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**ACT ON THE PROTECTION OF THE RIGHT
TO A TRIAL WITHOUT UNDUE DELAY OF
THE REPUBLIC OF SLOVENIA**

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ACT ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHOUT UNDUE DELAY¹ (ZVPSBNO)²

Chapter 1 General provisions

Purpose and scope of the Act

Article 1

- (1) The purpose of this Act shall be to protect the right to a trial without undue delay.
- (2) This Act shall regulate performance of matters of court management within the jurisdiction of the courts and matters of the justice administration falling within the jurisdiction of the Ministry responsible for justice which are related to the protection of the right to a trial without undue delay, judicial protection of this right and just satisfaction in cases of its violation.

¹ The title of this Act in Slovene language is: "Zakon o varstvu pravice do sojenja brez nepotrebnega odlašanja". The Act was published in the Official Gazette of the Republic of Slovenia, No. 49/2006 of 12 May 2006, amended by the Personal Income Tax Act (deletion of Article 27 of the Act on the Protection of the Right to a Trial without Undue Delay and transfer of its provision on tax exemption in Article 27, item 7 of the Personal Income Tax Act) that was published in the Official Gazette of the Republic of Slovenia, No. 117/2006 of 16 November 2006 and it was also amended by the Act Amending the Act on the Protection of the Right to a Trial without Undue Delay (official acronym of the Act in Slovene language: ZVPSBNO-B) that was published in the Official Gazette of the Republic of Slovenia, No. 58/2009 of 27 July 2009 and by the Act Amending the Act on the Protection of the Right to a Trial without Undue Delay that was published in the Official Gazette of the Republic of Slovenia, No. 38/2012 (official acronym of the Act in Slovene language: ZVPSBNO-B).

² "ZVPSBNO" is an official acronym of this Act in Slovene language.

Right to trial without undue delay

Article 2

A party to court proceedings, a participant under the statute regulating non-contentious procedure³ and an injured party in the criminal proceedings⁴ (hereinafter referred to as: party) shall have the right to have his rights, duties and any charges brought against him in his case before the court to be decided upon by the court without undue delay⁵.

Legal remedies

Article 3

Legal remedies to protect the right to a trial without undue delay under this Act shall be as follows:

1. appeal with a motion to expedite the hearing of the case (hereinafter: supervisory appeal);
2. motion to set a deadline (hereinafter: motion for a deadline);
3. claim for just satisfaction.

Criteria for decision-making

Article 4

When deciding on the legal remedies under this Act, circumstances of particular case shall be taken into account for an effective enforcement of rights under Article 2 of this Act, especially its complexity in terms of facts and law, actions of parties to proceedings, in particular as regards the use of procedural rights and fulfilment of obligations in proceedings, of the compliance with the rules on the set order of resolving cases, statutory deadlines for fixing preliminary hearings or drawing court decisions, the duration in which the case was being resolved at other court levels or courts, the manner in which a case was heard before a supervisory appeal or motion for a deadline were filed, the nature and type of a case and its importance for a party.

³ See Article 19 of the Non-Contentious Procedure Act of 1986 (Official Gazette of the SRS, Nos. 30/86, 20/88 - correction, Official Gazette of the RS, Nos. 87/2002 - Property Code, 131/2003 - Decision of the Constitutional Court and 77/2008 - Mental Health Act).

⁴ See especially Article 319, paragraph 2 and Articles 100-111 of the Criminal Procedure Act (Official Gazette of the Republic of Slovenia, Nos. 32/2012 - Officially Consolidated Text and 47/2013).

⁵ Provision on "shall have the right to have his rights, duties and any charges brought against him to be decided upon by the court without undue delay" represents a "transfer" of provision of Article 23, paragraph 1 of the Constitution of the Republic of Slovenia (Official Gazette of the RS, Nos. 33/1991-I, 42/1997, 66/2000, 24/2003, 69/2004, 68/2006 and 47/2013) and that constitutional provision is a semi-"transfer" of provision of Article 14, paragraph 3 (c) of the International Covenant on Civil and Political Rights.

Chapter 2

Supervisory appeal and motion for a deadline

Supervisory appeal

Article 5

(1) If a party considers that the court unduly protracts with the decision-making, he may file a supervisory appeal in writing before the court hearing the case; the decision thereon is taken by the lady president or president of the court⁶ (hereinafter: president of the court).

(2) For the needs of decision-making concerning the protection of the right to a trial without undue delay, the supervisory appeal shall contain the following elements:

- personal name⁷ or company name or any other name of the party, its address of permanent or temporary residence or registered office;
- personal name or company name or any other name of the representative or legal representative⁸ and its permanent or temporary residence or registered office;
- indication of the court hearing the case;
- reference number of the case or date of filing the case in the court;
- indication of circumstances or other data concerning the case, which demonstrate that the court unduly protracts with the decision-making;
- hand-written signature of the party, representative or attorney.

Decision on supervisory appeal

Article 6

(1) If the supervisory appeal is manifestly unfounded considering the timetable of resolving the case indicated in the supervisory appeal, the president of the court shall reject the appeal by way of a ruling⁹.

(2) If the supervisory appeal does not contain all required elements referred to in Article 5, paragraph 2 of this Act, the president of the court shall dismiss it by way of a ruling. No appeal may be filed against this ruling.

⁶ The original text in Slovene language uses first the term for the president of the court of female gender "predsednica" and afterwards the term for the president of the court of male gender "predsednik".

⁷ Personal name is composed of a name and a surname of a natural person (see Article 3, paragraphs 1 and 2 of the Personal Name Act, Official Gazette of the RS, No. 20/2006).

⁸ In Slovene language: "pooblaščenec". This general term usually designates attorney (legal counsel).

⁹ In Slovene language: "sklep". For comparison, in German legal terminology this would be: "der Beschluss". The term ruling usually, but not always, means contextually a procedural decision - not deciding upon the merits of the case.

(3) If no ruling referred to in the paragraphs 1 or 2 of this Article is issued, the president of the court shall forthwith request the lady judge or judge or a chairwoman or chairman of a court panel (hereinafter: the judge) to whom the case has been assigned for resolving, that he submits a report indicating reasons for the duration of proceedings not later than in fifteen days of receiving the request of the president of the court or after obtaining the file, if necessary for drawing up the report. The report shall include the declaration in respect of criteria referred to in Article 4 of this Act and the opinion on the deadline in which the case may be resolved. The president of the court may also require the judge to submit the case file if he assesses that, in the light of allegations of the party indicated in supervisory appeal, its examination is necessary.

(4) If the judge notifies the president of the court in writing that all relevant procedural acts that could effectively accelerate the resolution of the case, shall be performed or a decision issued within the deadline not exceeding four months following the receipt of the supervisory appeal, the president of the court shall inform the party thereof and thus conclude the consideration of the supervisory appeal.

(5) If the president of the court establishes that in view of the criteria referred to in Article 4 of this Act the court does not unduly delay the decision-making on the case, he shall reject the supervisory appeal by way of a ruling.

(6) If the president of the court has not informed the party in accordance with paragraph 4 of this Article and if, in view of criteria referred to in Article 4 of this Act, he establishes that the court is unduly delaying the decision-making of the case, he shall, subject to the state and nature of the case and by way of a ruling, order a deadline for performing certain procedural acts that could effectively accelerate the resolution of the case, and he may also order that the case be resolved as a priority due to the circumstances of the case, particularly when the matter is urgent. If he orders that the appropriate procedural acts be performed by the judge, he also sets the deadline for their performance, which may not be shorter than fifteen days and not longer than six months, as well as the appropriate deadline for the judge to report on the acts performed.

(7) If the president of the court establishes that the undue delay in decision-making of the case is due to excessive workload or extended absence of the judge, he may order that the case be reassigned. He may also propose that the additional judge be assigned to the court or order other measures under the statute regulating the judicial service¹⁰ be implemented.

(8) A judge may be assigned by the annual schedule of allocation to act in place of or together with the president of the court for decision-making on supervisory appeals.

¹⁰ See the Judicial Service Act (Official Gazette of the RS, Nos. 94/2007 - Officially Consolidated Text, 90/2009, 33/2011, 46/2013, 63/2013 and 69/2013 - corr.).

(9) The president of the court or a judge referred to in the previous paragraph shall decide on supervisory appeals within the framework of and according to the procedure for performing court management competencies¹¹ under the statute regulating courts.

The restriction on filing a supervisory appeal

Article 7

(1) If the president of the court acts in compliance with Article 6, paragraphs 4 or 6 of this Act, the party may not file a new supervisory appeal concerning the same case before the expiry of deadlines set in the notification or ruling of the president of the court. This provision shall not apply to cases where detention is proposed or ordered or where interim measure is proposed.

(2) If a ruling was issued in accordance with Article 6, paragraphs 1 or 5 of this Act, the party may file a new supervisory appeal only after six months have elapsed from the receipt of the decision. This provision shall not apply to cases where detention is proposed or ordered or where interim measure is proposed.

Motion for a deadline

Article 8

(1) If, under Article 6, paragraphs 1 or 5 of this Act, the president of the court rejects the supervisory appeal or fails to answer to the party within two months or fails to send the notification referred to in Article 6, paragraph 4 of this Act within the said deadline or if appropriate procedural acts were not performed within deadlines set in the notification or ruling of the president of the court, the party may file the motion for a deadline grounded on Article 5, paragraph 1 of this Act at the court hearing the case.

(2) For the purposes of decision-making on the protection of the right to a trial without undue delay, the motion for a deadline shall contain the elements referred to in Article 5, paragraph 2 of this Act.

(3) A party may file motion for a deadline after the expiry of the deadline referred to in this Article, paragraph 1 or within 15 days after receiving the ruling from Article 6, paragraphs 1 or 5 of this Act.

¹¹ Provision on the "framework of performing the court management competencies under the statute regulating the courts" is a reference to the provision of Article 60, paragraph 3 of the Courts Act (Official Gazette of the RS, Nos. 94/2007 - Officially Consolidated Text, 45/2008, 96/2009, 86/2010 – ZJNepS, 33/2011, 75/2012 - ZSPDLS-A and 63/2013) which states that in matters of court management a decision must be made on the right, obligation, or legal benefit of a person following the provisions of the General Administrative Procedure Act (Official Gazette of the RS, Nos. 24/2006 - Officially Consolidated Text, 105/2006 - Administrative Disputes Act, 126/2007, 65/2008 and 8/2010) that shall be *mutatis mutandis* applied in the decision-making procedure of presidents of courts. Therefore rules of general administrative procedure (not to be mistaken with judicial procedural legislation!) apply in cases of decision-making on filed supervisory appeals.

Competence for decision-making

Article 9

- (1) The president of the higher court in the judicial area covering the local court, district court or other court of first instance, shall have the competence to decide on the motion for a deadline concerning the cases heard by the local court, district court or other court of first instance.
- (2) The president of the Supreme Court of the Republic of Slovenia shall have the competence to decide on the motion for a deadline concerning cases heard by higher court or court having the status of higher court.
- (3) The president of the Supreme Court of the Republic of Slovenia shall have the competence to decide on the motion for a deadline concerning cases heard by the Supreme Court of the Republic of Slovenia.
- (4) Other judges may be assigned by the annual schedule of allocation to act in place of or together with the presidents of courts referred to in previous paragraphs for decision-making on motions for a deadline.

Referral of the motion for a deadline

Article 10

The president of the court hearing the case shall forthwith refer the motion for a deadline together with the case file and the supervisory appeal file to the president of the court competent to decide on the motion for a deadline.

Decision on the motion for a deadline

Article 11

- (1) If the motion for a deadline is manifestly unfounded considering the timetable of the resolution of the case and the actions of the party, the president of the court shall reject it by way of a ruling.
- (2) If the motion for a deadline does not contain all required elements referred to in Article 5, paragraph 2 of this Act or is filed before the end of the time limit referred to in Article 8, paragraph 1 of this Act or after the expiry of time limit set in Article 8, paragraph 3 of this Act, the president of the court shall dismiss it by way of a ruling.
- (3) If the president of the court establishes that, in view of the criteria referred to in Article 4 of this Act, the court does not unduly delay with the decision-making of the case, he shall reject the motion for a deadline by way of a ruling.
- (4) If the president of the court establishes that, in view of the criteria referred to in Article 4 of this Act, the court unduly delays the decision-making of the case, especially

in the case when the president of the court did not, in accordance with Article 6, paragraph 4 or paragraph 6, in a written notification to the party or in a ruling, state or order the performance of appropriate or fixed procedural acts that could effectively accelerate the resolution of the case, he shall order, by way of a ruling, that the appropriate procedural acts that could effectively accelerate the resolution of the case be performed by the judge and shall also set the deadline for their performance, which may not be shorter than fifteen days and not longer than four months, as well as set the appropriate deadline for the judge to report on the acts performed. According to the circumstances of the case, particularly when the matter is urgent, the president of the court may also order that the case be resolved as a priority and propose to the president of the court referred to in Article 5, paragraph 1 of this Act to implement measures referred to in Article 6, paragraph 7 of this Act.

(5) The president of the court shall decide on the motion for a deadline within fifteen days following its receipt.

***Mutatis mutandis* application of rules of civil procedure and the procedure for performing court management competencies**

Article 12

For the decision-making on the motion for a deadline concerning the fixing of a deadline by the court and the ruling and appeal against the ruling¹², the provisions of the statute regulating civil procedure shall be applied *mutatis mutandis*, and in respect of other procedural actions, in particular as regards preliminary review of a motion for a deadline, the provisions of the statute regulating the courts, on the procedures for performing court management competencies¹³.

Exclusion of appeal

Article 13

No appeal is allowed against the ruling of the president of the court issued pursuant to Article 11 of this Act.

¹² See Article 110, paragraph 1 and Article 366 of the Civil Procedure Act (Official Gazette of the RS, Nos. 73/2007 - Officially Consolidated Text No. 3, 45/2008, 45/2008 - Arbitration Act, 111/2008 - Decision of the Constitutional Court, 121/2008 - Ruling of the Constitutional Court, 57/2009 - Decision of the Constitutional Court, 12/2010 - Decision of the Constitutional Court, 50/2010 - Decision of the Constitutional Court, 107/2010 - Decision of the Constitutional Court, 75/2012 - Decision of the Constitutional Court, 76/2012 - corr. and 40/2013 - Decision of the Constitutional Court).

¹³ See Article 6, paragraph 9 of this Act.

Competence of the Ministry responsible for justice

Article 14

(1) If the supervisory appeal is filed before the Ministry responsible for justice (hereinafter referred to as the Ministry), the Minister or lady Minister responsible for justice (hereinafter referred to as the Minister) shall refer it to the president of the court of competent jurisdiction to hear it in accordance with this Act and shall require to be informed within two months on the findings and on the decision.

(2) If the supervisory appeal does not contain all required elements referred to in Article 5, paragraph 2 of this Act, the Minister shall invite the party to supplement it in eight days. If the supervisory appeal is not supplemented within the said deadline, the Minister shall dismiss it by way of a ruling. No appeal is allowed against a ruling on dismissal.

(3) The Minister may require the president of the court to submit a report on all filed supervisory appeals or motions for a deadline and to transmit copies of notices and issued decisions served to parties. These documents may be requested in connection with cases where the supervisory appeal or motion for a deadline was filed not more than two years ago.

(4) The Ministry may use and process personal and other data and information from the documents referred to in paragraph three of this Article for the purpose of implementing or proposing measures or proceedings under the provisions of the statute regulating judicial service, particularly with regard to the assessment of judicial service, proceedings for establishing disciplinary responsibility of a judge, for the implementation or for proposing measures or proceedings based on other statutory powers or obligations of the Ministry, particularly for assessing the state prosecutor's service or proceedings for establishing disciplinary responsibility of a state prosecutor, for the purpose of statistical and scientific research or for the purpose of preparing draft statutes law and other regulations within the competence of the Ministry.

(5) The Ministry manages the filing system of personal data, in which for the execution of competences of the Ministry under this Article personal and other data from the received supervisory appeals shall be processed. Only the following data shall be processed: Reference Number of the matter of the Ministry, the date of receipt and the referral or rejection of a supervisory appeal, personal name or business name or any other name of the party, address of the party's permanent or temporary residence or its seat, the name of the court hearing the case, Reference Case Number or the date of filing of the case before the court, the date of the received ruling or courts' information and the type of courts' decision. In the case of granted supervisory appeals it shall also process the personal name of the competent judge or personal names of competent judges that the court must send in the ruling or information. Data in the filing system shall be processed by means of information technology.

(6) When the intended use or processing of personal data referred to in paragraph 3 of this Article is accomplished, the Ministry shall archive them in accordance with the statute regulating archival material and archives; and they must be archived not later

than five years after the receipt of such data. Data from the filing system from the previous paragraph shall be deleted when the purpose of their use or processing from paragraphs 1 and 4 of this Article is completed, and no later than three years after their entry¹⁴.

Chapter 3 **Rights and procedure regarding just satisfaction**

Just satisfaction

Article 15

(1) If the party from the case designated in Article 2 filed a supervisory appeal, which was granted by ruling or information (Article 6, paragraphs 6 and 4), or if he/she filed motion for a deadline, she/he can claim just satisfaction under this Act.

(2) Just satisfaction shall be provided by:

1. payment of monetary compensation for damage caused by a violation of the right to a trial without undue delay;
2. a written statement of the State Attorneys' Office that the party's right to a trial without undue delay was violated;
3. the publication of a judgement that the party's right to a trial without undue delay was violated.

(3) The party shall, in a motion for settlement filed with the State Attorneys' Office, state which or which two types of just satisfaction under the previous paragraph is being claimed. If the party does not state the type or types of just satisfaction, the State Attorneys' Office shall determine a time limit of 30 days to supplement the application in previous sentence and, if the application is not supplemented within the time limit, the State Attorneys' Office shall dismiss it.

Monetary compensation

Article 16

(1) Monetary compensation shall be payable for non-pecuniary damage caused by a violation of the right to a trial without undue delay. The strict liability for damage caused shall lie with the Republic of Slovenia.

(2) Monetary compensation for individual case referred to in the second sentence of Article 19, paragraph 1 shall be granted in the amount of 300 up to 5000 Euros.

(3) When deciding on the amount of compensation, the criteria referred to in Article 4 of this Act shall be taken into account, in particular the complexity of the case, actions of the State, actions of the party and the importance of the case for the party.

¹⁴ After their entry in the filing system that is determined in paragraph 5 of Article 14.

Written statement

Article 17

(1) Given the circumstances of the case, the State Attorneys' Office may, by agreement with the party under Article 19 of this Act and taking account of criteria referred to in Article 18, paragraph 1 of this Act, make a written statement without monetary compensation to the party as a compensation for non-pecuniary damage caused by the violation of the right to a trial without undue delay. In case the right to a trial without undue delay has been seriously violated and at the request of the party, the State Attorneys' Office may in addition to the monetary compensation also make a written statement.

(2) The written statement shall include data referred to in the Article 5, paragraph 2, subparagraphs 1, 2, 3 and 4 of this Act, an indication that a violation of the right to a trial without undue delay occurred and the duration of the undue delay.

(3) A written statement shall be made by the State Attorneys' Office within the concluded settlement referred to in Article 19 of the present Act. At the party's request, the written statement shall be published on the website of the State Attorneys' Office which shall cover the costs thereof. The written statement shall be made public for two months and thereupon archived within the website or deleted within fifteen days of the receipt of the request of the party or the majority of parties from the written statement.

Publication of the judgement

Article 18

(1) If the party claims payment of monetary compensation for just satisfaction by bringing an action before the competent court referred to in Article 20 of this Act, the court may, having regard to all circumstances of the case and criteria referred to in Article 4 of this Act, in particular the actions of the party in proceedings, and upon the assessment that just satisfaction for non-pecuniary damage might be afforded merely by establishing a violation of the right, the court may exceptionally decide not to grant monetary compensation but only to set out in the judgment that a violation of the right was established. In this case the court shall also decide, at the request of the party, to publish the judgement.

(2) In case of a serious violation of the right to a trial without undue delay and at the request of the party, the court may in addition to monetary compensation also order the publication of a judgement.

(3) The judgement published shall only contain the following personal or other data of the party: personal name or company or any other name of the plaintiff, his permanent, temporary or other residence and registered office, as well as date of birth if indicated by the party in the action brought under Article 20 of this Act.

(4) The court in respect of which the judgement established the undue delay in trying the party's case shall publish the final judgement at its website and cover the costs thereof. The judgement shall be made public for two months and thereupon archived within the website or deleted within fifteen days of the receipt of the request of the party or the majority of parties from the judgement.

Proceedings before the State Attorneys' Office

Article 19

(1) Proceedings to enforce a claim for just satisfaction, provided that the condition referred to in Article 15, paragraph 1 of this Act is met, shall be instituted by a party by way of a motion for settlement filed with the State Attorneys' Office with a view to reaching an agreement on type or amount of just satisfaction. The party may file such a motion concerning their case under Article 2 within 9 months from the day the final decision of the court was served, or from the day the decision of the Supreme Court of the Republic of Slovenia that ends the proceedings was served when, in their case under Article 2, an extraordinary legal remedy to be decided by the Supreme Court of the Republic of Slovenia was filed. The State Attorneys' Office shall pronounce itself on the motion of the party not later than in three months if it establishes that the just satisfaction claim is substantiated. Until the expiry of the abovementioned period, the party may not assert claim for monetary compensation for just satisfaction by bringing an action before the competent court.

(2) If, in accordance with paragraph 1 of this Article, the agreement has been reached with the party, the State Attorneys' Office shall conclude an out of court settlement with the party.

(3) The court that was deciding the case at the first instance shall, on the basis of a written request of the State Attorneys' Office, no later than within 30 days, communicate to the State Attorneys' Office a description of the time frame for resolving the case before the courts of all levels that were deciding on the case, with the reasons for the procedural delay, and the description of the effect of the supervisory appeal and the motion for a deadline in the case and, when necessary, it shall communicate additional explanations concerning the case with reference to observation of the criteria in Article 4 of this Act. Other state bodies, operating or participating in the procedure before the court in the case referred to in the previous sentence, shall communicate to the State Attorneys' Office a description of the time frame of their operation or participation in the case, including a statement on possible reasons for the procedural delay and, when necessary, they shall also communicate other explanations concerning the case with reference to observation of the criteria in Article 4 of this Act, in accordance to the procedure and within the time limit under the previous sentence. The court and other state bodies, operating or participating in the procedure before the courts in the case referred to in first sentence, may communicate electronically to the State Attorneys' Office a description of the time frame of their operation or participation in the case, with other required information, in accordance with the procedure and within the time limit under the first sentence.

(4) If the party, when claiming rights under the provisions of Chapter 3 of this Act in the procedure before the State Attorneys' Office, is represented by a representative, the representative shall submit a special power of authority when filing the application. If the power of authority was not submitted, the State Attorneys' Office shall determine the time limit of 15 days for the representative to submit the power of authority and, failing this, the State Attorneys' Office shall dismiss the application.

Proceedings in a court and jurisdiction

Article 20

(1) If no agreement under Article 19 of this Act is reached upon the motion for settlement, or the State Attorneys' Office and the party fail to negotiate an agreement within three months of the date of filing the motion, the party may bring an action for damages.

(2) Action for damages against the Republic of Slovenia shall be brought not later than eighteen months from the day the decision of the court under the first sentence of Article 19, paragraph 2 was served.

(3) Territorial jurisdiction for decision-making on an action for damages under this Act shall exclusively lie with the local court in whose district the plaintiff is a permanent or temporary resident or has registered office.

(4) Notwithstanding paragraph 3 of this Article, for the jurisdiction for decision-making on an action for damages, which would under the provisions of this Act be conferred to the Local Court of Ljubljana, shall be exclusively territorially competent the Local Court of Kranj, and for the jurisdiction for decision-making on an action for damages, which would under the provisions of this Act be conferred to the Local Court of Maribor, shall be exclusively territorially competent the Local Court of Celje.

(5) For the decision-making on an action for damages under this Act, which was brought by a party not permanently or temporarily residing or having registered office in the Republic of Slovenia, shall be exclusively territorially competent the Local Court of Kranj.

(6) Irrespective of the type or amount of the claim, the provisions of the Civil Procedure Act concerning small claims shall apply in proceedings before a court.

(7) Revision shall be excluded for disputes on damage under this Act.

Seeking pecuniary damage

Article 21

(1) Action for pecuniary damage caused by a violation of the right to a trial without undue delay may be brought by the party within eighteen months from the day the decision of the court referred to in the second sentence of Article 19, paragraph 1 was served on the party's case in accordance with the provisions of the Obligations Code¹⁵ concerning pecuniary damage.

(2) When deciding on pecuniary damage, the court shall take account of the provisions of the Obligations Act and the criteria referred to in Article 4 and Article 16, paragraph 3 of the present Act. The strict liability for damage caused shall lie with the Republic of Slovenia.

Payment of monetary compensation

Article 22

(1) The State Attorneys' Office shall pay monetary compensation on the basis of concluded settlement referred to in Article 19, paragraph 2 of this Act and all appropriate costs incurred by the party in connection therewith.

(2) The State Attorneys' Office shall pay monetary compensation and the party's costs of the proceedings on the basis of a final court decision, which established the violation of the right to a trial without undue delay in the proceedings under Article 20 or Article 21 of the present Act.

Provision of funds

Article 23

Funds referred to in Article 22 of this Act shall be earmarked in the Budget of the Republic of Slovenia within the framework of the financial plan of the State Attorneys' Office.

Exception with regard to entities of public law

Article 24

In respect of the protection of the right to a trial without undue delay, the state bodies, bodies of self-governing local communities, public enterprises, public funds and public agencies acting as parties to proceedings may not be afforded just satisfaction by way of payment of monetary compensation for damage caused¹⁶ by a violation of the right to a trial without undue delay or by way of compensation for pecuniary damage¹⁷ for their benefit or for the benefit of the Republic of Slovenia under this Act or under any other Act.

¹⁵ See the Obligations Code (Official Gazette of the RS, No. 97/2007 - Officially Consolidated Text).

¹⁶ See Article 16 of this Act.

¹⁷ See Article 21 of this Act.

Chapter 4

Transitional and final provisions

Just satisfaction for damage in other cases

Article 25

(1) With respect of case in which the alleged violation of the right to a trial without undue delay has ceased by the 31 March 2007, and the party timely filed a claim for just satisfaction to the international court, the State Attorneys' Office shall, within four months of receipt of the case in the process of settlement from the international court, propose to the party a settlement in respect of the amount of just satisfaction. Party is obliged to submit to the State Attorneys' Office a proposal for a settlement within two months of receipt of the proposal from the State Attorneys' Office. The State Attorneys' Office shall decide on the proposal as soon as possible but at the latest within four months. Concerning the amount and determination of just satisfaction and the criteria to establish a violation of the right to a trial without undue delay, the provisions of Articles 16 and 17 of this Act shall be applied and for the procedure the provisions of Article 19 of this Act.

(2) If the proposal for settlement from the previous paragraph is not granted or if the State Attorneys' Office and party fail to reach an agreement within four months of the submission of the proposal of the party, the party may file an action before the competent court of the Republic of Slovenia under this Act. A party may file an action within six months of receipt of reply from the State Attorneys' Office that its application from the previous paragraph was not granted, or after the expiry of the deadline set in the previous paragraph for the decision of the State Attorneys' Office to conclude a settlement. For proceedings before a court, regardless of the type or amount of the claim, the provisions of the Civil Procedure Act on small claims shall be applied.

(3) With respect of case in which the alleged violation of the right to trial without undue delay ceased by the 31 March 2007, and the party timely filed an action for payment of monetary compensation for non-pecuniary damage as a result of supposed violation of the right to a trial without undue delay before the court of the Republic of Slovenia, the amount and determination of just satisfaction and the criteria to establish a violation of the right to a trial without undue delay, the provisions of Articles 16 and 17 of this Act shall be applied.

Amendment in the other Act

Article 26

(1) On 1 January 2007, Article 72 of the Courts Act (Official Gazette of the RS, No. 100/05 – Officially Consolidated Text No. 2) shall cease to apply.

(2) Article 73, paragraph 1 of the Courts Act (Official Gazette of the RS, No. 100/05 – Officially Consolidated Text No. 2) shall be amended as follows:

"In case of supervisory appeal and motion for a deadline in accordance with the statute regulating the protection of the right to a trial without undue delay, the president of the court of higher instance may, on his own initiative or on the proposal from the Ministry competent for justice, order that work of the court regarding the subject of the party's complaint be inspected and the findings of the inspection reported to the Minister in writing if the inspection is carried out on the proposal of the Minister responsible for justice, or a copy of the report submitted to the president of the court if the inspection is proposed by the president of the court of higher instance. The Minister and the president of the court where the inspection was carried out may use data or assessments from the report to implement or propose measures or proceedings under the provisions of the statute regulating judicial service, particularly with regard to the assessment of judicial service, proceeding for establishing disciplinary responsibility of a judge, for the implementation or for proposing measures or procedures based on other legislative powers or obligations of the Ministry responsible for justice, particularly for assessing the state prosecutor's service or proceedings for establishing disciplinary responsibility of a state prosecutor."

(3) The amendment of Article 73, paragraph 1 of the Courts Act shall apply as from 1 January 2007, until that time the current provision of Article 73 of the Courts Act shall continue to apply.

[Article 27 was **deleted** by the Article 156, paragraph 2, subparagraph of the Personal Income Tax Act¹⁸, Official Gazette of the Republic of Slovenia, No. 117/2006 of 16 November 2006.

Transitional provision on payment of income tax

Article 27

Pending the amendment of the statute regulating the income tax, no income tax is payable on monetary compensation for non-pecuniary damage paid in accordance with the provisions of this Act.]

Entry into force and application of this Act

Article 28

This Act shall enter into force on the 15th day¹⁹ following its publication in the Official Gazette of the Republic of Slovenia, and shall be applied from 1 January 2007.

¹⁸ This provision on tax exemption was transferred to systemic provisions on tax exemption in Article 27, item 7 of the Personal Income Tax Act (Official Gazette of the Republic of Slovenia, No. 117/2006), which states: "Income tax is not payable on: [...] 7. monetary compensation for non-pecuniary damage paid in accordance with the provisions of the Act regulating the protection of the right to a trial without undue delay."

¹⁹ The original Act on the Protection of the Right to a Trial without Undue Delay was published on 12 May 2006 in the Official Gazette of the Republic of Slovenia, No, 49/2006 and accordingly entered into force on 27 May 2006. It is applied as of 1 January 2007.

No. 700-01/06-91/1

Ljubljana, 26 April 2006

EPA 819-IV

President of the National
Assembly of the Republic of
Slovenia
France Cukjati, Dr med.
(signed)

**THE ACT AMENDING THE ACT ON THE PROTECTION OF THE
RIGHT TO A TRIAL WITHOUT UNDUE DELAY (ZVPSBNO-A)²⁰**

TRANSITIONAL AND FINAL PROVISION

Article 11

Procedures that have been initiated before this Act comes into force, in courts or at the State Attorneys' Office, on the basis of the provisions of the Act on the Protection of the Right to a Trial without Undue Delay (Official Gazette of the RS, Nos. 49/06 and 117/07 – Zdoh-2) shall be finished according to the provisions of the cited Act. Notwithstanding the provision of the previous sentence, the amended provisions of the Articles 2, 16, paragraph 2, Article 19, paragraph 1, Article 20 and Article 21, paragraph 1 shall apply to such proceedings as well.

Article 12

This Act shall enter into force on the 15th day following its publication in the Official Gazette of the Republic of Slovenia.

No. 700-01/09-9/27

Ljubljana, 15 July 2009

EPA 380-V

National Assembly of the
Republic of Slovenia
Dr Pavel Gantar (signed)
President

²⁰ Official Gazette of the Republic of Slovenia, No. 58/2009 of 27 July 2009.

THE ACT AMENDING THE ACT ON THE PROTECTION OF THE RIGHT TO A TRIAL WITHOUT UNDUE DELAY (ZVPSBNO-B)²¹

Article 6

Article 25 is amended to read as follows:

"Just satisfaction for damage in other cases

Article 25

(1) With respect of case in which the alleged violation of the right to a trial without undue delay has ceased by the 31 March 2007, and the party timely filed a claim for just satisfaction to the international court, the State Attorneys' Office shall, within four months of receipt of the case in the process of settlement from the international court, propose to the party a settlement in respect of the amount of just satisfaction. Party is obliged to submit to the State Attorneys' Office a proposal for a settlement within two months of receipt of the proposal from the State Attorneys' Office. The State Attorneys' Office shall decide on the proposal as soon as possible but at the latest within four months. Concerning the amount and determination of just satisfaction and the criteria to establish a violation of the right to a trial without undue delay, the provisions of Articles 16 and 17 of this Act shall be applied and for the procedure the provisions of Article 19 of this Act.

(2) If the proposal for settlement from the previous paragraph is not granted or if the State Attorneys' Office and party fail to reach an agreement within four months of the submission of the proposal of the party, the party may file an action before the competent court of the Republic of Slovenia under this Act. A party may file an action within six months of receipt of reply from the State Attorneys' Office that its application from the previous paragraph was not granted, or after the expiry of the deadline set in the previous paragraph for the decision of the State Attorneys' Office to conclude a settlement. For proceedings before a court, regardless of the type or amount of the claim, the provisions of the Civil Procedure Act on small claims shall be applied.

(3) With respect of case in which the alleged violation of the right to trial without undue delay ceased by the 31 March 2007, and the party timely filed an action for payment of monetary compensation for non-pecuniary damage as a result of supposed violation of the right to a trial without undue delay before the court of the Republic of Slovenia, the amount and determination of just satisfaction and the criteria to establish a violation of the right to a trial without undue delay, the provisions of Articles 16 and 17 of this Act shall be applied."

²¹ Official Gazette of the Republic of Slovenia, No. 58/2009 of 27 July 2009.

Article 7

This Act shall enter into force on the 15th day following its publication in the Official Gazette of the Republic of Slovenia.

No. 700-01/12-2/16

Ljubljana, 15 May 2012

EPA 207-VI

National Assembly of the
Republic of Slovenia
Dr Gregor Virant (signed)
President

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