



European Network of Councils  
for the Judiciary (ENCJ)

Réseau européen des Conseils  
de la Justice (RECJ)

## Response questionnaire project group Timeliness

### Republika Slovenija Sodni Svet (Slovenia)

#### 1. The Court System and Available Statistics

##### 1.1. The Court System

#### Organisation of the Judicial System

The uniform judicial system of the Republic of Slovenia includes courts of general and specialised jurisdiction, the latter having jurisdiction only in the fields of labour and social law and administrative law.

There are four levels of the courts of general jurisdiction:

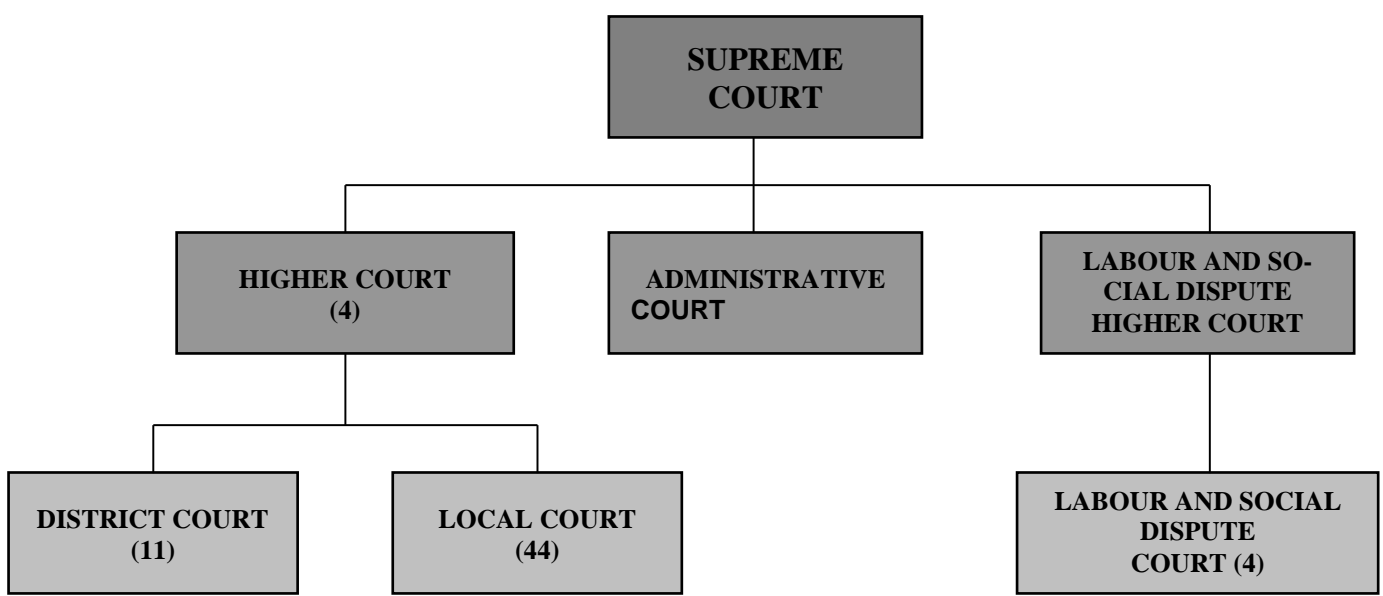
- **44 local courts** are courts of the first instance and are vested with jurisdiction over less serious criminal cases; civil cases concerning claims for damages or property rights up to a certain value; all civil cases concerning disturbance of possession, easement of real burdens, hire, lease or tenancy relations; the legal obligation to maintenance if the disputes are not dealt with in conjunction with marriage disputes or disputes over the establishment or contestation of fatherhood; probate and other non-litigious matters; keeping of land registers; civil enforcement.
- **11 district courts** are courts of the first instance as well. They are vested with jurisdiction over criminal and civil cases which exceed the jurisdiction of local courts; juvenile criminal cases; execution of criminal sentences; trial of, or consideration of the permission for, violations of human rights and fundamental freedoms; family disputes, except maintenance disputes; confirmation of rulings of a foreign court; commercial disputes; bankruptcy, forced settlements and liquidation; copyright and intellectual property cases; entries in the company register.

- **4 higher courts** are courts of appellate jurisdiction. In addition to determination of appeals against decisions of the local and district courts in their territories, they also determine disputes of jurisdiction between local and district courts.
- **The Supreme Court**, as the highest court in the state, is described in the following paragraph.

There are also **four specialised courts** of the first instance. They are competent for determination of **labour disputes**, and one of them also for determination of **social security disputes**. They share a common court of appeal.

The **Administrative Court** of the Republic of Slovenia has a status of a higher court.

**Organisation chart of the judicial system in Slovenia**



**The Supreme Court**

The Supreme Court is the highest appellate court in the state. It functions primarily as a court of cassation. It is a court of appellate jurisdiction in criminal and civil cases, in commercial lawsuits, in cases of administrative review and in labour and social security disputes. It is the court of the third instance in almost all these cases within its jurisdiction. The grounds of appeal to the Supreme Court (defined as extraordinary legal remedies in our procedural laws) are therefore limited to issues of substantive law and to the most severe breaches of procedure.

The Supreme Court is not empowered to decide upon matters relating to the conformity of statutes, regulations and by-laws with the constitution and with international law, matters re-

lating to complaints of breach of the constitution involving individual acts infringing human rights and fundamental freedoms, and similar matters. These matters belong to the jurisdiction of the Constitutional Court.

Following the recent changes to the Administrative Dispute Act (the change came into force in the beginning of 2007) and the Civil Procedure Act (the change came into force in October 2008) the Supreme Court has now the right to decide in these types of cases whether to review a case or not. Consequently, the appeals to the Supreme Court can be made as of right and no leave to appeal is needed only in criminal cases. Due to the fact that the changes have occurred only recently, no evaluation of the effect of changes on the caseload of the Supreme Court could not have been done yet.

The Supreme Court can exercise inside inspection of lower instance courts' activities which are not related to the administration of justice. Thus, the Supreme Court can demand to be given insight into the work of a lower court by way of examining cases already closed, chosen at random (the object of this examination being a later exchange of experiences with the judges of the lower court, planned as a kind of collegial help and part of in-service training) and not of cases still under procedure. The President of the Supreme Court can also - upon the complaint of a party in a case not yet closed (the complaint being that the case is not being adjudicated within a reasonable time) - ask the president of a High Court (court of the second instance) to inform him/her of the reasons for the delay in the individual case.

The Supreme Court has seven divisions:

- the Criminal Division,
- the Civil Division,
- the Commercial Lawsuits Division,
- the Labour and Social Security Disputes Division,
- the Administrative Review Division,
- the Registry Division
- the Division for International Affairs

## **1.2. Statistic information on Courts, judges and cases**

On the 31<sup>st</sup> of January 2009 there were 41 judges at the Supreme Court, 153 judges at the four Higher courts, 267 judges at District courts, 513 judges at Local courts, 37 judges at the Administrative court, 16 judges at the Labour and social dispute higher court and 49 at the Labour and social dispute courts.

On the 31.12.2007 there were 1083 judicial posts. This number represents all the posts, which are formally occupied although some posts are de facto vacant, since the judge is actually absent due to e.g. maternity leave (which can last as long as 2 years). According to some estimations of the Ministry of Justice this kind of posts represent around 15 - 20% of all judicial posts.

Accordingly, calculations were made that included the actual number of working hours. These calculations excluded the judges that were on maternity leave, judges on sick leave, but included the annual leave. The final number of judicial posts according to these calculations (937) would be the number of actual working hours in 2008, divided by judges (946), from which 7 judges are subtracted, since they do not perform judicial functions, but they are assigned to other duties (1 general secretary of the Supreme Court, 5 appointed to the Registry Department of the Supreme Court, 1 appointed to the Judicial Council).

The judges had 375 judicial assistants, out of which 39 were at the Supreme Court, 62 at the four Higher courts, 116 at District courts, 125 at Local courts, 11 at the Administrative court, 7 at the Labour and social dispute higher court and 15 at the Labour and social dispute courts.

The data for cases are for the **year 2008** and they are the following (taken from the CEPEJ Report scheme):

**Total number of cases in the first instance courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non litigious)* #	443133	581904	613598	410639
1 Civil (and commercial) litigious cases* #	45179	31221	33788	42612
2 Civil (and commercial) non-litigious cases* #	17837	32004	31697	18143
3 Enforcement cases	304265	182529	204279	281716
4 Land registry cases**	65688	256928	262154	60462
5 Business register cases**	1976	35852	37357	471
6 Administrative law cases	4917	4299	4931	4285
7 Other	3271	39071	39392	2950
Total criminal cases (8+9)	104956	97885	117216	85625
8 Criminal cases (severe criminal offences)	23022	19386	20505	21903
9 Misdemeanour and / or minor offences cases	81934	78499	96711	63722

Total of civil, commercial and administrative law cases (litigious and non litigious) – Due to fluctuation in data of civil and commercial non-litigious cases (in particular inheritance cases) and in data of enforcement cases there is no horizontal consistency of figures.

2 Civil (and commercial) non-litigious cases: Due to fluctuation in data of inheritance cases, which are included among these cases, there is no horizontal consistency of figures.

3 Enforcement cases: Due to fluctuation in data of many enforcement cases, which are considered among these cases, there is no horizontal consistency of figures. Civil and commercial litigious cases in the first instance courts include all civil litigious cases dealt with by the local and district courts and all commercial litigious cases dealt with by the district courts.

All the data is taken from the Court Statistics of the Ministry of Justice. The horizontal inconsistency of figures in the mentioned three categories is already present in the Court statistics of the Ministry of Justice. In particular, the horizontal inconsistency derives from the data on Civil (and commercial) non-litigious cases and Enforcement cases. In some types of cases the sum of incoming and pending cases on 1 Jan. 2008 was higher than the sum of resolved and pending cases on 31 Dec. 2008, namely in the cases with codes VL (difference of 908 cases), D (1 case) and R-i (1 case). In other types of cases the sum of incoming and pending cases on 1 Jan. 2008 was lower than the sum of resolved and pending cases on 31 Dec. 2008, namely in cases with codes I-vI (difference of -32 cases), I-ns (-11 cases), Ig-vI (-4 cases), Ig-ns (-2 cases), In (-59 cases) and Nt (-2 cases). All the data are official data as published by the Slovenian Ministry of Justice on its website, in particular on its web page [http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/2005/PDF/publikacije/BILTEN\\_SS\\_2008-12\\_junij\\_09.pdf](http://www.mp.gov.si/fileadmin/mp.gov.si/pageuploads/2005/PDF/publikacije/BILTEN_SS_2008-12_junij_09.pdf).

The sum of all differences in horizontal sums of data on these cases thus amounts to 800 cases. This means that there were altogether 800 more cases incoming and pending on 1 Jan. 2008 than there were resolved and pending cases on 31 Dec 2008.

Civil and commercial non-litigious cases in the first instance include all non-litigious civil cases dealt with by the local and district courts, non-litigious commercial cases dealt with by the district courts, cases pursuant to the Inheritance Act dealt with by the local courts, insolvency cases including bankruptcy, liquidation and compulsory composition cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act dealt with by the district courts.

Enforcement cases in the first instance include all enforcement and commercial enforcement cases pursuant to the Execution of Judgments in Civil Matters and Insurance of Claims Act, which are dealt with by the local courts.

Administrative law cases in the first instance include administrative disputes pursuant to the Administrative Disputes Act, which are dealt with by the Administrative Court, with the exception of other administrative law cases and free legal aid cases.

Other civil law cases in the first instance include other civil and commercial law cases in the first instance courts.

Criminal law cases concerning severe criminal offences include all such criminal cases as defined by the Criminal Code.

Misdemeanour cases and minor offences cases include all minor offences cases as defined by the Minor Offences Act.

**Total number of cases in the second instance (appeal) courts (litigious and non-litigious): please complete the table. If the data are not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations).**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
Total of civil, commercial and administrative law cases (litigious and non-litigious)*	7629	21502	23322	5809
1 Civil (and commercial) litigious cases*	5712	12036	14017	3731
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA

3 Enforcement cases	1385	7070	6710	1745
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	525	610	810	325
7 Other	7	1786	1785	8
<b>Total criminal cases (8+9)</b>	<b>1685</b>	<b>10951</b>	<b>10261</b>	<b>2375</b>
8 Criminal cases (Severe criminal offences)	1222	4794	4916	1100
9 Misdemeanour and/or minor offences cases	463	6157	5345	1275

Civil and commercial litigious cases include all civil litigious cases and all commercial litigious cases in the second instance courts, namely the higher courts.

Enforcement cases in the second instance include all enforcement and commercial enforcement cases in the second instance courts, namely the higher courts.

Administrative law cases in the second instance include appeals in administrative disputes, which are lodged with and dealt with by the highest instance court, namely the Supreme Court of the Republic of Slovenia.

Other civil law cases include other civil and commercial law cases in the second instance courts.

Criminal law cases concerning severe criminal offences include all criminal cases in the second instance with the exception of other criminal cases and misdemeanour and/or minor offences cases.

**Total number of cases in the highest instance courts (litigious and non-litigious): please complete the table. If the data is not available (NA) or not applicable (NAP) please indicate it in the table with the relevant abbreviations.**

	Pending cases on 1 Jan. '08	Incoming cases	Resolved cases	Pending cases on 31 Dec. '08
<b>Total of civil, commercial and administrative law cases* (litigious and non-litigious)</b>	<b>4520</b>	<b>3696</b>	<b>3698</b>	<b>4518</b>
1 Civil (and commercial) litigious cases*	2057	1929	1655	2331
2 Civil (and commercial) non-litigious cases*	NA	NA	NA	NA
3 Enforcement cases	NA	NA	NA	NA
4 Land registry cases**	NA	NA	NA	NA
5 Business register cases**	NA	NA	NA	NA
6 Administrative law cases	1866	1012	1434	1444
7 Other	597	755	609	743
<b>Total criminal cases (8+9)</b>	<b>268</b>	<b>1023</b>	<b>1080</b>	<b>211</b>
8 Criminal cases (severe criminal offences)	217	898	924	191
9 Misdemeanour cases (minor offences)	51	125	156	20

Civil and commercial litigious cases include all civil litigious cases and all commercial litigious cases in the highest instance court, namely in the Supreme Court of the Republic of Slovenia.

Administrative law cases include all administrative cases in the highest instance court with the exception of appeals in administrative disputes. The latter are considered as the cases in the second instance.

Other cases among civil cases in the highest instance court include cases governed by employment and social (security) law.

Limitations to the appeal to the highest instance court – There are limitations to appeal to the Supreme Court in almost all procedures, excluding the criminal procedure. In labour and social disputes law it was introduced in 2005, in administrative law in 2007 and for civil law disputes in 2008. Regarding civil law, the results of the introduction of the limitation have yet to be seen.

The data regarding cases for the **year 2009** (taken from Court Statistics) are the following:

#### Movement in the number of court cases – major cases

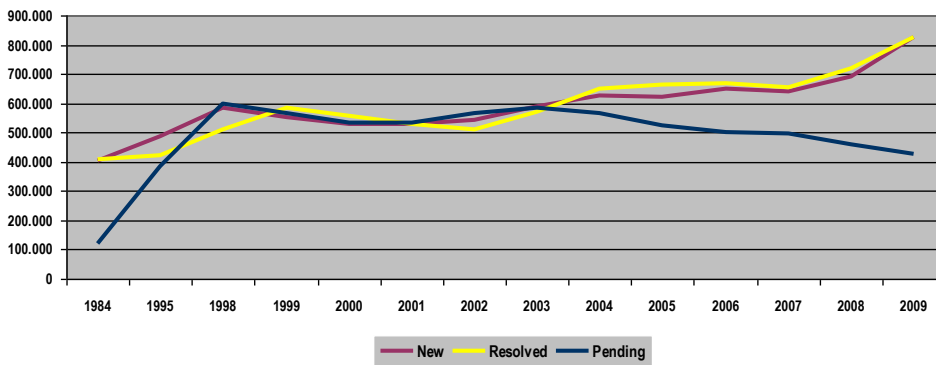
<b>MAJOR CASES</b>	<b>1998</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2009</b> <b>1998</b>	<b>2009</b> <b>2008</b>
<b>NEW CASES TOTAL</b>	<b>123.850</b>	<b>122.996</b>	<b>128.119</b>	<b>128.239</b>	<b>134.960</b>	<b>123.725</b>	<b>130.344</b>	<b>132.567</b>	<b>7,0%</b>	<b>1,7%</b>
SUPREME COURT	2.874	4.100	4.150	4.783	5.158	5.069	5.330	4.569	<b>59,0%</b>	<b>-14,3%</b>
HIGHER COURTS	19.599	24.394	25.755	25.552	27.461	25.899	26.077	26.510	<b>35,3%</b>	<b>1,7%</b>
DISTRICT COURTS	30.168	26.031	29.520	29.793	32.175	28.380	29.561	36.402	<b>20,7%</b>	<b>23,1%</b>
LOCAL COURTS	55.644	51.540	51.899	50.762	51.080	50.030	51.349	50.782	<b>-8,7%</b>	<b>-1,1%</b>
ADMINISTRATIVE COURT	3.751	6.930	6.353	6.893	7.802	4.378	4.509	3.762	<b>0,3%</b>	<b>-16,6%</b>
HIGHER LABOUR AND SOCIAL C.	2.029	2.728	2.633	2.523	2.649	2.507	2.451	1.967	<b>-3,1%</b>	<b>-19,7%</b>
LABOUR AND SOCIAL COURTS	9.785	7.273	7.809	7.933	8.635	7.462	11.067	8.575	<b>-12,4%</b>	<b>-22,5%</b>
<b>RESOLVED CASES TOTAL</b>	<b>115.965</b>	<b>129.633</b>	<b>131.870</b>	<b>133.817</b>	<b>137.878</b>	<b>134.464</b>	<b>133.300</b>	<b>136.077</b>	<b>17,3%</b>	<b>3,2%</b>
SUPREME COURT	3.192	3.854	4.023	4.583	4.644	4.748	5.589	5.301	<b>66,1%</b>	<b>-5,3%</b>
HIGHER COURTS	17.264	24.475	24.793	27.435	28.566	27.676	27.818	26.939	<b>56,0%</b>	<b>-2,5%</b>
DISTRICT COURTS	31.102	26.650	27.425	29.883	30.938	32.569	29.799	33.312	<b>7,1%</b>	<b>11,8%</b>
LOCAL COURTS	51.855	54.964	57.451	53.240	54.113	53.419	54.465	54.844	<b>5,8%</b>	<b>3,1%</b>
ADMINISTRATIVE COURT	1.670	6.651	6.638	6.569	7.626	4.851	5.158	4.984	<b>198,4%</b>	<b>-3,4%</b>
HIGHER LABOUR AND SOCIAL C.	2.040	2.757	2.794	2.678	2.970	2.942	2.660	2.590	<b>27,0%</b>	<b>-2,6%</b>
LABOUR AND SOCIAL COURTS	8.842	10.282	8.746	9.429	9.021	8.259	7.811	8.107	<b>-8,3%</b>	<b>3,8%</b>
<b>PENDING CASES TOTAL</b>	<b>210.552</b>	<b>137.177</b>	<b>132.083</b>	<b>126.452</b>	<b>123.478</b>	<b>112.691</b>	<b>109.741</b>	<b>106.367</b>	<b>-49,5%</b>	<b>-3,0%</b>
SUPREME COURT	3.597	4.138	4.276	4.476	4.985	5.314	5.054	4.318	<b>20,0%</b>	<b>-14,6%</b>
HIGHER COURTS	7.569	12.126	13.090	11.210	10.104	8.312	6.586	6.160	<b>-18,6%</b>	<b>-6,2%</b>
DISTRICT COURTS	67.867	35.365	37.082	36.980	38.203	33.944	33.694	36.793	<b>-45,8%</b>	<b>9,2%</b>
LOCAL COURTS	94.319	67.372	60.834	58.353	55.317	51.962	48.850	44.914	<b>-52,4%</b>	<b>-7,8%</b>
ADMINISTRATIVE COURT	5.917	5.242	4.957	5.281	5.434	4.947	4.298	3.076	<b>-48,0%</b>	<b>-28,4%</b>
HIGHER LABOUR AND SOCIAL C.	2.658	2.542	2.383	2.221	1.903	1.468	1.260	638	<b>-76,0%</b>	<b>-49,4%</b>
LABOUR AND SOCIAL COURTS	28.625	10.392	9.461	7.931	7.532	6.744	9.999	10.468	<b>-63,4%</b>	<b>4,7%</b>

Movement in the number of court cases (all cases without minor offences), 1998-2009

<b>ALL CASES</b>	<b>1998</b>	<b>2003</b>	<b>2004</b>	<b>2005</b>	<b>2006</b>	<b>2007</b>	<b>2008</b>	<b>2009</b>	<b>2009 1998</b>	<b>2009 2008</b>
<b>NEW CASES TOTAL</b>	<b>586.740</b>	<b>588.957</b>	<b>627.638</b>	<b>620.345</b>	<b>648.806</b>	<b>637.964</b>	<b>681.069</b>	<b>824.319</b>	<b>40,5%</b>	<b>21,0%</b>
SUPREME COURT	2.874	4.100	4.150	4.783	5.158	5.069	5.330	4.569	<b>59,0%</b>	-14,3%
HIGHER COURTS	19.599	24.394	25.755	25.552	27.461	25.899	26.077	26.510	<b>35,3%</b>	1,7%
DISTRICT COURTS	93.276	104.509	123.836	124.303	127.815	126.767	116.101	134.829	<b>44,5%</b>	16,1%
LOCAL COURTS	455.426	437.521	455.522	446.251	466.824	461.174	511.452	640.487	<b>40,6%</b>	25,2%
ADMINISTRATIVE COURT	3.751	6.960	6.406	7.008	7.929	6.848	6.516	5.877	<b>56,7%</b>	-9,8%
HIGHER LABOUR AND SOCIAL C.	2.029	2.736	2.633	2.540	2.706	2.568	2.495	1.998	<b>-1,5%</b>	-19,9%
LABOUR AND SOCIAL COURTS	9.785	8.737	9.336	9.908	10.913	9.639	13.098	10.049	<b>2,7%</b>	-23,3%
<b>RESOLVED CASES</b>										
<b>TOTAL</b>	<b>509.409</b>	<b>570.236</b>	<b>652.001</b>	<b>662.840</b>	<b>669.748</b>	<b>653.618</b>	<b>713.009</b>	<b>825.399</b>	<b>62,0%</b>	<b>14,7%</b>
SUPREME COURT	3.192	3.854	4.023	4.583	4.644	4.748	5.589	5.301	<b>66,1%</b>	-5,3%
HIGHER COURTS	17.264	24.475	24.793	27.435	28.566	27.676	27.818	26.939	<b>56,0%</b>	-2,5%
DISTRICT COURTS	97.089	106.763	120.198	125.824	127.027	130.730	118.042	131.675	<b>35,6%</b>	4,7%
LOCAL COURTS	379.312	413.962	483.215	484.223	487.701	469.659	541.831	642.227	<b>69,3%</b>	18,7%
ADMINISTRATIVE COURT	1.670	6.676	6.691	6.686	7.745	7.321	7.183	7.082	<b>324,1%</b>	-1,4%
HIGHER LABOUR AND SOCIAL C.	2.040	2.768	2.794	2.699	2.970	3.003	2.703	2.621	<b>28,5%</b>	-3,0%
LABOUR AND SOCIAL COURTS	8.842	11.738	10.287	11.390	11.095	10.481	9.843	9.554	<b>8,1%</b>	-2,9%
<b>PENDING CASES</b>										
<b>TOTAL</b>	<b>597.587</b>	<b>586.424</b>	<b>566.588</b>	<b>524.016</b>	<b>503.140</b>	<b>491.757</b>	<b>459.256</b>	<b>425.614</b>	<b>-28,8%</b>	<b>-7,3%</b>
SUPREME COURT	3.597	4.138	4.276	4.476	4.985	5.314	5.054	4.318	<b>20,0%</b>	-14,6%
HIGHER COURTS	7.569	12.126	13.090	11.210	10.104	8.312	6.586	6.160	<b>-18,6%</b>	-6,5%
DISTRICT COURTS	76.156	41.566	44.826	43.290	44.063	40.031	38.077	41.145	<b>-46,0%</b>	8,1%
LOCAL COURTS	473.065	510.330	487.541	449.538	428.737	424.852	393.911	359.694	<b>-24,0%</b>	-8,7%
ADMINISTRATIVE COURT	5.917	5.248	4.963	5.285	5.446	4.974	4.307	3.102	<b>-47,6%</b>	-28,0%
HIGHER LABOUR AND SOCIAL C.	2.658	2.544	2.383	2.224	1.960	1.468	1.261	638	<b>-76,0%</b>	-49,4%
LABOUR AND SOCIAL COURTS	28.625	10.472	9.509	7.993	7.845	6.806	10.060	10.557	<b>-63,1%</b>	4,9%



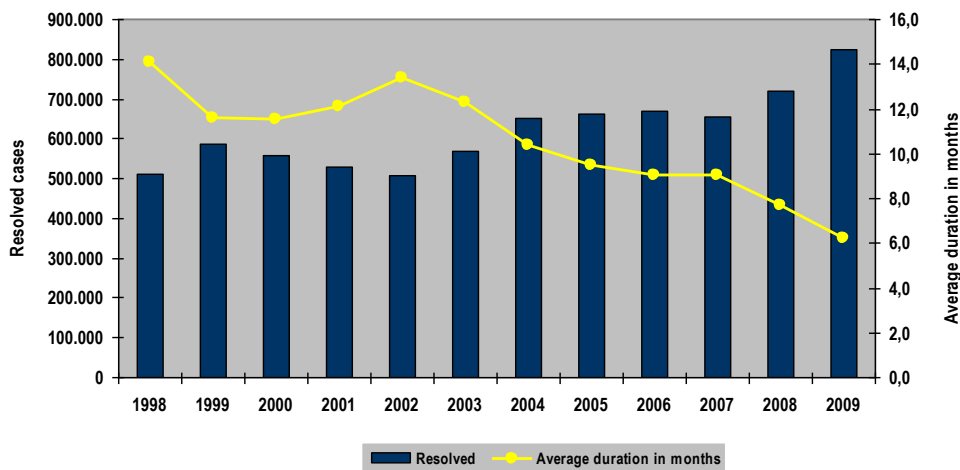
**Movement in the number of court cases (without minor offences) - all courts 1984 - 2009**



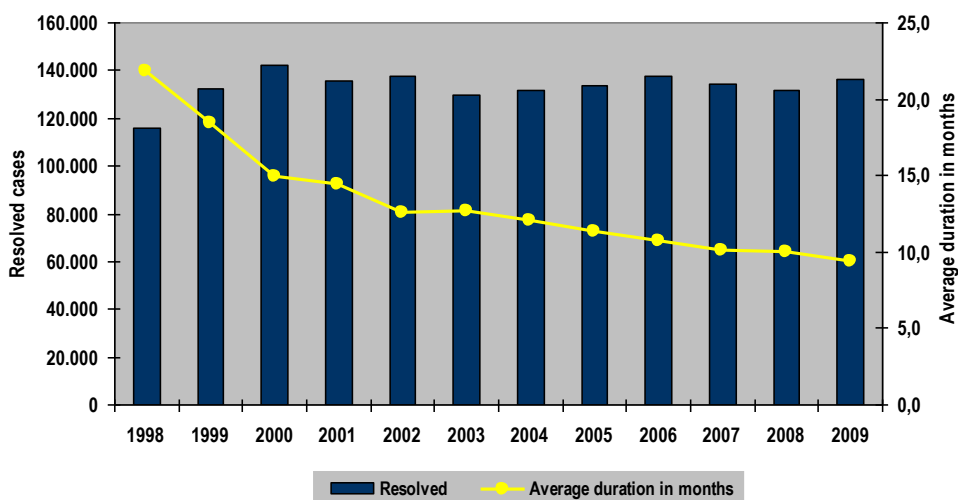
### 1.3. Statistic information on processing time

So far there is no available data on specific moments in the procedure of a case. The data on processing time for the year 2009 are the following (taken from the Judicial Statistics):

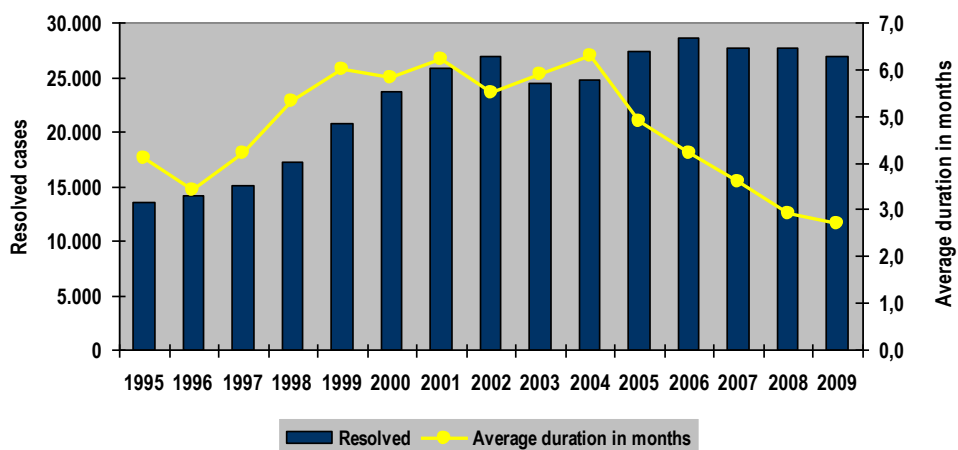
**Correlation of the average time for solving cases and the number of solved cases-all cases without minor offences**



### Correlation of the average time for solving cases and the number of solved cases-major cases



### Higher courts



### Kp – criminal cases at second instance

Year	Duration of proceedings		
	Up to 1 month	1-3 months	Over 3 months
2000	41,9	29,8	28,3
2001	44,5	25,0	30,5
2002	44,0	27,9	28,1
2003	35,2	20,9	43,9
2004	36,5	20,5	43,0
2005	39,7	16,4	45,9
2006	41,3	15,9	42,8
2007	38,8	14,5	46,7
2008	39,4	19,6	41,0
2009	42,2	16,9	40,1

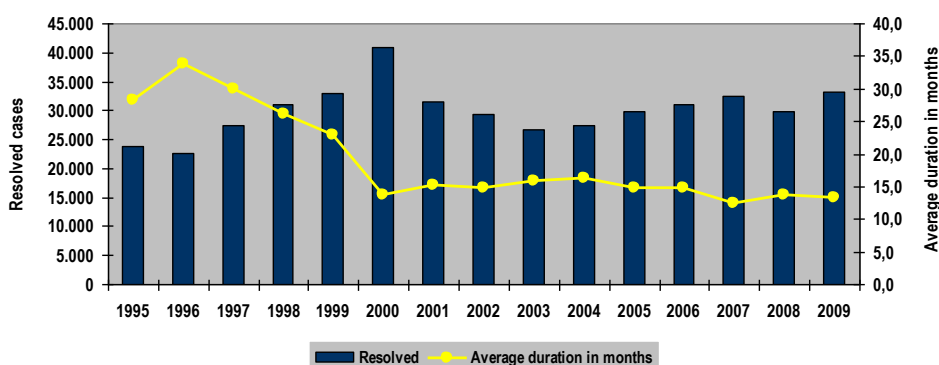
Cp – civil cases at second instance

Year	Duration of proceedings			
	Up to 1 month	1-3 months	3-6 months	Over 6 months
2000	17,6	23,0	19,3	40,1
2001	19,6	24,0	18,4	38,0
2002	19,7	22,9	14,5	42,9
2003	18,5	22,9	14,2	44,4
2004	17,6	27,7	17,8	36,9
2005	17,9	26,7	18,2	37,2
2006	15,9	27,1	15,7	41,3
2007	17,2	30,8	18,4	33,6
2008	13,0	22,1	26,7	38,3
2009	12,3	37,6	38,3	11,8

Cgp – commercial dispute at second instance

Year	Duration of proceedings			
	Up to 1 month	1-3 months	3-6 months	Over 6 months
2000	12,0	31,8	24,5	31,7
2001	11,1	35,4	17,7	35,8
2002	10,1	30,9	17,7	41,3
2003	11,4	26,0	17,4	45,2
2004	14,1	21,9	20,5	43,5
2005	16,0	26,5	16,5	41,0
2006	18,2	28,4	16,3	37,2
2007	12,8	24,3	14,2	48,7
2008	12,4	23,7	22,9	41,0
2009	17,7	33,7	28,0	20,6

District courts



Pg – commercial disputes

year	Duration of proceedings					Over 3 years
	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-3 years	
2000	5,3	5,0	8,9	19,2	44,2	36,7
2001	8,5	9,6	11,5	29,6	42,5	27,9
2002	11,9	10,9	13,7	36,5	45,8	17,8
2003	13,3	15,7	18,0	47,0	40,0	13,0

### Duration of proceedings

year	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-3 years	Over 3 years
2004	14,5	15,9	21,5	51,9	28,4	19,7
2005	13,3	14,1	23,2	50,6	33,6	15,7
2006	12,0	12,9	18,0	42,9	38,6	18,5
2007	8,3	11,6	25,8	45,7	46,4	7,9
2008	17,4	14,4	19,0	50,7	39,8	9,5
2009	22,1	20,3	19,4	61,8	29,4	8,8

### P litigations cases

#### Duration of proceedings

year	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-3 years	Over 3 years
2000	15,7	21,5	18,1	55,3	28,5	16,2
2001	15,8	21,3	18,8	55,9	23,9	20,2
2002	17,9	22,6	19,2	59,7	22,1	18,2
2003	17,4	22,1	21,0	60,5	23,2	16,3
2004	16,0	22,9	20,7	59,6	25,1	15,3
2005	16,9	21,6	21,1	59,6	28,1	13,1
2006	15,4	21,5	20,1	57,0	28,9	14,1
2007	16,0	20,0	21,2	57,2	27,3	15,5
2008	17,9	20,2	18,9	57,0	27,0	16,0
2009	17,2	18,8	19,9	55,9	30,2	13,8

### Kpr – investigation cases

#### Duration of proceedings

year	Up to 1 month	1-3 months	3-6 months	Total up to 6 months	6-12 months	Total up to 1 year	Up to 1 year	Over 2 years
2000	7,2	10,2	14,2	31,6	31,4	63,0	37,0	20,7
2001	7,1	8,6	13,4	29,1	28,3	57,4	42,6	22,3
2002	6,9	11,4	17,7	36,0	28,5	64,5	35,5	16,3
2003	8,0	10,8	21,7	40,5	30,3	70,8	29,2	6,2
2004	7,5	10,6	18,9	37,1	29,3	66,4	33,6	-
2005	5,9	12,0	15,0	32,9	34,0	66,9	33,1	-
2006	6,9	12,6	17,0	36,5	31,5	68,0	32,0	-
2007	7,6	12,8	17,2	37,6	34,4	72,0	28,0	-
2008	8,3	13,6	17,3	39,2	40,0	79,2	16,1	4,8
2009	10,3	16,5	19,9	46,7	28,7	75,4	18,0	6,6

### K – criminal cases

#### Duration of proceedings

year	Up to 3 m.	3-6 m.	6-12 m.	Total up to 1 year	1-2 years	2-3 years	Over 3 years
2000	19,3	15,3	17,2	51,8	-	-	-
2001	17,0	13,5	17,7	48,2	-	-	-
2002	15,9	13,8	21,5	51,2	-	-	-
2003	14,8	14,4	20,4	49,6	27,6	10,9	11,9

### Duration of proceedings

year	Up to 3 m.	3-6 m.	6-12 m.	Total up to 1 year	1-2 years	2-3 years	Over 3 years
2004	12,4	14,2	20,9	47,4	25,7	12,0	15,0
2005	13,7	14,7	21,1	49,5	22,4	12,3	16,0
2006	12,2	13,4	18,8	44,4	23,1	13,2	19,3
2007	11,3	12,7	16,6	40,6	26,3	15,3	17,8
2008	11,8	14,2	17,5	43,4	25,7	15,7	15,1
2009	14,6	16,2	16,6	47,4	23,1	14,9	14,7

### Km and Kmp – juvenile criminal cases

#### Duration of proceedings

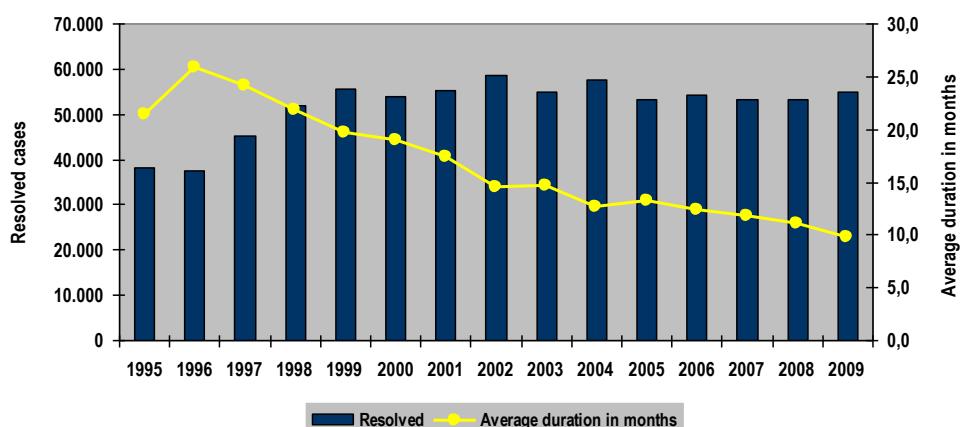
year	Up to 3 m.	Over 3 m.	Up to 6 m.	Over 6 m.
2000	28,7	29,1	57,8	42,2
2001	31,6	32,0	63,6	36,4
2002	38,2	26,2	64,4	35,6
2003	35,4	27,7	63,1	36,9
2004	51,0	26,8	77,8	22,2
2005	46,6	30,0	76,6	23,4
2006	44,5	27,4	71,9	28,1
2007	40,2	31,3	71,5	28,5
2008	38,9	23,0	61,9	38,1
2009	30,7	74,7	25,3	44,0

### St – bankruptcy cases

#### Duration of proceedings

year	Up to 6 m.	6-12 m.	Up to 1 year	1-2 years	Over 2 years
2000	63,7	19,9	83,6	5,9	10,5
2001	45,2	21,8	67,0	17,0	16,1
2002	49,7	17,7	67,4	12,3	20,4
2003	46,7	26,4	73,1	13,7	13,2
2004	45,2	24,5	69,7	14,9	15,4
2005	46,3	25,9	72,2	13,5	14,4
2006	38,6	21,3	59,9	18,8	21,3
2007	39,7	19,8	59,5	18,1	22,4
2008	43,9	20,3	64,2	13,8	22,1
2009	40,4	24,1	64,5	17,2	18,4

## Local courts



## P – litigations cases

### Duration of proceedings

year	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-3 years	Over 3 years
2000	12,1	11,8	12,3	36,2	35,6	28,2
2001	15,4	12,4	12,1	39,9	26,4	33,7
2002	15,5	12,4	12,0	39,9	24,7	35,4
2003	17,7	14,9	12,3	44,9	23,9	31,2
2004	17,4	14,6	13,9	45,9	22,9	31,2
2005	20,2	15,3	15,1	50,6	24,1	25,4
2006	18,5	13,6	14,3	46,4	26,2	27,5
2007	16,7	14,4	15,0	46,1	29,5	24,3
2008	19,6	13,7	15,1	48,4	28,0	23,5
2009	20,0	14,1	15,6	49,7	33,1	17,3

## K – criminal cases

### Duration of proceedings

year	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-2 years	2-3 years	Over 3 years
2001	13,3	8,9	14,5	36,7	-	-	-
2002	13,3	10,2	15,3	38,8	-	-	-
2003	11,9	10,3	16,3	38,5	26,5	19,1	15,8
2004	21,4	12,2	16,4	50,0	23,3	15,1	11,7
2005	28,4	12,4	15,6	56,4	22,0	13,0	9,6
2006	27,6	12,2	15,1	54,9	20,7	14,0	10,4
2007	30,3	11,6	15,9	57,8	21,9	10,6	9,7
2008	31,3	11,6	15,2	58,0	21,5	11,1	9,4
2009	28,4	9,8	15,9	54,1	26,5	11,7	7,6

## D – inheritance cases

### Duration of proceedings

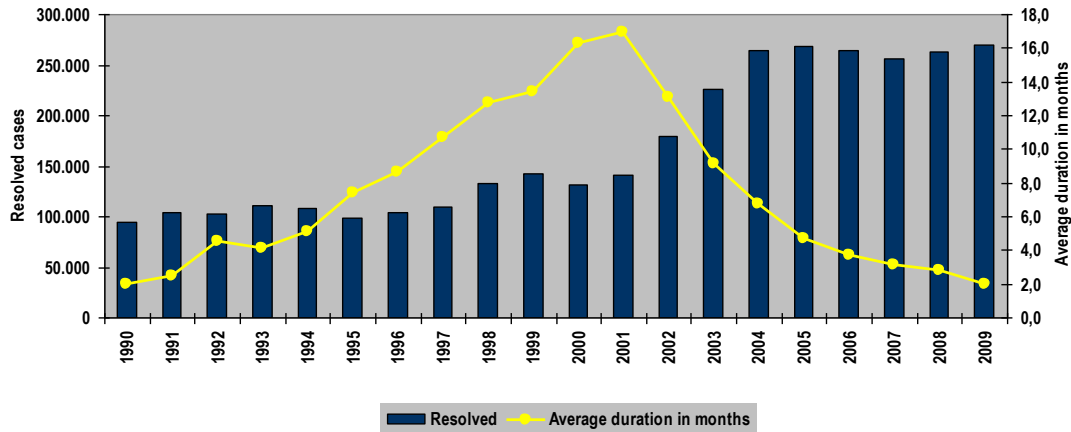
year	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-2 years	2-3 years	Over 3 years
2008	46,2	26,8	17,7	90,7	5,5	1,4	2,5
2009	46,7	26,3	17,7	90,7	4,9	1,7	2,8

N – non-contentious cases

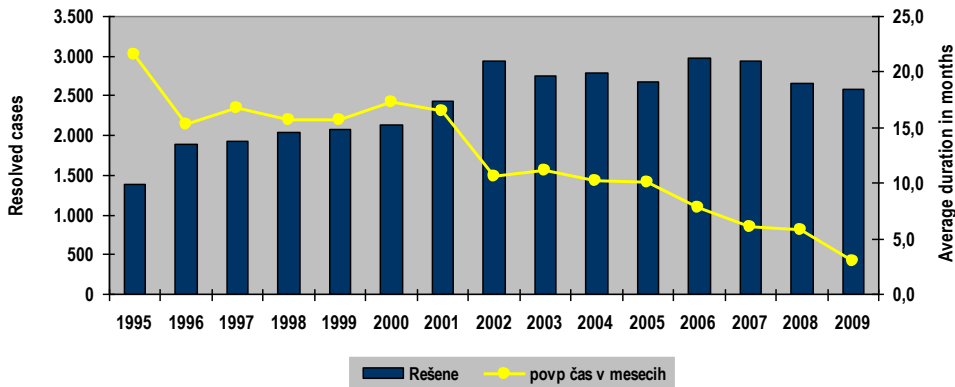
**Duration of proceedings**

year	Up to 3 months	Up to 3 –6 months	6-12 months	Total up to 1 year	1-2 years	2-3 years	Over 3 years
2008	22,3	11,7	16,5	50,5	18,9	10,7	19,9
2009	19,2	9,9	17,3	46,4	19,8	11,4	22,4

**Land register cases**



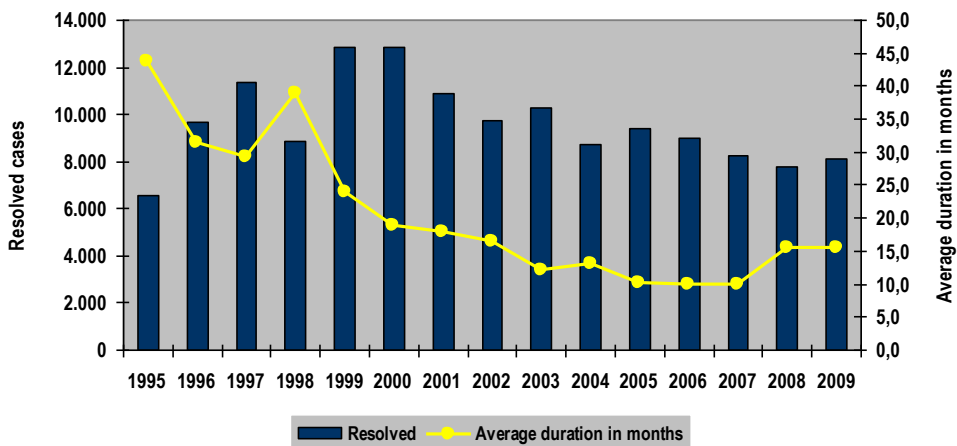
**Higher labour and social court**



Pdp and Psp – labour and social cases

2009	Duration of proceedings			
	Up to 1 m.	1-3 m.	3-6 m.	Over 6 m.
Individual and collective labour disputes	5,0	17,0	20,4	57,6
Spori s področja socialne varnosti	7,2	30,6	38,5	23,7

## Labour and social courts



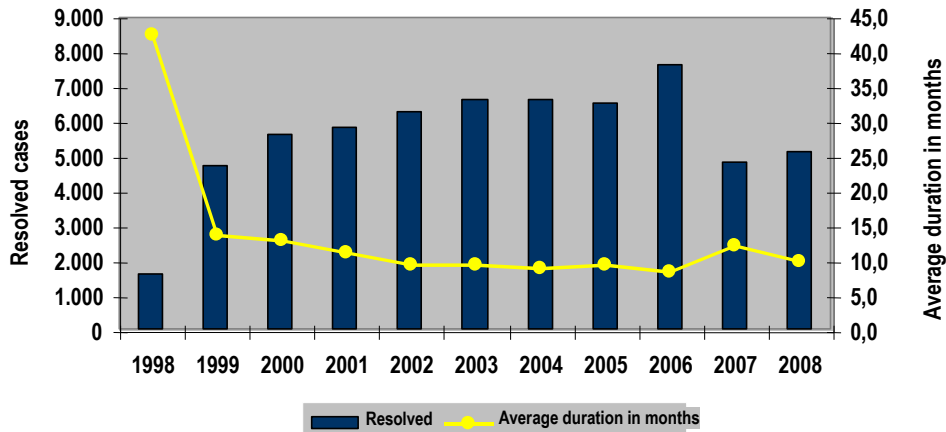
### Pd and Ps – labour and social cases

2009

#### Duration of proceedings

	Up to 3 m.	3-6 m.	6-12 m.	Over 1-3 years	Over 3 years
Individualni delovni spori	24,4	20,5	23,5	29,5	2,1
Spori s področja socialne varnosti	16,8	18,7	22,4	41,7	0,3

## Administrative court



### U – administrative disputes

#### Duration of proceedings

	Up to 3 m.	3-6 m.	6-12 m.	Up to 1 year	Over 1 year
2000	4,9	4,8	10,8	20,5	79,5
2001	6,0	3,4	9,9	19,3	80,7
2002	9,1	5,0	12,3	26,4	73,6
2003	10,9	7,4	16,9	35,2	64,8
2004	12,7	6,3	15,7	34,7	65,3
2005	19,3	7,0	15,0	41,3	58,7
2006	21,5	9,9	16,5	47,9	52,1
2007	18,0	10,2	16,5	44,7	55,3
2008	19,3	9,8	17,7	46,8	53,3
2009	21,3	11,4	20,0	52,7	47,3



So far there is no available data on specific moments in the procedure of a case.

## **2. Statistics, Requirements and Transparency**

### **2.1. What statistics are provided for on a regular basis?**

The Ministry of Justice conducts statistical analysis on the performance of courts in accordance with article 74 of the Courts Act. The data are collected on the basis of the Methodological guidelines for the collection of judicial statistics and electronic questionnaires that the reporting units (i.e. the courts) send to the Ministry. The statistical data on the movement of cases and the solved cases rate are taken from the electronic registers under control of the Centre for informatics at the Supreme Court. The data are collected quarterly – 4 times a year.

The statistics are detailed and include a number of data (all per each court, per each department and per each type of cases), such as:

- number of judges and personnel,
- number of unresolved cases at the beginning of the year,
- number of incoming cases,
- number of solved cases,
- number of unresolved cases at the end of the year,
- number of appeals,
- number of extraordinary legal remedies,
- number of cases considered backlogs according to Court rules.

Besides that, the Supreme Court publishes in July the yearly report with the analysis of the work of all departments of the Supreme Court as well as with tables and charts regarding the functioning of all courts (data on unsolved cases at the beginning of the year, incoming cases, solved cases, unsolved cases and processing times).

### **2.2. Are provided statistics published?**

The statistics are published on the web site of the Ministry of justice ([http://www.mp.gov.si/si/zbirke\\_podatkov/statistika/](http://www.mp.gov.si/si/zbirke_podatkov/statistika/)), both the quarterly statistics as well as the yearly statistics, published in a special brochure.

The yearly report of the Supreme Court is also available on its web site ([http://www.sodisce.si/sodna\\_uprava/statistika\\_in\\_letna\\_porocila/](http://www.sodisce.si/sodna_uprava/statistika_in_letna_porocila/)).

### **2.3. Is processing time of individual cases transparent?**

The average processing time is published in the statistical data for each type of procedure in front of all courts of the same instance. As for the individual case, the parties always have the

right to inspect their files and demand data on the procedure of the case. In case they feel that their case is not decided in due time, they have rights according to the Act on the right to trial without undue delay (explained below).

#### **2.4. Are requirements for processing time stipulated?**

The Court Rules include data on the expected time for each type of procedure, after which the case is regarded as a judicial backlog. However, because of the excessive reduction of these times in the text of the Court Rules that do not correspond to reality (in the last few years the times have been shortened twice), lately the analysis of processing times is preferred to the category of judicial backlogs.

In the **statistical** context, **court backlogs** represent the pending cases in an individual court whose number exceeds one half of the average annual workload in an individual court in the territory of the Republic of Slovenia. The definition of backlogs in the statistical context needs to be completed by the substantive definition of court backlogs.

In the **substantive** context, court backlogs represent the pending cases in an individual court which are pending before the court for a longer period than the one prescribed for this individual type of court and type of cases in Article 50 of the Court Rules.

The main time frames prescribed in the Court Rules, after which a case is considered a backlog, are the following (Article 50 of the Court Rules):

##### Local Courts:

- Criminal cases - 6 months after case filing
- Criminal investigation activities - 6 months after case filing
- Misdemeanor cases - 6 months after case filing
- Non-contentious commercial cases - 6 months after case filing
- Civil cases - 6 months after case filing
- Inheritance cases - 6 months after case filing
- Enforcement cases - 6 months after case filing
- Land register cases - 1 month after case filing

##### District Courts:

- Criminal cases - 6 months after case filing
- Investigations - 6 months after case filing
- Criminal investigation activities - 6 months after case filing
- Juvenile criminal preparatory proceedings - 6 months after case filing
- Juvenile criminal proceedings - 6 months after case filing
- Commercial disputes – 6 months after case filing
- Civil cases - 6 months after case filing
- Non-contentious commercial cases - 6 months after case filing
- Labour and social security disputes - 6 months after case filing
- Court register cases - 1 month after case filing

##### High Courts:

- Criminal cases - 6 months after case filing
- Civil cases - 6 months after case filing
- Commercial disputes - 6 months after case filing
- Labour and social security disputes - 6 months after case filing
- Administrative disputes - 6 months after case filing

Supreme Court:

- All cases when deciding as a 1st degree court - 6 months after case filing
- Cases when deciding as a 2nd or 3rd degree court or deciding on extraordinary legal remedies - 6 months after case filing

**2.5. What are the consequences of exceeding required/reasonable processing time according to national rules or practice?**

**2.6. Can the parties and others make a complaint about the processing time? If so to whom?**

According to the Act on the Protection of the Right to a Trial without Undue Delay the party in the proceedings who feels that her right has been violated has three legal remedies:

- the supervisory appeal (motion to expedite the hearing of the case);
- the motion for a deadline (motion to set a deadline);
- the claim for just satisfaction.

The purpose of the first two remedies is to expedite the proceedings. On the other hand, the claim for just satisfaction can only be filed, if the supervisory appeal was granted or if the motion for a deadline was filed.

Just satisfaction can 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.

Monetary compensation is payable for non-pecuniary damage caused by a violation of the right to a trial without undue delay. The strict liability for damage caused lies with the Republic of Slovenia. The amount of monetary compensation for an individual case is limited by law to the figures between 300 and 5000 EUR.

When deciding on the amount of compensation, the criteria that are taken into account are in particular the complexity of the case, actions of the State, actions of the party and the importance of the case for the party.

When deciding on the legal remedies the circumstances of the particular case are taken into account, namely 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 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.

If a party considers that the court unduly protracts with the decision-making, he may file a supervisory appeal. If 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 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.

If a ruling was issued, the party may file a new supervisory appeal only after six months have elapsed from the receipt of the decision. In the process of supervisory appeal the judge can notify the president of the court in writing that all relevant procedural acts shall be performed or a decision issued within the deadline not exceeding four months following the receipt of the supervisory appeal. In this case the president of the court informs the party thereof and thus concludes the consideration of the supervisory appeal.

If the president of the court 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 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.

If 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 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.

The president of the higher court in the judicial area covering the local court, district court or other court of first instance, has 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. The president of the Supreme Court of the Republic of Slovenia has the competence to decide on the motion for a deadline concerning cases heard by higher court or court having the status of higher court. The president of the Supreme Court of the Republic of Slovenia has the competence to decide on the motion for a deadline concerning cases heard by the Supreme Court of the Republic of Slovenia.

## **2.7. Are user surveys on processing time carried out? If so how often?**

The statistical data on processing times are published regularly. As for the surveys, for the moment there are no specific surveys on processing times. However, the new Quality criteria for the work of courts that the Judicial Council is about to adopt include as measuring meth-

ods also surveys directed at parties of proceedings as well as lawyers and these surveys will include also the opinion on the length of proceedings.

### 3. **Reduction of Caseload and Facilitating Court Procedures**

#### 3.1. **Which means of reduction of caseload are used?**

Following the recent changes to the **Administrative Dispute Act** (the change came into force in the beginning of 2007) and the **Civil Procedure Act** (the change came into force in October 2008) the Supreme Court has now the right to decide in these types of cases whether to review a case or not. Some other restrictions apply (regarding the value of the claim). Consequently, the appeals to the Supreme Court can be made as of right and no leave to appeal is needed only in criminal cases.

Furthermore, a new **Act on Alternative Dispute Resolution in Judicial Matters**, adopted in November 2009 determines the obligation of all first instance courts and courts of appeal to offer at least one type of ADR to parties in civil, commercial, family and labour disputes.

The **basic characteristics of the new act** are the following:

All first instance courts and courts of appeal have to offer mediation to parties in civil, family, commercial and labour disputes; the first instance courts had 6 months to introduce programmes and the courts of appeal have 30 months to prepare such programmes.

Courts have the possibility to offer other types of ADR to parties.

Courts decide on the form of programmes: they either introduce court-annexed programmes or choose court-connected programmes, organized by external providers.

There are some incentives and also some sanctions in order to enhance the use of mediation:

##### **a. incentives:**

- information sessions on mediation: courts have the right to demand from parties that they take part in the information session on mediation;
- mediation is free of charge for parties in family and certain labour disputes;
- in other disputes, except the commercial ones, the first 3 hours of mediation are free of charge for parties.

##### **b. sanctions:**

- parties who unreasonably decline the use of mediation might bear costs of the civil procedure, irrespective of the outcome of the procedure.

Referral to mediation:

- on the basis of the parties' proposal;

- on the basis of the court's decision after the information session has been held; parties have the right to oppose to such decision and in that case the decision will be automatically annulled.

The Republic of Slovenia as a party in a dispute will in principle be obliged to agree with mediation.

Parties who receive free legal aid are already now obliged to participate in mediation in good faith, in case the other party agrees with mediation.

Another mean of reduction of caseload is connected to employment. The **Employment Relationships Act** demands that workers who think that their employer is not fulfilling its obligations arising from the employment relationship or violating any of the workers` rights, are obliged, before going to a labour court, to request in writing that the employer cease the violation and/or fulfill its obligations. If the employer does not fulfill his obligations and/or cease the violation within eight working days from receipt of the workers` written request, the workers may request judicial protection before the competent labour court. Additionally, the arbitration procedure is specially dealt with in the Act, involving also possibility, that the employee or the employer may propose the settlement of the dispute through mediation by a labour inspector.

### **3.2. Are any special easy procedures available?**

\* The answers for this part are copied from the answers of the Ministry of Justice.

#### **- Special automated system for enforcement of authentic documents (COVL)**

Judicial backlogs related to numerous requests for enforcement on the basis of authentic documents (e.g., bills, cheques, financial statements, etc.) represented almost half of the entire backlog, or 75% of all enforcement-related backlogs, in 2006. From 2005 to 2007 the number of pending cases was increasing annually by 3.8%. At the end of 2007 there were 304 265 pending enforcement cases at all local courts. This delay has an impact on the economic environment and investments – a decision was made at the Registry Department of the Supreme Court to reform the system. A new department in the local court in Ljubljana has been set up to relieve other Slovenian courts – actions taking are: moving from paper to electronic formats and the implementation of an automated postal system. The aims of COVL: To decrease the number of pending enforcement requests, and to shorten the decision-making time and to propose and implement a new system using custom made IT solutions, business process modifications, and changes of legislation. The results of COVL: the introduction of COVL, at the start of 2008, lowered the number of pending cases by 6.6% in 2008 (to 284 302) and by 5.94% in 2009 (to 267 410); decision making time has been lowered from an average of 6 months to less than 5 working days for over 90% of the requests; the work, previously done by around 350 court employees and judges at 44 courts, is now involves just 4 judges and 62 support personnel; introduction of an automated postal system alone, which has processed more than 1 million postal parcels in 2009, reduced the number of necessary staff by 60-70 over a year. The models, some or all, can help other courts for variety of procedures, not just to steam line document management. The innovative technological and logistical solutions,

organisation, methodology and project management through separate components are widely usable models.

#### - **Order for Payment Procedures**

Only pecuniary claims are eligible for this procedure that are due and supported by an authentic document (the original or a certified copy). There is no upper limit for payment orders. However, the law provides that for claims that are due and do not exceed 2000 EUR, the court shall issue a payment order even though the claim does not contain an authentic document, but only the legal basis and the amount of debt with the evidence on the truthfulness of such allegations. The court shall issue a payment order even if the plaintiff has not applied to this effect, provided that the conditions exist for the issuance thereof. Competent Court: Local Court for claims which do not exceed 2000 EUR and District Court for claims above that sum and for commercial disputes. This procedure is governed by the generic rules on the jurisdiction of courts. The court regards, but is not limited to, as authentic document (the original or a certified copy) the following: public documents; private documents on which the signature of the debtor has been authenticated by a body authorized for authentication; bills of exchange or cheques, with the protest and certificate of payment when the latter are required for the origination of the claim; certified statements of outstanding debts; invoices; other writings assuming the character of a public document under special regulations. No examination on the merits of the claim. If the claim fulfills the procedural conditions for admissibility, then the court issues the payment order. No appeal is allowed against the decree dismissing the application for issuance of a payment order. The statement of opposition shall be filed within 8 days from the serving of the payment order to the defendant. The payment order is enforceable, if the defendant fails to contest the claim in time and after the expiry of the date in which the debtor should have satisfied the claim and paid the determined amount of costs (eight days from the day of service of the payment order). In disputes involving bills of exchange or cheques such term of payment is three days. If the defendant fails to contest the claim at issue in time, the payment order shall become final.

#### - **Small Claims Procedures**

A small claim dispute covers disputes on pecuniary claims where the amount of dispute does not exceed 2000 EUR. In commercial disputes this amount is 4000 EUR. A small claim dispute covers also disputes on non-pecuniary claims in respect of which the plaintiff has declared his willingness to accept, instead of satisfaction of the claim, a sum of money not exceeding 2000 EUR (4000 EUR in commercial disputes). A small claim dispute covers also disputes on claims for delivery of movable property where the stated amount in dispute does not exceed 2000 EUR (4000 EUR in commercial disputes). The procedure is obligatory. There are no specific forms used in the Small Claims procedure. Certain rules concerning the taking of evidence are relaxed compared with the ordinary procedure. In the small claims procedures, the plaintiff shall state all facts and adduce all evidence in the action, while the defendant shall do so in his defense plea. In small claims procedures, each party may file one preparatory pleading. Facts and evidence presented in written pleadings other than those mentioned above shall be ignored. If, after the receipt of the defense plea and the preparatory pleadings of the parties, the court finds that no dispute exists on the matter the facts and that no other obstacles hinder the rendition of a decision, it shall decide the case without a hearing. A purely written procedure is possible (instead of oral hearings). The rules concerning the content of the judgment are relaxed compared with the ordinary procedure. The written judg-

ment shall include an introductory part, an ordering part and a statement of ground. The statement of ground shall consist only of a brief description of factual considerations and the indication of provisions of the substantive and procedural law, which have been applied in determination of the case.

### **3.3. What simplifications of ordinary procedures are applied?**

In the year 2010 the Ministry of Justice has equipped all courts (but not all courtrooms) with audio recording systems that allow for a speedier trial development, since now there is no need to dictate the words that go into records of a hearing. Video-conference systems are also available in certain courtrooms.

### **3.4. Give examples of practices used within ordinary procedures to speed up ordinary procedures.**

## **4. Increase of Capacity and Improvement of Processing**

The Court Act is the legislative base that directly addresses the question of court management in Chapter 9. Art. 60 states *inter alia* the following:

(4) If an increase in the number of unresolved cases occurs in a court as a result of the productivity which is lower than the average productivity of courts of the same type and same instance, or if according to statistical data a backlog is shown in the level of cases in hand in the last twelve months, the president of the court must, in compliance with authorisations under the statute and Court Rules, adopt a program for resolving these cases. The Judicial Council shall monitor the productivity of courts, on the basis of data from court statistics.

(5) If, despite the increased productivity and exceeded standards for the expected quantity of work of judges, it is not possible to ensure adjudication without unnecessary delay, additional funds may be allocated to the court for resolving these cases in accordance with the adopted program of resolving. The Supreme Court of the Republic of Slovenia decides about the allocation of funds.

(6) If it is not possible to reduce the number of unresolved cases to a reasonable level with the described measures, the court may increase the job classification and approve additional employment.

(7) The Court Rules shall prescribe in more detail suitable records of court statistics by aid of which productivity can be established, and other measures determined for removing backlogs or unresolved cases.

The problem of judicial backlogs is probably the biggest problem that the Slovenian judiciary has been facing during the last years. In 2005 a comprehensive state project addressing this problem was settled out by the Ministry of justice. Following a number of cases before the European Court of Human rights in which the excessive length of judicial proceedings in Slo-



venia has been recognised as a violation of the right to fair trial of Article 6 of the European Convention on Human Rights, (in particular the right to a trial without undue delay), a joint state programme has been adopted – the **Lukenda Project - The Elimination of Court Backlogs**. The project is named after the name of the applicant in the first judgment before the ECHR in which Slovenia has been found liable of violating article 6 of the ECHR because of the excessive length of court proceedings. The Operational Action Plan has been elaborated by the Ministry of justice in cooperation with the Supreme Court and the Office of the State Prosecutor General. Many questions that the Lukenda Project addresses concern the quality of the judiciary in general, not only the right to a trial without undue delay.

The main focus, concerning the increasing the efficiency of the judiciary, particularly the elimination of backlogs, is on the following issues:

- (i) providing workplace conditions in accordance with the strategy of spatial development of the judicial system,
- (ii) additional provision and organisation of human resources or professional staff for a fixed period until 31 December 2010 when the court backlogs are planned to be eliminated,
- (iii) a stimulating remuneration of the court staff for eliminating court backlogs.

Other measures directed at the increase of the efficiency of judiciary are:

- (iv) the simplification of legislation and the standardization of judicial proceedings,
- (v) complete computerisation of the courts,
- (vi) additional training of judges and prosecutors and the introduction of specialisation of judges,
- (vii) reorganisation and better management of courts – an analysis ought to be conducted of the size of the optimum-sized organisational unit of the smallest possible efficient court and, in criminal matters, of a possibility of specialization of courts – regulation of jurisdictions comprising larger areas,
- (viii) stimulating quality and efficiency of work of the prosecutors and state attorneys,
- (ix) modifications of court fees and lump sums directed at better proportion between the rates and the actual costs of proceedings,
- (x) modifications of attorney's fees in order to expedite the proceedings and acknowledge the necessary costs corresponding to the actual work done,
- (xi) establishment of a quick and efficient system of enforcing penalties, lump-sums and court fees,
- (xii) establishment of a system for facilitating and simplifying the decision-making process in the cases of minor importance,
- (xiii) promotion of civic consciousness in order to emphasize the trust and respect of judicial authorities and court staff,
- (xiv) provision of better security in the courts,
- (xv) provision of continuity of judges and opportunities for them to be promoted to a higher grade and rank within the same court and the same legal area,
- (xvi) provision of mobility of judges and/or case files,
- (xvii) the establishment of a single statistical database for statistical monitoring of the courts' work based on uniform criteria,
- (xviii) the establishment of a coordinating body in charge of statistical monitoring of the courts' work by the Ministry of justice, the Judicial Council and the Supreme Court,

(xix) the data from the single statistical database should be made available to all users: the Ministry of justice, the Judicial Council, the Supreme Court and all other courts, taking into account the legislation on protection of personal data.

As a part of the Lukenda project the Government of the Republic of Slovenia responded by defining suitable measures to eliminate court backlogs as its prime development priority and by including the measures in two fundamental strategic documents (Reform Programme for achieving the Lisbon Strategy goals and Framework of Economic and Social Reforms for increasing the Welfare in Slovenia), that were adopted in October and November 2005. The Convergence Programme for the period 2005-2008 has also been modified in accordance with these two documents.

Among the most significant measures for providing a more efficient judiciary and the elimination of the court backlogs as defined in the Reform Programme for achieving the Lisbon Strategy goals and in the Framework of Economic and Social Reforms for increasing the Welfare in Slovenia is foremost ensuring better court management through among others legislative regulation, adopting a strategy of spatial development of the judicial system, legislative optimisation of judicial proceedings, providing proper workspace conditions for the work of courts and State Prosecutor's Offices and ensuring proper training of judges, state prosecutors, state attorneys as well as for administrative court personnel. With the aim of increasing the efficiency of the judiciary, the ministry has among others prepared the following legislative changes:

- *an amendment to the Judicial Service Act*, which uses the work performed to remove and prevent the occurrence of judicial backlogs as an additional criterion when assessing the judicial service, introduces the new institute of the circuit judge and makes it possible for retired judges to be re-engaged;
- *an amendment to the Courts Act*, which among other things strengthens the role of court presidents in court administration and introduces the institute of the packet transfer of court files from courts with a heavy workload to those with a less heavy workload;
- *an amendment to the Administrative Dispute Act*, which allows a single judge to rule in certain cases and clearly defines the competence of the Administrative and Supreme Court in an administrative dispute;
- *a new Labour and Social Courts Act* entered into force on 1<sup>st</sup> of January 2005 setting up specialist jurisdictions for social and labour litigation. This act also contains a specific provision for appeal proceedings in such cases (Article 30): in case of mistaken or incomplete finding of the material circumstances or an essential violation of procedural provisions, the appellate court may itself correct any irregularity in the first-instance judgment by collecting supplementary or new evidence or by other procedural acts.
- *an amendment to the Execution of Judgments in Civil Matters and the Insurance of Claims Act*, which lays down that the requirement no longer exists to enclose documents and evidence with an execution proposal and that proposals may be submitted on special forms, by post as well as electronically. The amendment also lays down that, in execution proceedings, decisions shall be issued at a central court in Slovenia on the basis of an authentic document;

- *Amendments to the General Offences Act*, which have simplified the fast-track and regular procedures.

As it can be seen from the mentioned initiatives, almost all of the initiatives mentioned below have been taken into account.

#### **4.1. Do you try to limit processing time by an increase of courts or increase or reallocation of judges or cases?**

There was no increase in the number of courts, but a reorganisation. The local courts (44 of them) have become units of district courts (11 of them), except for the biggest Local court of Ljubljana, in order to increase the efficiency as well as the mobility of judges and cases.

Additionally, in the previous years there was a big increase in the number of judges and judicial assistants. However, this has stopped and now there is a tendency to decrease the number of judges.

The data for the number of judges for the previous years is the following (data for the end of the year):

<b>Year</b>	<b>Number of judges</b>
2001	745
2002	774
2003	772
2004	780
2005	969
2006	1002
2007	1083
2008	1067
2009	1076

#### **4.2. Do you try to limit processing time by taking on assistance from deputy judges, trainee judges, or juridical assistants?**

As already mentioned the number of juridical assistants has increased. There is a difference between judicial advisers and judicial assistants:

**Judicial advisers** are non-judge staff whose task is to assist the judges, since they »in particular matters outside the main proceedings perform the work connected with the hearings of parties, witnesses and experts, perform more complex preparatory work for the main trial proceedings, report at the panel sessions, draft decisions, conduct the main trial proceedings under the guidance of the judge and perform other work under the order of the judge«. These are lawyers with law degree and the Legal State Examination.

<b>Year</b>	<b>Number of judicial advisers</b>
2001	224
2002	224
2003	231
2004	255
2005	258
2006	276
2007	276
2008	340
2009	375

**Judicial assistants** are non-judge staff, who have graduated in law (not necessarily) and assist the judge in various fields, but do not help in preparing decisions for the cases. They mainly help with the preparations of decisions about the costs of proceedings, about execution of the proceedings (summoning witnesses and other participants), etc.

Court clerks are similar to the Rechtspfleger, since they have autonomous competences and their decisions can be subject to appeal. Generally, they are without law degree, and they work at local courts (land register and enforcement cases) and at district courts (commercial register). Their previous title was 'judicial clerk', now they are 'independent judicial assistants' or 'higher judicial assistants'.

The Courts Act states their duties and responsibilities:

Independent judicial assistants and higher judicial assistants lead the proceedings and decide in matters of the commercial court register, they lead enforcement proceedings and issue decisions on enforcement for the recovery of monetary debts, on enforcement on the basis of authentic documents as well as decisions about advance payments, security deposits, costs of the proceedings and court fees. At first instance they decide upon land registration in cases where the registration is not in the competence of the judge of the land register court and decide in inheritance cases of intestate succession, when the object of succession is only movable property.

The decision of the independent judicial assistant or the higher judicial assistant can always be subject to an appeal. It is the judge of the same court who decides upon the appeal.

The figures are the following (for the date 1.1.2008):

Local courts – Land register court clerks: 210

Local courts – Enforcement court clerks: 162

District courts – Commercial register clerks: 31

#### **4.3. Do you try to limit processing time by facilitating processing of cases?**

There have been changes in the Civil Procedure Act that aim at shortening the processing time (especially in the sense that all evidence should be produced at one hearing and that no new evidence is admitted after that hearing without legitimate reasons).

Additionally, a specialized department for trials in complex cases of organized and economic crime, terrorism, corruption and other similar criminal offences is about to be set up at the District Court in Ljubljana. District courts also have specialized departments for family matters.

Furthermore, the Registry Department of the Supreme Court provides all courts with the ability to fill out typified writs (f. e. summons etc.).

#### **4.4. Do you try to limit processing time by giving secretary or juridical assistance to individual judges?**

As mentioned under question 4.2 there is a number of procedures in which judicial assistants lead proceedings and decide, while their decisions are subject to appeal.

#### **4.5. Do you try to improve court proceedings or increase the capacity of courts by any scientific, experimental or technical project?**

The special automated system for enforcement of authentic documents (COVL) has been created by the Supreme Court at the Local Court of Ljubljana. This project received the honorable mention as one of the four finalists of the Crystal Scales of Justice Award this October.

(\* The answer for this part is copied from the answers of the Ministry of Justice.)

Judicial backlogs related to numerous requests for enforcement on the basis of authentic documents (e.g., bills, cheques, financial statements, etc.) represented almost half of the entire backlog, or 75% of all enforcement-related backlogs, in 2006. From 2005 to 2007 the number of pending cases was increasing annually by 3.8%. At the end of 2007 there were 304 265 pending enforcement cases at all local courts. This delay has an impact on the economic environment and investments – a decision was made at the Registry Department of the Supreme Court to reform the system. A new department in the local court in Ljubljana has been set up to relieve other Slovenian courts – actions taking are: moving from paper to electronic formats and the implementation of an automated postal system. The aims of COVL: To decrease

the number of pending enforcement requests, and to shorten the decision-making time and to propose and implement a new system using custom made IT solutions, business process modifications, and changes of legislation. The results of COVL: the introduction of COVL, at the start of 2008, lowered the number of pending cases by 6.6% in 2008 (to 284 302) and by 5.94% in 2009 (to 267 410); decision making time has been lowered from an average of 6 months to less than 5 working days for over 90% of the requests; the work, previously done by around 350 court employees and judges at 44 courts, is now involves just 4 judges and 62 support personnel; introduction of an automated postal system alone, which has processed more than 1 million postal parcels in 2009, reduced the number of necessary staff by 60-70 over a year. The models, some or all, can help other courts for variety of procedures, not just to steam line document management. The innovative technological and logistical solutions, organisation, methodology and project management through separate components are widely usable models.

## **5. Other initiatives**

### **5.1 Have other initiatives concerning timeliness been undertaken or are they contemplated?**

In the year 2008 three district courts were chosen for the pilot project of self-evaluation of courts in line with the CAF 2206 model (Common Assessment Framework). The pilot project has been successfully completed and now a working group composed of Court Management specialists, three district court presidents and an external adviser are working on the complete and thorough adaptation of the CAF model (originally built for public sector organisations) to the necessities of a judicial environment.

Part of the self-evaluation procedure, that eventually all courts will take part in, is also the self-evaluation of working processes within the court, made by judges and other judicial staff. Through such activities, new ways of conducting procedures can be discussed and a better cooperation achieved, that in the end leads to shorter judicial processes.

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