



COMMISSION EUROPEENNE POUR L'EFFICACITE DE LA JUSTICE
(CEPEJ)

QUESTIONNAIRE POUR ÉVALUER LES SYSTÈMES JUDICIAIRES 2011

Pays : Slovénie

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1. Données démographiques et économiques

1. 1. Généralités

1. 1. 1. Habitants et informations économiques

1) Nombre d'habitants (si possible au 1er janvier 2011)

2 050 189

2) Total des dépenses publiques annuelles au niveau national et le cas échéant, les dépenses publiques des collectivités territoriales ou entités fédérales (en €) - (Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP)

	Montant
Niveau national	9 874 155 345
Niveau territorial / entités fédérales (total pour l'ensemble des niveaux territoriaux/entités fédérales)	NA

3) PIB par habitant (en €)

17 286

4) Salaire moyen brut annuel (en €)

17 939

5) Taux de change de la monnaie nationale (zone non Euro) en € au 1 janvier 2011

A.1

Veuillez indiquer les sources des réponses aux questions 1 à 4 et, le cas échéant, tout commentaire relatif à l'interprétation des données fournies:

1., 3. and 4. - Statistical Office of the Republic of Slovenia, Slovenia in figures 2010 and Slovenia in figures 2011

2. - Ministry of Finance, Draft final account of the budget for 2010

1. The number of inhabitants is valid for the date 1.1.2011.

1. 2. Données budgétaires relatives au système judiciaire

1. 2. 1. Budgets (tribunaux, ministère public, aide judiciaire, frais)

6) Budget public annuel approuvé pour le fonctionnement de l'ensemble des tribunaux, en € (si possible sans le budget du ministère public et de l'aide judiciaire) :

TOTAL du budget public annuel approuvé pour le fonctionnement de l'ensemble des tribunaux ☒ Oui 178 158 919
(1 + 2 + 3 + 4 + 5 + 6 + 7)

1. Budget public annuel alloué aux salaires ☒ Oui 126 167 405

(bruts)

2. Budget public annuel alloué à l'informatisation (équipements, investissements, maintenance)	☒ Oui	4 074 203
3. Budget public annuel alloué aux frais de justice (frais d'expertise, d'interprètes, etc.), sans l'aide judiciaire. NB: ne concerne pas les taxes et frais à payer par les parties.	☒ Oui	37 976 296
4. Budget public annuel alloué aux bâtiments des tribunaux (maintenance, budget de fonctionnement)	☒ Oui	7 634 034
5. Budget public annuel alloué à l'investissement en nouveaux bâtiments (tribunaux)	☒ Oui	1 077 240
6. Budget public annuel alloué à la formation	☒ Oui	1 229 741
7. Autres (Veuillez préciser)		NAP

7) Dans le cas où vous ne pouvez pas distinguer le budget du ministère public et de l'aide judiciaire du budget alloué à l'ensemble des tribunaux, veuillez l'indiquer clairement. Si "autres", veuillez le préciser :

The Courts Act prescribes:

"The scope of the finances for the wages of the judges and the court personnel, as well as for the costs of the activities of the courts in the framework of the state budget of the Republic of Slovenia, based on the financial plans of the individual courts are provided in the budget user Supreme Court of the Republic of Slovenia for all courts" and "In the framework of the state budget of the Republic of Slovenia, the scope of the finances for the equipment of the courts and provision of spatial conditions for the courts, excluding the finances for wages, is formed and provided in the ministry responsible for justice, while for the computerisation of the courts in the Supreme Court of the Republic of Slovenia."

Besides the above-cited amount there's also a part of the Ministry of Justice budget dedicated to the investments and the rentals in justice sector (courts, prosecution, state attorneys), but there's no data available as to the share dedicated to the courts. The courts, in their financial plans, include only so called "small" investments, which are the investments that are not included in the Ministry of Justice plan and cannot exceed a certain value.

As already mentioned, there is one exception: the computerisation of the judiciary is in the authority of the Supreme Court which means, that investments in hardware are included in the financial plan of the latter.

This means that the cited amount includes only the finances for the functioning and the informatization of the courts. On the other hand, it does not include the budget dedicated to the investments and the rentals in justice sector and the resources that are provided for education of judges and court staff by the Ministry of Justice to its Judicial Training Centre. The Judicial Training Centre, part of the Ministry of Justice, spent 238893 in 2010 for the education of judges, court staff, prosecutors and state attorneys.

The resources in the cited amount (budget allocated to all courts) do not cover other organs of the judiciary (the Judicial Council, the Ministry of Justice, State Prosecutor's Offices, State Attorney's Office, prisons, etc.).

The annual public budget allocated to investments in new (court) buildings (1077240 EUR – the investments in the new court palace that is planned in Ljubljana) is not part of the budget allocated to the Supreme Court (which is 177081679 EUR), but of the budget of the Ministry of Justice. However, it is included in the total amount under question 6, since the table explicitly lists the category of investments in new court buildings.

8) Existe-t-il une règle générale selon laquelle une personne doit payer une taxe ou des

frais pour intenter une procédure devant une juridiction de droit commun :☐ en matière pénale ?☒ en matière autre que pénale ?

Si oui, existe-t-il des exceptions à la règle de payer une taxe ou des frais ? Veuillez préciser ces exceptions:

Art. 11 of the Courts Fees Act allows the court to decide on the exemption from payment in certain cases:

The court shall exempt from payment of court fees a party, if such payment would significantly affect the funds needed for the maintenance of the party or his/her family members.

The Labour and Social Courts Act specifies that in collective labour disputes and social disputes no court tax is required.

9) Montant annuel des taxes ou frais judiciaires perçus par l'Etat (en €)

50 858 000

10) Budget public annuel approuvé et alloué à l'ensemble du système de justice, en € (ce budget n'inclut pas seulement le budget approuvé pour le fonctionnement de l'ensemble des tribunaux comme défini à la question 6, mais aussi le système pénitentiaire, la protection judiciaire de la jeunesse, le fonctionnement du ministère de la Justice, etc.)

.

☐ NA

263 000 000

11) Veuillez préciser les éléments composant le budget de l'ensemble du système de justice.**Si "autre", veuillez préciser dans la case "commentaire" ci-dessous.**

Système des juridictions	Oui
Aide judiciaire	Oui
Ministère public	Oui
Système pénitentiaire	Oui
Service de probation	Oui
Conseil de la justice	Oui
Protection judiciaire de la jeunesse	Oui
Fonctionnement du ministère de la justice	Oui
Services des demandeurs d'asile et réfugiés	Non
Autres	NAP

Commentaire :

The answer given for the categories 'Probation services' and 'Judicial protection of juveniles' is 'Yes'. However, it has to be stated that 'Judicial protection of juveniles' does not mean special services for juveniles (like education, housing, etc.). The budget of the justice system covers criminal procedures against juveniles, but not other (social) expenditures. Similarly, the category 'Probation services' involves the work of probation commissions at the Ministry of Justice, but not other possible expenses.

On the other hand the category 'Refugees and asylum seekers services' forms part of the budget of the

Ministry of Interior.

12) Budget public annuel approuvé et alloué à l'aide judiciaire, en € - Si une ou plusieurs données ne sont pas disponibles, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Total du budget public annuel approuvé et alloué à l'aide judiciaire (12.1 + 12.2)	12.1 Budget public annuel alloué à l'aide judiciaire en matière pénale	12.2 Budget public annuel alloué à l'aide judiciaire en matière autre que pénale
Montant (en €)	5 834 338	NA	NA

13) Budget public annuel approuvé et alloué au Ministère public (en €). Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile à l'interprétation des données.

. ☒ Montant 19 263 376

Commentaire :

14) Instances formellement responsables des budgets alloués aux tribunaux (réponses multiples possibles) :

	Préparation du budget global des tribunaux	Adoption du budget global des tribunaux	Gestion et répartition du budget entre les tribunaux	Evaluation de l'utilisation du budget au niveau national
Ministère de la justice	Non	Non	Non	Non
Autre ministère	Oui	Non	Non	Non
Parlement	Non	Oui	Non	Non
Cour Suprême	Oui	Non	Oui	Oui
Conseil Supérieur de la Magistrature	Non	Non	Non	Non
Tribunaux	Oui	Non	Non	Oui
Organisme d'inspection	Non	Non	Non	Non
Autre	Non	Non	Non	Oui

15) Si autre ministère et/ou organisme d'inspection et/ou autre, veuillez préciser (au regard de la question 14) :

The legal basis for the procedure for adoption of the budget are the Public Finance Act and the Regulation for the Bases and Procedures for the Preparation of the Proposal State Budget.

The establishing of the budget may be shown through an eight step scheme:

- Establishing of a macroeconomic framework
- Specifying of the development priorities and tasks of the Government
- Setting up of a framework cross section of the budget in accordance with the program and the plans
- Budgetary Manual of the Ministry of Finance
- Preparing of detailed financial plans of direct budget users
- Negotiations with the Ministry of Finance
- Governmental proposal of the state budget
- Discussion and adoption of the budget and the Law on Execution of the Budget, within Parliament.

The Supreme Court as the entity proposing the financial plans of all the courts has a specific role in this process. Although the Courts Act provides that "the volume of financial resources for the salaries of judges and judicial personnel, and for the operation costs of courts, shall be provided

within the framework of the state budget of the Republic of Slovenia for all courts on the basis of financial plans of individual courts at the budget user, the Supreme Court of the Republic of Slovenia", the Supreme Court has limited access to the first four phases, which are crucial. Once the priorities are set, it is impossible to reach important changes in the volume of financial resources during budget negotiations. During these four phases it is only the Ministry of Justice that can influence the decisions of the Government, but it has not sufficient knowledge of the needs of the courts, the Supreme Court has some influence only by informal ways.

The Supreme Court enters the process between the fourth and fifth phase. It proposes a cross section of the budget quota specified by the Government of RS, regarding the judiciary for the following two years.

The budget quotas are determined on the level of individual courts, whereby in addition to the initial rules determined by the budget manual, the following criteria are also taken into consideration:

- level of the financial plan of the user for the current year;
- semester realization of the financial plan of the user in the current year.

The Supreme Court also prepares internal manuals for the users as well as internal forms for budgetary items, which may reflect any additional needs for funds along with a short explanation, which is used as a basis for subsequent negotiations with the Ministry of Finance. Then, each court prepares its own financial plan within the framework of the assigned quota in line with the budget items up to the level of a sub-account and submits it to the Supreme Court. During this process job allocation schedules are also prepared, because they have to be adjusted to the proposed budget. The Supreme Court examines every court's financial plan proposal and based on the gathered data and internal forms with appropriate explanations which reflect the additional needs of the users, prepares a new assessment of the needed funds to facilitate a smooth operation of the courts within the following two years.

In addition, a complex analysis is prepared of the budgetary expenses and a dialogue is established between the users in regard to a concept for future negotiations.

The negotiations with the Ministry of Finance may occur in several phases depending on the divergence between the posed requests on one hand and the possibilities or the constraints posed by Ministry of Finance.

If the Ministry of Finance agrees, the additionally provided funds shall be distributed among the courts in line with the proposed priorities. However, if no agreement is reached, the proposed budget of the courts shall be submitted to Parliament, which takes the final decision.

A.2

Vous pouvez indiquer ci-dessous :

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système budgétaire et les réformes majeures mises en œuvre au cours des deux dernières années**
- **si possible un organigramme avec une description des compétences des différentes instances responsables des procédures budgétaires**

6. The budget covering training and education (1229741 EUR) does not include the resources that are provided for education of judges and court staff by the Ministry of Justice to its Judicial Training Centre.

The Judicial Training Centre, part of the Ministry of Justice, spent 238.893 in 2010 for the education of judges, court staff, prosecutors and state attorneys.

cf. 11/07 (Q6#2#6) :The annual public budget allocated to investments in new (court) buildings (1077240 EUR – the investments in the new court palace that is planned in Ljubljana) is not part of the budget allocated to the Supreme Court (which is 177081679 EUR), but of the budget of the Ministry of Justice. However, it is included in the total amount under question 6, since the table explicitly lists the category of investments in new court buildings. All the given funds are devoted to the

building of a new court palace in Ljubljana that would accommodate first instance courts that are now scattered between different locations under the same roof. The funds in 2008 (60.000 EUR) were spent for research of the terrain (geo-mechanical and archaeological research) that would be used for the project documentation. In 2009 1.831.200 EUR were spent for project documentation, while in 2010 the figure devoted to project documentation was 1.077.240 EUR. None of the funds were devoted to the actual construction of the new court building, as the construction itself has not started yet. Given the economic situation the question remains, if and when the actual construction might start. The funds devoted for documentation were allocated as required by the contracts that were signed in 2008.

Q6#2#6 : There is a considerable difference in the figures allocated to new court buildings (60.000 EUR in 2008 and 1.077.240 EUR in 2010). The explanation is the following – all the given funds are devoted to the building of a new court palace in Ljubljana that would accommodate first instance courts that are now scattered between different locations under the same roof. The funds in 2008 (60.000 EUR) were spent for research of the terrain (geo-mechanical and archaeological research) that would be used for the project documentation. In 2009 1.831.200 EUR were spent for project documentation, while in 2010 the figure devoted to project documentation was 1.077.240 EUR. None of the funds were devoted to the actual construction of the new court building, as the construction itself has not started yet. Given the economic situation the question remains, if and when the actual construction might start. The funds devoted for documentation were allocated as required by the contracts that were signed in 2008.

Q6#2#7 : The difference in the budget allocated to training and education (1.835.8080 in 2008 and 1.229.741 EUR in 2010) can be attributed to the effect of the economic and financial crisis. As there were cuts in the budget of the judiciary, one of the affected fields was training and education. This meant that the expenditures for international training of judges and court personnel were lowered (seminars, conferences, etc.). Similarly, fewer funds were available for national legal seminars and other educational events.

Q9 : The difference in the annual income of taxes or fees received by the State (36.041.000 EUR in 2008 and 50.858.000 EUR in 2010) is the consequence of two factors - the increase in the number of incoming cases and the change in the Court Fees Act. On one hand the total number of incoming cases has increased from a bit more than 783.000 cases in 2008 to almost 970.000 cases in 2010, which means that there was a 23.87% increase that caused an increase in the number of court fees received. On the other hand the new Court Fees Act was introduced in the end of 2008 that increased the limits of court fees. Consequently, the amount of court fees received by the State has increased, since some court fees are set in accordance with the disputed value.

Q10. The whole sum of the budget allocated to the whole justice system of 263 million EUR is divided into the following programs:

- 0901 - Coordination of the justice system and general administrative tasks: 21 million EUR;
- 0902 – Coordination of the Supreme Court and the functioning of courts: 177 million EUR;
- 0903 – Functioning of the State Prosecutor's Office and the State Attorney's Office: 25 million EUR;
- 0904 – Management and maintenance of prisons: 40 million EUR;

The following figure should not be included in the annual budget to the whole justice system:

- 0905 - Restitutions: 11 million EUR.

cf. NC 21/06 (Q12) : The figure for Slovenia is correctmain reason for the difference in the budget allocated to legal aid (2.821.428 EUR in 2008 and 5.834.338 EUR in 2010) is the increased number of incoming cases. In the year 2008 there were 11.728 incoming cases, while in 2010 the number of incoming cases has risen to 15.909. On one hand this is the consequence of a better awareness in the general public about the possibility of free legal aid. On the other, a higher amount of funds dedicated to legal aid in 2010 compared to 2008 can be attributed to the effect of the economic crisis, which hit individuals that are parties in court proceedings. Additionally, there was a big increase in the number of bankruptcy cases. The biggest increase in the budget allocated to legal

aid took place between the years 2009 and 2010 (3.694.195 EUR in 2009 to 5.834.338 EUR in 2010), which is mainly the consequence of the adoption of the new Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act. This Act introduced the procedure of personal bankruptcy, while the 2009 amendment introduced the possibility of getting legal aid in the form of the prepayment for the initial costs of bankruptcy proceedings. According to evaluations by the courts the prepayment costs for personal bankruptcy amount to approximately 2.000 EUR, while they are even higher for bankruptcy proceedings of legal persons.

Veillez indiquer les sources des réponses aux questions 6, 9, 10, 11, 12 et 13.

Financial and accounting department of the Supreme Court of the Republic of Slovenia
Draft Financial Statement of the Budget 2010
The Supreme State Prosecutor's Office

2. Accès à la justice et à l'ensemble des tribunaux

2. 1. Aide judiciaire

2. 1. 1. Principes

16) L'aide judiciaire concerne-t-elle :

	Affaires pénales	Affaires autres que pénales
Représentation devant les tribunaux	Oui	Oui
Conseil juridique	Oui	Oui

17) L'aide judiciaire prévoit-elle la couverture ou l'exonération des frais de justice?

- ☒ Oui
☐ Non

Si oui, veuillez préciser:

The law specifically provides the exoneration of court fees (Free Legal Aid Act, Article 1).

18) Est-il possible de bénéficier de l'aide judiciaire pour des frais relatifs à l'exécution des décisions de justice (par exemple : honoraires d'un agent d'exécution) ?

- ☒ Oui
☐ Non

Si oui, veuillez préciser:

The law prescribes that legal aid can be granted in any proceedings before the court, i.e. also in the proceedings of the execution of judicial decisions (Free Legal Aid Act, Article 7).

19) L'aide judiciaire peut-elle être allouée pour d'autres frais (différents de ceux indiqués aux questions 16 à 18, par exemple honoraires d'un conseiller technique ou expert, honoraires d'autres professionnels de la justice (notaires), frais de voyage, etc.) ? Si oui, veuillez préciser dans la boîte "commentaire" ci-dessous.

	Affaires pénales	Affaires autres que pénales
	Oui	Oui

Commentaire :

The law prescribes that legal aid shall mean the right of the eligible person to the entire or partial provision of funds necessary to cover the costs of legal assistance and the right to exemption of payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 1).

Further on the law defines that legal aid may be approved for legal advice, legal representation and other legal services laid down in this Act, for all forms of judicial protection before all courts of general jurisdiction and specialised courts based in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia, and before all authorities, institutions or persons in the Republic of Slovenia authorised for out-of-court settlement (hereinafter referred to as: judicial proceedings), as well as in the form of exemption from payment of the costs of the judicial proceeding (Free Legal Aid Act, Article 7).

On the other hand the approved legal aid shall not cover the costs of the proceeding and actual

expenditure of and remuneration for the person authorised by the opposing party (Free Legal Aid Act, Article 9).

The law specifically lists the costs that can be covered by the approved legal aid (Free Legal Aid Act, Article 26):

- for legal advice surpassing initial legal advice;
- for the formulation, verification and certification of documents on legal relations, facts and statements;
- for legal advice and representation in cases of out-of-court settlement;
- for legal advice and representation before courts in the first and second instances;
- for legal advice and representation involving extraordinary appeals;
- for legal advice and representation involving constitutional action;
- for legal advice and representation before international courts;
- for legal advice and representation involving the filing of a petition for the assessment of constitutionality;
- in the form of exemption from payment of the costs of the judicial proceeding.

Legal aid may also be granted in the form of an exemption from payment of the costs of proceedings before courts, particularly in the form of an exemption from payment of:

1. Court fees;
2. Costs of experts, witnesses, interpreters, servicing orders and translations, costs of external operations of the court or other authority in the Republic of Slovenia, and other justified costs;
3. Security deposits for the costs, or of the costs, of the implementation of the proceeding (advance payments);
4. Costs of public documents and receipts required for the proceeding before a court;
5. Other costs of the proceeding.

20) Nombre d'affaires portées devant les tribunaux et ayant bénéficié de l'aide judiciaire. Veuillez préciser dans la boîte "commentaire" ci-dessous, le cas échéant. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

[Cette question porte sur le nombre annuel de décisions octroyant l'aide judiciaire aux justiciables qui ont saisi un tribunal. Elle ne concerne pas le conseil juridique fourni pour des affaires qui ne sont pas portées devant un tribunal.]

	Nombre
Total	9618
en matière pénale	1396
en matière autre que pénale	8222

Commentaire :

In 2010 legal aid offices at 11 district courts in Slovenia solved 13829 matters. In 8588 legal aid was granted. In 4363 cases the applicant was granted the exemption of the costs of judicial proceedings, while the other cases are represented by legal assistance or/and legal representation, initial legal advice, legal advice surpassing initial legal advice, etc.

Within the 8588 granted cases of legal aid the structure is the following:

- 6884 in civil matters
- 1396 in criminal matters
- 102 in minor offence cases
- 2 in administrative cases
- 1 in a social case
- 20 in labour cases and
- 183 in other cases.

At 4 labour and social courts the legal aid offices solved 1519 matters in 2010. In 1015 legal aid was granted.

Within the 1015 granted cases of legal aid the structure is the following:

- 1 in an administrative case
- 47 in social cases
- 769 in labour cases and
- 198 in other cases.

At the Administrative court the legal aid office solved 227 matters in 2010. In 15 legal aid was granted (all of them in administrative cases).

Altogether (district courts, labour and social courts and the Administrative court) legal aid was granted in $8588 + 1015 + 15 = 9618$ cases.

21) En matière pénale, les personnes n'ayant pas les moyens financiers suffisants peuvent-elles bénéficier de l'assistance gratuite (ou financée par un budget public) d'un avocat ? Veuillez préciser dans la boîte "commentaire" ci-dessous.

Personnes mises en cause	Oui
Victimes	Oui

Commentaire :

The Free legal Aid Act prescribes that legal aid may be approved for legal advice, legal representation and other legal services for all forms of judicial protection before all courts of general jurisdiction and specialised courts (Article 7). Since victims do need legal advice on their rights even in the case when they are not represented in court, both categories (accused individuals and victims) fall within the category of persons eligible for legal aid.

22) Si oui, ont-elles le libre choix de l'avocat dans le cadre de l'aide judiciaire?

- ☒ Oui
☐ Non

23) Votre pays procède-t-il à un examen des revenus et/ou des biens (patrimoine) du demandeur avant d'octroyer l'aide judiciaire ? Veuillez ajouter dans la boîte "commentaire" ci-dessous les informations utiles à l'interprétation des données fournies. Si un tel système existe, mais que les données ne sont pas disponibles, veuillez indiquer NA. Si un tel système n'existe pas, veuillez indiquer NAP.

	montant du revenu (si possible pour une personne) en €	valeur des biens (patrimoine) en €
en matière pénale	454	13620
en matière autre que pénale ?	454	13620

Commentaire :

The Free Legal Aid Act prescribes that (Free Legal Aid Act, Article 13):

Legal aid shall be granted to persons that, given their financial position and the financial position of their families, are not able to meet the costs of the judicial proceeding without causing harm to their social

position and the social position of their families.

It shall be deemed that the social position of the applicant and his or her family is put at risk by the costs of the judicial proceeding, if the monthly income of the applicant (personal income) or average monthly income per family member (personal family income) does not exceed the amount of 2 times the basic amount of the minimum wage, laid down in the act governing the minimum wage (hereinafter referred to as: minimum income).

Legal aid shall not be granted if the applicant's property and property of his or her family does exceed the value 60 times the minimum income.

The minimum income being 227 EUR on January 2010 the monthly income or the average monthly income per family member must not exceed 454 EUR and the value of the property must not exceed 13620 EUR.

Legal aid may also be granted if the personal income of the applicant and the income of his or her family does not exceed twice the minimum income and if the applicant's property and property of his or her family does not exceed 60 times the minimum income, if the application for legal aid approval is founded on the family circumstances of the applicant, the applicant's state of health, extraordinary financial liabilities imposed on the applicant, or other reasons out of the family's control for which they found themselves at material risk (exceptional approval of legal aid) (Free Legal Aid Act, Article 22).

According to the Free Legal Aid Act, the applicant has to give evidence of his assets with a statement (the court then gets all the relevant data from the different authorities that have evidence of the wealth of the applicant).

24) En matière autre que pénale, est-il possible de refuser l'aide judiciaire pour absence de bien-fondé de l'action (par exemple pour caractère abusif de l'action en justice ou en raison de l'absence d'un éventuel succès) ?

☒ Oui

☐ Non

Si oui, veuillez expliquer les critères concrets pour refuser l'aide judiciaire :

The Free Legal Aid Act expressly states that when deciding upon granting legal aid, the first criteria that regards the case is that "the matter is not obviously irrational or that the applicant has a probable chance of success" (Article 24).

25) La décision d'accorder ou de refuser l'aide judiciaire est-elle prise par :

☒ le tribunal ?

☐ une instance extérieure au tribunal ?

☐ une instance mixte (tribunal/organe externe)?

26) Existe-t-il un système privé d'assurance protection juridique permettant aux personnes physiques (cela ne concerne pas les entreprises ou autres personnes morales) de financer une action en justice ?

☒ Oui

☐ Non

Le cas échéant, veuillez donner des indications sur le développement actuel de ce type d'assurance dans votre pays; s'agit-il d'un phénomène grandissant ?

Out of 16 insurance companies, listed by the Insurance Supervision Agency, 7 offer legal expense insurance to individuals. Both reinsurance companies offer it as well. The arrangements regarding legal expense insurance differ according to the type of case (civil, criminal, commercial, etc.) and according to the company. The company ARAG (www.arag.si) offers only this type of insurance, others have it together with other, regular types of insurance. The list of insurance companies offering legal expense insurance is accessible at the home-page of the Insurance Supervision Agency (www.a-zn.si/Eng/Default.aspx?id=35). The number (7) has not changed since the 2008 Report, only the number of insurance companies has slightly risen (from 15 to 16).

27) La décision judiciaire peut-elle porter sur la manière dont les frais de justice payés par les parties au cours de la procédure seront partagés:

en matière pénale ?	Yes
en matière autre que pénale ?	Yes

B.1

Vous pouvez indiquer ci-dessous :

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système d'aide judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années

Veillez indiquer les sources des réponses aux questions 20 et 23:

Court Statistics 2010, Ministry of Justice

Free Legal Aid Act, together with the provisions of the Social Security Act

2. 2. Usagers des tribunaux et victimes

2. 2. 1. Droit des usagers et victimes

28) Existe-t-il des sites/portails Internet officiels (ex: ministère de la Justice, etc.) à partir desquels le public a accès gratuitement :

Les sites internet mentionnés pourraient figurer notamment sur le site internet de la CEPEJ. Veuillez préciser dans la boîte "commentaire" ci-dessous quels documents et informations sont inclus aux adresses concernant "autres documents" :

- | | | |
|---|---|---|
| ☐ aux textes juridiques (codes, lois, règlements, etc.) ? adresse Internet: | ☐ | http://zakonodaja.gov.si (Register of legal texts) |
| | ☐ | http://dz-rs.si (General Assembly) |
| | ☒ Oui | http://mp.gov.si (Ministry of Justice) |
| | | http://dt-rs.si (Supreme State Prosecutor's Office) |
| ☐ à la jurisprudence des hautes juridictions ? adresse Internet: | ☒ Oui | http://www.sodisce.si/znanje/sodna_praksa/iskalnik_po_bazah/ |
| ☐ à d'autres documents (par exemple le téléchargement de formulaires, l'enregistrement en ligne) ? | ☒ Oui | http://www.sodisce.si/sodni_postopki/obrazci/ |

Commentaire :

The website portal of the Slovenian judicial system accessible at www.sodisce.si contains a number of different documents and forms, e.g. the confirmation form that a person is not accused in a criminal procedure, form for the procedure of enforcement on the basis of an authentic document, forms for signing a company into the court register, forms for the European order for payment procedure, the application for legal aid, forms for the European Small Claims Procedure, etc.

29) Votre système prévoit-il une obligation d'informer les parties concernant les délais prévisibles de la procédure judiciaire?

- ☐ Oui
☒ Non

Si oui, veuillez préciser:

30) Existe-t-il un système d'information spécifique, public et gratuit, pour informer et aider les victimes d'infractions?

- ☒ Oui
☐ Non

Si oui, veuillez préciser:

The Police informs victims of crimes of their rights and keeps them informed on the course of the investigations.

31) Existe-t-il des modalités favorables particulières applicables aux catégories de personnes vulnérables suivantes, au cours des procédures judiciaires. Si "autres personnes vulnérables" et/ou "autres modalités particulières", veuillez le préciser dans la boîte "commentaire" ci-dessous.

[Cette question ne concerne pas la phase d'investigation par la police et elle ne concerne pas l'indemnisation des victimes d'infractions traitée aux questions 32 à 34.]

	Dispositif d'information	Modalités particulières pour les audiences	Autres
Victimes de viol	Non	Oui	Non
Victimes du terrorisme	Non	Oui	Non
Enfants (témoins ou victimes)	Oui	Oui	Oui
Victimes de violence domestique	Non	Oui	Non
Minorités ethniques	Non	Oui	Non
Personnes handicapées	Non	Oui	Non
Délinquants mineurs	Non	Oui	Oui
Autres (par exemple, les victimes de la traite des êtres humains)	Non	Non	Non

Commentaire :

Regarding victims of rape or terrorism: The Criminal Procedure Act states in Article 240.a that if there are reasonable grounds for believing that disclosure of the personal data or whole identity of a certain witness could endanger his life or body, or the life or body of his close relatives or of persons proposed by the witness, the court may order one or more of the following measures to protect him or his close relative:

- 1) deletion of all or certain data from the criminal case file;
- 2) the marking of all or some of the data from the preceding point as an official secret;
- 3) the issuing of an order to the accused, his counsel, the injured party, or their legal representative and attorneys to keep certain facts or data secret;
- 4) the assignment of a pseudonym to the witness;
- 5) the taking of testimony using technical devices (protective screen, devices for disguising the voice, transmission of sound from separate premises and other similar technical protective devices).

Furthermore Article 242.a states that if the life or body of the person doing the identification or his close relatives is under serious risk, or there is a likelihood that the person being identified might influence the course of the identification process, the identification shall be conducted in such a way that the person being identified cannot see the person making the identification.

Regarding children (witnesses or victims): The Criminal Procedure Act states in Article 240 that a person under age, especially if that person has suffered damage from the criminal offence at issue, must be examined considerably to avoid producing harmful effect on his state of mind. If necessary, a pedagogue or some other expert should be called to assist in the examination of a minor. In the examination of a witness under the age of 14, a person who he/ she trusts can be present.

Regarding ethnic minorities: The Criminal Procedure Act states that in those areas in which members of the Italian or Hungarian national minority reside, members of these national minorities shall be allowed to file submissions in the Italian or the Hungarian language if these languages are used as official languages of the court (Article 7). Regarding other languages the Act states the following: Parties, witnesses and other participants in the proceedings shall have the right to use their own languages in investigative and other judicial actions and at the main hearing. If a judicial action or the main hearing is not conducted in the languages of these persons, the oral translation of their statements and of the statements of others, and the translation of documents and other written evidence, must be provided.

Regarding disabled persons: The Criminal Procedure Act states in Articles 233 and 243 that if the accused or witness is deaf he shall be asked questions in writing, and if he is dumb he shall be requested to answer questions in writing. If the interrogation cannot be carried out in that way, a person who knows how to communicate with the accused shall be invited to act as interpreter.

Regarding children, protected, anonymous witnesses or disabled persons: these witnesses or anyone else, when it is not desirable or possible that the witness would appear in court, can be examined via videoconference (Article 244.a).

32) Votre pays dispose-t-il d'une procédure d'indemnisation des victimes d'infractions ?

☒ Oui

☐ Non

Si oui, pour quels types d'infractions

The Crime Victims Compensation Act prescribes (inter alia):

Formal conditions (Article 5):

Formal conditions for access to the compensation hereunder are fulfilled if the applicant is a:

- Citizen of the Republic of Slovenia or
- Citizen of any other Member State of the European Union.

Material conditions (Article 6):

The material conditions for access to the compensation hereunder are:

- The applicant was a victim of a violent intentional crime (hereafter: the crime),
- The crime was committed on the territory of the Republic of Slovenia, on a Slovene ship or on a Slovene airplane, regardless of the location when the crime is committed,
- The crime was noted or notified to the competent authority as a criminal offence,
- There are no circumstances on the part of the applicant for which no application for compensation may be submitted under the Code of Obligations,
- Due to the crime the applicant sustained a bodily injury, impairment of health or suffering,
- Due to the crime the applicant incurred the damage recognized herewith.

33) Si oui, cette procédure d'indemnisation consiste-t-elle en:

- ☒ un dispositif public ?
- ☐ des dommages et intérêts à payer par la personne responsable (par décision du tribunal) ?
- ☐ un dispositif privé ?

34) Existe-t-il des études permettant d'évaluer le taux de recouvrement des dommages et intérêts prononcés par les juridictions pour les victimes ?

- ☐ Oui
- ☒ Non

Si oui, veuillez préciser le taux de recouvrement, le nom des études, la fréquence des études et l'organe responsable :

35) Le procureur a-t-il un rôle spécifique au regard des victimes (protection et assistance) ?

- ☒ Oui
- ☐ Non

Si oui, veuillez préciser :

Prosecutors can have a special role, when victims are interrogated as witnesses in court. The role of prosecutor is very important in the case, when procedural measures for protection of witnesses are used and when the procedure for implementation of witness protection programme is initiated.

36) Les victimes d'infractions peuvent-elles contester une décision du procureur de classer une affaire?

Veuillez vérifier la cohérence de votre réponse avec celle de la question 105 qui traite de la possibilité pour un procureur "de classer une affaire sans suite, sans avoir besoin d'obtenir une décision du tribunal".

- ☒ Oui

☐ Non

☐ NAP (le procureur ne peut pas décider de classer une affaire de son propre chef. Une décision judiciaire est nécessaire)

Le cas échéant, veuillez préciser :

They have the right to prosecute the case on their own within 8 days (Criminal Procedure Act, Article 60).

2. 2. 2. Confiance des citoyens dans leur justice

37) Existe-t-il un système d'indemnisation pour les usagers dans les circonstances suivantes :

- ☒ durée excessive de la procédure ?
- ☐ non exécution des décisions de justice?
- ☒ arrestation injustifiée ?
- ☒ condamnation injustifiée ?

Le cas échéant, veuillez fournir des renseignements concernant la procédure d'indemnisation, le nombre d'affaires, le résultat des procédures et le dispositif actuel permettant de calculer le montant de l'indemnisation (par exemple, le tarif journalier pour une arrestation ou une condamnation injustifiée) :

The Act on the protection of the right to trial without undue delay gives a party to court proceedings 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 delay.

The legal remedies that are available to protect the right are three:

- supervisory appeal;
- motion for a deadline and
- 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.

The procedure of compensation in the case of wrongful arrest and wrongful condemnation is regulated by the Criminal Procedure Act. Chapter 32 is entitled Proceedings for compensation, rehabilitation and the exercise of other rights of unjustifiably convicted or arrested persons.

The Act gives the right to seek the recovery of damages inflicted by an unjustified judgement of conviction. Similarly, the right to compensation is also enjoyed by persons, who were victims of different forms of unfounded arrest.

The Act states that before filing the claim for damages with the court, the injured person has to address his claim to the Office of the State Attorney General to try and reach agreement about the existence of the damage and the type and extent of compensation. If the request for recovery of damages is not granted or the Office of the State Attorney General and the injured person do not reach accord within three months of the filing of the request, the injured person may file a claim for damages with the court of jurisdiction. The tariff, offered by the State Attorney's Office for wrongful arrest is 300 EUR per day, if the detention lasted from 1 to 3 days, while it is 42 EUR per day for more than 3 days.

38) Votre pays a-t-il mis en place des enquêtes auprès des professionnels de la justice et des usagers des tribunaux pour mesurer leur confiance dans la justice et leur degré de satisfaction par rapport au service rendu ? (plusieurs options possibles)

- ☒ enquêtes (de satisfaction) auprès des juges
- ☒ enquêtes (de satisfaction) auprès du personnel des tribunaux
- ☐ enquêtes (de satisfaction) auprès des procureurs
- ☐ enquêtes (de satisfaction) auprès des avocats
- ☒ enquêtes (de satisfaction) auprès des parties
- ☐ enquêtes (de satisfaction) auprès d'autres usagers des tribunaux (par exemple jurés, témoins, experts, interprètes, représentants des agences gouvernementales)

☐ Enquêtes (de satisfaction) auprès des victimes

Si possible, veuillez préciser leurs titres, objets et sites internet où elles peuvent être consultées :

Within the Quality project of the implementation of the CAF Model for the needs of the judiciary, that has evolved in the Model for the quality of work of the courts, various satisfaction surveys have been prepared. So far, the surveys aimed at judges and court staff have been carried out at three pilot district courts. For the year 2012 the testing of the methodology by an academic institution together with the representatives of the Supreme Court and the Judicial Council is foreseen. The verified surveys will then be used regularly. There are different surveys prepared for different stakeholders: court users, the general public, employees (judges and court staff) as well as legal professionals (lawyers, public prosecutors, state attorneys).

Within the Slovenian Public Opinion Survey (SPOS) public trust in different institutions is surveyed and one question relates also to the courts. (<http://www.cjm.si/>). However, this is a general opinion survey and it does not focus only on citizens, visitors of the court.

The incidental survey at court level aimed at parties has been in use at the District Court of Ljubljana to measure the satisfaction of the parties, involved in the mediation procedures.

39) Si possible, veuillez préciser :

	Enquêtes systématiques (par exemple annuelles)	Enquêtes occasionnelles
Enquêtes au niveau national	Oui	Non
Enquêtes au niveau des tribunaux	Non	Oui

40) Existe-t-il un dispositif national ou local permettant de déposer une plainte concernant le fonctionnement du système judiciaire (par exemple le traitement d'une affaire par un juge ou la durée d'une procédure)?

- ☒ Oui
☐ Non

41) Veuillez préciser l'autorité compétente pour traiter de telles plaintes et informer si l'autorité doit ou ne doit pas respecter un délai pour répondre et/ou un délai pour traiter la plainte (plusieurs réponses possibles). Veuillez donner des informations sur l'efficacité de cette procédure de plainte dans la boîte "commentaire" ci-dessous.

	Délai pour répondre (par exemple pour accuser réception de la plainte, pour informer des suites qui lui seront données, etc.)	Délai pour traiter la plainte	Pas de délais
Tribunal concerné	Oui	Oui	Non
Instance supérieure	Oui	Oui	Non
Ministère de la Justice	Non	Non	Non
Conseil supérieur de la magistrature	Non	Non	Non
Autres organisations extérieures (ex. médiateur)	Non	Non	Non

Commentaire :

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.

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.

3. Organisation des tribunaux

3. 1. Fonctionnement

3. 1. 1. Tribunaux

42) Nombre de tribunaux considérés comme entités juridiques (structures administratives) et implantations géographiques. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Nombre total
42.1 Tribunaux de droit commun de 1ère instance (entités juridiques)	55
42.2 Tribunaux spécialisés de 1ère instance (entités juridiques)	5
42.3 Tous les tribunaux (implantations géographiques) (ce chiffre inclut les tribunaux de droit commun de 1ère instance, les tribunaux spécialisés de 1ère instance, tous les tribunaux de seconde instance et cours d'appels et toutes les cours suprêmes)	66

43) Nombre (entités juridiques) de tribunaux spécialisés (ou ordre judiciaire spécifique) de 1ère instance. Si "autres tribunaux spécialisés de 1ère instance", veuillez donner des précisions dans la boîte "commentaire" ci-dessous. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Total (il doit correspondre au nombre indiqué à la question 42.2)	6
Tribunaux commerciaux	NAP
Tribunaux du travail	4
Tribunaux des affaires familiales	NAP
Tribunaux des affaires locatives (tribunaux des baux)	NAP
Tribunaux de l'exécution des sanctions pénales	NAP
Tribunaux administratifs	1
Tribunaux des assurances et/ou de la sécurité sociale	1
Tribunaux militaires	NAP
Autres tribunaux spécialisés de 1ère instance	NAP

Commentaire :

The number given under question 43 is not the same as the one given under question 42.2, since there are 3 labour and 1 labour and social disputes court. Altogether (with the Administrative court) there are 5,

but 1 is both labour and insurance / social welfare court. For that reason the sum is 6, although there are 5 specialised courts altogether.

44) Une réforme dans la structure des tribunaux est-elle envisagée (par exemple une diminution du nombre de tribunaux (implantations géographiques) ou une réforme de la compétence des tribunaux) ?

☒ Oui

☐ Non

Si oui, veuillez préciser :

The main modifications that came into force in 2010 with the Amendment of Courts Act included:

1. The extension of competences of the Judicial Council - competence in the appointment of presidents of the courts is transferred from the minister of justice to the Judicial Council;
2. The establishing a specialized department for jurisdiction over criminal offences related to organized and economic crime (operating at 4 different district courts);
3. For the purpose of disburdening the president of the court and setting a more efficient court management a new position of Director of the court is appointed;
4. With the intention of effective and economical administration of courts justice administration for county courts is held by justice administration of district courts;
5. More flexible assigning of county and district judges within the range of the district court by president of the district court.

45) Nombre de tribunaux de 1ère instance (implantations géographiques) compétents pour les affaires suivantes. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Nombre de tribunaux
le recouvrement d'une petite créance.	44
le licenciement	4
le vol avec violence	11

Veuillez préciser la définition d'une petite créance et indiquer le montant financier en dessous duquel une créance est considérée comme telle :

According to the Civil Procedure Act a small claim dispute shall denote a dispute on a monetary claim where the amount of dispute does not exceed 2000 EUR. Small claims disputes shall also include disputes on non-monetary claims in respect of which the plaintiff has declared his willingness to accept, instead of satisfaction the claim, a sum of money not exceeding 2000 EUR. Small claims disputes shall also include disputes on claims for delivery of movable property where the stated amount in dispute does not exceed 2000 EUR (Civil Procedure Act, Article 443).

On the other hand small claim disputes shall not include disputes relating to immovable property, disputes arising out of copyright, disputes relating to the protection and use of inventions and marks of distinctiveness or to the right to use a company title, disputes relating to the protection of competition, and disputes for disturbance of possession (Civil Procedure Act, Article 444).

Veuillez indiquer les sources utilisées pour les réponses aux questions 42, 43 et 45 :

Court Statistics, Ministry of Justice, 2010

3. 1. 2. Juges et personnels non-juges

46) Nombre de juges professionnels siégeant en juridiction (si possible au 31 décembre 2010)

(veuillez fournir l'information en équivalent temps plein et pour des postes permanents effectivement occupés, pour tous les types de juridictions confondus – droit commun et spécialisées). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile à l'interprétation des données ci-dessus.

[Veuillez vous assurer que les procureurs et leurs personnels sont exclus des réponses suivantes (ils sont concernés par les questions 55-60). Si la distinction entre personnels attachés aux juges et personnels attachés aux procureurs n'est pas possible, merci de l'indiquer clairement.]

Veuillez indiquer le nombre de postes effectivement pourvus à la date de référence et non pas les effectifs budgétaires théoriques.]

	Total	Hommes	Femmes
Nombre total de juges professionnels (1 + 2 + 3)	1024	229	795
1. Nombre de juges professionnels de première instance	793	154	639
2. Nombre de juges professionnels dans les cours d'appel (2ème instance)	194	53	141
3. Nombre de juges professionnels dans les cours suprêmes	37	22	15

Commentaire :

On the 31.12.2010 there were 1024 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. 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 (934) would be the number of actual working hours in 2010, divided by judges (952), from which 17 judges are subtracted, since they do not perform judicial functions, but they are assigned to other duties (1 general secretary of the Supreme Court, 11 appointed to the Registry Department of the Supreme Court, 2 appointed to the Judicial Council and 4 appointed to the Ministry of Justice).

However, for reasons of comparability and in line with the discussions with the CEPEJ experts that prepared the 2010 (2008 data) CEPEJ Report, the number of judicial posts is indicated in the table. The figures about the actual working hours serve just as an indication.

This is the structure of judges according to different levels and jurisdictions of the courts on the 31.12.2010:

First instance courts:

- Local courts (44): 483 judges (83 male, 400 female)
- District courts (11): 265 judges (62 male, 203 female)
- Labour and social disputes courts (4): 45 judges (9 male, 36 female)

Second instance courts:

- Higher courts (4): 144 judges (40 male, 104 female)
- Administrative court (1): 35 judges (6 male, 29 female)
- Higher labour and social disputes court (1): 15 judges (7 male, 8 female)

Supreme court: 37 judges (22 male, 15 female)

47) Nombre de présidents de tribunaux (juges professionnels). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Total	Hommes	Femmes
Nombre total de juges professionnels (1 + 2 + 3)	66	23	43
1. Nombre de président(e)s de tribunaux de première instance	59	20	39
2. Nombre de président(e)s de cours d'appel (2ème instance)	6	2	4
3. Nombre de président(s) de cours suprêmes	1	1	0

48) Nombre de juges professionnels exerçant à titre occasionnel et rémunérés comme tel (si possible au 31 décembre 2010). Si nécessaire, veuillez indiquer dans la boîte "commentaire" ci-dessous toute information utile pour l'interprétation de la réponse à la question 48.

Donnée brute

NAP

Si possible, donnée en équivalent temps plein

NAP

Commentaire :

There are no professional judges sitting in courts on an occasional basis, since The Judicial Service Act does not allow such posts.

49) Nombres de juges non professionnels, non rémunérés, percevant, le cas échéant, un simple défraiement (si possible au 31 décembre 2010) (y compris les "lay judges" et juges consulaires ; les arbitres et les jurés sont exclus de cette donnée).

Donnée brute

☒ Oui

3 445

50) Votre système judiciaire prévoit-il un jury de jugement avec une participation des citoyens ?

☐ Oui

☒ Non

Si oui, pour quel(s) type(s) d'affaire(s) ?

There is no trial by jury in Slovenia. However, in some cases the panel of judges is composed of lay judges as explained in the comment to the previous answer.

51) Veuillez indiquer le nombre de citoyens ayant participé à de tels jurys pour l'année de référence :

NAP

52) Nombre de personnel non-juge travaillant dans les tribunaux (si possible au 31 décembre 2010) (cette donnée ne devrait pas inclure le personnel travaillant pour les procureurs, voir question 60) (répondre en équivalent temps plein et pour les postes permanents effectivement occupés). Si « autres personnels non juges », veuillez le préciser dans la boîte "commentaire" ci-dessous.

Nombre total de personnel non juge travaillant dans les tribunaux (1 + 2 + 3 + 4 + 5)	☒ Oui	3274
1. Rechtspfleger (ou organes équivalents) chargés de tâches juridictionnelles ou para-juridictionnelles, ayant des compétences autonomes et dont les décisions peuvent être susceptibles de recours.	☒ Oui	436
2. Personnels non juges chargés d'assister les juges à l'instar des greffiers (préparation des dossiers, assistance à l'audience, tenue des procès verbaux, aide à la préparation de la décision)		NA
3. Personnels chargés de tâches relatives à l'administration et la gestion des tribunaux (gestion des ressources humaines, gestion des moyens matériels y compris de l'informatique, gestion financière et budgétaire, gestion de la formation)		NA
4. Personnels techniques		NA
5. Autres personnels non juges		NA

Commentaire :

The number 3274 (valid for the date 31.12.2010) contains the following categories:

- secretaries of courts: 18
- senior judicial advisers: 398
- other court staff: 2858

- court clerks: 436
- Local courts – Land register court clerks: 198
- Local courts – Enforcement court clerks: 200
- District courts – Commercial register clerks: 38

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.

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.

The situation concerning court clerks is explained under question 53.

The data that concern other court staff is not differentiated between administrative staff and technical staff.

53) S'il existe dans votre système la fonction de Rechtspfleger (ou organes équivalents), veuillez décrire brièvement leur statut et leurs fonctions:

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 1.1.2011):

- Local courts – Land register court clerks: 198
- Local courts – Enforcement court clerks: 200
- District courts – Commercial register clerks: 38

54) Les tribunaux ont-ils délégué certains services, relevant de leur compétence, à un service privé (par exemple, la maintenance informatique, la formation continue du personnel, la sécurité, les archives, le nettoyage)

☒ Oui

☐ Non

Si oui, veuillez préciser :

Some services are delegated, some are not, depending on the service. The IT services are supervised centrally by the Centre for informatics at the Registry department of the Supreme Court. The training of staff is mainly provided by the Judicial Training Centre, which is an organ of the Ministry of Justice, taking care of the training of judges, prosecutors and court staff. Security services are run by private companies that sign a contract with each court separately. Archives are kept by court staff for a certain period of time, defined by statute, after which they are transferred either to the national archive or the regional ones. Cleaning is provided by staff that is employed by the court.

C.1

Vous pouvez indiquer ci-dessous :

- tout commentaire utile à l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années

49. The number given in this answer represents a pool of lay-judges, but data on actual sitting days are not available. The number is taken from the Act on setting the number of lay judges at the district courts in the Republic of Slovenia, the number being 1968, together with the number from the Act on setting the number of lay judges at the labour and social courts, the number being 1476. Together, the pool of lay judges is thus that of 3445.

Although lay-judges are in full capacity of a judge as a member of a panel of judges, they can't hear cases on their own and therefore none of the cases can be solved by them without the presence of the professional judge, who also takes care of all the procedures, writing the judgement etc.

According to the Criminal Procedure Act, the district courts try cases involving criminal offences punishable by fifteen or more years of imprisonment before panels of five judges (two professional and three lay judges), and cases of criminal offences punishable by three to fifteen years of imprisonment before panels of three judges (one professional or presiding judge and two lay judges).

Since the change in law in 2008 lay judges are not involved in civil trials anymore. The Civil Procedure Act prescribed panels of three judges (one professional or presiding judge and two lay judges) in family law matters and in intellectual property rights disputes. Now, only professional judges decide in these matters.

Veillez indiquer les sources utilisées pour les réponses aux questions 46, 47, 48, 49 et 52

Court Statistics, Ministry of Justice, 2010
Information gathered from individual courts

3. 1. 3. Procureurs et personnel

55) Nombre de procureurs au 31 décembre 2010 (veuillez fournir l'information en équivalent temps plein et pour des postes permanents effectivement occupés, auprès de tous les types de juridictions confondus – droit commun et spécialisées). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile à l'interprétation des données.

	Total	Hommes	Femmes
Nombre total de procureurs (1 + 2 + 3)	165	55	110
1. Nombre de procureurs auprès des tribunaux de première instance	136	42	94
2. Nombre de procureurs auprès des cours d'appel (2ème instance)	15	6	9
3. Nombre de procureurs auprès des cours suprêmes	14	7	7

Commentaire :

Some prosecutors that have worked at first instance level have the title of the higher state prosecutor, but are included in the total number of prosecutors at first instance level.

Q55#1#2 : Total number of district state prosecutors (together with state prosecutors from the Group of state prosecutors for the prosecution of organised crime and from the Specialized Department)

Q55#1#3 and Q55#3#3 : Total number of higher state prosecutors from the Supreme State Prosecutor's Office (Appeals Department), plus Head of the Specialized Department, who is higher state prosecutor (female), plus national member in Eurojust, who is higher state prosecutor (female).

Q55#1#4 and Q55#3#4 : Supreme state prosecutors + Prosecutor General

56) Nombre de chefs des ministères publics. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Veuillez ajouter dans la boîte "commentaire" ci-dessous toute information utile pour l'interprétation des données.

	Total	Hommes	Femmes
Nombre total de chefs de ministères publics (1 + 2 + 3)	14	6	8
1. Nombre de chefs de ministères publics auprès de tribunaux de première instance	11	6	5
2. Nombre de chefs de ministères publics auprès des cours d'appel (2ème instance)	2	0	2
3. Nombre de chefs de ministères publics auprès des cours suprêmes	1	0	1

Commentaire :

The Office of the State Prosecutor General of the Republic of Slovenia is the highest-ranking prosecutor's office in the country, within which there are also the Appeals Department and the Group of state prosecutors for the prosecution of organised crime. The heads of the Group and of the Appeals Department are females.

57) D'autres personnes ont-elles des fonctions comparables à celles des procureurs ?

☒ Oui

☐ Non

Nombre (en équivalent temps plein)

26

58) Si oui, veuillez préciser leurs noms et fonctions :

Assistants of public prosecutors (26 in total, 9 male, 17 female) can replace them, if they are authorised by the public prosecutor.

59) Si oui, est-ce que leur nombre est inclus dans le nombre de procureurs que vous avez indiqué à la question 55 ?

☐ Oui

☒ Non

60) Nombre de personnels (non procureurs) rattachés au ministère public (si possible au 31 décembre 2010) (sans le nombre de personnels non juges, v. question 52) (répondre en équivalent temps plein et pour les postes permanents effectivement pourvus)

Nombre

☒ Oui

226

C.2

Vous pouvez indiquer ci-dessous :

- tout commentaire utile à l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années

Beside the prosecutors and assistant prosecutors there were also 31 apprentices in the State Prosecution Offices on the 31 of December 2010.

Q57 : In 2008 there were 20 assistants of prosecutors and the number increased in two years to

26. The reason for the increase could be attributed to the new approach to educating and training lawyers to become prosecutors that has started in last years. Graduate lawyers are monitored by the prosecutorial human resources service during the period of prosecutorial traineeship (two years) and after the state law exam during the period of working as civil servants (senior judicial experts) - at least three years. After that time it is possible to apply for the post of the state prosecutor's assistants. The decision was made in 2010 to employ some more competent, highly trained and highly educated senior judicial experts as assistants rather than new state prosecutors without prosecutorial experiences, who could become district state prosecutors immediately.

Veillez indiquer la source des réponses aux questions 55, 56 et 60

The data are from Annual Report of State Prosecution Service for 2010 and from the Office of the State Prosecutor General.

3. 1. 4. Budget du tribunal et nouvelles technologies

61) Quelles instances possèdent des compétences budgétaires au sein des tribunaux ? Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.

	Préparation du budget	Arbitrage et répartition du budget	Gestion quotidienne du budget	Evaluation et contrôle de l'utilisation du budget
Conseil d'administration	Non	Non	Non	Non
Président du tribunal	Oui	Oui	Oui	Oui
Directeur administratif du tribunal	Non	Non	Non	Non
Greffier en chef	Non	Non	Non	Non
Autre	Non	Non	Non	Non

Commentaire :

Art. 61 of the Courts Act prescribes: Matters of court management shall be the responsibility of the president of the court, unless otherwise determined by this Act. Courts may have a secretary of the court for dealing with matters of court management, who shall meet the conditions for occupying the working post of justice councillor.

Art. 75 of the same Act prescribes: The preparation of financial plans, their implementation and monitoring shall be performed in individual courts. Resources for the work of local courts in the territory of an individual district court shall be planned within the framework of the financial plan of that court, whereby the resources for the work of local courts shall be stated separately. The proposal of the financial plan of district courts for the work of local courts shall be prepared by the President of the district court on the basis of the proposal of the President of the local court one month after the adoption of the budget at the latest. District courts shall coordinate the preparation of financial plans and the use of resources according to particular local courts considering the requirements of local courts and the total financial resources earmarked in the budget. Larger local courts may be independent budget users, if determined so by the public financial regulations. The Supreme Court shall coordinate the preparation of financial plans and the consumption of resources by individual courts with regard to their financial plans and aggregately provided resources in the budget. The president of the Supreme Court and presidents of high and district courts are entitled to determine the allocation of resources to individual courts.

62) Pour l'assistance directe au travail du juge/du greffier, quelles sont les possibilités offertes par le système informatique existant dans les juridictions ?

Traitement de texte	100% of courts
Base de données électronique pour la	100% of courts

jurisprudence	
Dossiers électroniques	+50% of courts
E-mail	100% of courts
Connexion internet	100% of courts

63) Pour l'administration et la gestion, quelles sont les possibilités offertes par le système informatique existant dans les juridictions ?

Enregistrement des affaires	100% of courts
Système d'information sur la gestion du tribunal	+50% of courts
Système d'information financière	100% of courts
Vidéoconférence	100% of courts

64) Pour la communication entre le tribunal et les parties, quelles sont les possibilités offertes par le système informatique existant dans les juridictions ?

Formulaire électronique	+50% of courts
Site internet	100% of courts
Suivi électronique des affaires	-50% of courts
Registres électroniques	100% of courts
Recouvrement électronique d'une petite créance	100% of courts
Recouvrement électronique d'une créance non contestée	+50% of courts
Dépôt d'un recours depuis un poste informatique	+50% of courts
Vidéoconférence	+50% of courts
Autres moyens de communication électronique	+50% of courts

65) L'utilisation de la vidéoconférence dans les tribunaux (détails de la question 65). Veuillez indiquer dans la boîte "commentaire" ci-dessous toute précision sur le cadre juridique et le développement de la vidéoconférence dans votre pays.

	65.1 En matière pénale, les tribunaux et les parquets ont-ils recours à la vidéoconférence pour des auditions de prévenus ou de témoins ?	65.2 Ces auditions par le juge / le procureur peuvent-elles avoir lieu dans les services de police ou/et les établissements pénitentiaires ?	65.3 Existe-t-il une législation spécifique sur les conditions d'utilisation de la vidéoconférence par les tribunaux ou les parquets, en particulier pour préserver les droits de la défense ?	65.4 La vidéoconférence est-elle utilisée en matière autre que pénale ?
	Oui	Oui	Oui	Oui

Commentaire :

The Criminal Procedure Act states in the new Article 244.a that the hearing of a defendant or witness can be done with the use of modern technical means of audio and video transfer (videoconferencing). The article then gives the list of when such a hearing can take place:

- when the witness has a status of protected witness and coming to court would represent a serious danger

for his/ her life or body or that of his/ her relatives;

- when the witness is an anonymous witness under the same conditions described above;
- when there was a request for such a hearing given by a foreign organ;
- when for other justified reasons it is not reasonable or possible that the person would come to court.

C.3

Vous pouvez indiquer ci-dessous :

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système judiciaire et les réformes majeures mises en œuvre au cours des deux dernières années**

Regarding question 62:

Under the term 'Electronic files' the answer given understands 'Electronic data files', since in question 63 'Case registration system' is specifically addressed.

Regarding question 63:

All courts have a Case registration system, but not for all procedures – approximately 95% of the procedures use electronic case registration systems.

In the answer regarding Court management information system a new BI toll for analysing court statistics is taken into account that courts do not use fully yet for the purposes of court management, but soon the answer will change to 100%.

The answer beside the category Videoconferencing is +50% of courts, since all 11 district courts are equipped with the technology + 2 mobile units are available, meaning that all courts can use it. However, not all courts have it, so the answer given is not 100%.

Regarding question 64:

Electronic web forms – they are used in some types of procedures, e.g. application for videotaping a court procedure, the forms that are used at the Central department for enforcement on the basis of authentic documents (CoVL), land register forms (eZK), forms used in insolvency procedures (eINS).

Follow-up cases online - they are used in some types of procedures, e.g. land register (eZK), court register (SRg), insolvency procedures (eINS).

Electronic registers – all they registers kept by the court are in electronic form – the court register (for companies) (SRg) and the land register (eZK).

Electronic processing of small claims – there is one Central department for enforcement on the basis of authentic documents (CoVL).

Electronic processing of undisputed debt recovery – there is electronic enforcement on the basis of a decision of the Tax Administration of the Republic of Slovenia (tax enforcement), some other procedures use it as well, like in minor offences procedures.

Electronic submission of claims – used at the Central department for enforcement on the basis of authentic documents (CoVL), in land register procedures (eZK) and in insolvency procedures (eINS).

Videoconferencing – all 11 district courts are equipped with the technology + 2 mobile units available, meaning that all courts can use it. However, not all courts have it, so the answer given is not 100%.

Other electronic communication facilities – the answer given takes into account the use of e-delivery (used at the Central department for enforcement on the basis of authentic documents (CoVL), in land register procedures (eZK) and in insolvency procedures (eINS)).

3. 2. Performance et évaluation

3. 2. 1. Performance et évaluation

66) Existe-t-il une institution centralisée responsable de la collecte de données statistiques concernant le fonctionnement des tribunaux et du système judiciaire ?

☒ Oui

☐ Non

Si oui, veuillez préciser le nom et les coordonnées de cette institution:

Ministry of Justice, Župančičeva 3, 1000 Ljubljana T: +386 (0)1 369 52 00 F: +386 (0)1 369 57 83 E: gp.mp(at)gov.si <http://www.mp.gov.si/>

67) Les tribunaux individuels doivent-ils établir un rapport annuel d'activités (qui présente par exemple le nombre d'affaires traitées, d'affaires en instance, le nombre de juges et de personnels administratifs, les objectifs à atteindre et un bilan d'évaluation) ?

☒ Oui

☐ Non

68) Existe-t-il dans les tribunaux un système de suivi régulier des activités des tribunaux concernant:

Le système de suivi des activités vise à contrôler l'activité quotidienne des tribunaux (en particulier la production des tribunaux) notamment au travers de collectes de données et d'analyses statistiques (v. aussi les questions 80 et 81).

☒ le nombre de nouvelles affaires ?

☒ le nombre de décisions rendues ?

☒ le nombre d'affaires faisant l'objet d'un renvoi ?

☒ la durée des procédures (délais)?

☐ autre ?

Si autre, veuillez préciser :

Each court monitors the above mentioned data on regular basis, depending on their own decision, but four times a year (prescribed by the Court Rules) these data are collected and published on a national level.

69) Existe-t-il un système d'évaluation régulière de l'activité (en termes de performance et de rendement) de chaque tribunal ?

Le système d'évaluation concerne la performance des systèmes judiciaires, incluant une vision à plus long terme et utilisant des indicateurs et des objectifs. Cette évaluation peut avoir une nature plus qualitative (v. questions 69-77). Elle ne concerne pas l'évaluation globale du (bon) fonctionnement des tribunaux (v. question 82).

☒ Oui

☐ Non

Veuillez préciser :

According to the Courts Act (Article 60.a) every court has to prepare the yearly report, which includes data on the number of judges, the number of their working days, the number of solved cases, unsolved cases, legal remedies, their outcome, the number of solved cases considered backlogs, time frame of judicial proceedings, etc. Beside that the court has to give explanations for the difference in years and an estimation of the success in meeting the targets set in the yearly plan.

Beside that, every court president has to prepare a yearly plan (Courts Act, Article 71.a, b and c) that is sent to the president of the higher court, the Supreme Court and the Minister of Justice. The yearly plan includes estimations of the number of new cases and targets in terms of time frames for typical acts in judicial procedures and the disposition time indicator. The yearly plan of results includes estimations of the number of solved cases and criteria regarding efficiency rate, disposition time, case per judge, etc. Additionally, the criterion of costs per case is monitored and evaluated. Court presidents are responsible for meeting the targets set and they can lose the position of president, if the targets are not met.

In the process of budget preparation each court has to set targets, the achieving of which is subject of yearly report to the Ministry of Finance. Courts also report to the Ministry of Justice. The Judicial Council also evaluates the performance of courts.

70) Concernant l'activité des tribunaux, avez-vous défini des indicateurs de performance et de qualité (si non, veuillez passer à la question 72) :

- ☒ Oui
☐ Non

71) Veuillez préciser les 4 principaux indicateurs de performance et de qualité qui ont été définis :

- ☒ nouvelles affaires
- ☐ durée des procédures (délais)
- ☒ affaires terminées
- ☒ affaires pendantes et stocks d'affaires
- ☒ productivité des juges et des personnels des tribunaux
- ☐ pourcentage d'affaires traitées par un juge unique
- ☐ exécution des décisions pénales
- ☐ satisfaction du personnel des tribunaux
- ☐ satisfaction des usagers (au regard des services rendus par les tribunaux)
- ☐ qualités judiciaire et organisationnelle des tribunaux
- ☐ coûts des procédures judiciaires
- ☐ autre

Si autre, veuillez préciser :

The Judicial Council, the Ministry of Justice and the Supreme Court are responsible for setting the targets. The Judicial Council adopts the measures for quantity and quality of work of judges. On the basis of the Courts Act, the Judicial Council monitors, ascertains and analyses the effectiveness of work of judges and courts, on which it keeps annual reports. The Supreme Court and the Ministry of Justice exercise supervision over the performance of court management in courts. They are responsible for matters of justice administration. The Supreme Court also co-ordinates the preparation of financial plans and aggregately provided resources in the budget.

72) Existe-t-il des objectifs quantitatifs de performance (par exemple un nombre d'affaires à traiter par mois) pour chaque juge ?

- ☒ Oui
☐ Non

73) Veuillez préciser qui fixe les objectifs individuels des juges :

- ☐ pouvoir exécutif (par exemple Ministère de la justice)
☐ pouvoir législatif
☒ pouvoir judiciaire (par exemple un Conseil supérieur de la Magistrature ou une instance supérieure)
☐ Autre

Si autre, veuillez préciser :

The Judicial Council adopts the measures for quantity and quality of work of judges. The Council thus adopted the Criteria for the minimum expected quantity of work for judges. Regarding quality, the Council also adopted the Criteria for the assessment of quality of work for judges.

74) Existe-t-il des objectifs de performance au niveau des tribunaux (si non, veuillez passer à la question 77)?

- ☒ Oui
☐ Non

75) Veuillez préciser qui fixe les objectifs des tribunaux :

- ☐ pouvoir exécutif (par exemple Ministère de la justice)
☐ pouvoir législatif
☒ pouvoir judiciaire (par exemple un Conseil supérieur de la Magistrature ou une instance supérieure)
☐ autre

Si autre, veuillez préciser :

76) Veuillez préciser les principaux objectifs appliqués aux tribunaux:

The new Criteria for the assessment of quality of the work of courts have been adopted in 2010 by the Judicial Council and there is a 3-year trial period in which some pilot courts will be monitored regarding the selected criteria.

The criteria include the following:

- 1 - Accessibility of the courts
- 2 - The judicial procedure - timeliness
- 3 - The judicial procedure – fair trial
- 4 - Efficiency of the court
- 5 - Quality of the judges
- 6 - Quality of judicial decisions
- 7 – Satisfaction of employees
- 8 – Leadership
- 9 – Relations with stakeholders

Every criterion is divided into sub-criteria with different methods of acquiring the relevant data. Beside court statistics, new satisfaction surveys are planned for 2012, taking into account views of different stakeholders (court users, judges and other employees, the general public, experts (lawyers, public prosecutors, state attorneys) and the media).

After the trial period the criteria will be revised and then adopted on state level.

77) Quelle est l'autorité chargée d'évaluer la performance des tribunaux (v. questions 69 à 76) (réponses multiples possible):

- ☒ Conseil Supérieur de la Magistrature
- ☒ Ministère de la justice
- ☐ organe d'inspection
- ☒ Cour Suprême
- ☒ organe d'audit extérieur
- ☐ autre

Si autre, veuillez préciser :

The Judicial Council adopts the measures for quantity and quality of work of judges. The Council thus adopted the Criteria for the minimum expected quantity of work for judges. Regarding quality, the Council also adopted the Criteria for the assessment of quality of work for judges.

The executive power – the Ministry of Justice is involved with the setting of targets in the context of the Lukenda programme. In the joint programme of the Supreme Court and the Ministry of Justice, targets were set in 2005 with the aim of eliminating half of the judicial backlogs by the end of 2010. The programme included a number of targets and planned activities, including additional personnel to help judges.

Otherwise, the Supreme Court is also involved in the setting of targets of individual courts. In the procedure of adoption of the State Budget, individual courts set their own targets, but it is the Supreme Court who, on the basis of the information provided by the individual courts, sets the final targets in the process of adoption of the Budget.

The external audit body meant is the Court of Audit of the Republic of Slovenia. In accordance with the Slovenian Constitution the Court of Audit of the Republic of Slovenia is the highest body for supervising state accounts, the state budget and all public spending in Slovenia.

78) Existe-t-il des standards de qualité définis pour l'ensemble du système judiciaire (existe-t-il un système de qualité et/ou une politique de qualité de la justice) ?

- ☒ Oui
- ☐ Non

Si oui, veuillez préciser :

The new Criteria for the assessment of quality of the work of courts have been adopted in 2010 by the Judicial Council and there is a 3-year trial period in which some pilot courts will be monitored regarding the selected criteria. After the trial period the criteria will be revised and then adopted on state level.

Beside that activities to conduct a pilot project for a quality system within the Slovenian judiciary were started in 2008.

In 2009 the pilot project of self-evaluation with the CAF (Common Assessment Framework) model was launched at three pilot district courts. The CAF model was adapted to the judicial organisation so that in 2011 a new model named Quality of the work of courts has been developed. Three pilot courts have already concluded the self-evaluation. In 2012 the self-evaluation will continue at other courts.

The quality areas observed in this model overlap significantly with the quality criteria for the assessment of the work of courts set by the Judicial Council. The difference is in the fact that this model is based on self-evaluation activities, with the main aim of opening communication within individual courts to improve the overall functioning, while the Criteria adopted by the Judicial Council aim at measuring the performance of courts.

79) Existe-t-il des personnels spécialisés dans les tribunaux responsables de ces standards de qualité ?

- ☐ Oui
☒ Non

80) Existe-t-il une procédure d'évaluation permettant de mesurer le stock d'affaires en instance et de repérer les affaires non traitées dans un délai raisonnable :

- ☒ en matière civile
☒ en matière pénale
☒ en matière administrative

81) Disposez-vous d'une procédure d'évaluation permettant de mesurer les temps morts durant les procédures judiciaires ?

- ☒ Oui
☐ Non

Si oui, veuillez préciser :

Cases that are considered court backlogs are precisely defined by the Court Rules in Article 50 in relation to the time from the matter being filed with the courts, depending on individual types of case. The time frames that define the time limits for backlogs have been changed and different time limits were in force in 2008, 2009 and 2010.

The time limits for backlogs in 2008 were:

Local Courts:

- Criminal cases - 18 months after case filing
- Criminal investigation activities - 6 months after case filing
- Misdemeanor cases - 12 months after case filing
- Non-contentious cases - 18 months after case filing
- Civil cases - 18 months after case filing
- Inheritance cases - 6 months after case filing
- Enforcement cases - 12 months after case filing
- Land register cases - 1 month after case filing

District Courts:

- Criminal cases - 18 months after case filing
- Criminal investigations - 18 months after case filing
- Juvenile criminal proceedings - 6 months after case filing
- Commercial disputes - 18 months after case filing
- Civil cases - 18 months after case filing
- Labour and social security disputes - 12 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

Supreme Court:

- All cases - 6 months after case filing

The time limits for backlogs in 2009 were:

Local Courts:

- Criminal cases - 12 months after case filing
- Criminal investigation activities - 6 months after case filing
- Misdemeanor cases - 9 months after case filing
- Non-contentious cases - 12 months after case filing
- Civil cases - 12 months after case filing
- Inheritance cases - 6 months after case filing
- Enforcement cases - 9 months after case filing
- Land register cases - 1 month after case filing

District Courts:

- Criminal cases - 12 months after case filing
- Criminal investigations - 12 months after case filing
- Juvenile criminal proceedings - 6 months after case filing
- Commercial disputes - 12 months after case filing
- Civil cases - 12 months after case filing
- Labour and social security disputes - 12 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

Supreme Court:

- All cases - 6 months after case filing

In 2010 the time limits for backlogs have shortened again:

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 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
Criminal investigations - 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
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

Supreme Court:

All cases - 6 months after case filing

However, following an agreement between the Judiciary, the Ministry of Justice and the Judicial Council, the focus moved from the area of backlogs to the criterion of timeframes for judicial decisions.

82) Existe-t-il un système d'évaluation globale du (bon) fonctionnement des tribunaux basé sur un plan d'évaluation (calendrier de visites) convenu a priori?

Cette question ne concerne pas l'évaluation spécifique d'indicateurs de performance.

- ☒ Oui
☐ Non

Veuillez préciser la fréquence de l'évaluation:

In certain areas as the land register such visits existed already. As for a general functioning of the courts these visits started on a regular basis in 2011. The president of the Supreme Court of the Republic of Slovenia together with the general secretary and advisors visits courts regularly to discuss about the functioning of the judicial system and the difficulties or advantages of individual courts.

83) Existe-t-il une procédure régulière de suivi et d'évaluation de l'activité du ministère public ?

- ☒ Oui
☐ Non

Si oui, veuillez préciser:

The Heads of individual State Prosecutor's Offices and the Supreme State Prosecutor's Office are responsible for that. The Supreme State Prosecutor's Office monitors public prosecutor's work by examining concrete cases, file registers, other documentation and by other means (Article 67 of State Prosecutor Act). Concrete cases can be examined on demand or regularly. Regular examination of district state prosecutor's work is made every 3 years. Examiners are supreme and higher state prosecutors and the reports are sent to State Prosecutor General and after that to the Minister of Justice. State prosecutors that are being examined also have the right to receive the report and they can give their remarks on the report. The final report is issued after the meeting between the examiners and the examined state prosecutor's office.

C.4

Vous pouvez indiquer ci-dessous :

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques du système de suivi et d'évaluation des tribunaux**

4. Procès équitable

4. 1. Principes

4. 1. 1. Informations générales

84) Pourcentage de jugements par défaut de première instance en matière pénale (affaires dans lesquels le suspect n'est ni présent ni représenté par un professionnel juridique durant l'audience) ?

NA

85) Existe-t-il une procédure permettant la récusation effective d'un juge si une partie estime qu'il n'est pas impartial ?

☒ Oui

☐ Non

Si possible, nombre de récusations qui ont abouti (en une année):

86) Nombre d'affaires relatives à l'Article 6 de la Convention Européenne des Droits de l'Homme (durée et non-exécution). Si la donnée n'est pas disponible, veuillez indiquer NA.

	Affaires déclarées irrecevables par la Cour	Règlements amiables	Jugements constatant une violation	Jugements constatant une non violation
Procédures civiles - Article 6§1 (durée)	10	89	2	0
Procédures civiles - Article 6§1 (non- execution)	NA	NA	NA	NA
Procédures pénales - Article 6§1 (durée)	NA	NA	NA	NA

Veuillez préciser les sources :

The State Attorney's Office – the data on procedures regarding Article 6 of the ECHR are not differentiated among criminal and civil proceedings, so specific data are not available.

D.1

Vous pouvez indiquer ci-dessous tout commentaire utile à l'interprétation des données indiquées dans ce chapitre

4. 2. Durée des procédures

4. 2. 1. Généralités

87) Existe-t-il des procédures spécifiques pour les affaires urgentes :

☒ en matière civile ?

☒ en matière pénale ?

☒ en matière administrative ?

☐ il n'y a pas de procédure spécifique

Si oui, veuillez préciser:

In each specific act on procedure there are provisions on temporary injunctions.

88) Existe-t-il des procédures simplifiées :

- ☒ en matière civile (petits litiges) ?
- ☒ en matière pénale (petites infractions) ?
- ☐ en matière administrative ?
- ☐ il n'y a pas de procédure simplifiée

Si oui, veuillez préciser:

For civil cases:

According to the Civil Procedure Act a small claim dispute shall denote a dispute on a monetary claim where the amount of dispute does not exceed 2000 EUR. Small claims disputes shall also include disputes on non-monetary claims in respect of which the plaintiff has declared his willingness to accept, instead of satisfaction the claim, a sum of money not exceeding 2000 EUR. Small claims disputes shall also include disputes on claims for delivery of movable property where the stated amount in dispute does not exceed 2000 EUR (Civil Procedure Act, Article 443).

On the other hand small claim disputes shall not include disputes relating to immovable property, disputes arising out of copyright, disputes relating to the protection and use of inventions and marks of distinctiveness or to the right to use a company title, disputes relating to the protection of competition, and disputes for disturbance of possession (Civil Procedure Act, Article 444).

For criminal cases:

According to the Criminal Procedure Act a special summary proceeding takes place in front of local courts (courts that deal with criminal offences for which the of criminal offences carrying as principal penalty a fine or a prison term of up to three years that are heard by a judge sitting alone and not a panel of judges).

Additionally, where criminal offences falling within the jurisdiction of a local court are involved, the public prosecutor may, in filing the summary charge sheet, propose to the court to issue, without holding a main hearing, a punitive order by which the proposed penal sanction or measure is imposed on the accused.

89) Les tribunaux et les avocats ont-ils la possibilité de conclure des accords sur les modalités de traitement des affaires (présentation des dossiers, fixation des délais accordés aux avocats pour soumettre leurs conclusions et des dates d'audience) ?

- ☒ Oui
- ☐ Non

Si oui, veuillez préciser :

Courts and lawyers can have agreements on dates of hearings, of course within the procedural rules. Procedural rules limit the possibility to present evidence outside the first hearing, so different agreements in this sense are not possible.

4. 2. 2. La gestion des flux d'affaires et la durée des procédures judiciaires

90) Note:

Les correspondants nationaux sont invités à faire particulièrement attention à la qualité des réponses aux questions 91 à 102 concernant la gestion des flux d'affaires et la durée des procédures judiciaires. La CEPEJ a convenu que les données correspondantes ne seront traitées et publiées que dans la mesure où un nombre significatif d'Etats membres

– tenant compte des données présentées dans le précédent rapport – y aura répondu, permettant une comparaison utile entre les systèmes.

91) Tribunaux de 1ère instance : nombre total d'affaires "autres que pénales". Si la donnée n'est pas disponible, indiquer NA. Si la situation n'est pas applicable dans votre pays, indiquer NAP.

Note 1: les affaires des catégories 3 à 5 (exécution, registres foncier et du commerce) doivent être présentées séparément dans le tableau. Les affaires de la catégorie 6 (administratives) doivent aussi être mentionnées séparément pour les pays disposant de tribunaux spécialisés, ayant des procédures spécifiques de droit administratif ou capables de distinguer affaires administratives et affaires civiles.

Note 2: vérifier la cohérence horizontale et verticale des données fournies. La cohérence horizontale des données signifie: "(affaires pendantes au 1er janvier 2010 + nouvelles affaires) – affaires terminées" doit correspondre au nombre d'affaires pendantes au 31.12.2010. La cohérence verticale des données signifie que la somme des catégories 1 à 7 doit correspondre au total des affaires "autres que pénales".

	Affaires pendantes au 1 janvier 2010	Nouvelles affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires "autres que pénales" (1+2+3+4+5+6+7) *	331 019	673 141	672 061	332 099
1. Affaires civiles (et commerciales) contentieuses (si possible sans les affaires administratives, v. catégorie 6)*	42 605	37 652	36 820	43 437
2. Affaires civiles (et commerciales) non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, etc. (si possible sans les affaires administratives ; sans les affaires relatives à l'exécution et/ou à un registre et/ou autres affaires, v. catégories 3-7)*	17 211	31 529	30 502	18 238
3. Affaires relatives à l'exécution	219 042	232 589	239 146	212 485
4. Affaires relatives au registre foncier**	44 160	271 328	266 091	49 397
5. Affaires relatives au registre du commerce**	394	44 960	44 795	559
6. Affaires administratives (contentieuses et non contentieuses)	3 057	3 339	4 096	2 300
7. Autres affaires (par exemple affaires relatives au registre d'insolvabilité)	4 550	51 744	50 611	5 683

92) Si les tribunaux traitent des "affaires civiles (et commerciales) non contentieuses", veuillez indiquer les catégories incluses :

Civil and commercial non-litigious cases in the first instance include:

- N - all non-litigious civil cases dealt with by the local and district courts,
- Ng - non-litigious commercial cases dealt with by the district courts,
- D - cases pursuant to the Inheritance Act dealt with by the local courts,
- insolvency cases including bankruptcy (St-st), liquidation (St-rl) and compulsory composition (St-pp) cases pursuant to the Financial Operations, Insolvency Proceedings and Compulsory Dissolution Act dealt with by the district courts
- Pr - withholding cases dealt by the local courts.

93) Si "autres affaires", veuillez indiquer les catégories incluses :

Other civil law cases in the first instance include:

- R – different civil matters at local courts,
- Pl – payment forms at local courts,
- Pom – legal aid at local courts,
- R – different civil matters at district courts,
- Pl – payment forms at district courts,
- Plg – commercial payment forms at district courts,
- Pom – legal aid at district courts,
- Pom-i – international legal aid at district courts,
- Ov-i – international attestations at district courts,
- Ov-H – attestations according to the Hague convention,
- Zg – temporary injunctions in commercial matters,
- Bpp – free legal aid at district courts,
- II Upr – important other administrative cases,
- I Upr – other administrative cases,
- Bpp – free legal aid at the Administrative court.

94) Tribunaux de 1ère instance : nombre d'affaires pénales. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Note : Veuillez vérifier que les données fournies sont cohérentes (horizontalement et verticalement). La cohérence horizontale des données signifie que : "(affaires pendantes au 1er janvier 2010 + nouvelles affaires) – affaires terminées" doit correspondre au nombre d'affaires pendantes au 31 décembre 2010. La cohérence verticale des données signifie que la somme des catégories 8 et 9 en matière pénale doit correspondre au nombre total d'affaires pénales.

	Affaires pendantes au 1 janvier 2010	Nouvelles affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires pénales (8+9)	71 484	90 205	99 928	61 761
8. Affaires pénales (infractions graves)	20 493	18 622	18 918	20 197
9. Petites infractions	50 991	71 583	81 010	41 564

95) La classification entre affaires pénales graves et petites infractions peut être difficile. Certains pays peuvent connaître d'autres voies de traitement des petites infractions (par exemple par la procédure administrative).

Veuillez indiquer, si possible, les catégories d'affaires comprises dans la catégorie infractions graves et les affaires à inclure dans la catégorie petites infractions :

Criminal law cases concerning severe criminal offences include:

- K – criminal cases at local and district courts,
- Kpr – criminal investigations at district courts,
- Km – criminal cases against juveniles at district courts.

They do not include the following:

- Kpd – criminal investigation actions at local and district courts,
- Kr – different criminal matters at local and district courts,
- Po – clemency procedures at local and district courts,
- Kmp – criminal cases against juveniles in preparatory proceedings,
- Ks – cases of the out-of-hearing senate,
- IKZ – execution of the sanction of prison,
- IKZt – execution of criminal sanctions of foreign courts,
- Pp – cases of decisions to permit interventions within human rights and freedoms.

Misdemeanour cases and minor offences cases include:

- PR-zsv – minor offences in regular court procedure at 1st instance – request for judicial protection,
- PR-zsv – minor offences in regular court procedure at 1st instance – accusation proposals,
- PRs – minor offences at 1st instance at the transition from 2004 to 2005,
- PRv – minor offences at 1st instance, introduced in the judicial jurisdiction after the 31.12.2004,
- EPVD – cancellation of validity of the driver's licence at 1st instance according to the legal limit of punitive points,
- PRuz – compliance detention.

They do not include the following:

- PomPR – legal aid in minor offences,
- PomPRi – international legal aid in minor offences,
- PRhp – search of premises,
- PRnk – setting a task for the good of the community or the local community,
- Prr – different cases in minor offences.

96) Commentaires relatifs aux questions 91 à 95. Vous pouvez indiquer par exemple une situation particulière dans votre pays, expliquer vos réponses NA ou NAP ou expliquer le calcul du total d'affaires « autres que pénales » ou la différence au niveau de la cohérence horizontale etc.

Q91#1#1 : The decrease in the total number of other than criminal law cases from 443.133 pending cases on the 1 Jan. 2008 to 331.019 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). On the other hand, the increase in the number of resolved enforcement cases can be attributed to technological developments (the creation of the Central department for enforcement on the basis of authentic documents that is supported by ICT).

Q94#1#1 and Q94#4#1 : The decrease in the total number of criminal law cases from 104.956 pending cases on the 1 Jan. 2008 to 71.484 pending cases on the 1 Jan. 2010 and from 85.625 pending cases on the 31 Dec. 2008 to 61.761 on the 31 Dec. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008, 2009 and 2010 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). Another reason that concerns criminal cases is the drop in the number of incoming cases for misdemeanor / minor offences cases. The number of new cases in this category has been steadily falling since the reform of the minor offences system in 2003 that included the minor offence courts in the general court system. In 2006 there were over 150.000 new cases at local and higher courts while in 2010 this number has fallen under 100.000. Consequently, the number of pending cases has dropped.

97) Tribunaux de 2ème instance (appel) : Nombre total d'affaires « autres que pénales ». Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Note: le nombre total d'affaires « autres que pénales » inclut tous les catégories d'affaires présentés (chiffre 1 à 7).

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires "autres que pénales" (1 + 2 + 3 + 4 + 5 + 6 + 7)	5 138	23 284	22 371	6 051
1. Affaires civiles (et commerciales) contentieuses (si)	2 941	12 363	11 664	3 640

possible sans les affaires administratives, v. catégorie 6)*				
2. Affaires civiles (et commerciales) non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, etc. (si possible sans les affaires administratives ; sans les affaires relatives à l'exécution et/ou à un registre et/ou autres affaires, v. catégories 3-7)*	NA	NA	NA	NA
3. Affaires relatives à l'exécution	2 096	9 317	9 061	2 352
4. Affaires relatives au registre foncier	NA	NA	NA	NA
5. Affaires relatives au registre du commerce	NA	NA	NA	NA
6. Affaires administratives (contentieuses et non contentieuses)	94	367	409	52
7. Autres affaires (par exemple affaires relatives au registre d'insolvabilité)	7	1 237	1 237	7

98) Tribunaux de 2ème instance (appel) : Nombre total d'affaires pénales. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires pénales (8+9)	2 204	9 146	9 723	1 627
8. Affaires pénales (infractions graves)	1 094	4 424	4 546	972
9. Petites infractions	1 110	4 722	5 177	655

Commentaire :

Civil and commercial litigious cases include:

- Cp – civil litigious cases at 2nd instance,
- Cpg – commercial civil litigious cases at 2nd instance.

Enforcement cases include:

- Ip - enforcement and commercial enforcement cases at 2nd instance.

Administrative law cases include:

- I Up - 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:

- R - other civil at 2nd instance,
- Rg - other commercial law cases at 2nd instance.

Criminal law cases concerning severe criminal offences include:

- Kp - criminal cases at 2nd instance

They do not include:

- Kr - other criminal cases at 2nd instance.

Misdemeanour cases and minor offences cases include:

- PRp-zsv – minor offences in regular court procedure at 2nd instance – request for judicial protection,
- PRp-zsv – minor offences in regular court procedure at 2nd instance – accusation proposals,
- PRps – minor offences at 2nd instance at the transition from 2004 to 2005,
- PRpv – minor offences at 2nd instance, introduced in the judicial jurisdiction after the 31.12.2004,
- EPVDp – cancellation of validity of the driver's licence at 2nd instance according to the legal limit of punitive points,
- PRuzp – compliance detention at 2nd instance.

They do not include the following:

- PRnkp – setting a task for the good of the community or the local community at 2nd instance,
- PRr – different cases in minor offences at 2nd instance.

Q98#1#1 : The increase in the total number of criminal law cases from 1.685 pending cases on the 1 Jan. 2008 to 2.204 pending cases on the 1 Jan. 2010 is the result of a lower number of cases solved in 2008 than the number of incoming cases. The reason for that is that in 2008 second instance courts have received a considerably higher amount of new misdemeanour / minor offences cases (6.433 in 2008 compared to 5.278 in 2007), while the number of solved cases has not increased in the same percentage (5.622 solved cases in 2008 compared to 5.363 in 2007). The increase in the number of incoming cases at second instance could be attributed to the developments that followed the 2003 reform of the minor offences system.

Q98#4#1 : The decrease in the total number of criminal law cases from 2.375 pending cases on the 31 Dec. 2008 to 1.627 pending cases on the 31 Dec. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved misdemeanour / minor offences cases in 2009 and 2010 exceeded the number of incoming cases that caused the reduction in the number of pending cases, turning the trend from the year 2008 when the number of pending cases has increased. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased). Another reason that concerns criminal cases is the drop in the number of incoming cases for misdemeanour / minor offences cases. Consequently, the number of pending cases has dropped.

99) Cours suprêmes : nombre total d'affaires "autres que pénales". Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Note: le nombre total d'affaires « autres que pénales » inclut tous les catégories d'affaires présentés (chiffre 1 à 7).

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires "autres que pénales" (1 + 2 + 3 + 4 + 5 + 6 + 7)	4 046	2 862	3 801	3 107
1. Affaires civiles (et commerciales) contentieuses (si possible sans les affaires administratives, v. catégorie 6)	2 423	1 710	2 017	2 116
2. Affaires civiles (et commerciales) non contentieuses, par exemple des créances incontestées, de requêtes en changement de nom, etc. (si possible sans les affaires administratives ; sans les affaires relatives à l'exécution et/ou à un registre et/ou autres affaires, v. catégories 3-7)	NA	NA	NA	NA
3. Affaires relatives à	NA	NA	NA	NA

l'exécution				
4. Affaires relatives au registre foncier	NA	NA	NA	NA
5. Affaires relatives au registre du commerce	NA	NA	NA	NA
6. Affaires administratives (contentieuses et non contentieuses)	773	607	1 002	378
7. Autres affaires (par exemple affaires relatives au registre d'insolvabilité)	850	545	782	613

100) Cours suprêmes : Nombre total d'affaires pénales. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Affaires pendantes au 1 janvier 2010	Nouvelles d'affaires	Affaires terminées	Affaires pendantes au 31 décembre 2010
Nombre total d'affaires pénales (8+9)	200	967	960	207
8. Affaires pénales (infractions graves)	166	753	749	170
9. Petites infractions	34	214	211	37

Commentaire :

Civil litigious cases include:

- Cp - civil litigious cases at 3rd instance,
- R deleg – delegations, jurisdiction disputes,
- R raz civ – other civil cases at 3rd instance,
- II Ips zvz – requests for protection of legality,
- II Ips rev – revisions in civil cases,
- II DoR – permission to file for revision in civil cases

in the highest instance court, namely in the Supreme Court of the Republic of Slovenia.

Commercial litigious cases include:

- G – judicial protection procedures,
- Cpg – commercial cases at 3rd instance,
- R deleg - delegations, jurisdiction disputes,
- R raz gosp – other commercial cases at 3rd instance,
- II Ips zvz – requests for protection of legality,
- II Ips rev – revisions in commercial cases,
- II DoR – permission to file for revision in commercial cases

in the highest instance court, namely in the Supreme Court of the Republic of Slovenia.

Administrative law cases include:

- U - administrative cases in the highest instance court,
- X Ips – revisions,
- I Upr - jurisdiction disputes,
- II Upr – other cases,
- I Uv – Article 66 of the Administrative Dispute Act,
- II Uv – protection of the right to vote,
- Ips prs – extraordinary examination of a final judgment in administrative dispute,
- Ips druge – other extraordinary legal remedies in administrative dispute.

They do not include 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, dealt by the Labour and Social Security Department of the Supreme Court.

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 limitations were introduced in 2005, in administrative law in 2007 and in civil law disputes in 2008.

Criminal law cases concerning severe criminal offences include:

- Kp - criminal cases at 3rd instance,
- Kr - delegations, jurisdiction disputes,
- Kr pp – prolongation of detention,
- Kr r – other criminal cases at 3rd instance,
- Ips iok – extraordinary reduction of sentences,
- zvz kaz - requests for protection of legality in criminal cases.

Misdemeanour cases and minor offences cases include:

- zvz prek - requests for protection of legality in minor offences cases.

101) Nombre d'affaires de divorces contentieux, licenciements, vols avec violence et homicides volontaires reçues et traitées par les tribunaux de 1ère instance. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Affaires pendantes au 1er janvier 2010	Affaires nouvelles	Affaires terminées	Affaires pendantes au 31 décembre 2010
Divorces contentieux	1 104	1 903	1 937	1 070
Licenciements	887	1 093	1 252	728
Vols avec violence	NA	NA	109	NA
Homicides volontaires	NA	NA	9	NA

102) Durée moyenne des procédures, en jours (à partir de la date de saisine du tribunal). Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

[La durée moyenne des procédures est calculée à partir de l'introduction du recours jusqu'au prononcé du jugement, sans tenir compte de la phase d'exécution. Nouveau : elle concerne la première, la deuxième et la troisième instance.]

	% des décisions ayant fait l'objet d'un appel	% d'affaires pendantes de plus de 3 ans	Durée moyenne en 1ère instance (en jours)	Durée moyenne en 2ème instance (en jours)	Durée moyenne en 3ème instance (en jours)	Durée moyenne de la procédure complète (en jours)
Divorces contentieux	1,4	0,54	200,5	45,6	132	NA
Licenciements	36,34	3,0	211,6	127,0	546,8	NA
Vols avec violence	NA	NA	NA	NA	NA	NA
Homicides volontaires	NA	NA	NA	NA	NA	NA

103) Le cas échéant, veuillez préciser les procédures propres au divorce (contentieux et non contentieux) :

Litigious divorce cases include the following two types of divorce proceedings: divorces involving children and divorces without children. The data given exclude divorces as a result of mutual agreement between the parties (i.e. the non-litigious divorce).

104) Comment est calculé le délai de procédure pour les quatre catégories d'affaires ?

Veillez décrire la méthode de calcul.

The average length of the court proceedings of each category given is calculated as arithmetic mean of the lengths of all the proceedings of certain category resolved in the year observed, wherein the length of each proceeding is calculated in number of days counted from the date of initiation/lodging of the proceeding up to the date of its resolution. Arithmetic mean is calculated by the formulae as follows: " $Y_a = (y_1 + y_2 + \dots + y_N) / N$ ", wherein Y_a is arithmetic mean of the lengths of the proceedings, y_1 is length of proceeding No 1, y_2 is length of proceeding No 2, y_N is length of proceeding No N and N is the number of all proceedings.

105) Veillez décrire le rôle et les attributions du procureur dans la procédure pénale (plusieurs choix possibles) :

- ☐ diriger ou superviser l'enquête policière
- ☒ mener des enquêtes
- ☒ quand cela est nécessaire, saisir le juge pour qu'il ordonne des mesures d'enquêtes
- ☒ porter une accusation
- ☒ soumettre l'affaire au tribunal
- ☒ proposer une peine au juge
- ☒ faire appel
- ☐ superviser la procédure d'exécution
- ☒ classer l'affaire sans suite, sans avoir besoin d'obtenir une décision du tribunal (observer la cohérence avec la question 36!)
- ☐ clore l'affaire par une sanction ou une mesure imposée ou négociée sans décision d'un juge
- ☐ autre attribution significative

Si "autres attributions significatives", veuillez préciser :

Prosecutors cannot conduct or supervise police investigation, but they can set guidelines for police work by giving directions, expert opinions and proposals. They can also lead national or international joint investigation teams.

Prosecutors cannot impose or negotiate a penalty, but they can use some alternative methods when solving cases. For example they can, upon consent of the injured party, suspend a case if the suspect binds himself to act as instructed by the public prosecutor and to perform certain actions to allay or remove the harmful consequences of the criminal offence. They may also transfer the case into a settlement procedure or propose to the court to issue, without holding a main hearing, a punitive order by which the proposed penal sanction is imposed on the accused.

Other significant powers - prosecutors can apply extraordinary legal remedies against final judicial decisions.

Regarding the answer on conducting an investigation - prosecutors conduct the investigation when joint investigation team is established.

106) Le procureur a-t-il également un rôle dans les affaires civiles et/ou administratives ?

- ☒ Oui
- ☐ Non

Si oui, veuillez préciser :

Supreme state prosecutors can file a "request for protection of legality" against final judicial decisions in civil, administrative and minor offences cases – if there was violation of law or proceedings.

107) La gestion des affaires par le procureur: ombre total des affaires pénales en 1ère instance. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Reçues par le procureur	Classées sans suite par le procureur (v. 108 ci-dessous)	Terminées par une sanction ou par une mesure imposée ou négociée par le procureur	Portées par le procureur devant les tribunaux
Nombre total d'affaires pénales de 1ère instance	91 489	70 868	NAP	14 758

108) Total des affaires classées sans suite par le procureur. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Nombre
Total des affaires classées sans suite par le procureur (1 + 2 + 3)	70 868
1. Classées sans suite par le procureur parce que l'auteur de l'infraction n'a pas pu être identifié	52 146
2. Classées sans suite par le procureur en raison d'une impossibilité de fait ou de droit	14 452
3. Classées sans suite par le procureur pour raison d'opportunité	4 270

109) Est-ce que ces données incluent le contentieux routier ?

- ☒ Oui
☐ Non

D.2

Vous pouvez indiquer ci-dessous :

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système concernant la durée des procédures et les réformes majeures mises en œuvre au cours des deux dernières années

Q97#1#1 : The decrease in the total number of other than criminal law cases from 7.629 pending cases on the 1 Jan. 2008 to 5.138 cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources (the number of judicial assistants has increased).

Q99#2#1 : The decrease in the total number of other than criminal law incoming cases from 3.696 incoming cases in 2008 to 2.862 incoming cases in 2010 is the result of the change in the Civil Procedure Act in 2008 that has introduced the leave to appeal for the extraordinary legal remedy of revision. According to the new legislation a panel of 3 judges of the Supreme Court is entitled to decide whether to let the panel of 5 judges decide on a revision. The revision is allowed only when it concerns a legal question on which the decision of the higher court departs from the case law of the Supreme Court, secondly, when it concerns a legal question on which there is no case law of the Supreme Court, especially if the case law of the higher courts is not settled and finally, when there is no settled case law of the Supreme Court on the issue. The number of incoming cases just for the Civil department of the Supreme Court has fallen from 1.588 in 2008 to 1.367 in 2010. Similarly, the number of incoming cases for the Labour and Social department of the Supreme

Court has fallen from 755 in 2008 to 545 in 2010.

Additionally, the number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

Q99#4#1 : The decrease in the total number of other than criminal law pending cases from 4.518 pending cases on the 31 Dec. 2008 to 3.107 pending cases on the 31 Dec. 2010 is the result of the change in the Civil Procedure Act in 2008 that has introduced the leave to appeal for the extraordinary legal remedy of revision. According to the new legislation a panel of 3 judges of the Supreme Court is entitled to decide whether to let the panel of 5 judges decide on a revision. The revision is allowed only when it concerns a legal question on which the decision of the higher court departs from the case law of the Supreme Court, secondly, when it concerns a legal question on which there is no case law of the Supreme Court, especially if the case law of the higher courts is not settled and finally, when there is no settled case law of the Supreme Court on the issue. The change caused a drop in the number of incoming cases (explained above), while the number of resolved cases has been rising. Consequently, the number of pending cases has dropped significantly.

Additionally, the number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

Q100#1#1 : The decrease in the total number of criminal law pending cases from 268 pending cases on the 1 Jan. 2008 to 200 pending cases on the 1 Jan. 2010 can be partly attributed to the results of the Lukenda project. The number of resolved cases in 2008 and 2009 exceeded the number of incoming cases that caused the reduction in the number of pending cases. Partly, this is the result of the comprehensive state Lukenda project for the elimination of court backlogs that included a better equipment of the courts, particularly in terms of human resources. The number of senior judicial advisers that help judges in preparing the decision has increased as well, thus increasing productivity.

Q101: Data on robbery cases and intentional homicide cases derive from crime statistical data collected by the Statistical Office of the Republic of Slovenia. These data are collected by means of statistical questionnaires answered by the public prosecutor's office and local and district courts. According to the Statistical Office of the Republic of Slovenia "the data collection begins at the moment when the procedure is finished or when the judgement is final as in this way the observation unit becomes known. The number of observation units is determined by data processing for each calendar year. Observation units are perpetrators of criminal offences. When more than one perpetrator participates in committing one criminal offence, each participant is a separate observation unit. If one perpetrator commits several criminal offences, the attribute of the perpetrator is only the main criminal offence." The data are obtained based on search profile for »Adults against whom the criminal procedure before senate has been finished by sex, criminal offence, type of decision and duration of detention, Slovenia, annually« in year 2010 for murder and robbery. Not only convicted persons are included, but also the acquitted ones – the figure given represents the number of cases for murder (Article 127 of the old Criminal Code) or robbery (Articles 213 (89) and 214 (20) of the old Criminal Code). Regarding question 108: * The public prosecutor cannot discontinue the case, because the offender could not be identified, so the number 52146 represents all criminal cases in which the offender was not yet identified, but are still open. ** The total number of 1st instance cases discontinued by the public prosecutor for reason of opportunity (4270) includes beside the criminal acts of minor importance also the so called 'alternative' (dismissal of the case after the successful postponement of prosecution and settlement). Regarding question 109: The answer given is 'Yes'. However, these data include only those traffic offences, in which the injured person has more serious injuries (aggravated bodily harm) or dies. Other cases of traffic offences are not criminal offences, but minor offences and are not included in the given figure.

Veillez indiquer les sources pour les réponses aux questions 91, 94, 97, 98, 99, 100, 101, 102, 107 et 108.

Court Statistics, Ministry of Justice, 2010

Office for Court Administration, Supreme Court of the Republic of Slovenia

State Prosecutor's Office

5. Carrière des juges et procureurs

5. 1. Recrutement et promotion

5. 1. 1. Recrutement et promotion

110) Comment les juges sont-ils recrutés ?

- ☐ Principalement par concours (par exemple après un diplôme universitaire en droit)
- ☐ Principalement par une procédure de recrutement spécifique pour des professionnels du droit ayant une longue expérience professionnelle dans le domaine juridique (par exemple des avocats)
- ☒ Une combinaison des deux (concours et expérience professionnelle)
- ☐ Autres

Si autres, veuillez préciser:

According to the Judicial Service Act a person can become judge (with at least 30 years of age together with other general conditions) after three years of practice at a legal position after passing the legal state exam. There are different periods of practice required for different levels of judges. However, there are no restrictions regarding the institutions – the law only states that the practice has to be done at a legal position.

Judges are elected by the National Assembly (Parliament) upon the proposal by the Judicial Council (body of 11 members, 6 judges and 5 lawyers). Since the election, the career of a judge is in an exclusive competence of the Judicial Council.

Anyone who fulfils the following general conditions may be elected a judge (Article 8, Judicial Service Act):

1. he/she is a citizen of the Republic of Slovenia and has an active command of Slovene language;
2. he/she has the capacity to contract and is in generally good health;
3. he/she is at least thirty years of age;
4. he/she has obtained the professional title of a graduate lawyer in the Republic of Slovenia or has nostrified a law degree obtained abroad in the Republic of Slovenia;
5. he/she has passed the lawyer's state examination;
6. he/she is personally suited to holding judicial office.

Persons who fulfil the listed conditions may be elected to a judicial position at a local court (local judge), if they have at least three years of working experience in legal work after passing the lawyer's state examination.

The Administrative court has the position of a high court, so judges at the Administrative court have to fulfil the conditions for a high court judge. Beside the general conditions, a person can be elected to the position of a high court judge, if he/she has successfully held judicial office for at least six years or has at least nine years of working experience in legal work after passing the lawyer's state examination. Besides that, university lecturers in law who fulfil the general conditions may be elected a high court judge provided they have been elected to a title of assistant professor.

As far as the Supreme Court is concerned, the working experience conditions are judicial office for at least fifteen years or at least twenty years of working experience in legal work after passing the lawyer's state examination. As for the university lecturers, they may be elected a judge of the Supreme Court, if they have been elected to a title of associate professor.

111) Autorité(s) responsable(s): les juges sont-ils recrutés et nommés, initialement, en début de carrière, par :

[Cette question ne concerne que l'autorité qui est responsable de la décision de recrutement (elle ne touche pas l'autorité formellement responsable de la nomination si elle est différente de la première).]

- ☐ Une instance composée seulement de juges?
- ☐ Une instance composée seulement de non juges?
- ☒ Une instance composée de juges et de non juges?

Veuillez indiquer le nom de l'autorité responsable de la procédure globale de recrutement et de nomination des juges. S'il existe plusieurs autorités impliquées, veuillez décrire leurs rôles respectifs :

Judges are elected by the National Assembly (Parliament) upon the proposal by the Judicial Council (body of 11 members, 6 judges and 5 lawyers). Since the election, the career of a judge is in an exclusive competence of the Judicial Council.

112) La même instance est-elle compétente pour la promotion des juges ?

- ☐ Oui
- ☒ Non

Si non, quelle instance est compétente pour la promotion des juges ?

The answer should be partly 'yes' and partly 'no', because for some kinds of promotion the Judicial Council is competent, while other kinds fall under the competence of the president of the court.

If the Judicial Council selects a candidate who has never been elected to judicial office, it shall be obliged to propose such candidate to the National Assembly for election in accordance with the provisions of the Judicial Service Act.

If the Judicial Council selects a candidate already elected to judicial office for the judicial position, it shall appoint such candidate to the advertised judicial position and transfer him/her to the court where the position was advertised.

Upon entering judicial service judges shall acquire the right to promotion in accordance with the conditions set out by the Judicial Service Act.

Promotion includes promotion in wage classes within the limits of wage classes for a judicial position, promotion to a superior judicial position and promotion to the position of councillor. It is the president of the court who rules on promotion in wage classes and promotion to the position of councillor at the proposal of the judge after having carried out the procedure for determining the judge's expertise and performance. However, the promotion to a superior judicial position, a more rapid promotion in wage classes within the limits of a judicial position, a more rapid promotion to the position of councillor and an extraordinary promotion to a superior judicial position are decided by the Judicial Council upon proposal of the judge or the president of the court (Article 24, Judicial Service Act).

113) Quels critères et procédures sont utilisés pour promouvoir les juges ? Veuillez préciser:

The procedure is specified in the previous answer.

The criteria that the president and the Judicial Council consider when deciding on the appropriate candidates for election or for promotion that constitute the assessment of judicial service are the following (the criteria listed for promotion are used mutatis mutandis also for election) – (Article 29, Judicial Service Act):

- specialist knowledge (general description, post-graduate studies etc.);
- working abilities (number of solved cases, structure of solved cases, number of solved old cases, respecting time schedules, solving cases by turns, judge's ability to bring parties to the settlement; comments about statistical results – i.e., longer absences, some very difficult cases that required

additional time etc.);

- ability of solving legal questions (the success rate at the court of appeal – percentage of appeals dismissed, granted etc.);
- work accomplished on the field of judicial backlogs (this point was added recently due to the backlog problem; the description of judge's activities about solving backlogs, i.e. amount of backlogs in the number of solved cases, solving cases by turns, etc.);
- maintaining the reputation of the judge and the court (judge's behaviour in the courtroom, communication with parties and other participants in the trial, maintaining the independence, impartiality, dignity of the court etc.);
- ability of spoken and written communication (legal, logical and grammatical integrity and correctness of his/her written decisions);
- additional accomplished work (i.e. tutorship to trainees and younger judges, participation in educational process inside and outside of judiciary, published papers in professional journals etc.);
- relationship with co-workers;
- leadership abilities (only for judges who also hold certain leading positions – heads of departments and their deputies, presidents etc.).

114) Existe-t-il un système d'évaluation individuelle qualitative de l'activité professionnelle du juge ?

- ☒ Oui
☐ Non

115) Le statut du ministère public est-il:

- ☒ Indépendant?
☐ Sous l'autorité du ministre de la Justice?
☐ Autre?

Veuillez préciser:

According to The State Prosecutor's Office Act of The Republic of Slovenia a state prosecutor shall perform his tasks on the basis of the Constitution and the statute. With regard to the function of prosecutors we can say that the status of prosecutors is independent, similar to the status of judges, but not the same. The Prosecution Office belongs to the judiciary, but the Ministry of Justice as a part of the executive power has a strong administrative role with regard to the State Prosecution Office.

116) Comment sont recrutés les procureurs ?

- ☐ Principalement par concours (par exemple après un diplôme universitaire en droit)
☐ Principalement par une procédure de recrutement spécifique pour des professionnels du droit ayant une longue expérience juridique (par exemple des avocats)
☒ Une combinaison des deux (concours et expérience professionnelle)
☐ Autres

Si "autres", veuillez préciser:

Any person that meets the general conditions that apply to all state prosecutorial ranks, as well as special conditions, can be appointed to the post of state prosecutor. The general conditions are that he or she has acquired the national title of university graduate of law or has obtained a degree from a law faculty abroad that has been approved as being valid in Slovenia, has passed the Legal State Examination, is a national citizen and is fluent in the Slovenian language, has a contractual capacity and is in good general health, is at least 30 years of age and is personally suited to carry out prosecutorial functions.

District, higher and supreme state prosecutors are appointed by Government on the recommendation of the Minister of Justice. The State Prosecutor General is elected by parliament on the recommendation of the Government. The length of the mandate is 6 years.

The State Prosecution Council is an important body within the state prosecution system, charged with selecting candidates for the post of state prosecutor. The procedures are conducted by the Ministry of Justice, with the State Prosecution Council giving his opinion on the candidates.

117) Autorité(s) responsable(s): les procureurs sont-ils recrutés et nommés, en début de carrière, par :

[Cette question ne concerne que l'autorité qui est responsable de la décision de recrutement (elle ne touche pas l'autorité formellement responsable de la nomination si elle est différente de la première).]

- ☐ Une instance composée seulement de procureurs ?
- ☐ Une instance composée seulement de non procureurs?
- ☒ Une instance composée de procureurs et de non procureurs?

Veuillez indiquer le nom de l'autorité responsable de la procédure globale de recrutement et de nomination des procureurs. S'il y a plusieurs autorités impliquées, veuillez décrire leurs rôles respectifs :

The State Prosecutorial Council, the Minister of Justice, the Government of the Republic of Slovenia (nomination of states prosecutors) and the National Assembly (nomination of the State Prosecutor General).

118) La même instance est-elle compétente pour la promotion des procureurs ?

- ☐ Oui
- ☒ Non

Si non, veuillez préciser quelle instance est compétente pour la promotion des procureurs
There are three different categories of promotion – in salary classes, to the position of councillor and to higher post.

The State Prosecutorial Council (consisted of seven prosecutors) is formally responsible for the promotion of prosecutors in salary classes and to the position of councillor.

The body with the jurisdiction to appoint a state prosecutor (Government) is responsible to decide on promotion to a higher post.

119) Quels critères et procédures sont utilisés pour promouvoir les procureurs? Veuillez préciser:

Professionalism and successfulness of prosecutors are checked prior to the promotion.

120) Existe-t-il un système d'évaluation individuelle qualitative de l'activité professionnelle du procureur ?

- ☒ Oui
☐ Non

121) Le mandat des juges est-il à durée indéterminée (à savoir "à vie" = jusqu'à l'âge officiel de la retraite) ?

- ☒ Oui
☐ Non

Si oui, existe-t-il des exceptions ? (ex: la révocation comme sanction disciplinaire) ? Veuillez préciser :

According to the Judicial Service Act (Article 74) judges have their judicial office terminated pursuant to law:

1. if they fail to make an oath no later than sixty days from the day of being elected to judicial office, unless the failure of not making an oath is a result of factors beyond their control;
2. if they lose the citizenship of the Republic of Slovenia;
3. if they lose the capacity to contract or cease to be in sufficient health to perform judicial service;
4. if they resign from judicial service via a written application sent to the Judicial Council by the president of the court;
5. if the court is abolished and it cannot be guaranteed that they will continue to perform judicial service at another court;
6. if they accept an office, begin to perform activities, conclude an employment relationship or despite a prohibition perform work that is incompatible with judicial office);
7. if it proceeds from assessment of their service that they are unsuited to judicial service;
8. if a disciplinary sanction of termination of judicial office is pronounced upon them.

Judges have their judicial office terminated upon retirement, but no later than upon reaching 70 years of age.

A disciplinary sanction may be pronounced upon a judge who wilfully or by negligence breaches the judicial duties prescribed by law and the court rules, or irregularly performs judicial service.

The disciplinary sanctions are:

1. written warning
2. suspension of promotion
3. wage reduction
4. transfer to another court
5. termination of judicial office.

The Disciplinary Court of First Instance and the Disciplinary Court of Second Instance rule in disciplinary proceedings. The Disciplinary Court of First Instance consists of eight judges: two judges of the Supreme Court, two high court judges, two district judges and two local judges. One of the Supreme Court judges is the President of the Disciplinary Court of First Instance. The Disciplinary court of First Instance rules in an individual case in a panel of three judges, at least one member of which must have a status equal to that of the judge against whom the disciplinary proceedings are being brought. The Disciplinary Court of Second Instance consists of five judges of the Supreme Court.

Additionally, the Parliament can dismiss a judge, if he/she commits a criminal offence. The procedure depends on the type of criminal offence and on the sanction pronounced.

The Judicial Service Act states (Articles 77 and 78):

Article 77

If a judge wilfully commits a criminal offence through the abuse of judicial office, the court must send the final judgement of conviction to the Judicial Council.

In the case specified in the previous paragraph the Judicial Council shall be obliged to immediately notify the National Assembly, which shall dismiss the judge.

Article 78

If a judge is convicted of a criminal offence and receives a custodial sentence, the court must send the final judgement to the Judicial Council.

If a judge is convicted of a wilful criminal offence and receives a custodial sentence of more than six months, the Judicial Council shall propose to the National Assembly that

the judge be dismissed; the Judicial Council shall merely notify the National Assembly regarding other judgements by which a judge is convicted of a criminal offence.

When a judge is convicted of a criminal offence and receives a custodial sentence of less than six months or a non-custodial sentence, the Judicial Council shall propose to the National Assembly that the judge be dismissed if it is a matter of a criminal offence owing to which the judge is deemed personally unsuited to holding judicial office.

122) S'il existe une période probatoire pour les juges (par exemple avant d'être nommé "à vie"), quelle en est la durée ? Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Durée de la période probatoire (en années)
	NAP

123) Le mandat des procureurs est-il à durée indéterminée (à savoir « à vie » = jusqu'à l'âge officiel de la retraite) ?

☒ Oui

☐ Non

Si oui, existe-t-il des exceptions (la révocation comme sanction disciplinaire) ? Veuillez préciser :

According to the State Prosecutor's Office Act (Article 72), s state prosecutor function shall cease:

1. upon retiring but no later than upon reaching the age of 70;
2. if he loses the citizenship of the Republic of Slovenia;
3. if he loses capacity to contract or health capability for performance of the service;
4. if he renounces the service of a state prosecutor with a written application send to the Government of the Republic of Slovenia through the head of the competent state prosecutor's office;
5. if the state prosecutor's office is abolished and it is not possible to provide for the prosecutor to continue with work in another state prosecutor's office;
6. if the state prosecutor accepts a function, starts performing an activity or concludes an employment relationship, or despite a prohibition performs an activity or work which is incompatible with the function of a state prosecutor;
7. if the assessment of his performance indicates that he is unsuitable for the state prosecutorial service;
8. if a disciplinary sanction of termination of his state prosecutor office is issued on him.

A state prosecutor shall be dismissed (Article 75) if he is convicted by a final judgment:

- For a criminal offence committed by abusing the state prosecutorial function; or
- For an intentional criminal offence to a prison sentence of more than six months.

(2) A state prosecutor can be dismissed if he is convicted by a final judgment:

- For intentional or unintentional criminal offence to a prison sentence up to six months or other sentence or if a conditional judgment was passed on him; or
- For an unintentional criminal offence to a prison sentence of more than six months and this conviction makes him unsuitable as a personality to perform the state prosecutorial function.

(3) In the cases referred to in the previous paragraphs, the court shall send the final judgment to the Ministry, the State Prosecutorial Council and the State Prosecutor General.

(4) In the case referred to in the second paragraph of this Article, the State Prosecutorial Council and the State Prosecutor General shall submit to the Minister, within one month of receipt of the judgment, their opinion on personal suitability or unsuitability of the convicted state prosecutor for the performance of the state prosecutorial office.

(5) A state prosecutor shall be dismissed by the Government of the Republic of Slovenia on the Minister's proposal.

Disciplinary sanctions under the State Prosecutor's Office Act include:

1. a written reprimand;
2. reduction of salary;
3. suspension of promotion;
4. transfer to another state prosecutor's office;
5. dismissal of the function of the state prosecutor.

The disciplinary court of first instance has nine members, namely:

- six state prosecutors appointed by the State Prosecutorial Council upon the proposal of the State Prosecutor General with their consent;
- three judges appointed by the State Prosecutorial Council upon the proposal of the president of the disciplinary court of first instance from among the members of this court with their consent;

The disciplinary court of first instance decides in individual matters by a senate of three members.

The disciplinary court of second instance has six members:

- the president, deputy of the president and two members appointed by the State Prosecutorial Council on the proposal of the president of the disciplinary court of second instance as judges from among the members of this court with their consent; and
- two supreme state prosecutors appointed by the State Prosecutorial Council on the proposal of the State Prosecutor General with their consent.

The disciplinary court of second instance decides in individual matters by a senate of three members.

124) S'il existe une période probatoire pour les procureurs, quelle en est la durée? Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

	Durée de la période probatoire (en années)
	NAP

125) Si le mandat n'est pas à durée indéterminée pour les juges (voir question 121), est-il renouvelable ? Quelle est la durée du mandat (en années)?

NAP

126) Si le mandat n'est pas à durée indéterminée pour les procureurs (voir question 123), est-il renouvelable ? Quelle est la durée du mandat (en années)?

NAP

E.1

Vous pouvez indiquer ci-dessous :

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système de sélection et de nomination des juges et des procureurs et les réformes majeures mises en œuvre au cours des deux dernières années

Regarding question 110:

The regulation has not changed since the last evaluation round. However, the answer has been modified due to a better insight into the organisation of European judicial training through the Menu for Justice project (lifelong Learning Programme of the EU).

Regarding question 111:

The regulation has not changed since the last evaluation round. However, the answer has been modified since there is a clear explanation that the question refers to the recruitment organ (in this case the Judicial Council) and not the Parliament that elects the judges. In the previous round the answer 'An authority composed of non-judges only' referred to the Parliament.

5. 2. Formation

5. 2. 1. Formation

127) Formation des juges

Formation initiale (par exemple fréquentation d'une école de la magistrature, stage dans un tribunal)	Compulsory
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Formation continue générale	Optional
Formation continue pour des fonctions spécialisées (ex. juge pour les affaires économiques ou administratives)	Optional
Formation continue pour des fonctions spécifiques de gestion (ex. présidence d'un tribunal)	Compulsory
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Optional

128) Fréquence de la formation continue des juges:

Formation continue générale	Occasional (e.g. at times)
Formation continue pour des fonctions spécialisées (ex. juge pour les affaires économiques ou administratives)	Occasional (e.g. at times)
Formation continue pour des fonctions spécifiques de gestion (ex. présidence d'un tribunal)	Regular (e.g. every 3 months)
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Occasional (e.g. at times)

129) Formation des procureurs

Formation initiale	Compulsory
Formation continue générale	Compulsory
Formation continue pour des fonctions spécialisées (ex. procureur spécialisé en crime organisé)	Compulsory
Formation continue pour des fonctions spécifiques de gestion (ex. Procureur Général, administrateur)	Compulsory
Formation continue pour l'utilisation des outils informatiques au sein des tribunaux	Compulsory

130) Fréquence de la formation continue des procureurs :

Formation continue générale	Regular (e.g. every 3 months)
Formation continue pour des fonctions spécialisées (ex. procureur spécialisé en crime organisé)	Occasional (e.g. at times)
Formation continue pour des fonctions spécifiques de gestion (ex. Procureur Général, administrateur)	Occasional (e.g. at times)

Formation continue
pour l'utilisation des
outils informatiques
au sein des tribunaux

Occasional (e.g. at times)

131) Disposez-vous d'(une) institution(s) publique(s) chargée(s) de la formation des juges et des procureurs? Si oui, quel est le budget de cette (ces) institution(s) ? Si vos institutions de formation judiciaire ne répondent pas à ces critères, veuillez le préciser.

	Formation initiale seulement	Formation continue seulement	Formation initiale et continue
Une institution pour les juges	Non	Non	Non
Une institution pour les procureurs	Non	Non	Non
Une institution commune pour juges et procureurs	Non	Non	Oui

Commentaire :

The budget of the Judicial Training Centre for the year 2010 was of 263528 EUR.

The Judicial Training Centre is an organ of the Ministry of Justice. According to the Courts Act the tasks of the Centre are:

- to implement the training of judicial trainees;
- to organize and control the execution of legal state exams, to organize and control the execution of other forms of exams required in the justice system;
- to organize and control the execution of different types of permanent in-service training of judges, judicial advisers and court personnel;
- to conduct the obligatory professional training for presidents and directors of courts;
- to publish professional literature.

The director of the Centre is a judge that is appointed to work at the Ministry of Justice in accordance with the provisions of the Judicial Service Act.

The Courts Act states that the Expert Council is set up for providing expert assistance to the Centre in the implementation of its tasks.

The Council consists of the following 11 members:

- two representatives of the ministry competent for justice;
- one representative of the Supreme Court of the Republic of Slovenia;
- one representative of the Supreme State Prosecutor's Office of the Republic of Slovenia;
- one representative of the State Attorney's Office of the Republic of Slovenia;
- one representative of the Judicial Council of the Republic of Slovenia;
- one representative of the Slovenian Judges' Association;
- one representative of the Association of State Prosecutors of Slovenia;
- one representative of each law faculty in the Republic of Slovenia (3 altogether).

The work of the Expert Council is conducted by the Minister of Justice or by the state secretary under his authorisation. It is the Minister of Justice who adopts the programme of the Centre as well.

E.2

Vous pouvez indiquer ci-dessous :

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- des commentaires sur l'attention portée dans les curricula à la Convention européenne des Droits de l'Homme et à la jurisprudence de la Cour
- les caractéristiques de votre système de formation des juges et des procureurs et les

réformes majeures mises en œuvre au cours des deux dernières années

5. 3. Exercice de la profession

5. 3. 1. Exercice de la profession

132) Salaires des juges et des procureurs.

	Salaire annuel brut (€), en €, au 31 décembre 2010	Salaire annuel net (€), en €, au 31 décembre 2010
Juge professionnel de 1ère instance au début de sa carrière	28 968	17 521
Juge de la Cour suprême ou de la dernière instance de recours (veuillez indiquer le salaire moyen d'un juge de ce niveau, non pas le salaire du président de la cour)	57 909	30 823
Procureur au début de sa carrière	34 858	19 901
Procureur auprès de la Cour suprême ou de la dernière instance de recours (veuillez indiquer le salaire moyen d'un procureur de ce niveau, non pas le salaire du Procureur Général).	54 765	29 367

Commentaire :

The salary given for the Supreme Court judge represents the average salary of the two possible salary classes – Supreme Court judge and Supreme Court judge councillor. In the last evaluation round the highest possible salary was given – the salary of the Supreme Court judge councillor. For the year 2010 this salary would amount to 59045 EUR (gross annual salary) and 31345 EUR (net annual salary).

133) Les juges et les procureurs bénéficient-ils des avantages complémentaires suivants :

	Juges	Procureurs
Imposition réduite	Non	Non
Retraite spécifique	Non	Non
Logement de fonction	Non	Non
Autre avantage financier	Non	Non

134) Si autre avantage financier, veuillez préciser:

There are no additional benefits for judges or public prosecutors.

135) Un juge peut-il cumuler son travail avec les autres fonctions suivantes :

Enseignement	Oui	Oui
Recherche et publication	Oui	Oui

Arbitrage	Oui	Oui
Consultant	Non	Non
Fonction culturelle	Oui	Oui
Fonction politique	Non	Non
Autre fonction	Non	Non

136) Si des règles existent dans votre pays (par exemple, une autorisation est exigée pour exercer une fonction), veuillez les préciser. Si « autre fonction », veuillez préciser :

The Judicial Service Act (Articles 41-43) states the following:

Judges may not perform lawyer's or notary's transactions, or any commercial or other profit-making activities.

Judges may not perform managerial transactions, and may not be a member of the board of directors or supervisory board of any company or other legal person involved in profit-making activities.

Judges may not accept any employment or work that would obstruct them in performing judicial service, or that would be in conflict with the reputation of judicial service or encourage the impression that they are not impartial in performing their judicial service.

Judges may perform teaching, scientific, publishing and research work and other similar work in the legal profession, provided the performance of judicial service is not thereby obstructed.

Judges may not conclude an employment relationship in order to perform the work specified in the previous paragraph or other work that judges may perform in addition to judicial service.

Judges must inform the president of the court in advance in writing of their acceptance of work that judges may perform in addition to judicial service; the president of the court must inform the president of the immediately superior court.

If the president of the court feels that it is a matter of work that pursuant to the provisions of the present act judges may not perform, he/she shall propose that the Judicial Council rule on the incompatibility of the work with judicial office and notify the judge of such.

If the Judicial Council rules that the work is incompatible with judicial office, it shall prohibit the judge from accepting it.

137) Un procureur peut-il cumuler son travail avec les autres fonctions suivantes :

	Rémunéré	Non rémunéré
Enseignement	Oui	Oui
Recherche et publication	Oui	Oui
Arbitrage	Non	Non
Consultant	Non	Non
Fonction culturelle	Non	Non
Fonction politique	Non	Non
Autre fonction	Non	Non

138) Précisions s'il existe des règles particulières (par exemple autorisation nécessaire pour exercer tout ou partie de ces activités). Si « autre fonction », veuillez préciser :

Prosecutors cannot engage in a profitable activity (long term) or take any job that could harm the

reputation or independence (impartiality) of their service.

139) Prime de productivité : les juges ont-ils droit à des primes en fonction du respect d'objectifs quantitatifs de production de décisions (par exemple nombre de jugements rendus pour une période donnée) ?

- ☐ Oui
☒ Non

Si oui, veuillez préciser les conditions et éventuellement les montants:

In June 2007 the amendment to the Salary System in the Public Sector Act was passed, allowing bonuses for judges in case of exceeding the minimum expected amount of work. Following a vast opposition from the side of the judges, the law was under scrutiny of the Constitutional Court, which held that in principle, such bonuses are not unconstitutional as long as the criteria are clear and set in advance. Nevertheless, the newly amended version of the Act was in front of the Constitutional Court again in 2008, which deemed that the reform of the wage system was unconstitutional, since it was not giving equal value to the representatives of the three branches of power and thus undermining the independency of judges. In December 2009 new laws were passed that followed the Constitutional Court's decisions. The new laws regulating the wages of judges do not include any bonuses for extra work anymore.

5. 4. Procédures disciplinaires

5. 4. 1. Procédures disciplinaires

140) Qui peut engager des procédures disciplinaires contre les juges (choix multiples possibles) ?

- ☐ Citoyens
☒ Tribunal concerné ou supérieur hiérarchique
☐ Cour suprême
☒ Conseil Supérieur de la Magistrature
☒ Tribunal ou autorité disciplinaire
☐ Médiateur
☐ Parlement
☒ Pouvoir exécutif
☐ Autre ?
☐ Ceci n'est pas possible

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

For judges - the initiative to introduce disciplinary proceedings may be put forward by the president of the court where the judge performs judicial service, the president of the immediately superior court, the Judicial Council or the Minister of justice.

However, the formal proposal for disciplinary sanctioning shall be lodged and presented by the disciplinary prosecutor, in whose absence the deputy thereto shall deputise for. They shall both be judges of the Supreme Court.

141) Qui peut engager des procédures disciplinaires contre les procureurs (choix multiples possibles) :

- ☐ Citoyens

- ☐ Chef de l'unité organisationnelle ou supérieur hiérarchique
- ☒ Procureur Général/Procureur d'Etat
- ☐ Conseil Supérieur de la Magistrature
- ☐ Tribunal ou autorité disciplinaire
- ☐ Médiateur
- ☐ Organisme professionnel
- ☒ Pouvoir exécutif
- ☐ Autre?
- ☐ Ceci n'est pas possible

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

For prosecutors – The State Prosecutor General and the Minister of Justice are authorized to initiate disciplinary proceedings.

142) Quelle autorité détient le pouvoir disciplinaire à l'encontre des juges? (plusieurs options possibles)

- ☐ Tribunal
- ☐ Cour suprême
- ☐ Conseil Supérieur de la Magistrature
- ☒ Tribunal ou autorité disciplinaire
- ☐ Médiateur
- ☐ Parlement
- ☐ Pouvoir exécutif
- ☐ Autre?

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

According to Judicial Service Act a disciplinary sanction may be pronounced upon a judge who wilfully or by negligence breaches the judicial duties prescribed by law and the court rules, or irregularly performs judicial service.

The disciplinary sanctions are:

1. written warning
2. suspension of promotion
3. wage reduction
4. transfer to another court
5. termination of judicial office.

The Disciplinary Court of First Instance and the Disciplinary Court of Second Instance rule in disciplinary proceedings. The Disciplinary Court of First Instance consists of eight judges: two judges of the Supreme Court, two high court judges, two district judges and two local judges. One of the Supreme Court judges is the President of the Disciplinary Court of First Instance. The Disciplinary court of First Instance rules in an individual case in a panel of three judges, at least one member of which must have a status equal to that of the judge against whom the disciplinary proceedings are being brought. The Disciplinary Court of Second Instance consists of five judge of the Supreme Court.

143) Quelle autorité détient le pouvoir disciplinaire à l'encontre des procureurs ? (plusieurs options possibles)

- ☐ Cour suprême

- ☐ Chef de l'unité organisationnelle ou supérieur hiérarchique
☐ Procureur Général/Procureur d'Etat
☐ Conseil Supérieur de la Magistrature
☒ Tribunal ou autorité disciplinaire
☐ Médiateur
☐ Organisme professionnel
☐ Pouvoir exécutif
☐ Autre ?

Si "pouvoir exécutif" ou/et "autre", veuillez préciser :

For prosecutors – The state prosecutor has no disciplinary liability for opinions given by him in the course of his work. The principle of disciplinary liability applies to the state prosecutors in specific cases:

- violation of discipline of a more or less serious nature,
- violation of the reputation and dignity of the post,
- non-conscientious, tardy or negligent performance of his official duties,
- failure to fulfil his official duties,
- unjustified refusal to perform official duties or
- failure to follow instructions given in accordance with the provision of the law,
- violation of regulations on the safeguarding of national and official secrets,
- undignified and offensive conduct towards individuals, state bodies or legal persons in connection with performance of the functions of state prosecutor and outside them,
- an abuse of position or a more serious violation of official powers.

Disciplinary proceedings may be proposed by the state Prosecutor General or the Minister of Justice. Violations are decided by the disciplinary court comprised of the president and 2 members of the disciplinary court for the judges and public prosecutors.

The types of sanctions are:

1. dismissal from the post of state prosecutor,
2. a halt to promotion,
3. a reduction in salary.

144) Nombre de procédures disciplinaires intentées à l'encontre des juges et des procureurs. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.

[Si la procédure disciplinaire est intentée sur la base de plusieurs manquements, veuillez ne compter ces procédures qu'une seule fois, pour le manquement principal.]

	Juges	Procureurs
Nombre total (1+2+3+4)	1	0
1. Faute déontologique	0	0
2. Insuffisance professionnelle	1	0
3. Délit pénal	0	0
4. Autre	0	0

Commentaire :

In 2010 one disciplinary proceeding was initiated against a judge, because of unconscientious, late,

inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act). After the investigation carried out by the disciplinary prosecutor the charges have been withdrawn.

No disciplinary proceedings were initiated or finished against public prosecutors in 2010.

Q144#1#1 : The apparently high percentage of the change can be partly attributed to the relatively low absolute number of disciplinary proceedings initiated against judges. While in 2008 there were 3 such proceedings, there was only 1 in 2010. Nevertheless, this does not represent a trend, since in 2011 there were 9 such proceedings.

The reasons for the initiation of disciplinary procedures against judges were the following:

2008 (3 cases):

- 1 for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession (Article 81/2 – point 14 of the Judicial Service Act);
- 1 for breach of the case roster or priority handling of cases defined by law or the court rules (Article 81/2 – point 9 of the Judicial Service Act);
- 1 for failure to achieve the expected work results for more than three months consecutively without justifiable grounds (Article 81/2 – point 8 of the Judicial Service Act).

2009 (1 case):

- 1 for unconscientious, late, inappropriate or negligent performance of judicial service, for breach of the case roster or priority handling of cases defined by law or the court rules and for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession (Article 81/2 – points 3 , 9 and 14 of the Judicial Service Act);

2010 (1 case):

- 1 for unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act);

2011 (9 cases):

- 1 for commission of an act that has the statutory definition of a criminal offence while holding judicial office (Article 81/2 – point 1 of the Judicial Service Act);
- 6 for unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act);
- 1 for breach of the case roster or priority handling of cases defined by law or the court rules (Article 81/2 – point 9 of the Judicial Service Act);
- 1 for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession (Article 81/2 – point 14 of the Judicial Service Act).

145) Nombre de sanctions prononcées à l'encontre des juges et des procureurs. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Si « autre », veuillez le préciser dans la boîte "commentaire" ci-dessous. S'il existe une disparité entre le nombre de procédures disciplinaires intentées et le nombre de sanctions prononcées, veuillez préciser les raisons dans la boîte "commentaire" ci-dessous.

	Juges	Procureurs
Nombre total (total 1 à 9)	0	0
1. Réprimande	0	0
2. Suspension	0	0
3. Révocation	0	0

4. Amende	0	0
5. Diminution de salaire temporaire	0	0
6. Rétrogradation de poste	0	0
7. Mutation dans un autre tribunal géographiquement	0	0
8. Démission	0	0
9. Autre	0	0

Commentaire :

The numbers for the year 2010 seem to demonstrate that there are almost no disciplinary proceedings against judges. However, this is not the case. In 2011 there have been 9 disciplinary proceedings initiated against judges for different reasons:

- 1 for commission of an act that has the statutory definition of a criminal offence while holding judicial office (Article 81/2 – point 1 of the Judicial Service Act);
- 6 for unconscientious, late, inappropriate or negligent performance of judicial service (Article 81/2 – point 3 of the Judicial Service Act);
- 1 for breach of the case roster or priority handling of cases defined by law or the court rules (Article 81/2 – point 9 of the Judicial Service Act);
- 1 for action or behaviour on the part of the judge that conflicts with the judge's impartiality or that damages the reputation of the judicial profession.

For prosecutors the situation is different. In 2011 two procedures ended - one procedure (initiated in 2009) was stopped since the prosecutor charged with (1) unconscientious, late or negligent performance of service and (2) failure to carry out judicial duties, unjustifiable refusal thereof or failure to observe rulings (Article 44/1, points 1 and 2 of the State Prosecutor Act) retired. In the second procedure (initiated in 2008) a prosecutor charged with abuse of status or severe transgression of official authorisations (Article 44/1, point 6 of the State Prosecutor Act) was acquitted.

E.3

Vous pouvez indiquer ci-dessous :

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système de procédures disciplinaires pour les juges et les procureurs et les réformes majeures mises en œuvre au cours des deux dernières années**

Veillez indiquer les sources aux questions 144 et 145

Disciplinary tribunal at the Supreme Court of the Republic of Slovenia

6. Avocats

6. 1. Statut de la profession et formation

6. 1. 1. Statut de la profession et formation

146) Nombre d'avocats exerçant dans votre pays.

1 294

147) Ce nombre inclut-il la catégorie « conseiller juridique » (« solicitor/in-house counsellor ») qui ne peut pas représenter en justice ?

- ☐ Oui
☒ Non

148) Nombre de conseillers juridiques qui ne peuvent pas représenter en justice

NA

149) Les avocats ont-ils le monopole de la représentation en justice ? (plusieurs options sont possibles) pour les :

- ☐ Affaires civiles
☒ Affaires pénales - Défendeur
☐ Affaires pénales - Victime
☐ Affaires administratives
☐ Il n'y a pas de monopole

En cas d'absence de monopole, veuillez préciser les organismes ou personnes pouvant représenter les clients devant un tribunal (par exemple une ONG, un membre de la famille, un syndicat, etc....) et pour quelles affaires :

Civil cases:

The Civil Procedure Act gives the right to appear in Court:

· of First Instance:

in County Court - to everyone who is capable to contract,

in District Court - only to lawyers or individuals who passed the Legal State Exam

· of Second Instance, before Higher Court - only to lawyers or individuals who passed the Legal State Exam

· of Third Instance, in the Supreme Court - only to lawyers or individuals who passed the Legal State Exam.

Criminal cases:

- Defendant: By The Criminal Procedure Act only a lawyer or a prospective entrant is entitled to defend the accused. Only a lawyer is permitted to be a defender in the Supreme Court.

- Victim: The monopoly is given to lawyers only when representing the minor victims only in specific cases.

Administrative cases:

The General Administrative Procedure Act gives the right to appear in front of state authorities to everyone who is capable to contract.

150) La profession d'avocat est-elle organisée à travers (plusieurs réponses possibles):

- ☒ un barreau national ?
☐ un barreau régional ?
☐ un barreau local ?

151) Existe-t-il une formation initiale ou un examen spécifique pour accéder à la profession d'avocat ?

- ☒ Oui
☐ Non

Si non, veuillez indiquer s'il existe d'autres exigences spécifiques en matière de diplôme ou de niveau universitaire :

152) Existe-t-il un système de formation continue générale obligatoire pour les avocats ?

- ☐ Oui
☒ Non

153) La spécialisation dans certains domaines est-elle liée à certaines formations, à un certain niveau de compétence, à un certain diplôme ou à certaines autorisations ?

- ☒ Oui
☐ Non

Si oui, veuillez préciser :

There are no obligatory rules about continuous training for lawyers in Slovenia.

The Article 14 of the Code of Professional Conduct of the Bar Association of Slovenia enacts that the lawyer shall permanently engage in his expert advance studies and shall mind his general education and broad knowledge. Through his professional practice he shall assert and intensify the importance of legal aid as well as the good reputation of the social function of the Bar. The Code also provides that the lawyer shall help other lawyers with his expert knowledge and shall contribute to the expert and general education of prospective entrants and pupils.

Every year a "Lawyers school" is organized in order to introduce them the latest education about the newer legislation and other issues important to Slovenian lawyers by the Slovenian Bar Association. Nevertheless, the attendance of lawyers is not obligatory.

The lawyer who has been awarded the title of specialist in a certain subject or the academic title of Master of Law shall on his demand be recognized the status of specialist lawyer, provided that he has practiced the legal profession and/or has held a judicial office in the claimed domain for at least five years. The lawyer who has been elected assistant senior lecturer, associate professor or full professor of the Faculty of Law, shall be recognized the status of lawyer specialized in the legal domain where he practiced his pedagogical and scientific work, even if he does not fulfill the conditions of the five years' practice (Article 33 of the Attorneys Act).

F.1

Veuillez indiquer les sources aux questions 146 et 148 :

Commentaires utiles à l'interprétation des données indiquées dans ce chapitre :

The Slovenian Bar Association

6. 2. Exercice de la profession**6. 2. 1. Exercice de la profession**

154) Pour le justiciable, existe-t-il une transparence sur les honoraires prévisibles des avocats (à savoir, est-ce que les usagers peuvent aisément obtenir des informations préalables sur le montant des honoraires prévisibles, sont-ils transparents et loyaux) ?

☒ Oui

☐ Non

155) Les honoraires des avocats sont-ils librement négociés ?

☐ Oui

☒ Non

156) La loi ou les règlements du Barreau contiennent-ils des règles sur les honoraires des avocats (même s'ils sont librement négociés) ?

☒ Oui, la loi contient des règles

☐ Oui, les règlements du Barreau contiennent des règles

☐ Non, ni la loi ni les dispositions du Barreau ne contiennent de règles

F.2**Commentaires utiles à l'interprétation des données indiquées dans ce chapitre :**

The lawyer shall be entitled to the payment for his performance and to the reimbursement of costs related to the performed task, according to the lawyer's fee.

The lawyer shall be entitled to higher payment for his performance than deserving according to the lawyer's fee, if so agreed with the client in writing.

In property related matters the lawyer may agree with the client on such payment that instead of the payment according to the lawyer's fee he may claim at maximum a 15 per cent share of the amount awarded to the client by the court. The agreement shall be made in writing (Article 17, Attorneys Act).

On 1.1 2009 the new Act on the attorney's fee (attorney's price list), adopted by parliament, came to force. This new law replaced the Attorney's tariffs, adopted by the Slovenian Bar Association that was agreed with the Minister of Justice. However, this situation did not last long – the amendment of the Attorney's act, which came into force on 9.5.2009, provided the end of validity of the new Act on attorney's fee, but it is still used until enforcement of the new regulation by the Slovenian Bar Association, previously approved by the Minister of Justice. The Slovenian Bar Association has already prepared a new Attorney's tariff, but the Minister of Justice had not given consent to it.

6. 3. Standards de qualité et procédures disciplinaires**6. 3. 1. Standards de qualité et procédures disciplinaires**

157) Des normes de qualité ont-elles été formulées pour les avocats ?

☒ Oui

☐ Non

Si oui, quels sont les critères de qualité utilisés?

The rules of professional conduct are defined in the provisions of the Statute and the Code. The violations of professional conduct relate to acts or omissions affecting other lawyers (i.e. contacting the counter party that is represented by another lawyer), the Bar Association (i.e. repeated non-payment of membership duties), violations committed in relation to the representation of the client (i.e. cancellation of the power of lawyer in an inappropriate behaviour or statements of the lawyer). Gross violations present mostly violations of duties related to clients, conduct of other activities that are not compatible with the lawyer profession and violations relating to conflict of interest rules.

158) Si oui, qui est responsable de la formulation de ces normes de qualité:

☒ le Barreau ?

☐ le législateur ?

☐ autre ?

Si "autre", veuillez préciser :

159) Existe-t-il une possibilité de déposer une plainte concernant :

☒ la prestation de l'avocat ?

☒ le montant des honoraires ?

Veuillez préciser :

The customers can make an official complaint to the Slovenian Bar Association. The disciplinary prosecutor shall require the introduction of the disciplinary proceedings, if he is informed of the facts and evidences on the basis whereof it is possible to soundly infer that the lawyer and/or the prospective entrant or the pupil has violated his duty. In his demand for introduction of the disciplinary proceedings, the Disciplinary Prosecutor shall specify the breach of duty as well as state the facts and propose evidences to be submitted for their identification.

On the demand of the President of the Supreme Court and the Minister of Justice, the disciplinary prosecutor shall require the introduction of the disciplinary proceedings.

In the disciplinary proceedings against lawyers there shall be imposed the following disciplinary measures: warning, reprimand, fine and denial of the right to practice the legal profession or the practice in a law office.

Disciplinary matters against the lawyer, the prospective entrant and/or the pupil shall be subject to the decision of the Disciplinary Commission, except in the matters which in compliance with the provisions specified in Bar Act fall under the competence of the Disciplinary Board.

In front of the Disciplinary Commission and in the Disciplinary Board the charge shall be represented by the disciplinary prosecutor elected by the Assembly of the Bar Association.

160) Quelle est l'autorité compétente pour traiter des procédures disciplinaires?

☐ le juge

☐ le ministère de la justice

☒ une instance professionnelle

☒ autre

Si autre, veuillez préciser :

The disciplinary prosecutor, who presents charges against lawyers in front of the Senate of Disciplinary Commissions of the first and the second instances or in front of the Disciplinary Board, shall be elected by the Assembly of the Bar Association out of the lawyers for three years.

The Senate of Disciplinary Commissions of the first and the second instances, who decides in individual discipline cases, is assembled out of the president and two members. The president and one member for each Senate of Disciplinary Commissions of the first and the second instances are elected by the Assembly of the Bar Association out of the lawyers. The other member is selected by the Bar Association out of the list of five members, appointed by the Minister of Justice, chosen among lawyers with at least five years of experience on legal matters after passing bar examination.

Disciplinary matters due to the breach of the legal duties for which it is possible to deny the right to practice the legal profession, the practice and/or the pupillage in the law office shall be subject to the decision of the Disciplinary Board in the Senate that consists of two judges of the Supreme Court of the Republic of Slovenia and of three lawyers. The President of the Senate shall be a judge. Both judges, members of the Disciplinary Board Senate, shall be appointed in advance with the annual time schedule of activities of the Supreme Court of the Republic of Slovenia. The lawyers, members of the Senate, shall be elected by the Assembly of the Bar Association for a two years' term.

An appeal against the decision of the Disciplinary Board may be filed and shall be subject to the decision of the Supreme Court of Slovenia in the Senate of five judges.

161) Procédures disciplinaires initiées à l'encontre des avocats. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP. Si « autre », veuillez spécifier dans la boîte "commentaire" ci-dessous.

[Si la procédure disciplinaire est intentée sur la base de plusieurs manquements, veuillez ne compter ces procédures qu'une seule fois, pour le manquement principal.]

	Nombre total de procédures disciplinaires initiées (1 + 2 + 3 + 4)	1. Faute déontologique	2. Insuffisance professionnelle	3. Délit pénal	4. Autre
Nombre	59	59	0	0	0

Commentaire :

Disciplinary proceedings against lawyers are conducted in the case of breach of duties in the practice of legal profession. These breaches are divided into minor and serious. In 2010 there were 59 breaches in which the disciplinary prosecutor began disciplinary procedures. In 43 cases the proposal to start a disciplinary procedure was rejected.

If it is not a disciplinary breach, but it is a breach of professional ethics (Code of professional conduct), these breaches are considered by Commission on Ethics.

162) Sanctions prononcées à l'encontre des avocats. Si la donnée n'est pas disponible, veuillez indiquer NA. Si la situation n'est pas applicable dans votre pays, veuillez indiquer NAP.

Si "autre", veuillez le spécifier dans la boîte "commentaire" ci-dessous. S'il existe une

disparité entre le nombre de procédures disciplinaires initiées et le nombre de sanctions, veuillez indiquer les raisons dans la boîte "commentaire" ci-dessous.

	Nombre total des sanctions (1 + 2 + 3 + 4 + 5)	1. Réprimande	2. Suspension	3. Révocation	4. Amende	5. Autre (par exemple exclusion du barreau)
Nombre	25	13	0	0	12	0

Commentaire :

In disciplinary proceedings the following sanctions can be pronounced: warning, reprimand, fine and denial of the right to practise the legal profession (for max 5 years).

F.3

Vous pouvez indiquer ci-dessous tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre

7. Mesures alternatives au règlement des litiges

7. 1. Mesures alternatives au règlement des litiges

7. 1. 1. Mesures alternatives au règlement des litiges

163) Existe-t-il des procédures de médiation dans le système judiciaire ? Si non, veuillez aller à la question 168

[Médiation judiciaire : dans ce type de médiation, il y a toujours l'intervention d'un juge ou d'un procureur qui facilite, conseille, décide ou/et approuve la procédure. Par exemple, dans des litiges civils ou des cas de divorce, les juges peuvent diriger les parties vers un médiateur s'ils estiment que des résultats plus satisfaisants peuvent être obtenus pour les deux parties. En matière pénale, le procureur peut se proposer en tant que médiateur entre un délinquant et une victime (par exemple pour établir un accord d'indemnisation).]

☒ Oui

☐ Non

164) Veuillez préciser, par type d'affaires, l'organisation de la médiation judiciaire :

	Médiation annexée au tribunal	Médiateur privé	Instance publique (autre que le tribunal)	Juge	Procureur
Affaires civiles et commerciales	Oui	Oui	Non	Non	Non
Affaires familiales (ex. divorce)	Oui	Oui	Non	Non	Non
Affaires administratives	Non	Non	Non	Non	Non
Licenciements	Oui	Oui	Non	Non	Non
Affaires pénales	Non	Non	Non	Non	Non

165) Est-il possible de bénéficier de l'aide judiciaire lors des procédures de médiation ?

☒ Oui

☐ Non

Si oui, veuillez préciser :

According to the Article 7 of the Free Legal Aid Act, free legal aid may also be granted for legal consultation, legal representation and other legal services in ADR proceedings.

166) Nombre de médiateurs accrédités ou enregistrés qui exercent la médiation judiciaire :

344

167) Nombre total de procédures de médiation judiciaire

Veuillez indiquer la source dans la boîte "commentaire" ci-dessous:

Nombre total (1+2+3+4+5)	☒ Oui	2 239
1. les affaires civiles	☒ Oui	1 917
2. les affaires familiales	☒ Oui	0
3. les affaires administratives		NAP

4. les affaires de licenciements	☒ Oui	322
5. les affaires pénales		NAP

Commentaire :

The number of family cases is included in the number of civil cases. The situation on criminal cases is explained below.

Civil and commercial matters: The Act on Alternative Dispute Resolution in Judicial Matters has been adopted in November 2009. According to this Act, all courts of first and second instance have to adopt ADR programmes. On the basis of these programmes, mediation is offered in disputes arising from commercial, labour, family and other civil relationship, with regard to claims that are at parties' disposal and that parties can agree upon. Courts may also introduce other forms of ADR. The Act refers to county, district and labour courts, as well as to high courts and high labour court. The courts of first instance had to adopt programmes before June 15th 2010; the courts of second instance will adopt them before June 15th 2012. The court may adopt and implement the programme as an activity organised directly in court (court-annexed programme) or on the basis of a contract with a suitable provider of ADR (court-connected programme). Courts can also cooperate when implementing the programme. Mediators in these programmes have to fulfil conditions, determined by the Act. The courts' budget shall provide the funds for the programmes that are offered by courts. Mediation in disputes in relations between parents and children and in labour disputes due to termination of an employment contract is free of costs for parties. In other disputes, the first three hours of mediation are free of costs for parties. The only exception is mediation in commercial disputes; parties pay the costs of such mediation. Parties may be referred to mediation in two different ways: on the basis of parties' agreement or on the basis of the information session (in this case they may oppose to referral and in such case, mediation does not start). In case mediation starts, the court proceedings are suspended for 3 months. The Act expressly refers to cases in which the state is a party. In all judicial disputes where this Act is applied and where the Republic of Slovenia is a party, the State Attorney shall give consent for mediation when such a decision is appropriate, given the circumstances of the case. If the State Attorney deems mediation to be unsuitable, he shall submit an explanation and a proposal to the Government of the Republic of Slovenia and ask for a decision.

Criminal matters: The possibility of a settlement proceeding has been introduced in 1998, with the changes of Criminal Procedure Act. The proceeding is not called "mediation" but "settlement in criminal matters". It may be introduced before filing a request for investigation or before filing a charge sheet without the investigation; it may be applied in case of minor criminal offences. The aim of such proceedings is to reach a settlement, which contains certain moral or material satisfaction for the victim. It is up to the public prosecutor to transfer the case into the settlement proceedings. In doing so, the public prosecutor shall take account of the type and nature of the offence, the circumstances in which it was committed, the personality of the perpetrator and his prior convictions for the same type of / or for other criminal offences, as well as his degree of criminal liability. The settlement proceedings shall be run by the settlement agent. The settlement proceedings may only be implemented with the consent of the suspect and the victim. The suspect and the victim bear the costs of the proceedings. The control over these proceedings is exercised by a board, established by the Supreme Public Prosecutor's Office.

The abovementioned statistical data refers (only) to mediation in civil and commercial matters under the Act on Alternative Dispute Resolution in Judicial Matters. It does not refer to settlement proceedings in criminal matters.

168) Votre système judiciaire connaît-il les formes d'ADR suivantes.

Si "autres mesures", veuillez le spécifier dans la boîte "commentaire" ci-dessous.

la médiation autre que la médiation judiciaire?	Oui

l'arbitrage?	Oui
la conciliation?	Oui
d'autres mesures alternatives au règlement des litiges?	Oui

Commentaire :

According to Act on Alternative Dispute Resolution in Judicial Matters, the courts shall be obliged to provide mediation to the parties and they may also provide other forms of alternative dispute settlement. The Act determines in the Article 3: "According to this Act, an alternative dispute settlement shall be a procedure that does not entail trial and in which one or more neutral third parties co-operate in the dispute settlement as described in Article 2 of this Act using the procedures of mediation, arbitration, preliminary neutral evaluation or other similar procedures."

G.1

Vous pouvez indiquer ci-dessous :

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système de mesures alternatives au règlement des litiges et les réformes majeures mises en œuvre au cours des deux dernières années**

Veuillez indiquer les sources des réponses à la question 166

The Ministry of Justice of the Republic of Slovenia; data for the year 2010.

8. Exécution des décisions de justice

8. 1. Exécution des décisions civiles

8. 1. 1. Fonctionnement

169) Existe-t-il dans votre système judiciaire des agents d'exécution ?

- ☒ Oui
☐ Non

170) Nombre d'agents d'exécution

46

171) Les agents d'exécution sont-ils (plusieurs choix possibles):

- ☐ des juges ?
☒ des huissiers de justice exerçant en profession libérale réglementée par les autorités publiques ?
☐ des huissiers de justice attachés à une institution publique ?
☐ d'autres agents d'exécutions ?

Veuillez préciser leur statut et leurs compétences (pouvoirs):

Enforcement agents - bailiffs perform immediate acts of enforcement and the protection of claims. The office of bailiff is a public office whose work area and powers are regulated by statute. The office of bailiff is performed as an independent private activity.

Bailiffs are appointed by the Minister of Justice. The Enforcement and Securing of Civil Claims Act, which governs the legal status of the enforcement agents, prescribes (Article 281): "In order to be appointed as an enforcement officer, a candidate shall meet the following requirements:

- 1) he must be a citizen of the Republic of Slovenia,
- 2) he must be legally capable and enjoy good general health,
- 3) he must have completed at least secondary education,
- 4) he must have at least two years' work experience,
- 5) he must have passed the examination for enforcement agents, based on a program prescribed by the Minister of Justice,
- 6) he must be fluent in Slovene,
- 7) he must prove fit to hold a position of trust for the performance of acts of execution and insurance of claims as public mandates,
- 8) he must possess suitable facilities and premises necessary for the carrying-out of enforcement and insurance of claims.

172) Existe-t-il une formation initiale ou un examen spécifique pour accéder à la profession d'agent d'exécution ?

- ☒ Oui
☐ Non

173) La profession d'agent d'exécution est-elle organisée par :

- ☒ une instance nationale ?
☐ une instance régionale ?
☐ une instance locale ?

☐ NAP (la profession n'est pas organisée)

174) Pour le justiciable, existe-t-il une transparence sur le coût prévisible des frais d'exécution ?

☒ Oui

☐ Non

175) Est-ce que les frais d'exécution sont librement négociés ?

☐ Oui

☒ Non

176) Est-ce que la loi stipule des règles sur les frais d'exécution (même s'ils sont librement négociés) ?

☒ Oui

☐ Non

Veillez indiquer la source de la réponse à la question 170 :

Ministry of Justice

Enforcement and Securing of Civil Claims Act

8. 1. 2. Efficacité des services d'exécution

177) Existe-t-il un système de supervision et de contrôle de l'activité des agents d'exécution ?

☒ Oui

☐ Non

178) Quelle est l'autorité chargée de superviser et de contrôler les agents d'exécution :

☐ une instance professionnelle ?

☐ le juge ?

☐ le ministère de la justice ?

☐ le procureur ?

☒ autre ?

Si autre, veuillez préciser :

Supervision of the office of enforcement agent and over the work of the Chamber of Enforcement Officers is carried out by the Minister of Justice, ex officio or upon proposal.

Supervision over the legality and performance of the office in connection with the cases that have been assigned to the enforcement agent by the court is carried out by the president of the court that assigned the case to the agent.

Regular and direct supervision of the performance of the enforcement agent is carried out by the Chamber of Enforcement Officers.

179) Des normes de qualité sont-elles formulées pour les agents d'exécution ?

- ☒ Oui
☐ Non

Si oui, quels sont les critères de qualités utilisés ?

The Ministry of Justice examines the efficiency of the execution officers, taking into account the following criteria:

- the expected minimum amount of work in a calendar year,
- the time and speed of the proceedings,
- the legality and regularity of the performance of the office of the execution officer.

180) Qui est chargé de formuler ces normes de qualité ?

- ☐ un organisme professionnel
☐ le juge
☒ Ministère de la Justice
☒ autre

Si "autre", veuillez préciser :

Quality standards are established by Rules on criteria for assessing the performance of enforcement officers - prescribed by the Minister of Justice and by Enforcement and Securing of Civil Claims Act.

181) Disposez-vous d'un mécanisme spécifique pour l'exécution des décisions de justice rendues contre des autorités publiques, y compris pour assurer le suivi de cette exécution?

- ☐ Oui
☒ Non

Si oui, veuillez préciser :

182) Disposez-vous d'un système de contrôle de l'exécution ?

- ☐ Oui
☒ Non

Si oui, veuillez préciser :

183) Quelles sont les principales plaintes des usagers concernant les procédures d'exécution ?

Veuillez n'en indiquer que 3 au maximum

- ☐ absence de toute exécution ?
☐ non exécution des décisions judiciaires rendues contre des autorités publiques ?
☐ manque d'information ?
☒ durée excessive ?
☒ pratiques illégales ?

- ☐ supervision insuffisante ?
- ☒ coût excessif ?
- ☐ autre ?

Si autre, veuillez préciser:

184) Votre pays a-t-il préparé ou adopté des mesures concrètes pour changer la situation concernant l'exécution des décisions de justice – en particulier les décisions rendues contre les autorités publiques?

- ☒ Oui
- ☐ Non

Si oui, veuillez préciser :

In 2010 a reform concerning the enforcement of court decisions was introduced which aims to increase the speed of enforcement on the basis of executive instruments (judgments, enforceable notarial deeds, etc) upon assets which a debtor has deposited with organizations for money movements (banks etc). Special enforcement procedure on the basis of bill of exchange was also introduced which pursues the same aim. Steps were also taken to improve collecting information on debtor's property and to expand electronic commerce in enforcement procedures.

In 2011 a reform was introduced aiming at speeding up the procedure of enforcement on the basis of an authentic instrument by tackling the problem of unjustified objections against decree of enforcement which are lodged with the sole purpose of delaying enforcement.

185) Existe-t-il un système mesurant la durée des procédures d'exécution :

- ☐ pour les affaires civiles ?
- ☐ pour les affaires administratives ?

186) Pour un jugement concernant un recouvrement de créances, pouvez-vous estimer le délai de notification aux parties habitant dans la ville du siège de la juridiction ?

NA

187) Nombre de procédures disciplinaires initiées à l'encontre des agents d'exécution. Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.

[Si la procédure disciplinaire est intentée sur la base de plusieurs manquements, veuillez ne compter ces procédures qu'une seule fois, pour le manquement principal.]

Nombre total de procédures disciplinaires initiées (1+2+3+4)

1. pour faute déontologique

2. pour insuffisance professionnelle

3. pour délit pénal

4. Autre

☐ nombre : 20

☐ nombre : 1

☐ nombre : 19

☐ nombre : 0

☐ nombre : 0

Commentaire :

188) Nombre de sanctions prononcées à l'encontre des agents d'exécution.

Si "autre", veuillez le spécifier dans la boîte "commentaire" ci-dessous. S'il existe une disparité entre le nombre de procédures disciplinaires initiées et le nombre de sanctions, veuillez indiquer les raisons dans la boîte "commentaire" ci-dessous.

Nombre total de sanctions (1+2+3+4+5)	nombre :	20
1. Réprimande	nombre :	8
2. Suspension	nombre :	0
3. Révocation	nombre :	0
4. Amende	nombre :	2
5. Autre	nombre :	10

Commentaire :

Some proceedings are still open.

H.1

Vous pouvez indiquer ci-dessous :

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système d'exécution des décisions civiles et les réformes majeures mises en œuvre au cours des deux dernières années

Veuillez indiquer les sources pour les réponses aux questions 186, 187 et 188 :

Ministry of Justice, Chamber of Executors

8. 2. Exécution des décisions pénales**8. 2. 1. Exécution des décisions pénales****189) Qui est chargé de l'exécution des décisions pénales? (plusieurs options possibles)**

- ☐ Juge
- ☐ Procureur
- ☒ Services pénitentiaire et de probation
- ☒ Autre autorité

Veuillez préciser ses fonctions et compétences (ex. fonctions d'initiative ou de contrôle). Si "autre autorité", veuillez préciser :

The Prison Administration of the Republic of Slovenia is responsible for the implementation of enforcement of prison sentences. Most alternative sanctions are carried out by Centres for social work, which are institutions run by the Ministry of Family and Social Affairs.

190) En matière d'amendes prononcées par une juridiction pénale, existe-t-il des études permettant d'évaluer le taux de recouvrement effectif ?

- ☐ Oui
- ☒ Non

191) Si oui, quel est le taux de recouvrement ?

- ☐ 80-100%
- ☐ 50-79%
- ☐ moins de 50%
- ☒ ne peut être estimé

Veuillez indiquer la source ayant permis de répondre à cette question:

Ministry of Justice

H.2

Vous pouvez indiquer ci-dessous :

- **tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre**
- **les caractéristiques de votre système d'exécution des décisions pénales et les réformes majeures mises en œuvre au cours des deux dernières années**

9. Notaires

9. 1. Notaires

9. 1. 1. Notaires

192) Existe-t-il des notaires dans votre pays ? Si non allez à la question 197

- ☒ Oui
☐ Non

193) Les notaires ont-ils un statut :

Si "autre", veuillez le préciser dans la boîte "commentaire" ci-dessous.

privé (sans contrôle d'une autorité publique)?		NAP
de profession libérale réglementée par les pouvoirs publics ?	☒ nombre	93
public?		NAP
autre ?		NAP

Commentaire :

194) Le notaire exerce-t-il une fonction (plusieurs réponses possibles):

- ☒ dans le cadre de la procédure civile ?
☒ dans le domaine du conseil juridique ?
☒ pour authentifier les actes/certificats ?
☒ autre ?

Si "autre", veuillez préciser :

The functions of notaries as persons in positions of public trust shall be according to the provisions of the notarial law to draw up public documents of legal deeds expressed statements or legal facts from which legal rights are derived; to store documents and to receive money and securities for delivery to third persons or to state authorities; under court order to conduct any matter which they may be delegated.

According to the law, certain legal affairs within the framework of civil procedure are valid only if concluded in the form of a notarised deed - agreements regulating matrimonial financial relations, agreements on the disposal of the property of the persons deprived of contractual capacity, agreements on the delivery and distribution of property during one's lifetime, contracts of annuity for life, contracts of donation for the case of death and promises to make gifts, purchase contracts including reservation of title, agreements on the renunciation of inheritance.

195) Existe-t-il un système de supervision et de contrôle de l'activité des notaires ?

- ☒ Oui
☐ Non

196) Quelle est l'autorité chargée de superviser et de contrôler les notaires :

- ☒ une instance professionnelle ?

- ☒ le juge ?
- ☒ le ministère de la justice ?
- ☐ le procureur ?
- ☐ autre ?

Si "autre", veuillez préciser :

The supervision of the exercising of the notary office shall be conducted by the Ministry of Justice.

Direct supervision of the operations of the notary shall be conducted by the Chamber of Notaries.

The supervision of legality in operating as a notary office in matters referred to the notary by the law court shall be conducted by the president of the higher court within whose jurisdiction the notarial post is based.

I.1

Vous pouvez indiquer ci-dessous :

- tout commentaire utile pour l'interprétation des données indiquées dans ce chapitre
- les caractéristiques de votre système notarial et les réformes majeures mises en œuvre au cours des deux dernières années

(Caution: comments and interpretation done by the Chamber of Notaries only.)

The main task imposed on the Notary under the Notaries Act includes the drawing up of public deeds, such as notarised records, notarised minutes and notarised certificates. A public deed drawn up by the Notary proves the truth of what has been specified or certified therein. Every contract may be drawn up in the form of a notarised deed. According to the law, certain legal affairs are valid only if concluded in the form of a notarised deed. A notarised agreement or settlement can be automatically executory, if so agreed by the parties. In such case it is not necessary to proceed to a suit; in the event of non-fulfillment, immediate judicial execution against the obligor is possible. The Notary is obliged to keep his notarised deeds for good and shall issue to its clients the respective counterparts that are also public deeds. The Notary may also draw up private deeds and may represent its clients in undisputed matters before the courts and other governmental bodies, provided that such matters are directly related to the notarised deed he has drawn up.

The Notary issues certificates of facts and statements that entail certain rights (in particular: authentication of signatures on documents, notarisation of copies of documents, certification of translations, confirmation of the time when the document was submitted for perusal, confirmation that the person is still alive, notarisation of the resolutions passed by the bodies of commercial companies and other legal entities, issuing protests of bills and cheques).

In past years the Slovene Notariat has undergone considerable changes that have a effect on the work of notaries and performance of their service (lowered notary fees, an increase in the number of notary posts and some loss of competences). The Chamber of Notaries of Slovenia has the opinion that it would be necessary to give new competences to the notaries, above all in the field of non-contentious matters in civil law. These matters are now within the competence of law courts. Such new area would be the transfer of inheritance cases to the competence of notaries. In this way the number of the present court cases in arrears would be reduced and the institution of the notariat in Slovenia would be on equal standing with other comparable European legal systems. We are convinced that by transferring some parts of the procedure in inheritance cases to notaries a large number of positive effects would be achieved. Above all, the law courts would be considerably relieved and the judges would use their working time for dealing with such fields of law cases, in which law court arrears occur. The notary office would deal with inheritance cases faster, more efficiently and more conveniently for the customers. These proposals are in agreement with the endeavours of the Ministry of Justice as well as with the recommendations of the EU-bodies for the elimination of law court arrears in Slovenia.

Since May 2011, the land registry in Slovenia is available online. The electronic access to land registry has simplified and shortened the time of procedures. The notaries have key role in the

procedures (cca. 80% of all land registry proposals are submitted by notaries). In any case only notary can convert original documents (contracts) into electronic form and sends them to the land registry.

The source:

Chamber of Notaries of Slovenia

Constitution of the Republic of Slovenia

Notary Act (Law of notaries)

Decree on the number and seats of notarial posts

10. Interprètes judiciaires

10. 1. Interprètes judiciaires

10. 1. 1. Interprètes judiciaires

197) Le titre d'interprète judiciaire est-il protégé?

- ☒ Oui
☐ Non

198) La fonction d'interprète judiciaire est-elle régulée par des normes juridiques?

- ☒ Oui
☐ Non

199) Nombre d'interprètes judiciaires accrédités ou enregistrés :

680

200) Existe-t-il des critères relatifs à la qualité de l'interprétation dans les tribunaux ?

- ☒ Oui
☐ Non

Si oui, veuillez préciser (par exemple avoir passé avec succès un examen particulier) :
Court interpreters are bound by the appropriate laws and the Rules on court interpreters to perform their office conscientiously, accurately and to their best of ability and knowledge. It is their duty to regularly update their professional skills and knowledge thru professional training. Every five years all court interpreters have to submit to the Ministry of Justice evidence on the fulfilment of these requirements.

The Minister of Justice can dismiss a court interpreter in a special procedure in case doubts arise about his/her professional skills.

201) Les tribunaux sont-ils responsables de la sélection des interprètes judiciaires ? Si non, veuillez indiquer dans la boîte "commentaire" ci-dessous quelle autorité est responsable de la sélection.

- Oui ☐ pour les recruter et/ou les nommer pour un mandat d'une certaine durée
Oui ☐ pour les recruter sur une base ad hoc en fonction des besoins d'une procédure spécifique
- ☒ Non

Commentaire :

The Ministry of Justice carries out the procedure of selection of court interpreters in line with the Courts Act and the Rules on court interpreters. A candidate for a court interpreter must, beside general conditions listed below, also pass a knowledge and skills examination and take an oath in front of the Minister of Justice. The general conditions are the following:

- 1) citizenship of the Republic of Slovenia or of a Member State of the European Union or of a Member State of the European Economic Area and an active command of the Slovene language,
- 2) legal capacity,
- 3) suitable personal qualities,

- 4) non-conviction res judicata of an intentionally committed criminal offence prosecuted ex officio, because of which the candidate would be morally unfit to perform his/her work as an interpreter since this might jeopardize the impartial or professional performance of her/his work or the reputation of the Court,
- 5) adequate university education and appropriate knowledge, as well as practical skills and experience for being an interpreter for a specific language,
- 6) successfully passing an appropriate exam for professional court interpreters.

The Ministry of Justice administers an official list of court interpreters from which judges choose interpreters in line with the linguistic needs of a particular judicial procedure.

J.1

Vous pouvez indiquer tout commentaire utile à l'interprétation des données indiquées dans ce chapitre

Veillez indiquer la source pour répondre à la question 199 :

Ministry of Justice, internal computer management system

11. Experts judiciaires

11. 1. Experts judiciaires

11. 1. 1. Experts judiciaires

202) Dans votre système, les experts interviennent-ils durant la procédure judiciaire comme (choix multiple possible):

- ☐ "Experts témoins" à qui les parties demandent d'apporter leur expertise pour soutenir leur argumentation
- ☒ "Experts techniques" qui mettent à la disposition du tribunal leurs connaissances scientifiques et techniques sur des questions de fait
- ☐ "Experts juristes" qui peuvent être consultés par le juge pour des questions de droit spécifiques ou qui ont pour tâche de soutenir le juge dans la préparation du travail judiciaire (mais qui ne participent pas au jugement)

203) Le titre d'expert judiciaire est-il protégé ?

- ☒ Oui
- ☐ Non

204) La fonction d'expert judiciaire est-elle régulée par des normes juridiques?

- ☒ Oui
- ☐ Non

205) Nombre d'experts judiciaires (experts techniques) accrédités ou enregistrés.

1 600

206) Existe-t-il des critères relatifs à l'exercice de la fonction d'expert judiciaire dans le cadre des procédures judiciaires ?

- ☒ Oui
- ☐ Non

Si oui, veuillez préciser, notamment les délais impartis pour présenter un rapport technique au juge :

The specific timeframe for providing a technical report to the judge by a judicial expert is set out in the Rules on court experts and court appraisers, specifically in its Article 2 which states the following (unofficial translation and summary concerning the relevant provisions of the original Slovene text of the said Rules):

A judicial expert is required to work in compliance with the provisions of the applicable laws and carry out his or her work regularly, diligently and in accordance with the professional rules and the established findings of the appropriate science and provide his or her technical report in a timely fashion within the time-limit set by the Court. This time-limit varies from case to case, but is usually defined as a period of usually 30 days, up to 60 days in exceptional cases. A judicial expert is mandated to inform the Court immediately or within 15 days after the receipt of the relevant decision of the Court at the latest of the fact, that he or she is not able to provide his or her technical report within the set time-limit. In exceptional cases, where there are justified reasons for doing so, the Court may extend the set time-limit.

Additionally there is a sanction defined in the Courts Act (in Article 90.) for a judicial expert who does not provide his technical report within the time-limit, set by the Court. His reward is reduced by one percent for each day of delay, but for a maximum of 50 percent, unless the judicial expert shows that the delay was due to legitimate and justifiable reasons.

207) Les tribunaux sont-ils responsables de la sélection des experts judiciaires ?

Si non, veuillez indiquer dans la boîte "commentaire" ci-dessous quelle autorité est responsable de la sélection des experts judiciaires?

- Oui ☐ pour les recruter et/ou la nommer pour un mandat d'une certaine durée
- Oui ☐ pour les recruter sur une base ad hoc en fonction des besoins d'une procédure spécifique
- Non ☒.

Commentaire :

The Ministry of Justice carries out the procedure of selection of judicial experts in line with the Courts Act and the Rules on court experts and court appraisers. A candidate for a judicial expert must, beside general conditions listed below, also pass a knowledge and skills examination and take an oath in front of the Minister of Justice. The general conditions are the following:

- 1) citizenship of the Republic of Slovenia or of a Member State of the European Union or of a Member State of the European Economic Area and an active command of the Slovene language,
- 2) legal capacity,
- 3) suitable personal qualities,
- 4) non-conviction *res judicata* of an intentionally committed criminal offence prosecuted *ex officio*, because of which the candidate would be morally unfit to perform expert work since this might jeopardize the impartial or professional performance of her/his work or the reputation of the Court,
- 5) adequate university education and appropriate expert knowledge, as well as practical skills and experience for a specific type of expert work,
- 6) six years of work experience in the field in which he or she wishes to perform the expert work,
- 7) the candidate does not perform an activity or paid duty that is incompatible with the work of a judicial expert's.

In order to establish whether a person has professional knowledge and practical skills for the performance of expert work, the Minister of Justice shall require from a candidate that he/she submit the opinion of an appropriate state body, institution or professional association or other institution, and he or she may also order a special test of proficiency before a commission consisting of experts in the field in which the person will perform the expert work. The members of the commission must have at least equal professional education as the candidate for judicial expert.

Judicial experts are obliged to undergo professional education and in particular to be promptly informed of the latest findings and methods in the field of activity, and to actively participate in consultations and professional education organized by the competent state body, authorized organization or professional association. The Minister of Justice may determine that judicial experts from individual professional fields must, within a certain period, pass special tests regarding the new findings and methods of work in the profession. If an expert does not sit the test or fails the test, he is dismissed. It is their duty to regularly update their professional skills and knowledge thru professional training. Every five years all judicial experts have to submit to the Ministry of Justice evidence on the fulfilment of these requirements.

The Ministry of Justice administers an official list of judicial experts from which judges choose experts in line with the needs of a particular judicial procedure.

K.1

Vous pouvez indiquer tout commentaire utile à l'interprétation des données indiquées dans ce chapitre

Veuillez indiquer la source pour répondre à la question 205 :

Ministry of Justice, internal computer management system

12. Réformes envisagées

12. 1. Réformes envisagées

12. 1. 1. Réformes

208) Veuillez fournir des informations sur le débat actuel dans votre pays sur le fonctionnement de la justice. Des réformes sont-elles en préparation ou envisagées. Si possible, respectez les catégories suivantes:

- 1. Programmes de réforme généraux**
- 2. Budget**
- 3. Tribunaux et Ministère Public (par exemple pouvoir et organisation, modifications structurelles -par exemple la réduction du nombre des tribunaux-, gestion et méthodes de travail, technologies de l'information, arriéré judiciaire et efficacité, frais de justice, rénovation et construction de nouveaux bâtiments)**
- 4. Conseil supérieur de la Magistrature**
- 5. Professionnels de la justice (juges, procureurs, avocats, notaires, agents d'exécution, etc.) : organisation, formation, etc.**
- 6. Réformes en matière civile, pénale et administrative, de conventions internationales et d'actes de coopération**
- 7. Exécution des décisions de justice**
- 8. Médiation et autres ADR**
- 9. Lutte contre la criminalité et système pénitentiaire**
- 10. Autres**

As the parliamentary elections in Slovenia have just been concluded and the new government has not been formed yet, at this moment is not possible to speak about planned reforms in details. Nevertheless the possible reforms could be adopted with the aim of increasing the independency and efficiency of the judiciary. Various activities may be included into the plans, such as a better organization of the courts (also the simplification of the court organization), improved unification of case law, a reduction of the backlog of cases. Some of the activities may be concentrated on the new working methods, a widening of powers for court staff, etc. As next step the changes may be focused on structural measures, for example in reducing the number of courts. A reform about the modifications in the competences of a Council for the Judiciary is also possible (Source – Ministry of Justice).

The Slovenian National Assembly adopted the new State Prosecutor's Office Act in August 2011, which is in force from the 6th of November. In the beginning of November 2011 the National Assembly adopted also the Act Amending the Criminal Code and the Act Amending the Criminal Procedure Act. All this legislation brings many changes to our judicial system and to the organisation of the prosecution service. According to the new legislation the new institute of the plea-bargaining should be implemented in our system. Plea-bargaining in Slovenian legislation is defined as an agreement of pleading guilty and also the bargaining related to the penalty. According to the new State Prosecutor's Office Act a new State Prosecutorial Council has been established with more powers and also a new Special State Prosecution Office for prosecuting organized crime and corruption (Source - State Prosecutor's Office).

In 2010 some additional places were provided for prisoners. A new open department for prisoners with long sentences was created. In Slovenia's largest prison for longer prison sentences two additional facilities were built in 2011 with 174 additional places. In this manner the pressure will be taken off the closed part of the prison. An Inter-Ministerial Task Group was appointed in April 2010 with a mandate to examine and prepare the basis for the establishment of a Special Forensic Psychiatric Hospital in Slovenia. A new Forensic Psychiatric Department within Maribor Psychiatric Hospital was opened in September this year (Source - Ministry of Justice).