



Slovenia

e-manual appendix





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What is enforced

Enforcement of the creditors claim can begin, if the creditor has an enforceable title. Following documents are considered as enforceable titles (Art. 17 and 18 ESCCA):

- court decisions, e.g. judgments in civil litigious procedure and criminal procedure (concerning civil claims), payment orders, decrees in civil non-litigious and civil litigious proceedings, some decrees in civil enforcement procedure, decrees of criminal court concerning some costs of the criminal proceedings,
- court settlements,
- enforceable decisions in administrative proceedings,
- notarial agreements (notarial deeds),
- land charges (Ger. die Grundschuld),
- foreign court decisions,
- foreign court settlements,
- foreign notarial agreements,
- domestic arbitral awards,
- foreign arbitral awards,
- a list of tax debts, issues by the tax authority (i.e. list of enforceable tax decisions).

Who enforces

The competence to carry out enforcement measures is decentralized and divided between (private) bailiffs (judicial officers), judges and judicial clerks. All of them are enforcement agents in terms of CEPEJ 2009 Guidelines, because they are authorised by the state to carry out the enforcement process. Terms bailiffs and judicial officers are used as synonyms in this report.

Name of the judicial officer (bailiff) in Slovenian language:

- Singular: **izvršitelj**,
- Plural: **izvršitelji**.

Name of the judge in Slovenian language:

- Singular: sodnik,
- Plural: sodniki.

Name of the court clerk in Slovenian language:

- Singular: sodniški pomočnik / strokovni sodelavec,
- Plural: sodniški pomočniki / strokovni sodelavci.

Slovenian judicial officers (bailiffs) are liberal (self-employed) professionals and are members of the **Chamber of Slovenian Bailiffs (Slov. Zbornica izvršiteljev Slovenije)**:

- Address: Parmova 53, 1000 Ljubljana, Slovenia

- Telephone: / (not published at the website)
- Website URL: <http://www.izvrsitelji.si/>
- Email address: zbornica.izv@gmail.com

Judicial officers (bailiffs) do not have the monopoly of all the enforcement of court decisions and other enforceable titles in civil matters. The competences in enforcement cases are divided between enforcement courts (judges and court clerks are competent to act) and judicial officers, as mentioned above.

The following activities are carried out by **the judicial officers**:

- Attachment of movable goods in the hands of the debtor
- Enforcement against movable assets to settle pecuniary claims
- Attachment of movable goods in the hands of a third party
- Freezing and/or collection of tangible movable goods that should be handed over by the debtor according to a court decision
- Attachment of intangible goods other than the funds owed to the debtor
- Attachment of motor vehicles
- Attachment of ships and vessels
- Attachment of aeroplanes
- Attachment of crops
- Attachment of goods placed in a safe
- Evictions
- Handing over movable assets
- Handing of children according to a court decision
- Provisional measures on tangible movable goods of the debtor
- Provisional measures on intangible movable goods of the debtor
- Physical (as opposed to Internet) forced auction sale of tangible movable goods attached by the judicial officer
- Physical (as opposed to Internet) forced auction sale of intangible movable goods attached by the judicial officer
- Distribution to creditors of monies collected during the forced auction sale of a movable good
- Sequestration of goods

The following activities are carried out by the **judges**:

- Attachment of immovable
- Enforcement on immovable property
- Enforcement against shares
- Setting up of a provisional judicial guarantee on a immovable of the debtor
- Setting up of a provisional judicial guarantee on a business of the

debtor

- Setting up of a provisional judicial guarantee on shares, stocks and securities of the debtor
- Physical (as opposed to Internet) forced auction sale of businesses attached by the judicial officer
- Physical (as opposed to Internet) forced auction sale of immovable goods attached by the judicial officer
- Distribution to creditors of monies collected during the forced auction sale of an immovable good
- Enforcement in reinstatement of employee to work
- Enforcement of obligations to act, refrain from acting or suffer action

The following activities are carried out by the **court clerks**:

- Attachment in the hands of a third party of funds owed to the debtor
- Attachment of earnings
- Attachment on the bank account of the debtor
- Enforcement against savings deposits and current accounts
- Enforcement against Wages and Other Permanent Pecuniary Income
- Attachment under the debtor's debtor

Arrest of persons according to a court decision and bringing physically a party to a court hearing are carried out by the police officers.

E- auctions sale of tangible movable goods and intangible movable goods attached by the judicial officer are not operating yet, however in the future it will be performed by the bailiff.

E- auctions sale of businesses and immovable goods attached by the judicial officer are not operating yet, however in the future it will be performed by the enforcement court (judge).

Judicial officers do not have any competences in the enforcement of court decisions and other enforceable titles in criminal matters – these matters fall within the competence of the court, police and tax authority.

Enforcement procedure

Enforcement begins when a creditor files an application for enforcement with the enforcement court and produces an enforceable title (e.g. enforceable court decision, court settlement, enforceable notary deed etc.). The enforcement measures are carried out either by judicial officers (private bailiffs) or by court. Judicial officers are competent for seizure and sale of movable property, evictions, seizure of unregistered real estate, handing over movable assets etc. All other enforcement measures are performed by

the enforcement court, which is competent for enforcement against immovable property, enforcement against shares, attachment of bank accounts, enforcement against wages and other permanent pecuniary income, enforcement for reinstatement of employee to work, enforcement of obligations to act, refrain from acting or suffer action etc.

Duration of enforcement procedure

The length of enforcement procedure depends on the type of enforcement and can last less than a month (e.g. in case of attachment of bank accounts or enforcement against wages), app. three and six months (e.g. enforcement against movable assets) or between one or two years (e.g. enforcement against immovable property).

Cost of enforcement procedure

The costs of enforcement procedure depend on the type of enforcement and can amount between 44,00 and 175,00 EUR (e.g. in case of attachment of bank accounts or enforcement against wages), between 500,00 EUR to 2.000,00 EUR (e.g. enforcement against movable assets and against immovable property).

