authorised to accept service in Slovenia (Art. 146 CPA). Thus, there should be no more instance of service abroad at a later stage

If the defendant fails to comply with the court order to appoint such a representative in Slovenia, the court will appoint a special guardian ad litem for the foreign party (usually a

lawyer). All judicial documents will then be served on such guardian ad litem (whereby it is expected that the latter will then send them – in informal manner – to the "represented party").

The above described sanction is much milder than the system that was scrutinised in the CJEU's case Alder (in Poland, if the party failed to appoint a representative authorised to accept service within jurisdiction, documents were simply left in the court file). Nevertheless, following the CJEU's Alder Judgment the above system is no longer used if the foreign party resides in a EU member state.

The above rules apply mutatis mutandis also for a foreign claimant.

Another possibly relevant rule is that the court may, if service abroad (typically: of a claim) proved to be impossible, appoint a special guardian ad litem for the foreign party. But this is considered to be an ultima ratio, which can be applied only after sufficient attempts to serve the document abroad were in vain.

12. Are there special methods of service for certain types of documents – regardless of whether they qualify as judicial or extrajudicial? Please provide examples.

CPA distinguishes between personal and ordinary service.

Claims, court decisions against which a separate appeal is allowed, extraordinary legal remedies and orders for the payment of court fees for some of the submissions (referred to in paragraph one of Article 105a of CPA), and summons to a party to a settlement hearing or the first hearing for the main hearing if the settlement hearing was not scheduled shall be served on the party by personal service (first paragraph of Article 142 of CPA). Other court documents shall be delivered by personal service only if it is provided for by an Act or when the court considers that greater caution is needed because of the original documents attached to them or for some other reason (second paragraph of Article 142 of CPA). Other documents are served in an ordinary way.

The method of personal and ordinary service is explained in question 10.

13. What is the usual time frame of the service of documents in your Member State?

In purely physical sense, service via the Postal Service takes around 1-2 days, service within the platform for the electronic service of documents is instantaneous.

It should however be stressed that the addressee (if the document was left in his postbox) has 15 days time limit to collect the document at the post office (failing this the document will be deemed served upon the expiration of this deadline, whereas the document will be left in the addressee's postbox). This causes substantial delays. The same rule applies also for electronic service.

14. At what moment is a document considered to be served according to the national law of your Member State?

If the document is served on the addressee or on another person, it is deemed to have been served on that date.

For the ordinary service:

If the service of court documents that have to be served ordinary, is not possible, service on a natural person shall be made such that the process server leaves the court documents in the house mailbox or an outdoor mailbox at the dwelling's address. Service of court documents shall be deemed to have been effected on the day when the court documents have been left in the mailbox, which the addressee shall be explicitly informed of on the court documents. The process server shall note on the proof of service and on the court documents the reason for such handling and the date when the court documents were left to the addressee and shall sign them (first paragraph of Article 141 of CPA).

If the document is to be served ordinary via secure electronic means, court documents may be served by leaving them at the service address registered in the e-justice information system or in a secure electronic mailbox. Service shall be deemed to have been effected on the day on which the electronic document was left at the service address registered in the e-justice information system or in a secure electronic mailbox, which the addressee must be explicitly informed of in the court document. (Article 141b of CPA)

For the personal service:

If the service is not possible, the date when the notice of service was left for the addressee and the date when the court documents were delivered to the court or the post office shall be indicated on the proof of service (fourth paragraph of Article 149 and third paragraph of Article 142 of CPA). If the person collects the document at the post office, the document shall be deemed to have been served on that date (fourth paragraph of the Article 142 of CPA).

If the addressee fails to collect the documents from the post office within 15 days, it shall be deemed that the service has been effected upon the expiry of this period, which the addressee must be informed of in the notice that was left in the house mailbox or outdoor mailbox or attached on the dwelling's door (indicating the place where the court documents are to be found and a 15-day time limit in which they have to be collected by the addressee). After the expiry of this period, the process server shall leave the documents in the house mailbox or outdoor mailbox of the addressee (fourth paragraph of Article 142 of CPA).

If the personal service is effected using secure electronic means, the service shall be deemed to have been effected on the day when the addressee collects the electronic document. If the document is not collected within 15 days, the service shall be deemed to have been effected upon the expiry of this time limit. The addressee must be able to become acquainted with the content of the court document at least three months after the expiry of the time limit referred to in the previous sentence (seventh paragraph of Article 141a of CPA).

14.1. If and if so, under what circumstances is a document considered to be served according to the national law of your Member State when the recipient is served at an address they either do not use or do not know of?

The recipient can only be validly served on the address which corresponds to his or her real dwelling (or anywhere else where the addressee is phyisically found, e.g. at his or her workplace). The officially registered address is merely the starting point – the service will be attempted on such address and can be validly effected if the person is merely not at home. But if it is clear that the recipient is not merely "just not at home at the moment" but has moved out of the place and it does not correspond to his real "dwelling" the service may not be effected. The document will be returned to the court, whereby the postman will make a remark "moved" or "unknown".

It is also accepted that it constitutes an abuse of rights if the claimant knows of real whereabouts of the defendant but fails to inform the court thereof (in hope that the fictitious service will be effected if defendant cannot be traced).

(This question refers to the service to an official or known address of the recipient, but one which is not (anymore) used by the recipient. Please elaborate on national treatment of negligent behaviour (of the recipient who might have forgotten to de-register the address or to make arrangements to be informed about service of documents to this address), multiple places of residence, service to a "wrong" address (either unknowingly by the competent institution or maliciously of the opponent by providing/using the wrong address), and differences of the relevant address regarding the determination of jurisdiction (domicile) and the address used for the service of documents.)

14.2. Please elaborate in this regard, how the national law of your Member State treats the following scenario: The claim contains the official, duly registered address of the respondent. However, when the postman (or responsible person of service) wishes to serve the document at that address, it is clear that the recipient does not live there any longer (i.e., the post-box has a different name, neighbours confirm that the person has moved or a new tenant opens the door and confirms that the recipient has moved there some months ago and he neither has any relation with the former tenant nor does he know where they live now).

It was already explained above (at 9.1) that a natural person can only be validly served either "in hands" or at the place which is his or her real dwelling ("whereabouts"). It is not sufficient if the place of attempted service is the officially registered address of the defendant if is is clear that the defendant does not actually live there. As explained above, if the addressee is not found at home, the document may be left in his or her post-box. But this only applies for a person who was not at home – not for persons, for whom such address is no longer their real "home"

In 2008 a legislature has introduced a rule in the CPA that a judicial document will always be validly served on an officially registered address. But this rule was quickly quashed by a constitutional court (U-I-279/08, 9 June 2009) as it amounted, in view of the Constitutional Court, of a disproportionate restriction of the right to be heard. The Constitutional Court stressed tha reasonable attempts to trace the defendant must be made. A mere administrative offence (of failing to officially (de)register cannot amount in possibly massive adverse consequences in civil cases – when the service on such address would be purely fictitious (and judgment by default subsequently issued).

It should be stressed that the position is different when it comes to legal entities. These are always validly served on the registered address, regardless of whether they actually have a real contact with such address any longer.

Further, it should also be stressed that the above rules do not apply for persons who move when the case is already pending. For such persons, the rules are strict: they need to inform the court of the new address for service, failing which the service will be effected in the manner of public service (affixing the document at the court's notice board); Art. 145 CPA. The explained differentiation is, it is submitted, understandable – as the latter affects people who already know that they are involved in a civil case.

15. With what electronic methods can a claim be filed in court?

CONTENTIOUS PROCEEDINGS:

Currently there exists no electronic method to file a claim in contentions proceedings. Although legal basis for this option already exist (see below), Slovenian judiciary is still lacking technical solutions on the e-justice information system.

On a general level, the CPA stipulates in Article 16a that where the CPA provides for a written form, an electronic form is deemed to be equivalent to a written form if the information in electronic form is suitable for processing by the court, accessible and suitable for subsequent use.

It is further provided that the parties are allowed to submit their applications in physical as well as in electronic form (Art. 105b of the CPA). Electronic application is an application in electronic form and signed by an electronic signature equivalent to a handwritten signature. An electronic application is deemed as a written application. Electronic applications are submitted by uploading them into the e-justice information system, which shall automatically acknowledge receipt of the application to the applicant. However, as mentioned above this possibility is not yet technically available to the parties or their legal representatives and counsels.

OTHER PROCEEDINGS:

There exist certain types of civil procedures, where claims and applications can already be filed by electronic means. These include **all enforcement and security proceedings** for which the district court has jurisdiction, provided that the decision on the security proceeding is not made

in the context of contentious or other court proceedings (Art. 4a of the Rules on form sheets, types of enforcements and the automated enforcement procedure)[10]. Electronic application is also possible (or often even mandatory) in the **land register proceedings** (Arts. 125a and 125c of the Land Register Act)[11]. Electronic filing of claims is envisaged in **insolvency proceedings**, where certain claims by counsels must be made in electronic form (see Art. 123a of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act)[12]. Filing of electronic claims and applications in insolvency proceeding is further regulated in the Rules on Electronic Operations in Insolvency Proceedings.

Furthermore, in non-contentious proceedings concerning family law matters, "Social Work Centres" have to file all motions, opinions and other applications electronically (Art. 47 of the Non-Contentious Civil Procedure Act)[13].

Where filing of claims with electronic methods exists, this is done through the e-justice information system and its subsections:

- e-enfocement (eIzvršba)
- e-land register (eZK)
- e-insolvency procedings (eINS)

16. What is the procedure under the national law of your Member State if the exact whereabouts of the recipient are unknown?

If, after reasonable attempts, the exact whereabouts are unknown, the court will appoint a guardian ad litem (usually a lawyer). The other party will need to pay advance on costs (Art. 82 CPA)

Public service (by affixing on the court-board) is only foreseen for cases when the party changes his address during the proceedings and fails to inform the court thereof (Art. 145 CPA)

16.1. Is a substitute method of service available under the national law of your Member State? If so, what factors does the deciding court have to take into account when assessing the admissibility of such service?

Service to adult family members living in the same household and (in case of service at workplace) service to a person who, at that establishment is authorised to accept service and (if willing to accept the document) to a co-worker in the same workplace, is always possible (no authorisation needed).

[10] Official Journal RS, nb. 104/11 of 21 December 2011 with subsequent changes and amendments.
[11] Official Journal RS, nb. 58/03 of 18 June 2003 with subsequent changes and amendments.
[12] Official Journal RS, nb. 176/21 of 31 December 2007 with subsequent changes and amendments.
[13] Official Journal RS, nb. 16/19 of 15 March 2019.

No substitute methods of service in narrower sense are possible (except if the instrument of appointing a guardian ad litem is considered substitute method of service)

16.2. Is there a possibility of using fictitious methods of service in your Member State? Please elaborate.

Purely fictitious method: Public service (by affixing on the court-board) is only foreseen for cases when the party changes his address during the proceedings and fails to inform the court thereof (Art. 145 CPA)

It should be noted however that within the meaning of EU Regulations (Service of documents, EU Payment Order, EU Enforcement Order), appointed guardian ad litem (although named "temporary representative" is not a real representative within the meaning of these regulation, thus such service should be considered fictitious as well.

16.3. If yes: When does a fictitious method of service unfold its effects? Are these equivalent to the effects of service where the document is served directly to the recipient?

Yes.

16.4. Service of publication frequently do not assure that the document was actually made known to the recipient. Does your system try to ensure that the document was actually made known?

No.

16.5. Does the system include special remedies if actual knowledge was not obtained by the defendant?

Reinstatement in the previous state of affairs (restitutio in integrum; vrnitev v prejšnje stanje) but only if the defendant proves that it was prevented from receiving service without fault on his behalf (and if the motion is filed within the 6 months time limit); Art. 116 CPA.

The above applies if the service was in order. If it was not (e.g. if the fictitious service was obtained in a fraudulent manner by the claimant), reopening of proceedings would be available whenever defendant ultimately gets knowledge of the relevant procedural acts following such service (e.g. judgment by default); Art. 394(2) CPA.

16.6. Please explain whether fictitious methods of service may in certain circumstances be in conflict with national procedural principles (e.g. right to a fair trial, right to be heard). If so, how is this issue dealt with?

It is accepted that it would constitute an abuse of rights if the claimant knew about real whereabouts of the defendant but would deliberately fail to inform the court thereof (hoping that some kind of fictitious service will take place or that judgment by default would be rendered).

The question is also put whether it is a too harsh sanction that the party who fails to inform the court of the change of address during the proceedings will automatically be served all subsequent documents in fictitious manner (affixing them at the court-board). Perhaps before applying the sanction the court should take minimum steps to determine whether the defendant can easily be found (e.g. registered new address or service at the workplace – if the latter is known) and the service on new address is effective without problems.

16.7. Are different actions taken if the person's whereabouts are presumed to be within the country or abroad?

No. Except that the impossibility to effect service abroad will result in appointing a guardian ad litem in any case, regardless of the reason for failure to serve (e.g. no response from the requested state, failure to provide feed-back, unknown whereabouts, known whereabouts but persistently ineffective service…).

17. What is the procedure in your national jurisdiction if the recipient is responsible for a failure to serve?

When the addressee (or another person who is bound by the CPA to accept a document), refuses to accept service of a document without lawful cause,[14] the document is left it in the person's apartment or in the premises where he/she works, or in his/her mailbox. If this is not possible, the document is fixed to the door of the apartment or the premises. The person effecting the service has to record on the service form the date, time, reason for refusing to accept the document and the place where he left the document. In this case, the service is deemed to have been effected (Art. 144 of the CPA).

The parties and their legal representatives also bear the duty of notifying the court of any change of their address. This duty last until the rendering of the decision on the second instance (with which the proceedings are terminated). Failure to notify the court results in the court ordering that all further service on that party in the proceedings shall be effected by fixing the document to the court notice board. Service is deemed to have been effected after the expiry of eight days from the date on which the document was fixed to the court notice board (Art. 145 of the CPA).

[14] The addressee may refuse the service only if it was effected contrary to the rules of CPA.

18. What language is to be used for domestic service?

Documents must be written in Slovenian, as this is the official language of the court. In the territory of municipalities where the Italian or Hungarian national community resides the public use of Italian or Hungarian as official languages shall be guaranteed (Zakon o javni rabi slovenščine[15], shorter ZJRS, Public Use of the Slovene Language Act) – also in court.

19. Are there specific claim forms to be used for domestic service in your Member State? If so, explain their content and the information required.

There are regularly no claim forms to be used with the exception of European orders for payments or other European forms such as in small claim procedures.

However, the CPA sets out the elements that an action must have (Article 180). An action must contain a specific claim regarding the merits and lateral claims, the facts on which the plaintiff bases the claim, evidence to support these facts and other information which must be enclosed with every submission (determined in Article 105 of CPA: the name of the court, the name and permanent or temporary residence or registered office of the parties, their statutory representatives and counsels, if any, the subject of dispute and the contents of the statement), and the identification data of the parties (referred to in Article 180a of CPA). If the jurisdiction of the court depends on the value of the subject of the dispute and the subject of the claim is not a monetary sum, the plaintiff shall also indicate in the action the value of the subject of the dispute.

20. How are the costs of service regulated in your Member State?

Service by post, which is the most common in practice, is free of charge for the parties (the costs of service are included in the court fees). However, if a party wishes to have service effected through an authorised detective or enforcement officer, the costs of such service must be paid in advance by the person who files such motion. Provisions on remuneration and reimbursement of expenses of such server are determined in Rules on the serving of documents by detectives and enforcement agents in civil procedures and in criminal procedure (Pravilnik o vročanju po detektivih in izvršiteljih v civilnih sodnih postopkih in v kazenskem postopku[16]). Such person serving service shall be entitled to a reward for successful service and to reimbursement of transport expenses and such other expenses as the court may, on the basis of the evidence adduced, consider necessary. The fee for ordinary service shall be 5,00 EUR and the fee for personal service shall be 50,00 EUR. The fee for the service shall be increased by value added tax if the person serving the service is liable for payment of that tax.

For unsuccessful service, the person serving service shall be entitled to 20% of the reward set out above. Notwithstanding the foregoing, the court may award a higher proportion of the fee, however not exceeding 50% of the total fee, if, on the basis of the attached extract from the records or other relevant evidence, there are reasonable grounds justifying the award of a higher

[15] Official Journal RS, nb. 86/04 of 5. 8. 2004 with subsequent changes and amendments.
[16] Official Journal RS, nb. 61/19 of 11 October 2019.

proportion of the fee. The valid reasons justifying the fixing of a higher proportion of the award for failure to effect service shall include, in particular, the factual circumstances preventing successful service and the active conduct of the person effecting service towards successful service.

If service is not effected in accordance with the court's order (time and manner) or with these Rules, the person serving the service shall not be entitled to an award, to reimbursement of transport costs and to reimbursement of other costs. (Article 8 of Rules on the serving of documents by detectives and enforcement agents in civil procedures and in criminal procedure)

LEGAL IMPLICATIONS OF SERVICE

21. What are the legal (minimum) requirements of an effective service? Please list them.

The CPA does not explicitly prescribe minimum requirements of an effective service. The service needs to be effected in line with the rules envisaged in Articles 132-149 of the CPA (see question 10).

However, even if the rules on service were not followed, an addressee cannot invoke the breach of the rules if he receives the documents despite the breach. In that case, service is deemed to have been effected at the moment when the addressee actually received the document (Art. 139(6) of the CPA).

22. What are the legal consequences (procedurally and, if applicable, materially) of the proper service of documents?

Pursuant to Article 189 of the CPA, the service of the lawsuit on the defendant marks the beginning of the litigation and creates the *lis pendens* effects. While the lawsuit is pending, no new lawsuit can be lodged between the same parties on the same subject matter. If such a lawsuit is lodged, the court will dismiss it.

Once the defendant has been served with the lawsuit, the defendant's consent is generally required for the amendment to it (Art. 185(1) of the CPA).

The time limit for appeal against a judgment (or other court decisions if appeal is permitted) starts running from the date of service of the judgement or decision (Arts. 333(1) and 363(3) of the CPA).The service of a judgement or a court decision is also relevant for the start of time limits to loge extraordinary legal remedies (Arts. 367(1), 367b(1), 369 of the CPA).

23. What are the consequences of the respondent's failure to appear in the proceedings under the national law of your Member State?

If the defendant does not file a response to the action (defence plea) within the time limit, the court shall render a judgment granting the claim (default judgment), provided conditions determined in Article 318 of CPA are met. One of these is that the action was duly served on the defendant for his or her response. The court therefore has to check the correctness of the service. If the service was defective, it shall be repeated. The court cannot proceed without prior valid service. If the first service was valid, it does not need to be repeated.

Additional conditions must be met for a default judgment to be granted: that the action does not contain a claim which the parties may not dispose of; that the well-foundedness of the claim from the action arises from the facts stated in the action; and that the facts on which the claim is based are not contrary to the evidence presented by the plaintiff or to facts that are common knowledge.

The facts alleged in the claim by the plaintiff will be deemed to be admitted, but the court will have to verify whether the claim is well-founded in substantive law.

If the defendant filed a defence plea, but then fails to appear at the main hearing, he or she is not considered to be in default - a default judgment cannot be issued at this stage of the proceedings.

23.1. What are the possibilities of legal remedy if the respondent claims incorrect service?

If service on the defendant was not in accordance with the law and the judgment has not become final yet, this constitutes an infringement of civil procedure, which may be used by the party to appeal against the decision issued in the proceedings in question.

If service on the defendant was not in accordance with the law and the judgment has become final, the party may apply for an extraordinary appeal called reopening of proceedings. Second paragraph of Article 394 of CPA determines: "Proceedings finally concluded by a court decision may be reopened on a motion of a party if, because of unlawful actions, and particularly because of failure to make a service, any of the parties were not given the opportunity to be heard by the court."

24. What are the consequences of the claimant's failure to appear in the proceedings under the national law of your Member State? (e.g. due to the absence of a summons to the preparatory hearing)

If a claimant (or a defendant) fails to attend the preparatory hearing, he or she loses the right to claim the refund of any further costs of proceedings before the court of first instance.

If a claimant fails to appear at the hearing and the opposing party makes a motion for a decision on the file as it stands, the court shall decide on the file as it stands, provided that a hearing at which evidence was taken had already been held and that the facts are sufficiently established (judgment on the basis of the file as it stands). This is possible provided that the claimant was duly summoned and did not demonstrate justified reasons for his or her failure to appear or if there are no generally known circumstances from which it follows that the party was unable to attend the hearing for justified reasons (Article 282 of CPA).

If the claimant fails to appear at the hearing and the court finds that he or she was not duly summoned, the hearing is rescheduled.

24.1. What are the possible legal remedies if the claimant claims incorrect service?

A party can appeal against a judgment on the grounds of incorrect service, as this is a substantive violation of civil procedure. Second paragraph of Article 339 of CPA: "A substantial violation of civil procedure provisions has always occurred if, because of unlawful actions, and particularly because of a failure to effect service, any of the parties was not given the opportunity to be heard by the court."

If the proceedings are still pending (and the claimant cannot yet appeal against the judgment), a party must claim any violation of the provisions of civil proceedings before a court of first instance as soon as possible. Any violations claimed at a later time, including those in legal remedies, shall only be considered if the party was unable to claim them previously through no fault of his or her own (Article 286b of CPA).

25. What are the consequences of improper service in your national jurisdiction?

If a document is served in breach of the rules on service, this constitutes a substantial violation of civil procedure provisions, on the basis of which a party may appeal against the decision given in the proceedings in question.

In such case, the court of second instance shall, by way of an order, annul the first-instance judgment if it establishes that there is a substantial violation of civil procedure provisions (Article 339) and remand the case to the same court of first instance or assign it to the competent court of first instance for a new trial, because it cannot remedy the violation of the proceedings due to the nature of the violation by itself (Article 354).

25.1. What is the procedure if the recipient nevertheless had the opportunity to prepare and therefore the principle of equality of arms was not affected?

No violation of the rules of service may be invoked if the addressee has received court documents despite the violation. In this case, the service shall be deemed to have been made at the time when the addressee actually received the court documents (sixth paragraph of Article 139 of CPA). The time limit runs from the actual receipt of the document. This is so called: "curing of the defective service".

25.2. Can a deficiency in service be cured in your national jurisdiction? If so, how?

Yes, see above 25.1

25.3. Please explain whether such a cure may in certain circumstances be in conflict with national procedural principles (e.g. right to a fair trial, right to be heard). If so, how is this issue dealt with?

As already mentioned under question 25.1, deficiencies in service are cured if the recipients/addressees actually received the document. In such cases they cannot invoke a break of the rules on service of documents (Art. 139(6) of the CPA).

This approach, which is regularly invoked by courts,[17] was also confirmed by the Constitutional Court of the Republic of Slovenia.[18] The Constitutional court held that the right to be hear (as enshrined in Article 22 of the Constitution of the Republic of Slovenia) is not violated if the addressee actually received the document. It explained that the formalities, which regulate service, are not an end in themselves, but are intended to ensure that the document is brought to the attention of the party served.

25.4. Do the consequences of improper service differ within the scope of the Regulation due to the provisions in Art. 22 of the Regulation? If so, how?

No.

25.5. Has your Member State made use of the option in Art. 22 No. 2 of the Regulation?

Yes. A judge in Slovenia may issue a judgement even if no certificate of service or delivery has been received, provided that the conditions set out in Article 22(2) of the Regulation are fulfilled.

25.6. How is the possibility of reinstatement in Art. 22 No. 4 of the Regulation regulated in your Member State? What is the deadline for filing an application for *restitutio in integrum*?

Slovenia has communicated to the commission that an application for a relief as envisage in Article 22(4) of the Regulation is possible. The application for such relief may be field within one year of the date the judgement was issued.

26. Can a decision be revoked due to incorrect service in your Member State even after it has become *res judicata*?

Yes. Due to incorrect service, a party may also lodge extraordinary legal remedies.

[17] See inter alia: Higher Court of Ljubljana 31 March 2010, I Cp 102/2010, ECLI:SI:VSLJ:2010:I.CP.102.2010; Higher Court of Celje 31 August 2011, I Ip 285/2011, ECLI:SI:VSCE:2011:I.IP.285.2011; Higher Court of Ljubljana 24 August 2016, III Ip 2118/2016, ECLI:SI:VSLJ:2016:III.IP.2118.2016.
18 Constitutional Court of the Republic of Slovenia 19 March 2009, Up-2380/07, ECLI:SI:USRS:2009:Up.2380.07.

Further appeal on points of law (Revizija):

Incorrect service represents a substantial violation of civil procedure provisions. A further appeal on points of law may *inter alia* be lodged because of a substantial violation of the civil procedure provisions before the court of first instance which the party claimed before the court of second instance and for a substantial violation of the civil procedure provisions before the court of second instance (Art. 370(1) of the CPA).

However, a further appeal on points of lay may only be lodged if a grant to leave appeal was given by the Supreme Court. It will do so if the case involves a point of law which is important for ensuring legal certainty, uniform application of law or further development of law through case-law.

REQUEST FOR PROTECTION OF LEGALITY:

Request for protection of legality represents a special extraordinary legal remedy, which may be lodged against a final court decision by the State Prosecutor's Office (Art. 385 of the CPA). The request for protection of legality is admissible if the Supreme Court's decision is expected to determine a point of law which is important for ensuring legal certainty, uniform application of law or further development of law through case-law.

A request for protection of legality may *inter alia* be lodged in cases of some of the substantial violations of civil procedure provisions (including the violation of the right to be hear).[19]

A request for protection of legality is decided on by the Supreme Court.

REOPENING OF PROCEEDINGS:

Proceedings finally concluded by a court decision may be reopened on a motion of a party (Art. 394 of the CPA) also:

- if, because of unlawful actions, and particularly because of failure to service a document, any of the parties were not given the opportunity to be heard by the court; and
- if personal service of the first submission that was served in the proceedings in accordance with Article 142 of the CPA was made, and this method of service was used owing to the party's absence for a continuous period of more than six months.

27. How is the service of documents proven or documented? How is the date of service determined in the national law of your Member State?

The recipient and the person serving the document sign a certificate confirming that the document has been served (certificate of service). The recipient himself shall write the date of receipt in words on the certificate of service (first paragraph of Article 149 of CPA). There is a standard form for the certificate of service, which has been drawn up by the Ministry of Justice. It is regulated in Rules on the envelope for service by mail in contentious proceedings (Pravilnik o

[19] See for example: Vrhovno sodišče Republike Slovenije 29 September 2015, III Ips 72/2015, ECLI:SI:VSRS:2015:III.IPS.72.2015.

ovojnici za vročanje po pošti v pravdnem postopku[20]). The standard form provides for the following information: the content of the shipment, the addressee of the letter, which court sends the documents, space for the date, signature of the addressee and signature of the server.

If the addressee is one of the following entities: state authorities, bodies of self-governing local communities, legal persons, sole traders, attorneys and notaries public, the recipient may mark the date of receipt using a stamp or date stamp and confirm it with the stamp of the addressee (first paragraph of Article 149 of CPA).

If the recipient is illiterate or unable to sign, the process server shall write his or her name and surname and date of receipt in words and make a remark about why the recipient did not add his or her signature (second paragraph of Article 149 of CPA).

If the recipient refuses to sign the proof of service, the process server shall indicate this on the proof of service and write in words the date of delivery; in that way the service shall be deemed to have been made (third paragraph of Article 149 of CPA).

If court documents have been delivered to a person other than that on whom it was supposed to have been served, the process server shall indicate the relationship between these two persons on the proof of service (fifth paragraph of Article 149 of CPA).

The date of service is determined as follows:

If the document is served on the addressee or on another person, it is deemed to have been served on that date.

For the ordinary service:

If the service of court documents that have to be served ordinary, is not possible, service on a natural person shall be made such that the process server leaves the court documents in the house mailbox or an outdoor mailbox at the dwelling's address. Service of court documents shall be deemed to have been effected on the day when the court documents have been left in the mailbox, which the addressee shall be explicitly informed of on the court documents. The process server shall note on the proof of service and on the court documents the reason for such handling and the date when the court documents were left to the addressee and shall sign them (first paragraph of Article 141 of CPA).

If the document is to be served ordinary via secure electronic means, court documents may be served by leaving them at the service address registered in the e-justice information system or in a secure electronic mailbox. Service shall be deemed to have been effected on the day on which the electronic document was left at the service address registered in the e-justice information system or in a secure electronic mailbox, which the addressee must be explicitly informed of in the court document. (Article 141b of CPA)

For the personal service:

If the service is not possible, the date when the notice of service was left for the addressee and the date when the court documents were delivered to the court or the post office shall be indicated on the proof of service (fourth paragraph of Article 149 and third paragraph of Article

[20] Official Journal RS, nb. 49/17 of 11 September 2017.

142 of CPA). If the person collects the document at the post office, the document shall be deemed to have been served on that date (fourth paragraph of the Article 142 of CPA).

If the addressee fails to collect the documents from the post office within 15 days, it shall be deemed that the service has been effected upon the expiry of this period, which the addressee must be informed of in the notice that was left in the house mailbox or outdoor mailbox or attached on the dwelling's door (indicating the place where the court documents are to be found and a 15-day time limit in which they have to be collected by the addressee). After the expiry of this period, the process server shall leave the documents in the house mailbox or outdoor mailbox of the addressee (fourth paragraph of Article 142 of CPA).

If the personal service is effected using secure electronic means, the service shall be deemed to have been effected on the day when the addressee collects the electronic document. If the document is not collected within 15 days, the service shall be deemed to have been effected upon the expiry of this time limit. The addressee must be able to become acquainted with the content of the court document at least three months after the expiry of the time limit referred to in the previous sentence (seventh paragraph of Article 141a of CPA).

The certificate of service is a public document. It can be declared to be false at a later stage of the trial, however only under strict conditions.

If a wrong date of service is indicated on the proof of service, the service shall be deemed to have been made on the day when the court documents were delivered (sixth paragraph of Article 149 of CPA).

If the proof of service is lost, service may be proved in other ways (seventh paragraph of Article 149 of CPA).

28. Except for the mentioned respondent, are there other authorised recipients, i.e. (temporary) representatives or persons authorised? Please provide the corresponding regulations within your national legal system.

NPV

If a party has a statutory representative or counsel, court documents shall be served on him or her unless. If a party has several statutory representatives or counsels, it shall be sufficient to make service on only one of them (first and second paragraph of Article 137 of CPA).

If several persons jointly sue as a single plaintiff but do not have a joint statutory representative or counsel, the court may order them to appoint, within a specified time limit, a joint representative authorised to receive court documents. At the same time, the court shall inform the plaintiffs whom among them it will consider as their joint representative authorised to receive court documents if they fail to appoint such a representative themselves (first paragraph of Article 147 of CPA).

Service may also be effected through an agent for the receipt of documents:

A plaintiff or his or her statutory representative who is in a foreign country and where the plaintiff does not have a counsel in the Republic of Slovenia shall be obliged, when filing an action,

to appoint a person authorised to receive court documents in the Republic of Slovenia. If the plaintiff or his or her statutory representative fails to appoint such a person when filing the action, the court shall appoint a temporary representative authorised to receive court documents at the expense of the plaintiff and shall, through this temporary representative, order the plaintiff or his or her statutory representative to appoint a person authorised to receive court documents. If the plaintiff or his or her statutory representative fails to appoint the person authorised to receive court documents within the set time limit, the court shall reject the action. The order rejecting the action shall be served on the plaintiff or his or her statutory representative through the temporary representative authorised to receive court documents who was appointed by the court.

Upon the first service of court documents, the court shall order the defendant or his or her statutory representative who is in a foreign country and where the defendant does not have a counsel in the Republic of Slovenia to appoint a person authorised to receive court documents in the Republic of Slovenia. If the defendant or his or her legal representative fails to appoint such a person, the court shall appoint a temporary representative authorised to receive court documents at the expense of the defendant and shall, through this temporary representative, notify the defendant or his or her statutory representative of the appointment.

If a party revokes the authorisation of the representative authorised to receive court documents without appointing a new representative for this purpose, court documents shall be served on the party by posting on the court notice board.

If the person authorised to receive court documents revokes the authorisation and the party does not appoint a new representative for this purpose within the time limit set by the court, the court shall appoint a temporary representative authorised to receive court documents at the expense of the party and shall, through this temporary representative, order the party to appoint another person authorised to receive court documents. Until the party appoints another person authorised to receive court documents, service shall be effected through the temporary representative who was appointed by the court.

The costs of a temporary representative authorised to receive court documents appointed for the plaintiff shall be advanced by the court from its funds, while the costs of a temporary representative authorised to receive court documents appointed for the defendant must be advanced by the plaintiff. If the plaintiff fails to advance the costs of the temporary representative appointed for the defendant, the court shall reject the action (Article 146 of CPA).

29. What are the legal consequences of an improper service of documents?

See answers to questions 24.1, 25 and 25.1.

30. What is considered a timely service of documents?

The CPA does not include any general provision, which would specify a timely service. However, in line with the principle of procedural economy the court (as well as the parties and other participants) must strive to ensure that proceedings are carried out without delay and with the minimum of costs (Art. 11(1) of the CPA).

The CPA also stipulates that:

- the court has to in a timely manner summon to the hearing the parties and other persons whose presence is deemed necessary (Art. 113(2) of the CPA);
- a judgment, which was rendered (only) in writing, has to be served on the parties within 30 days of the conclusion of the main hearing (Art. 321(4) of the CPA);
- written applications by the parties ("preparatory submissions") must be sent to the court early enough so that they can be served on the opposing party in a timely manner before the hearing so that there is no need to adjourn the hearing in order to ensure the opposing party's right to be heard.
-

31. Who bears the risk of an untimely service of documents?

As mentioned above (see question 30), courts have a general duty to ensure that proceedings are carried out without delay. In case the duration of proceedings would infringe the parties' right to trial without undue delay, special remedies are envisaged in the Protection of Right to Trial without Undue Delay Act.[21]

There is no risk that the delay in service of documents will result e.g. in prescription or preclusion of a right. The applicable time-limits are interrupted already when the applicant lodges the document with the court, not when the document is ultimately served on the addressee.

CROSS-BORDER SERVICE WITHIN THE SCOPE OF THE REGULATION

32. Which bodies are considered to be "transmitting agencies" according to Art. 3 No. 1 of the Regulation in your Member State? If there are several transmitting agencies in your Member State, please describe their local jurisdiction.

the local courts (*okrajna sodišča*), the district courts (*okrožna sodišča*), the Labour and Social Affairs Court (*delovno in socialno sodišče*), the Administrative Court (*upravno sodišče*), the higher courts (*višja sodišča*), the Supreme Court (*Vrhovno sodišče*), the Constitutional Court (*Ustavno sodišče*) and the State Attorney´s Office (*državno odvetništvo*).

Thus, According to the Slovenian notification all courts where the case can be pending are transmitting agencies (although it is most unlikely that documents will ever be served by appellate courts or by the supreme court – their judgments as well as appeals, replies to the appeal etc are served by the first instance court).

The local jurisdiction is determined in the Courts Acts (Zakon o sodiščih).

[21] Official Journal RS, nb. 67/12 of 12 May 2006.

33. Which bodies are considered to be "receiving agencies" according to Art. 3 No. 2 of the Regulation in your Member State? If there are several receiving agencies in your Member State, please describe their local jurisdiction.

District courts (Okrožna sodišča). Local jurisdiction is determined in the Courts Act. However it is not necessary for the user (typically: the transmitting agency) to consult the Courts Act. The information as to the competent court (when the addressee's address is available) is easily accessible in e-justice portal (European Judicial Atlas)

34. What means of communication is accepted by the receiving agencies when receiving documents?

the documents are sent by post, including express delivery services and fax. Email is not accepted.

35. Which public institution is the "central body" according to Art. 4 of the Regulation in your Member State?

Ministry of Justice

(Župančičeva 3, SLO-1000 Ljubljana, Tel.: (+386)1 369 53 94,Email: gp.mp@gov.si)

36. How is it decided which method of service will be used by the authorities in your Member State?

This is within the discretion of the court where proceedings are pending (which is also the transmitting agency).

37. What are the costs of service under the Regulation if your Member State is the receiving State?

None, as – practically always – service is effected via regular postal service provided (universal post).

Exceptionally, the reimbursement of the costs of service by a detective or enforcement agent shall be claimed but only if that method of service is requested by the party (mutatis mutandis: the transmitting agency) concerned. In that case the party proposing service pays the costs.

According to the Rules on the serving of documents by detectives and enforcement agents in civil and criminal procedures *(Pravilnik o vročanju po detektivih in izvršiteljih v civilnih sodnih postopkih in v kazenskem postopku*), the current fee for service in person is 50 euros. Valued added tax is added to the fee for the serving agent, if the agent is liable for VAT. A serving agent is entitled to 20% of the fee for an unsuccessful service. Regardless of this, a court may set this percentage of the fee higher, though no more than 50%, if there are grounds to do so on the basis of the an extract from the records or other or relevant evidence. The serving agent is also entitled to reimbursement of transport costs

38. How are incomplete or insufficient requests for service to be dealt with?

The Regulation applies (Art. 10, Form E, Form F). There is no implementing legislation in this regard.

39. In which languages can the standardised forms be completed (according to Art. 3 No. 4 lit. d of the Regulation) in your Member State?

Slovenian or English.

40. To what extent does your Member State support address tracing according to Art. 7 of the Regulation? Please describe the process in detail.

the transmitting agency sends a request to determine the address of a person to be served with a document to the district court (the receiving agency referred to in point 2 above). Courts have access to the population register and are authorised on their own initiative or if so requested by a requesting court to acquire information on addresses, when an address stated in a request for service is inaccurate or unknown.

The Central Register of Residents can be consulted online and free of charge by the court (receiving agency). The court will provide assistance, if required pursuant to Art. 7 of the Regulation. No charge applies.

Yet, it should again be stressed that the above information will not necessarily solve the problem of the valid address for service. While in principle, the officially registered address is also the address for service, the precondition is that it also corresponds to the real (actual) place of residence ("dwelling") of the addressee. If the person in charge of serving the document (typically: the postman) realises that the addressee does not live there, it will not be possible to effect service on that address!

41. Has your Member State lodged a national reservation concerning the service by consular or diplomatic agents provided for in Art. 17 of the Regulation?

The official notification is this:

Slovenia does not oppose the possibility of service through diplomatic or consular agents under the conditions laid down in Article 17(1).

Slovenia is opposed to the service of judicial documents on persons residing in Slovenia through diplomatic or consular agents of another Member State, except where the document is to be served on nationals of the Member State in which the document originates.

The above notification is contradictory. It means that Slovenia does oppose such possibility to the extent allowed in Art. 17(2). The first sentence of the notification should simply be deleted.

42. Is the direct service method provided for in Art. 20 of the Regulation compatible with the national law of your Member State?

Slovenia gave the following notification: "Direct service is not permitted under Slovenian legislation."

This is not entirely accurate. CPA foresees direct service of parties' briefs and submissions between the parties' lawyers (if both parties are represented by lawyers), the court can also order that the parties' briefs and submissions are served in the above manner. If the parties are not represented by lawyers, such direct service may only take place if the parties agree (Art. 139.a CPA).

The described method of direct service is almost never used in practice.

In any case, in our opinion, the lawyer (thus the party's representative) would not fit in the category of "judicial officers, officials or other competent persons of the Member State in which the service is sought," within the meaning of Article 20 of the Service of Documents Regulation.

Thus, the direct service indeed cannot be used in the territory of Slovenia within the meaning of Art. 20 of the Regulation.

43. Is there a bilateral or multilateral agreement within the meaning of Art. 29 of the Regulation between your Member State and one or more other Member States? If yes, please give reference to the agreement and elaborate. Please leave out the generally applicable agreement between the EU and the Kingdom of Denmark of 19 October 2005 on the service of judicial and extrajudicial documents in civil or commercial matters.

Slovenia gave the following notification: "The Treaty between the Republic of Slovenia and the Republic of Croatia on Legal Assistance in Civil and Criminal Matters of 7 February 1994."

In our opinion the notification is erroneous or misleading at best. According to Article 29 of the EU Regulation, the Regulation prevails over the bilateral treaties concluded between member states. According to Art. 29, Para. 2, 2. "this Regulation shall not preclude Member States from maintaining or concluding agreements or arrangements to expedite or further simplify the transmission of documents, provided that those agreements or arrangements are compatible with this Regulation." However the said bilateral treaty between Slovenia and Croatia, insofar it relates to Service of Documents clearly does not fit into this category. Just by way of example, it retains (Art. 9) the public policy exception (as a ground to refuse legal assistance, thus including service of documents).

44. Has your Member State exercised the option for early use of the decentralised IT system as defined in Art. 33 No. 2 of the Regulation?

No**.**

RIGHT OF REFUSAL

45. Is there a possibility under your national law to refuse to accept a document?

No. There is no such possibility (leaving aside questions of immunities and privileges under international public law). The addressee is obliged to accept the document. The same applies to adult members of the same household (Art. 140 CPA) If the addressee physically refuses, the document shall be affixed at the door or left in the postbox and it will be deemed to be validly served (Art. 144 CPA).

In case the addressee was not at home in time of attempted service and the notice that the document will be left for collection at the post-office was left in his post-box and subsequently the addresse does not pick the document within 15 days, it is deemed to be served on that date (Art. 142 CPA)

Similar rules apply if the addressee requested documents to be served in the manner that they are left *poste-restante* and if they are then not picked up (Art. 139.b CPA)

45.1. On what grounds can the acceptance of a document be refused?

Not applicable

45.2. How can the acceptance of documents served electronically be refused?

Not applicable

45.3. What factors does the deciding court have to take into account when assessing the admissibility of the refusal to accept?

Not applicable

45.4. What are the consequences of such a refusal? Please distinguish between justified and unjustified refusals when responding.

Not applicable

46. How do the courts in your Member State review the admissibility of the refusal to accept a document under Art. 12 of the Regulation?

No practical experience. It should be clear though thatIf the Slovenian court which serves the document acts in the capacity of the receiving agency, it is not for that court to engage in any assessment of whether the addressee's refusal was justified under Art. 12 of the Regulation (i.e. if the addressee really does not understand the language as he or she claims).

ELECTRONIC METHODS OF SERVICE

47. Does your Member State's national law allow documents to be served electronically? If so, how?

CONTENTIONS PROCEEDINGS:

Electronic service is already envisaged for contentious proceedings in the CPA, however, technical solutions are still lacking. Thus at the moment, electronic service is **not yet in place**. The legal basis for electronic service will be presented in the paragraphs below.

Article 132(1) of the CPA envisages the possibility of service via "secure electronic means". The methods of secure electronic service are further specified in the Articles 141.a and 141.b of the CPA).

Technical aspects of electronic service are regulated by the provisions of the Rules on electronic operations in civil procedures and in criminal procedure,[22] issued by the Minister of justice.

Service of a document by secure electronic means may be effected:

(a) **through the e-justice information** system directly to the address for service registered in the e-justice information system, OR
(b) **to a secure electronic box** through the agency of a legal or natural person who carries out the service of documents by secure electronic means as a registered activity and has obtained the authorisation of the Minister responsible for justice.

Similar to other methods of service (see question 10) the service via secure electronic means distinguishes between **ordinary service** and **personal service**.

ORDINARY SERVICE (Art. 141.b of the CPA):

[22] Official Journal of the Republic of Slovenia, nb. 158/20 of 2 November 2020 and subsequent changes.

A court document may be served by secure electronic means by leaving it at the address for service registered in the e-justice information system or in a secure electronic mailbox. Service shall be deemed to have been effected on the day on which the electronic document is left at the address for service registered in the e-justice information system or in the secure electronic mailbox. The addressee is specifically reminded of that in the document. The sender is informed of the service effected by an electronic service form, which is returned to the sender by secure electronic means.

This method of service may also be used for the direct service between counsels in the course of proceedings pursuant to Article 139.a of the CPA (see also question 7.2).

PERSONAL SERVICE (Art. 141.a of the CPA):

Personal service is effected by the e-justice information system. The document is sent directly to the addressee at the address for service registered in the e-justice information system, or to his or her secure electronic mailbox.

The addressee has to collect the document within 15 days. Service shall be deemed to have been effected on the date on which the electronic document is collected by the addressee. If the document is not collected within 15 days, service shall be deemed to have been effected on the expiry of that period. Afterwards, the addressee must be given the opportunity to acquaint himself with the contents of the document at least three months after the expiry of the period referred to in the preceding sentence.

To acquaint himself/herself with the contents of the document and to collect the document, the addressee has to identify himself/herself in the prescribed matter, electronically sign the service form and return it to the sender by secure electronic means.

It is deemed that the addressee is acquainted and has collected **all** the documents, which are at the address for service registered in the e-justice information system or in the secure electronic mailbox at the time of acceptance in accordance with the preceding paragraph.

For the list of documents that require personal service, see question 10.

OTHER PROCEEDINGS:

Electronic service is already possible in some other types of civil procedures. Please note that provisions of the CPA regarding the service are applied *mutatis mutandis* to these proceedings.

In **enforcement proceedings** the possibility of electronic service is only envisaged in certain cases in the *enforcement proceedings based on the trustworthy document* (see Art. 27 of the Rules amending the Rules on form sheets, types of enforcements and the automated enforcement procedure).

In the **land register proceedings** all documents are served electronically into a secure electronic mailbox to (Art. 125b of the Land Register Act):

- applicants who have submitted the electronic land register application themselves,
- notaries,
- lawyers,
- real estate companies and
- state attorneys.

Documents are also served electronically to (other) courts, state authorities or local authorities.

In **insolvency proceedings** all documents are served electronically (into secure electronic mail-box) on the lawyer representing a party in the insolvency proceedings and the on the insolvency administrator (Art. 123a of the Financial Operations, Insolvency Proceedings, and Compulsory Dissolution Act).

In **non-contentious proceedings concerning family matters,** all documents for the "Social Work Centres" are served electronically (Art. 47 of the Non-Contentious Civil Procedure Act).

47.1. If dedicated internet portals are used for this purpose: Please describe the platform. Do users have to register beforehand?

Service by secure electronic means may be effected in two ways:

(a) **through the e-justice information** system directly to the address for service registered in the e-justice information system, OR
(b) **to a secure electronic box** through the agency of a legal or natural person who carries out the service of documents by secure electronic means as a registered activity and has obtained the authorisation of the Minister responsible for justice.

Both ways require that users first register a secure electronic box. This can be either done with a legal or natural person, who carries out service of documents by secure electronic means as a registered activity (option B). Afterward users need to register (connect) their secure electronic boxes in the e-justice information system. Legal and natural persons, who carry out service of documents by secure electronic means as a registered activity need to fulfil certain requirements from the Rules on electronic operations in civil procedures and in criminal procedure. The fulfilment of the requirements is verified by the Centre for Informatics in the Judiciary (see also question 50).

Users may also develop their own software with secure electronic box and register (connect) it to the e-justice information system. Centre for Informatics in the Judiciary carries out the verification of the requirements from the Rules on electronic operations in civil procedures and in criminal procedure.

47.2. How is the e-identification (and possibly e-signature) of electronically served documents executed in the national legal system of your Member State?

Questions concerning e-identification and e-signature of electronically served documents are regulated in the Rules on electronic operations in civil procedures and in criminal procedure. On the general level, question regarding e-identification and e-signature are regulated in the Electronic Identification and Trust Services Act.[23]

With a personal electronic identity, a natural person demonstrates his or her identity in electronic transactions. A person acquires a personal electronic identity by acquiring the first means of electronic identification. A person has one personal electronic identity, which can be proven

[23] Official Journal of the Republic of Slovenia, nb. 121/21 of 23 July 2021 and subsequent changes.

by several means of electronic identification. A personal electronic identity can be acquired by a person who turns six years old, and it ceases upon the person's death or loss of the citizenship or in case of foreigners loss of temporary or permanent residence status.

47.3. How is it ensured that the right person receives the documents? How is the identity of the user verified?

Electronic service is performed only on users of the e-justice information system, who register as "external qualified users". Such registration can be done with a qualified digital certificate.

The issue of a e-identity and qualified digital certificate is regulated by Electronic Identification and Trust Services Act.

It should be noted that, in spite of the existing legal basis, the e-service is not in use in civil proceedings, so there is no practical experience.

47.4. How is the time of service determined?

With the ordinary service, the service is deemed to have been effected on the day on which the electronic document is left at the address for service registered in the e-justice information system or in the secure electronic mailbox.

With the personal service, service is deemed to have been effected on the date on which the electronic document is collected by the addressee. If the document is not collected within 15 days, service shall be deemed to have been effected on the expiry of that period.

48. Is electronic service dependent on the consent of the person concerned in your Member State?

Yes. A party may notify the court that he or she wishes to have documents served by secure electronic means. However, if a party lodges a document in the proceedings by electronic means, he or she shall be deemed to have requested service by secure electronic means. Such presumption is rebutted if the party notifies the court (Art. 132(2) of CPA).

Nonetheless, the court may also serve documents on a party by secure electronic means in other proceedings if two conditions are met (Art. 132(3) of the CPA):

(a) on the basis of the information about the party available to the court, it can establish with certainty that the party already has a secure electronic mailbox or an address for service by secure electronic means registered in the information system of the judiciary, AND
(b) the court has first personally served the party a written notice, informing him or her that further documents in the proceedings will be served on him or her by secure electronic means until the party notifies the court otherwise.

However, certain authorities and professionals shall always be served by secure electronic means (Art. 132(7) of CPA). These are: state authorities, lawyers, notaries, executors, receivers (insolvency practitioners) and other persons for whom the law so provides. These authorities

and professionals have to register their secure electronic mailbox or address for service by secure electronic means in the information system of the judiciary.

Special rules may apply in other types of civil procedures such as the land register procedure or the insolvency proceedings.

48.1. If consent is required, can it be given universally or must consent be obtained for each individual case?

Generally, a party needs to notify the court that he or she wished to have documents served by secure electronic means (see question 48.). This notification is given in each individual case.

If two conditions are met, service by secure electronic means is also possible in other proceedings, without the explicit consent of the party. However, the party can always opt-out of the electronic service (see question 48).

In some special civil procedures, electronic service (at least to some groups of legal professionals) is mandatory (e.g. in the land register procedure or in insolvency proceedings).

48.2. If universal consent is permissible, can certain matters (e.g. family law disputes) be exempted from the consent?

There is no provision in Slovenian law, which would exempt certain matters from the system described above (see question 48).

49. Is every citizen obliged to accept electronic service of documents in your Member State?

No. Not everybody is obliged to accept electronic service of documents.

However, state authorities, lawyers, notaries, executors, receivers (insolvency practitioners) and other persons for whom the law so provides shall always be served by secure electronic means. These authorities and professionals have to register their secure electronic mailbox or address for service by secure electronic means in the information system of the judiciary. It should be noted, however, that this provision of the CPA is not yet used in contentions proceedings.

49.1. If yes: What provisions does your Member State's national law provide in case the recipient has no possibility to receive electronic deliveries? (e.g. for elderly people)

Not relevant.

50. Is there a central body responsible for electronic service in your Member State?

Yes. Centre for Informatics in the Judiciary (*Center za informatiko v pravosodju*), which is a special unit of the Supreme Court is in charge of the e-justice information system.

51. What measures are taken in your Member State to ensure the security of electronic service?

No information available

52. What measures are taken in your Member State to ensure the efficiency of electronic service?

No information available

53. What are the consequences if electronic service is not possible? (e.g. disrupted internet access)

There is no specific provision in the CPA that would regulate the consequences if electronic service is not possible. Generally, Article 139(4) of the CPA stipulates that the court shall order that the service be made at another time or another place or that service be made directly to the hands of the addressee wherever he or she is found if service (including electronic service) is impossible.

54. What are the costs of electronic service?

For the transmission the court shall pay to secure electronic service provider a fee of EUR 0,35 per electronic item, which was served in accordance with the rules on personal service, and EUR 0,17 per electronic item, which was served in accordance with the rules on ordinary service (Art. 9 of the Rules on electronic operations in civil procedures and in criminal procedure).

55. What measures does your Member State take with regard to data protection in connection with electronic service?

No specific provisions on data protection in connection with electronic service can be found in the Rules on electronic operations in civil procedures and in criminal procedure. A general notice on the protection of personal data in relation to the processing by the courts is published on the website of the judiciary of the republic of Slovenia.[24]

On a general note, protection of personal data is regulated by the Personal Data Protection Act.[25]

56. How could the rules on service in your national law be improved in order to facilitate cross-border service and to avoid legal uncertainty?

[24] Sodstvo Republike Slovenije, Politika varstva osebnih podatkov za informiranje posameznikov: <https://sodisce.si/informacije/varstvo_osebih_podatkov/#i-splosno-obvestilo-o-varstvu-osebnih-podatkov-pri-obdelavah-sodisc-10> (accessed on 25 March 2023).
[25] Official Journal of the Republic of Slovenia, nb. 163/22 of 27 December 2022.

No suggestion.

57. Please explain how the E-CODEX system operates if your Member State took part in the E-CODEX project concerning procedures in the case of European Small Claims and European Payment Order.

Slovenia is actively taking part in these activities of E-CODEX project.

PROBLEMS RESULTING OUT OF CROSS-BORDER SERVICE

58. What national issues arise out of the service of documents in your member state?

There are numerous issues and shortcomings. Ineffective Service of judicial documents is indeed one of the most critical elements negatively affecting the overall functioning of civil justice system. The system is abused (unfortunately, often by lawyers as well) in order to engage in dilatory tactics and to derail proceedings. Numerous procedural motions and satellite litigation is caused by issues relating to service – thus reducing the court's focus on what should be the ultimate goal of the litigation: doing justice on merits.

Probably the biggest systematic failure of the system of service described in this Report is that there is an in-built right that it is perfectly acceptable that the lawyer (whom documents for the party are served on) can only collect the document after it waits in the post-office for 15 days. I don't know any other profession where it is in-built element of diligence that it is OK to read (not to respond to!) the received document only after 15 days.

In theory not all documents should be served in the "personal method" (meaning if the addressee is not at home, only a notice will be left in the addressee's post-box that the document will be ready for collection in the post-office for 15 days and it will only be deemed to be served when this time limit expires). In addition, even documents which are to be served in "personal method" should, in theory, not always wait in the post-office as this should occur only if the addressee was not found at home (in case of lawyers: if the lawyer or anyone else employed in the firm was not found in the office in time of attempted delivery). Yet, if the lawyer requested documents to be left poste-restante, the 15 days time span will apply. In short, the abuse of 15 days time-limit to collect the document is very often (ab)used.

Irronically, the 15 days time-limit to collect the document also applies in the (fore-seen) e-service via e-mail. It does not help if the court document is technically delivered in 1 second. The addressee (the lawyer, thus a professional) can wait 15 days before opening it.

Not that this just causes delays, it also makes it very difficult to adequately plan the unfolding of proceedings and schedule time-plan for hearings, exchange of briefs etc. The judge can

namely never know when the document will be served on the lawyer (even if from the same town). It can be served next day or it can be served after 16 days (if the lawyer chooses not to collect the document in the post office).

Unfortunately, all calls for reform (even in milder form; e.g. to shorten the available time to collect the document from the post office from 15 to e.g. 4 days) are vigorously opposed by the Bar Association.

59. What European issues arise out of the service in your member state?

- According to national law the addressee who changes his address during the proceedings, must inform the court thereof. Failing to do so will result in fictitious service of all subsequent documents (Art. 145 CPA). The question is whether this rule applies also to a party resident abroad. On the face of it, it seems that the CJEU in Alder prohibited any fictitious service within the jurisdiction in order to avoid service abroad. But on the other hand, the underlying facts in Alder were different. It related to the service on persons whose address abroad was (1) known and (2) was not changed during the proceedings. Fictitious service there was merely a method to avoid service, available under the Regulation. Here, the situation is different. The fictitious service pursuant to Art. 145 CPA is a sanction for a party who failed to inform the court of the change of address during the proceedings although he was informed beforehand that any change of address during proceedings must be notified to the court. Secondly, and perhaps more importantly, the rationale of Alder judgment is that parties residing in another member state may not be put in the worse position than parties residing within jurisdiction. Here though, the conclusion that Art. 145 CPA may not be used if the addressee lives abroad, would mean that parties residing in other member states are put in a much better positions than parties living in Slovenia. The sanction of fictitious service would namely apply to Slovenian parties (who did not notify the court of the change of address during the proceedings) but not to the parties residing in other EU member states – although they breached the same procedural requirement.

  There are other issues concerning the above – e.g. what if the other party knew of the new address of its opponent and did not inform the court (abuse of rights), what if the new address would easily be found (e.g. by checking the official registers…)

- Concerning service by post (Art. 18): registered letter with acknowledgement of receipt or equivalent. What does "or equivalent" mean? Signature of the member of household yes (CJEU; Case C-354/15 Henderson v Novo Banco). But remark of the postman – "refused to accept" or "failed to collect" in our opinion: No.

- Refusal to accept document (claiming that the addressee does not understand the language): If the Slovenian court is the court where proceedings on the merits are pending, it should – if the addressee's refusal is objected by the other party – assess whether the

refusal was justified. The standard used in the Regulation namely is not that the party may refuse to accept the document if he or she *claims* (asserts) that not to understand the language. The standard is objective – refusal is justified if the addressee does not understand the language. Thus, the question of whether the addressee's claim was accurate can be put to the test – if the other party (when informed that the addressee refused to accept the document and seeks translation) objects the refusal and claims that the addressee indeed understands the language.

Such objection should be examined. How to proceed then, remains unclear. Evidence may be taken (documents, witnesses), but (if witnesses are called) this requires a hearing but in any case, it requires that the court gives the opponent the opportunity to be heard. The addressee therefore must be informed that the other party opposed the rejection of service and that the question of whether the refusal was justified will be examined. This court's order (or summons to the hearing where this preliminary question will be examined) however again needs to be served abroad. If it is again served in the same language, the same problem will arise again (and again…). Thus the only possible way to proceed is that this second service abroad (information that the refusal to accept service was contested and that it will be examined) is made in the official language of the state where the service is made (then, there is no right of refusal).

Finally, what is the consequence if the court indeed finds that the addressee understands the language and thus his refusal was not justified. It should be clear: this would not merely mean that the service is considered in order in this moment, but that it was in order already when it was first made. That however would mean that the defendant missed the deadline for filing the defense plea and, if other conditions are fulfilled, the judgment by default may be entered.

- Uncertainties how to interpret the standard of "understanding the language". What degree of proficiency, how to treat similar languages (e.g. Croatian)…

- Errors still occur that courts require translation from the outset (althouth the Regulation is clear; if the claimant insists the document must be sent without translation; and it is the defendant's right (not the court's choice) whether it will exercise the right to refuse it or not.

- Pursuant to Art. 139 CPA (so called convalidation of erroneous service) the errors in service can no longer be invoked if it is clear that the addressee received the document (this could be clear if e.g. the addressee responds to the document or appears at the scheduled hearing). It is questionable if this instrument can be used in context of the EU Regulation. In our opinion it cannot be used in case the document was not in the language which the addressee understands (and neither in the official language of the state of service) but the Form about the right of refusal was not included in the document. Even if the recipient entered appearance (perhaps by procuring translation himself?) it would most likely not be deemed that the error in service (failure to inform the addressee of his right of refusal) may not be invoked any longer.

60. How could the provisions on service in your national legislation be improved in order to facilitate cross-border service and prevent legal uncertainty?

No suggestion.

61. Please list national cases in which problems occurred regarding the cross-border service of documents. If possible, please shortly summarise the respective issues and decision.

Higher Court in Koper Cpg 147/2017, 13 October 2017 (application of the Service of Documents Regulation is European Small Claims Procedure; failure of claimant to pay advance on costs for translation when the defendant in UK justifiedly refused to accept the document (default judgment) in Slovenian language; in the reasons (perhaps inadvertently) the court however stated that it is the right of the receiving agency (thus: not the addressee) to refuse to accept the document if the language requirements concerning the document (not the forms) are not fulfilled)

Higher Court in Ljubljana, III Cp 2979/2010, 15 December 2010 (the court erroneously decided that the language guarantees only apply in case of service via transmitting/receiving agency but not in case of service by post).

VSK sklep CDn 97/2012 OF 29 May 2012: correctly explains that the language guarantees apply in the same manner both in case of service through transmitting/receiving agencies as well as service by post

Higher Court in Ljubljana 459/2009 of 31 March 2010 (it might be necessary to take evidence if the addressee asserted that he did not understand the language of the document, this assertion however was contested by the other party)

Higher Court in Ljubljana I Ip 3335/2012 of 9 November 2011: The court states that even if service pursuant to EU Regulation was not in order, this may no longer be invoked if the defendant entered appearance (so called convalidation of erroneous service; Art. 139 CPA). The document served in Austria was only in Slovenian. The defendant entered appearance and later objected to the Slovenian language. The judgment is rather unclear: if the defendant was informed of the right to refuse to accept the document and he did not use this right within the given time-limit, the service was in order (hence no need to apply rules on convalidation of

erroneous service). If the defendant was not informed of his right to refuse to accept the document, it is however highly questionable whether the instrument of "convalidation of erroneous service" may apply.

Higher Court in Ljubljana IV Ip 3718/2017 of 10 January 2018: The court correctly states that it is not obligatory to provide translation in the official language of the state of the service but that only the addressee has the right to refuse service of the document in the language which the addressee does not understand. However in this case the addressee (a Slovenian national living in Croatia) was served in Slovenian. He did not refuse to accept the document. Nevertheless, for unclear reasons, the court of first instance, required the claimant to provide translation. Claimant complied. Later, the issue of costs for this (unnecessary) translation was raised.

Instructions for contributors

1. References

As a rule, specific references should be avoided in the main text and, preferably, should be placed in the footnotes. Footnote numbers are placed after the final punctuation mark when referring to the sentence and directly after a word when referring to that word only. We humbly invite our authors to examine carefully our sample references which are preceded by [-]. These sample references put the theory of our authors' guidelines into practice and we believe that they may serve to further clarify the preferred style of reference.

1.1. Reference to judicial decisions

When citing national judicial authorities, the national style of reference should be respected. References to decisions of European courts should present the following form:

[Court] [Date], [Case number], [Party 1] [v] [Party 2], [ECLI] (NB: the "v" is not italicised)

- ECJ 9 April 1989, Case C-34/89, Smith v EC Commission, ECLI:EU:C:1990:353.
- ECtHR 4 May 2000, Case No. 51 891/9, Naletilic v Croatia.

1.2. Reference to legislation and treaties

When first referring to legislation or treaties, please include the article to which reference is made as well as the (unabbreviated) official name of the document containing that article. The name of a piece of legislation in a language other than English, French or German should be followed by an italicised English translation between brackets. In combination with an article number, the abbreviations TEU, TFEU, ECHR and UN Charter may always be used instead of the full title of the document to which the abbreviation refers. If the title of a piece of legislation constitutes a noun phrase, it may, after proper introduction, be abbreviated by omission of its complement. Thus:

- Art. 2 Protocol on Environmental Protection to the Antarctic Treaty (henceforth: the Protocol).
- Art. 267 TFEU.
- Art. 5 Uitleveringswet [Extradition Act].

1.3. Reference to literature

1.3.1 First reference

Any first reference to a book should present the following form: [Initial(s) and surname(s) of the author(s)], [Title] [(Publisher Year)] [Page(s) referred to]

- J.E.S. Fawcett, The Law of Nations (Penguin Press 1968) p. 11.

If a book is written by two co-authors, the surname and initials of both authors are given. If a book has been written by three or more co-authors, 'et al.' will follow the name of the first

author and the other authors will be omitted. Book titles in a language other than English, French or German are to be followed by an italicised English translation between brackets. Thus:

- L. Erades and W.L. Gould, The Relation Between International Law and Municipal Law in the Netherlands and the United States (Sijthoff 1961) p. 10 – 13.
- D. Chalmers et al., European Union Law: cases and materials (Cambridge University Press 2010) p. 171.
- F.B. Verwayen, Recht en rechtvaardigheid in Japan [Law and Justice in Japan] (Amsterdam University Press 2004) p. 11.

1.3.2 Subsequent references

Any subsequent reference to a book should present the following form (NB: if more than one work by the same author is cited in the same footnote, the name of the author should be followed by the year in which each book was published):

[Surname of the author], [supra] [n.] [Footnote in which first reference is made], [Page(s) referred to] Fawcett, supra n. 16, p. 88.

- Fawcett 1968, supra n. 16, p. 127; Fawcett 1981, supra n. 24, p. 17 – 19.

1.4. Reference to contributions in edited collections

For references to contributions in edited collections please abide by the following form (NB: analogous to the style of reference for books, if a collection is edited by three or more co- editors only the name and initials of the first editor are given, followed by 'et al.'):

[Author's initial(s) and surname(s)], ['Title of contribution'], [in] [Editor's initial(s) and surname(s)] [(ed.) or (eds.)], [Title of the collection] [(Publisher Year)] [Starting page of the article] [at] [Page(s) referred to]

- M. Pollack, 'The Growth and Retreat of Federal Competence in the EU', in R. Howse and K. Nicolaidis (eds.), The Federal Vision (Oxford University Press 2001) p. 40 at p. 46.

Subsequent references follow the rules of 1.3.2 supra.

1.5. Reference to an article in a periodical

References to an article in a periodical should present the following form (NB: titles of well-known journals must be abbreviated according to each journal's preferred style of citation):

[Author's initial(s) and surname(s)], ['Title of article'], [Volume] [Title of periodical] [(Year)] [Starting page of the article] [at] [Page(s) referred to]

- R. Joseph, 'Re-Creating Legal Space for the First Law of Aotearoa-New Zealand', 17 Waikato Law Review (2009) p. 74 at p. 80 – 82.
- S. Hagemann and B. Høyland, 'Bicameral Politics in the European Union', 48 JCMS (2010) p. 811 at p. 822.

Subsequent references follow the rules of 1.3.2 supra.

1.6. Reference to an article in a newspaper

When referring to an article in a newspaper, please abide by the following form (NB: if the title of an article is not written in English, French or German, an italicised English translation should be provided between brackets):

- [Author's initial(s) and surname(s)], ['Title of article'], [Title of newspaper], [Date], [Page(s)]: T. Padoa-Schioppa, 'Il carattere dell' Europa' [The Character of Europe], Corriere della Serra, 22 June 2004, p. 1.

1.7. Reference to the internet

Reference to documents published on the internet should present the following form: [Author's initial(s) and surname(s)], ['Title of document'], [<www.example.com/[...]>], [Date of visit]

- M. Benlolo Carabot, 'Les Roms sont aussi des citoyens européens', <www.lemonde.fr/idees/article/2010/09/09/les-roms-sont-aussi-des-citoyens-europeens_1409065_3232.html>, visited 24 October 2010. (NB: 'http://' is always omitted when citing websites)

2. Spelling, style and quotation

In this section of the authors' guidelines sheet, we would like to set out some general principles of spelling, style and quotation. We would like to emphasise that all principles in this section are governed by another principle – the principle of consistency. Authors might, for instance, disagree as to whether a particular Latin abbreviation is to be considered as 'common' and, as a consequence, as to whether or not that abbreviation should be italicised. However, we do humbly ask our authors to apply the principle of consistency, so that the same expression is either always italicised or never italicised throughout the article.

2.1 General principles of spelling

- Aim for consistency in spelling and use of English throughout the article.
- Only the use of British English is allowed.
- If words such as member states, directives, regulations, etc., are used to refer to a concept in general, such words are to be spelled in lower case. If, however, the word is intended to designate a specific entity which is the manifestation of a general concept, the first letter of the word should be capitalised (NB: this rule does not apply to quotations). Thus:
- [...] the Court's case-law concerning direct effect of directives [...]
- The Court ruled on the applicability of Directive 2004/38. The Directive was to be implemented in the national law of the member states by 29 April 2006.
- There is no requirement that the spouse, in the words of the Court, 'has previously been lawfully resident in another Member State before arriving in the host Member State'.
- Avoid the use of contractions.

- Non-English words should be italicised, except for common Latin abbreviations.

2.2. General principles of style

- Subdivisions with headings are required, but these should not be numbered.
- Use abbreviations in footnotes, but avoid abbreviations in the main text as much as possible.
- If abbreviations in the main text improve its legibility, they may, nevertheless, be used. Acronyms are to be avoided as much as possible. Instead, noun phrases are to be reduced to the noun only (e.g., 'the Court' for 'the European Court of Human Rights'). If this should prove to be problematic, for instance because several courts are mentioned in the text (e.g., the Court of Justice and the European Court of Human Rights), we ask our authors to use adjectives to complement the noun in order to render clear the distinction between the designated objects (e.g., the Luxembourg Court/the European Court and the Strasbourg Court/the Human Rights Court). As much will depend on context, we offer considerable liberty to our authors in their use of abbreviations, insofar as these are not confusing and ameliorate the legibility of the article.
- In English titles, use Title Case; in non-English titles, use the national style.

2.3. General principles of quotation

- Quotations are to be placed between single quotation marks, both in the main text and in the footnotes (thus: 'aaaaa').
- When a quotation forms part of another quotation, it is to be placed between double quotation marks (thus: 'aaaaa "bbbbb" aaaaa').
- Should a contributor wish to insert his own words into a quotation, such words are to be placed between square brackets.
- When a quotation includes italics supplied by the contributor, state: [emphasis added].