

REVISED SLOVENIAN CIVIL PROCEDURE – A STEP CLOSER TO FASTER DISPUTE RESOLUTION?

The amended Slovenian Civil Procedure Act ("ZPP-E") will enter into force on **14 September 2017** and will govern all proceedings initiated after this date.

A majority of **changes are of formal nature** and will primarily affect attorneys, who will in turn need to inform their clients. For example, the act provides for additional rules on court jurisdiction favouring weaker parties. Objections on the grounds of set-off or time-barring must be made by all parties by the first hearing at latest.

The revised act will **require parties to be much more involved in evidence collection** prior to the first hearing.

Some good practices established in arbitration proceedings also found their way into court proceedings, which will hopefully enable the judges to conduct the proceedings in a more transparent and efficient manner. The judges are now expected to prepare a kind of "**terms of reference**" outlining some basic aspects of proceedings already at the preliminary hearing. The revision limits the number of preparatory filings submitted by parties, while it tries at the same time to ensure that all evidence is presented in time for the first hearing. The **number of preparatory filings prior to the preliminary hearing will be limited** to two per each party; these should be presented to the court within 15 days prior to the hearing at latest. A party failing to attend the preparatory hearing will, even in case of success, have to bear its **costs of (the entire) proceedings** in full. As regards the **taking of evidence**, the obligation to produce documents upon the request of the opponent has been expanded. The revision also introduces "**pre-trial experts**", enabling the interested party to obtain an expert opinion, enabling it to fully specify its claim (e.g. in respect of the quantum of damages) before the lawsuit is filed. The opinion will have the same quality as if the court expert was appointed during the trial. It remains unclear, though, how the courts will guarantee the counterparties' right to be heard (e.g. by submitting comments to the expert opinion) in this pre-trial phase.

From now on, the courts will be able to issue a **judgment with a summary of main reasons** within 8 days following the last hearing - a feature that was until now reserved to certain commercial disputes. Full reasons will be prepared only if the party declares its intent to appeal and pay a court fee. In appellate proceedings, the lawmaker sought to limit the practice of appellate courts which favour reversing the judgments and retrying the case. The appellate courts will now be encouraged to consider adjudicating the matter by themselves in the course of an **appeal trial**, considering the parties' right to trial without undue delay.

In our view, the revision seeks to introduce positive changes aimed at expediting trial

proceedings. It remains a responsibility of the judges, though, to implement these shiny new tools in their case management.

We will be glad to address any further inquiries you might have.

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