

Questionnaire relating to the **Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters (Evidence Convention)**

Responding State:

Slovenia

I. General Feedback

1. How does your State rate the general operation of the Evidence Convention?
 - (a) Excellent.
2. How does your State rate the useability of the HCCH publications developed to assist users of the Evidence Convention (the Practical Handbook on the Operation of the Evidence Convention ([Evidence Handbook](#)) and [Guide to Good Practice](#) – The Use of Video-Link)?
 - (a) Excellent.
“All the available information is very useful, we often direct Slovenian Courts to the Guide to Good Practice - the Use of Video-Link and the Evidence Handbook”.
3. What work could be carried out by the PB to facilitate the acceptance of accessions to the Evidence Convention (e.g., providing additional information or facilitating direct communication between your Central Authority and new Contracting Parties)?

“PB could promote the acceptance of accession as the accession has effect only as regards the relations between the acceding State and such Contracting States as they have declared their acceptance of the accession (Art. 39)”.
4. Does your State’s Central Authority have a manual or electronic case management register or system that is used to track incoming requests under the Evidence Convention?
 - (e) No.
5. If your State’s Central Authority has oversight for outgoing requests, please indicate if there is a system used to track the progress of these.
 - (d) Other.
“As the outgoing requests are handled case by case on courts or by the judges individually, the Central authority has no oversight for outgoing requests. Courts sending out requests in accordance with the Evidence Convention have no management register for such requests”.

II. Scope of the Convention

6. In the previous five years*, has your State experienced any difficulties in interpreting the scope of the Evidence Convention?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

- (d) No.

7. Does your State consider the Evidence Convention mandatory or non-mandatory?
- (a) Mandatory.
8. Has your State adopted “blocking statutes” or laws which are known by any other description, which prevent evidence being taken in the territory of your State for use in foreign proceedings other than under the Evidence Convention (or other international instrument)?
- (a) Yes.
(iv) Other comments.
“European legislation applies in the territory of the Republic of Slovenia (for ex.: Council Regulation (EC) No 2271/96 of 22 November 1996 protecting against the effects of the extra-territorial application of legislation adopted by a third country, and actions based thereon or resulting therefrom, Directive 95/46/EC of the European Parliament and of the Council of 24 October 1995 on the protection of individuals with regard to the processing of personal data and on the free movement of such data etc)”.
9. Has your State received or submitted requests for the taking of evidence in connection with arbitration proceedings?
- (b) No.
10. Have any decisions relating to the use of the Evidence Convention in arbitration proceedings been rendered by the judicial authorities of your State?
- (b) No.

III. Operation of the Convention

A. Chapter I – Preparing, transmitting and progressing Letters of Request

Requesting State refers to the State from which a Letter of Request is, or will be, issued.
Requested State refers to the State to which a Letter of Request is, or will be, addressed.

11. As the **requesting State**, how are Letters of Request transmitted?
- (a) Directly from a judicial authority to the Central Authority of the requested State.
12. As the **requesting State**, do the authorities of your State use the recommended Model Form?
- (b) Yes, sometimes.
13. Does your State consider further work on the Model Form would be beneficial? For example, a review of the Model Form with a view to including video-link and the preparation of guidelines outlining how to complete the Model Form.
- (a) Yes.
“some improvements could be made, such as including a possibility/suggestion of taking evidence via video-link”.
14. As the **requested State**, do the authorities of your State send an acknowledgement of receipt for a Letter of Request?
- (b) No.

15. During the past five years*, as the **requested State**, has your State received a Letter of Request that is non-compliant?

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(a) Yes.

15.1. If the answer to Q15 above is “yes”, why was the request non-compliant?

(g) The request did not comply with the translation requirements under Article 4.

(h) Other.

“We have received requests where a request for taking of evidence and request for service of documents was joined on one request. We have also received requests without translation to one of the languages prescribed in Article 4 of the Evidence Convention”.

16. As the **requested State**, does your State provide advance assistance to foreign judicial authorities to prepare a Letter of Request to be sent under the Evidence Convention?

(a) Yes.

“foreign judicial authorities have not requested for such an assistance, but we would provide advance assistance if a foreign judicial authority should request for such assistance”.

17. As the **requested State**, does your State provide advance assistance to legal representatives to prepare a Letter of Request to be sent under the Evidence Convention?

(b) No.

18. Once your State has received a Letter of Request, do your State’s judicial authorities rephrase, restructure, and / or strike out objectionable questions or offensive wording in order to execute a Letter of Request (also known as “blue-pencilling”)?

(c) Unknown.

19. As the **requested State**, can the execution of a Letter of Request that has been received be challenged?

(c) Unknown.

19.1. If the answer to Q19 above is “yes”, is the requesting authority or the interested party permitted to respond to the challenge?

N/A

20. As the **requesting State**, can the sending of a Letter of Request abroad be challenged?

(b) No.

21. As the **requested State**, which authority is generally responsible for informing the requesting authority of the time and place of the execution of a Letter of Request (Art. 7)?

(d) Other.

“usually it is up to the Central Authority (also competent to receive incoming requests) to inform the requesting authority, but it depends on the subject and the time management of the case. It is also possible for a judicial authority competent to execute the request to inform the requesting authority of the time and place of the execution of a Letter of request, specially when the requesting authority requests so”.

22. During the past five years*, as the **requested State**, has your State received a request specifying a particular method or procedure for taking of evidence (e.g., how witnesses are to be examined)? (Art. 9(2))

*If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.

(b) No.

23. As the **requested State**, does your State require the requesting State to reimburse costs?

(b) Yes, sometimes.

23.1. If the answer to Q23 above is “yes”, please indicate circumstances where reimbursement is sought.

(a) Fees paid to experts and interpreters (Art. 14(2))

(b) Costs occasioned by the use of a special procedure (Art. 14(2))

24. As the **requested State**, who may make a request for a Letter of Request to be withdrawn?

(a) Requesting authority.

25. As the requested State, does your State reject a Letter of Request seeking discovery if it is too broad?

(b) No.

B. Chapter I – Execution of a Letter or Request – Witness Examination

All questions directed towards the Contracting Party operating as the requested State.

26. As the **requested State**, how is a hearing conducted for Chapter I requests?

(a) Before a Judge, Magistrate, Special Master, or other court official.

(b) By a judicial officer.

27. Does your State require the Letter of Request to include specific questions to be used during the taking of evidence?

(b) No.

28. In your State, are hearings public or private?

(a) Public, unless otherwise ordered by a judge.

29. In your State, is a witness provided with a copy of questions / matters contained in the Letter of Request in advance of a hearing?

(c) No.

30. In your State, what are the requirements for documents that are to be presented to a witness?

(a) Any document presented to a witness must be attached to the Letter of Request.

31. In your State, are documents produced by the witness during the taking of evidence authenticated by the court or authority?
- (b) No.
32. In your State, can representatives of the parties who attend the taking of evidence ask additional questions and / or cross examine the witness?
- (a) Yes.
“After general questions, the witness shall be ordered to tell everything known to him/her in respect of the facts on which he/she is testifying. Thereupon, the witness may be asked questions to check, complete and clarify his/hers testimony. Witnesses shall not be asked leading questions. (Art.239 of the Civil Procedure Code)”.
33. In your State, is an oath or affirmation administered to the witness before the taking of evidence?
- (a) Yes.
34. In your State, can the witness be subject to further examination?
- (a) Yes.
- 34.1. If the answer to Q34 above is “yes”, is a second Letter of Request required?
- (a) Yes.
35. Does your State have sanctions for the non-appearance of a witness?
- (a) Yes.
“The summons for the witness also state a warning as to the consequences of unjustified non-appearance (Article 241 of the Civil Procedure Code), and the right to refunding of costs (Article 242 of the civil Procedure Code). If a witness who has been duly summoned fails to appear without justifying his/hers non-appearance, or if he/she leaves the place of appearance without a permission or other justified reasons, he/she may be subjected to a compulsory appearance, ordered to pay the costs of production, and/or imposed a fine in the amount not exceeding 1.300,00 euros. If a witness appears but, being warned on the consequences, refuses to testify or to answer particular questions for reasons considered unjustified, he/she may be subject to a fine in the amount not exceeding 1.300,00 euros. If, thereupon, the witness still refuses to testify, he/she may be detained. The detention shall last until the witness becomes willing to testify or until his testimony is rendered unnecessary, but not longer than one month. (Article 241 of the Civil Procedure Code)”.
36. During the past five years*, as the **requested State**, is your State aware of a person requested to give evidence invoking privilege?
- *If your State has become a Party to the Convention during the previous five years, responses to this questionnaire should reflect the period of time, commencing from when the Convention entered into force in your State.
- (d) Unknown.
37. Does your State require interpreters in the taking of evidence to be certified?
- (a) Yes.

38. In your State, how is witness testimony transcribed?

(e) Other.

“The presiding judge may order the record to be drawn up by means of technical devices or written in shorthand. If a record is not drawn up in writing, the copy of the record shall be made in five days. (Article 125 of the Civil Procedure Code) The presiding judge has the right to order audio or visual recording of the hearing. The parties and other participants in the hearing are informed of any such order. (Article 125a of the Civil Procedure Code) In practice: for mutual legal cases minutes of the hearing of the witness are usually made in writing directly when hearing takes place and the witness signs such minutes”.

IV. Use of Information Technology

In 2019, the PB circulated a questionnaire on the use of information technology in relation to the operation of the Evidence Convention. That survey was concluded prior to the start of the COVID-19 pandemic. The questions below seek information from Contracting Parties on the use of technology and in light of the pandemic.

39. Does your State’s Central Authority accept Letters of Request to be transmitted electronically?

(a) Yes.

40. Does your State allow the taking of evidence by video-link under Chapter I?

(a) Yes.

41. Does your State allow the taking of evidence by video-link under Chapter II?

(c) Unknown.

42. Does your State use the Model Form for video-link evidence?

(a) Yes.

43. What challenges has your State faced regarding the use of information technology under the Evidence Convention?

(c) Judicial or administrative structures.

(d) Implementation challenges (e.g., lack of resources, lack of infrastructure).

(f) System interoperability / compatibility.

(g) Security concerns.

44. Has your State adopted any new information technology measures to facilitate the operation of the Evidence Convention, particularly in response to the COVID-19 pandemic?

(a) Yes.

“there was more teleworking for all Judicial Authorities and Public Authorities, more information can be found here: https://e-justice.europa.eu/37843/EN/covid19_impact_on_civil_and_insolvency_matters?SLOVENI A&init=true&member=1”

45. In your State’s opinion, what topics could the PB explore further (e.g., for the purposes of training, seminars, or conferences) in relation to the use of information technology under the Evidence Convention?

“taking evidence via video-link, interoperability of systems, new information technologies”.

46. In your State's opinion, what further work could the PB do on the use of information technology under the Evidence Convention?
- (b) Other.
"how to promote use of new technologies (taking of evidence takes less time if conducted in such manner); how to ensure security if evidence is taken via video-link".
47. In addition to the Evidence Convention, is your State party to any bilateral, regional, or multilateral agreements that provide rules for the taking of evidence abroad?
- (a) Yes.
"Regulation (EU) 2020/1783 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)(recast) Several bilateral agreements on judicial co-operation: Bosnia and Herzegovina (21 September 2009); Croatia (7 February 1994); Republic of North Macedonia (6 February 1996); ; Russian federation (24 February 1962); Turkey (3 July 1934); United Kingdom (27 February 1936 - applicability extended to Australia, the Bahamas, Barbados, Bermuda, Borneo, Sri Lanka, Honduras, Fiji, Falkland Islands, Gambia, Gibraltar, Hong Kong, Jamaica, Canada, Kenya, Malta, Mauritius, Nigeria, Papua New Guinea, New Zealand, Uganda, Tonga, Somalia, Seychelles)".

For Parties that answered yes to Q47 above:

- 47.1. Do any of these agreements provide for the use of electronic means to assist in the taking of evidence (e.g., video-link)?
- (a) Yes.
"use of decentralised IT system in accordance with the Regulation (EU) 2020/1783 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters (taking of evidence)(recast) (applicable from May 1, 2025)".

For Parties that answered yes to Q47 above:

- 47.2. If yes, what electronic means or information technology does your State use in the taking of evidence?
- (a) Electronic transmission via online platform administered by the government.
 (c) Video conference.

V. 2023 Meeting of the Special Commission & Monitoring

48. Does your State have any suggestions that could assist in the promotion, implementation or operation of the Evidence Convention?
- (a) Yes.
"encouraging acceptance of the accession".
- 48.1. If the answer to Q48 above is "yes", please indicate whether the information provided may be published.
- (a) Yes.

49. What are the three key topics or practical issues related to the Evidence Convention that your State would like discussed at the 2023 meeting of the Special Commission?

1. *“importance of translation of the request (Art.4)”*
2. *“encourage States to exchange information regarding the possibility/type of equipment/demandes/legal basis for use of video-link”*
3. *“encourage non-Contracting States to join the Convention”*

49.1. Please indicate whether the information provided in Q49 above may be published.

- (a) Yes.

50. The PB is in the process of revising the Evidence Handbook and the Guide to Good Practice – The Use of Video Link, with a view to consolidating these publications. Are there any specific topics, suggestions for presentation or formatting, or any other proposals you recommend for inclusion?

- (a) Yes.

“We believe it is important to emphasise that Article 13 provides that the requested authority sends the documents establishing the execution of the Letter of Request to the requesting authority by the same channel which was used by the latter. Ministry of Justice of the Republic of Slovenia (nominated as the central authority) often receives answers from requested authorities that are sent to our ministry instead to the requesting authorities (Slovenian Court). Quite often there is no name of the requesting Slovenian authority and/or case number and is therefore practically impossible to establish to which of the nominated transmitting authorities the received answer should be sent to. Therefore we believe it would be useful to emphasise the importance of Article 13 that provides the channel used to send the request/receive the answer to the request. We have also seen sometimes that the requesting authority sends the request directly to Slovenian Court instead to the Central Authority (Ministry of Justice). We believe it would also be important to emphasise that requests should be sent to the Central Authority as provided in Article 2 of the Evidence Convention”.

50.1. If the answer to Q50 above is “yes”, please indicate whether the information provided may be published.

- (a) Yes.

DATA & STATISTICS FOR CONTRACTING PARTIES

I. Statistics under Chapter I

A. Incoming Requests

1. How many incoming Letters of Request for the taking of evidence did your State receive under Chapter I in each of the following years?

2017	1
2018	2
2019	1
2020	2
2021	0
2022	2
Unknown – <i>please explain.</i>	
-	

2. Which three States made the most requests?

Requesting State	Number
Ukraine	2
Montenegro	2
Switzerland	1

3. What is the average time taken (in months) to execute a Letter of Request in your State?

“average time top execute letter of request is 3-4 months”

4. If possible, please provide a breakdown of how long (in months) it took to execute incoming requests.

	< 1	1-3	3-6	6-12	> 12
2017			x		
2018		x			
2019			x		
2020				x	
2021	-	-	-	-	-
2022 (if data available)		x			
Unknown – <i>please explain.</i>					
-					

5. How many incoming Letters of Request for the taking of evidence did your State receive via **electronic transmission** under Chapter I in each of the following years?

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i>	
-	

B. Outgoing Requests

6. How many outgoing Letters of Request for the taking of evidence did your State make under Chapter I in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i>	
<i>“judicial authorities of Slovenia do not keep records and do not have data for outgoing request that were sent to Central Authorities of other States in accordance with Evidence Convention”.</i>	

7. Which States were the subject of the most requests?

Requesting State	Number
-	-
-	-
-	-

8. How many outgoing requests for the taking of evidence did your State make via electronic transmission under Chapter I in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“there is no data available”.</i>	

C. Video-Link

9. How many incoming Letters of Request for the taking of evidence did your State execute under Chapter I in each of the following years?

2017	0
2018	0
2019	0
2020	0
2021	0
2022	0
Unknown – <i>please explain.</i> <i>“the Central Authority has not received any request for taking of evidence via video-link in accordance with the Evidence Convention”.</i>	

10. How many incoming requests for the taking of evidence did your State execute under Chapter II in each of the following years?

2017	-
2018	-
2019	-
2020	-
2021	-
2022	-
Unknown – <i>please explain.</i> <i>“the Central Authority has not received any request for taking of evidence under Chapter II”.</i>	

CASE LAW, ADDITIONAL INFORMATION & SUPPORTING DOCUMENTS

I. Case Law

Please list all your State's judicial decisions that have considered the Evidence Convention since 2014, and provide a link to, or upload, the decision (in PDF format only).

"Decision of the Supreme Court of Slovenia of November 13, 2020 (VSRS Sklep II DoR 306/2020 of 13. 11. 2020):

[http://www.sodnapraksa.si/?q=id:2015081111450784&database\[SOVS\]=SOVS&database\[IESP\]=IESP&database\[VDSS\]=VDSS&database\[UPRS\]=UPRS&_submit=i%C5%A1%C4%8Di&page=0&id=2015081111450784](http://www.sodnapraksa.si/?q=id:2015081111450784&database[SOVS]=SOVS&database[IESP]=IESP&database[VDSS]=VDSS&database[UPRS]=UPRS&_submit=i%C5%A1%C4%8Di&page=0&id=2015081111450784) Deciiion of the Constitutional Court of Slovenia, num. Up-856/18-22 of 28. 10. 2019:
<http://www.us-rs.si/documents/e1/3b/up-856-182.pdf>"

1 file uploaded.

II. Additional Documents

Please provide links to and / or any additional information or documentation to support your response (in PDF format only). This may include:

- ⇒ resources for the general public or guidelines for Central or other Authorities' staff;
- ⇒ implementation legislations, recent legislative developments; or
- ⇒ books, articles, or other published work.

https://www.sodisce.si/sodni_postopki/objave/2014100116112238/"

1 file uploaded.

PUBLICATION OF RESPONSES

Please confirm whether your responses to this questionnaire can be published on the HCCH website.

- (a) Yes.