

**International Association of Judges
Second Study Commission
Civil Law and Procedure
Questionnaire 2024**

Written submissions – when do they turn from a help to a hindrance?

Answers by the Slovenian Association of Judges (Slovensko sodniško društvo, SSD)

1. Are there limits for written submissions in civil litigations in your jurisdiction in terms of the maximum length?

No.

2. Are there time limits for filing written submissions?

Yes, according to the Code of Civil Procedure (Zakon o pravdnem postopku – ZPP), Art. 279, the respondent has to file a respond to the claim in 30 days after the reception of the claim. Furthermore, according to Art. 269 ZPP, the parties may send two additional written submissions no later than 15 days before the preparatory hearing, otherwise the court will not consider the submissions. However, there is no time limit for written submissions filled after the preparatory hearing.

Furthermore, the judge may set certain time limit in accordance with the minimum limits set forth by the Code of Civil Procedure (min 15 days). However, lawyers may – and in practice regularly do in most cases – apply for a prolongation of the time limit set by the judge.

3. Are there limits in terms of a maximum number of additional submissions in a case?

Yes, during the preparation for the main hearing, the parties (without the court summons) may send only two additional written submissions. However, there is no limit for written submissions filled after the preparatory hearing.

4. Are there rules, including penalties or cost implications, for breaches of these requirements?

Any party exceeding the time limit set for a written submission generally risks that their later submission may not be considered for the judgement. If a specific time limit was exceeded, Art. 286.a ZPP stipulates that such submissions are to be admitted at the court's discretion and conviction only if that admission would not delay the process of dealing with and terminating the legal dispute, or if the party provides sufficient excuse for such delay.

5. Are these limits or requirements effective in terms of reducing the number and length of written submission and the time spent preparing for and determining a case?

Only partially. If any party reacts to the written submission of facts by the other party by submitting new facts as well, the other party has a right to reply on that and vice versa.

6. What is the effect of written submissions on any hearing which subsequently takes place?

Written submissions are largely referred to in hearings of civil law cases in Slovenia, they are meant to provide for an effective hearing.

7. Comments or suggestions as to what could otherwise prove to be effective

Introducing limits to the maximum number of submissions per case and limit the maximum length of submission could improve effectiveness of the proceedings. However, the principles of equality of arms and the right to be heard may require for a party to still be able to respond to submissions by the other party, even if this leads to a procedural delay.