

Legalisation of Public Documents within the EU Member States

SLOVENIA

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PART I – Documents operating cross-border: Current legal practice as regards legalisation or other similar or equivalent requirements

OVERVIEW OF PART I

PART I.A. General

I.A.1. European Community Law

I.A.1.1. Introduction

I.A.1.2. Implementation of specific measures

Area of Justice - judicial cooperation in civil matters (Article 61(c) EC)

As a relatively new member state of the European Union, Slovenia is still in the process of transposing *acquis communautaire* into domestic law. Pursuant to Slovenia's Constitution EU regulations are directly applicable in Slovenia and therefore have full legal effect under Slovenian law.

Documents which are to be submitted as evidence in proceedings before a Slovenian court do not need to be legalised by the courts of the country in which such documents were produced. Pursuant to Articles 6 and 103 of the Civil Procedure Act ("ZPP")¹, foreign documents must be translated into Slovenian by a court appointed translator. If there is any doubt as to the veracity of the documents, a Slovenian court can demand that the document be legalised.

Pursuant to Article 17 of the Execution of Judgments in Civil Matters and Insurance of Claims Act ("ZIZ")² certain *acquis* requirements in respect of the execution of judgements in civil and commercial matters have been made part of Slovenian domestic

¹ Zakon o pravnem postopku, Official Gazette of the Republic of Slovenia No. 36 2004.

² Zakon o izvršbi in zavarovanju, Official Gazette of the Republic of Slovenia No. 17 2006.

<p>law. [See Article 17 of “ZIZ” which provides that judgements of courts of countries with whom Slovenia has entered into an agreement on the enforcement and recognition of judgements are executable decisions as are judgements of courts of countries deemed executable pursuant to European law.</p> <p>Article 19 of Regulation (EC) No 1346/2000</p>	
<p>The only law currently in force in Slovenia concerning the appointment of liquidators is the Compulsory Settlement, Bankruptcy and Liquidation Act ("ZPPSL")³. This law was passed before Regulation (EC) No 1346/2000 was enacted. As such, there is presently no provision equivalent to Article 19 of such Regulation in Slovenian law. The amendment to ZPPSL presently before the Parliament does not contain any provision equivalent to Article 19. However, it should be noted that there is no provision of Slovenian law which is contrary or inconsistent with Article 19. Since EU regulations are directly applicable in Slovenia Article 19 of the EU Regulation forms part of Slovenian law.</p>	<p>The only law currently in force in Slovenia concerning the appointment of liquidators is the Compulsory Settlement, Bankruptcy and Liquidation Act ("ZPPSL")³. This law was passed before Regulation (EC) No 1346/2000 was enacted. As such, there is presently no provision equivalent to Article 19 of such Regulation in Slovenian law. The amendment to ZPPSL presently before the Parliament does not contain any provision equivalent to Article 19. However, it should be noted that there is no provision of Slovenian law which is contrary or inconsistent with Article 19. Since EU regulations are directly applicable in Slovenia Article 19 of the EU Regulation forms part of Slovenian law.</p>
<p>Article 4(4) of Regulation (EC) No 1348/2000</p> <p>The rules governing the service of judicial and extrajudicial documents in civil or commercial matters are set out in ZPP. There is no provision in the ZPP equivalent to Article 4(4) of the above mentioned EU Regulation. However, certain court documents issued in other EU Member States, which fall within the ambit of the Apostille Convention are exempt from legalisation pursuant to the provisions of the Act on Verification of Documents in International Affairs ("ZOLMP")⁵ since all EU Member States are parties to the Apostille Convention.</p>	<p>The rules governing the service of judicial and extrajudicial documents in civil or commercial matters are set out in ZPP. There is no provision in the ZPP equivalent to Article 4(4) of the above mentioned EU Regulation. However, certain court documents issued in other EU Member States, which fall within the ambit of the Apostille Convention are exempt from legalisation pursuant to the provisions of the Act on Verification of Documents in International Affairs ("ZOLMP")⁵ since all EU Member States are parties to the Apostille Convention.</p>
<p>Article 56 of Regulation (EC) No 44/2001</p> <p>The above Article has not been implemented into Slovene law. Article 13 of ZIZ sets out the general rule that that foreign judgments will only be enforced in Slovenia if they meet the conditions prescribed by statute or set out in international treaties concerning recognition to which Slovenia is a party.</p>	<p>The above Article has not been implemented into Slovene law. Article 13 of ZIZ sets out the general rule that that foreign judgments will only be enforced in Slovenia if they meet the conditions prescribed by statute or set out in international treaties concerning recognition to which Slovenia is a party.</p>

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³ Zakon o prisilni poravnavi, stečaju in likvidaciji, Official Gazette of the Republic of Slovenia No. 67/1993.

⁴ Zakon o prisilni poravnavi, stečaju in likvidaciji, Official Gazette of the Republic of Slovenia No. 67/1993.

⁵ Zakon o overitvi listin v mednarodnem prometu, Official Gazette of the Republic of Slovenia No. 64/2001.

⁶ Zakon o pravnem postopku, Official Gazette of the Republic of Slovenia No. 36/2004.

⁷ Zakon o overitvi listin v mednarodnem prometu, Official Gazette of the Republic of Slovenia No. 64/2001.

<p>Pursuant to Article 17 of ZIZ a Slovenian court is required to recognize and enforce an enforceable foreign judgment. An enforceable judgement is a court decision which complies with the terms of bilateral agreements to which Slovenia is a party concerning the recognition and enforcement of judgements or a court decision which is deemed as regarded as enforceable pursuant to EU law directly applicable in Slovenia. Slovenia has entered into a number of agreements concerning the recognition and enforcement of judgements including the Agreement on mutual recognition and enforcement of child support obligations with Austria dated 10 October 1961 (Official Gazette SFRJ-MP, no. 2/63), Convention on the recognition and enforcement of alimony decisions with Belgium dated 12 December 1973 (Official Gazette SFRJ-MP, no. 45/76), Convention on mutual enforcement of judicial awards in criminal matters with Croatia dated 7 February 1994 (Official Gazette RS-MP, no. 10/94), Convention on the recognition and enforcement of judicial decisions in civil and commercial matters with France dated 18 May 1971 (Official Gazette SFRJ-MP, no.7/72), Convention on the mutual recognition and enforcement of judicial decisions with Greece dated 18 June 1959 (Official Gazette SFRJ-MP, no.6/60) and Convention on mutual enforcement of judicial awards in criminal matters with Macedonia dated 6 February 1996 (Official Gazette RS-MP, no. 11/97).</p>	<p>Pursuant to Article 17 of ZIZ, are all enforceable foreign court judgements? Is there any exception given to all court decisions?</p>
<p>Article 57 of Regulation (EC) No 44/2001</p> <p>Article 57 of the EU Regulation has not been implemented into Slovene law. Under Slovenian law the grounds for refusing enforcement are not limited to public policy as per Article 57 of the Regulation. Article 13 of ZIZ provides that foreign judgement will only be enforced if it complies with conditions (i) set out in the bilateral agreements concerning the enforcement of judgments to which it is a party, (ii) set out in EU law or (iii) prescribed by law.</p>	<p>Article 57 of the EU Regulation has not been implemented into Slovenian Law the grounds for refusing enforcement are not limited to public policy as per Article 57 of the Regulation. [What are the grounds for refusing enforcement? Are these grounds set out in law?]</p>
<p>Article 58 of Regulation (EC) No 44/2001</p> <p>No equivalent provision exists under Slovenian law.</p>	
<p>Article 46 Regulation (EC) No 2201/2003</p> <p>No equivalent provision exists under Slovenian law. The requirements and procedure for the recognition and enforcement of foreign judgments concerning matrimonial matters and matters relating to parental responsibility are set out in the Private International Law and Procedure Act ("ZMZPP")⁸.</p>	<p>No equivalent provision exists under Slovenian law for the recognition and enforcement of foreign judgments concerning matrimonial matters and matters relating to parental responsibility are set out in the Private International Law and Procedure Act ("ZMZPP")⁸.</p>
<p>Article 52 of Regulation (EC) No 2201/2003</p> <p>No equivalent provisions exist under Slovenian law.</p>	
<p>Article 52 Regulation (EC) No 2201/2003, certificates drawn up in the standard forms of ANNEX I (Article 39), II (Article 39), III (Article 41) or IV (Article 42)</p>	

⁸ Zakon o mednarodnem zasebnem pravu in postopku. Official Gazette of the Republic of Slovenia No. 56 1999.

⁹ Zakon o mednarodnem zasebnem pravu in postopku. Official Gazette of the Republic of Slovenia No. 56 1999.

No equivalent provisions exist under Slovenian law.

Article 27 of Regulation (EC) No 805/2004

No equivalent provisions exist under Slovenian law.

ANNEXES I (Article 9 - judgments), II (Article 24 – court settlements) and III (Article 25 – authentic instruments) of Regulation (EC) No 805/2004

No equivalent provisions exist under Slovenian law.

Article 13(5) of Directive 2002/8/EC

There is no equivalent to this provision under Slovenian law.

The grounds for obtaining legal aid in civil proceedings concerning cross-border disputes are set out in the multilateral agreements to which Slovenia is a party.

These are:

- Convention Relative a la Procedure Civile dated 1 March 1954
- Convention on abolishing the requirement of legalisation for foreign public documents dated 5 October 1961
- Convention on the Recognition and Enforcement of Decisions Relating to Maintenance Obligations dated 2 October 1973
- European Convention on Information on Foreign Law dated 7 June 1968
- Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters dated 15 November 1965
- Convention on the Taking of Evidence Abroad in Civil or Commercial Matters dated 18 March 1970
- Convention concerning Enforcement of Alimony Claims Abroad dated 20 June 1956

Rules governing legal aid in respect of cross-border disputes are also set out in bilateral agreements Slovenia has entered into with Alegria, Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, France, Germany, Greece, Italy, Iraq, Hungary, Macedonia, Mongolia, Poland and Great Britain.

Algeria:

- Agreement on legal assistance in civil and criminal matters (Pogodba o pravni pomoči v civilnih in kazenskih zadevah) dated 31 March 1982 (Official Gazette SFRJ-MP, no. 2/83)

Austria:

- Agreement on the mutual legal business (Pog odba o vzajemnem pravnem prometu) dated 16 December 1954 (Official Gazette SFRJ-MP, no. 8/55)
- Agreement on mutual recognition and enforcement of child support obligations, (Sporazum o vzajemnem priznanju in izvršitvi odločb v preživninskih zadevah) dated 10 October 1961 (Official Gazette SFRJ-MP, no. 2/63)

Belgium:

- Agreement on legal assistance in civil and commercial matters (Sporazum o pravni pomoči v civilnih in trgovinskih zadevah) dated 24 September 1971

(Official Gazette SFRJ-MP, no..7/74)

- Convention on issuing copies of public register data and abolishing legalisation (Konvencija o izdajanju izpiskov iz matičnih knjig in oprostivni legalizacije) dated 24 September 1997 (Official Gazette SFRJ-MP, no. 55/72)
- Convention on the recognition and enforcement of alimony decisions (Konvencija o priznavanju in izvršitvi sodnih odločb o preživljanju) dated 12 December 1973 (Official Gazette SFRJ-MP, no. 45/76)

Bulgaria:

- Agreement on mutual legal assistance dated 23 March 1956 (Pogodba o vzajemni pravni pomoči z dne 23.03.1956 (Official Gazette FLRJ-MP, no. 1/57))

Croatia:

- Agreement on legal assistance in civil and criminal matters (Pogodba o pravni pomoči v civilnih in kazenskih zadevah z dne 07.02.1994) dated 7 February 1994, [(Official Gazette RS-MP, no. 10/94)
- Convention on mutual enforcement of judicial awards in criminal matters (Pogodba o medsebojnem izvrševanju sodnih odločb v kazenskih zadevah z dne 07.02.1994) dated 7 February 1994 (Official Gazette RS-MP, no. 10/94)

Cyprus:

- Agreement on legal assistance in civil and criminal matters (Pogodba o pravni pomoči v civilnih in kazenskih zadevah) dated 19 September 1984 (Official Gazette SFRJ-MP, no. 2/86)

Czech Republic:

- Agreement on regulation of legal relations in civil, family and criminal matters (Pogodba o ureditvi pravnih odnosov v civilnih, rodbinskih in kazenskih zadevah) dated 20 January 1964 (Official Gazette SFRJ-MP, no. 13/64)

France:

- Agreement on facilitating the use of Hague Convention on Civil Procedure (Sporazum o olajšavah pri uporabi Haaške konvencije o civilnem postopku) dated 1 March 1954 (Official Gazette SFRJ-MP, no. 21/71)
- Convention on the issue copies of public register personal data and abolishing legalisation (Konvencija o izdajanju listin o osebnem stanju in o oprostivni njihove legalizacije) dated 29 October 1969 (Official Gazette SFRJ-MP, no. 3/71)
- Convention on the recognition and enforcement of judicial decisions in civil and commercial matters (Konvencija o priznanju in izvršitvi sodnih odločb v civilnih in trgovinskih zadevah) dated 18 May 1971 (Official Gazette SFRJ-MP, no..7/72)
- Convention on jurisdiction and the law applicable to family law (Konvencija o

pristojnosti in o zakonu, ki se uporablja na področju osebnega in družinskega prava) dated 18 May 1971 (Official Gazette SFRJ-MP, no. 55/72)

Germany:

- Agreement on legal assistance in criminal matters dated 1 October 1971 (Pogodba o pravni pomoči v kazenskih zadevah z dne 01.10.1971) (Official Gazette SFRJ-MP, no. 33/72)

Greece:

- Convention on the mutual recognition and enforcement of judicial decisions (Konvencija o vzajemnem priznanju in izvršitvi sodnih odločb) dated 18 June 1959 (Official Gazette SFRJ-MP, no. 6/60)
- Convention on the reciprocal legal relations (Konvencija o vzajemnih pravnih razmerjih) dated 18 June 1959 (Official Gazette SFRJ-MP, no. 7/60)

Iraq:

- Agreement on legal and judicial cooperation (Pogodba o pravnem in sodnem sodelovanju) dated 23 May 1986 (Official Gazette SFRJ-MP, no. 1/87)

Italy:

- Convention on the legal and judicial protection of citizens (Konvencija o pravni in sodni zaščiti državljanov) dated 6 April 1922 ([Sl.n.,] Kaj ta kratica pomeni? no. 42/31)
- Convention on mutual legal assistance in civil and administrative matters (Konvencija o vzajemni pravni pomoči v civilnih in upravnih zadevah) dated 3 December 1960 (Official Gazette SFRJ-MP, no. 5/63)

Hungary:

- Two agreements on mutual legal business (Pogodba o vzajemnem pravnem prometu) dated 7 March 1968 (Official Gazette SFRJ-MP, no. 3/68 and 1/87)

Macedonia:

- Agreement on legal assistance in civil and criminal matters (Pogodba o pravni pomoči v civilnih in kazenskih zadevah) dated 6 February 1996 (Official Gazette RS-MP, no. 11/97)
- Convention on mutual enforcement of judicial awards in criminal matters (Pogodba o medsebojnem izvrševanju sodnih sodnih odločb v kazenskih zadevah) dated 6 February 1996 (Official Gazette RS-MP, no. 11/97))

Mongolia

- Agreement on legal assistance in civil, family and criminal matters (Pogodba o pravni pomoči v civilnih, družinskih in kazenskih zadevah) dated 8 June (Official Gazette SFRJ-MP, no. 7/82)

Poland:

- Agreement on legal business in civil and criminal matters (Pogodba o pravnem prometu v civilnih in kazenskih zadevah) dated 6 February 1960 (Official Gazette SFRJ-MP, no. 5/63)

UK:

- Convention on regulation of mutual assistance in procedures in civil and commercial matters that take place before judicial authorities (Konvencija o ureditvi medsebojne pomoči pri vodenju postopkov v civilnih in trgovinskih zadevah, ki tečejo ali utegnejo teči pred zadevnimi sodnimi oblastmi) dated 27 February 1936 (Official Gazette of Kingdom of Yugoslavia no. 116/37)

Free movement of goods (Article 23 EC)

Article 250 of Regulation (EEC) No 2913/92

There is no equivalent provision under Slovenian law.

The law implementing EU customs regulations is the Act implementing the customs regulations of the European Community ("ZICPES")¹⁰. According to Community legislation and Article 1 of ZICPES, ZICPES applies in matters, which are not governed by Community law .

There is no equivalent provision under Slovenian law. The Act implementing the customs regulations of the European Community ("ZICPES")¹⁰. According to Community legislation and Article 1 of ZICPES, ZICPES applies in matters, which are not governed by Community law . Finance, which has the same name in English and other Member States

Free movement of workers - social security (Article 42 EC)

Article 85 Regulation (EEC) No 1408/71 read in conjunction with Regulation (EEC) No 574/72

There is no provision under Slovenian law exempting statements, documents and certificates required to be produced for the purposes of co-ordinating national security schemes at the EU level from undergoing the process of legalisation.

There is no provision under Slovenian law exempting statements, documents and certificates required to be produced for the purposes of co-ordinating national security schemes at the EU level from undergoing the process of legalisation.

I.A.1.3. Judicial control

We are not aware of any case law concerning of the above matters.

I.A.2. Hague Convention of 5 October 1961 (the 'Apostille' Convention)

I.A.2.1. Status

The information set out in the table concerning the status of the Apostille Convention in Slovenia is correct. Slovenia succeeded to SFRY's membership of the Apostille Convention in 1991. Yugoslavia had ratified the "Apostille" Convention on 24 January 1965. Slovenia has designated two authorities as competent to issue the certificate of authenticity, i.e. the apostille, on documents which are to be used in states parties to the Apostille Convention. These are: the District Courts and Ministry of Justice.

¹⁰ Zakon izvajanju predpisov Evropske skupnosti, Official Gazette of the Republic of Slovenia No. 25 2004.

¹¹ Official Gazette of the Republic of Slovenia No. 25 2004.

I.A.2.2. Scope

The Convention is in force in the territory of Slovenia.

Article 31 (5) of the Regulation regarding Official Court Interpreters¹² provides that the rules set out in the Apostille Convention govern the process of legalising Slovene public documents [which having been translated by official court interpreters – ANA: I thought Slovene law did not require that Slovene official court interpreters translate the document. See comment given by you further below.] will be produced in a state that is party to the Apostille Convention.

A copy of the Regulation regarding Official Court Interpreters is attached in Appendix 1. [please attach]

There is no travaux preparatoires to this regulation.

I.A.2.3. Legislative implementation

The Apostille Convention was implemented into the national legal order by the Law on Ratification of the Apostille Convention¹³ and Act on Verification of Documents in International Traffic (“ZOLMP”)¹⁴.

A copy of ZOLMP and an English translation is enclosed in Appendix 1.

The procedure set out in the Apostille Convention concerning the authentication of Slovenian documents for use in states party to the Apostille Convention is set out in Article 31(5) of the Regulation regarding Official Court Interpreters¹⁵.

A copy of the Regulation regarding Official Court Interpreters is attached in Appendix 1.

There is no travaux preparatoire to either laws or the regulation.

I.A.2.4. Practical implementation

Please describe the process of the **issuance of an Apostille** by the competent authority, see Articles 4 and 5 of the Convention.

1. By which methods can an Apostille be requested (in person, by registered mail, mail, email, fax, etc.)?

To obtain an Apostille a person must submit, either in person or by post, a written petition to the District Court or the Ministry of Justice. The original public documents which is sought to be legalised must accompany the petition. The petition must be

¹² [insert Slovenian name], Official Gazette of the Republic of Slovenia No. 49/2002.

¹³ Zakon o ratifikaciji haaške Konvencije o odpravi potrebe legalizacije tujih javnih listin, Official Gazette of Yugoslavia, International publications No. 10/62.

¹⁴ Zakon o overitvi listin v mednarodnem prometu, Official Gazette of the Republic of Slovenia No. 49/2002.

¹⁵ Pravilnik o sodnih tolmačih, Official Gazette No, 49/2002, and 75/2003

submitted to the Ministry of Justice if the document being legalised is a public document issued by the District Court, by a notary public or by an official court interpreter. All other public documents must be submitted to the relevant district court for legalisation.

Most written petitions are filed in person. If a written petition is sent by post it is usually sent by registered mail as originals of the documents being legalised must accompany the petition and registered mail is a more reliable way of posting documents. A petition cannot be sent by email or fax. The above mechanism for requesting an Apostille is not set out by law but has been established through practice.

An example of a form of petition to the Ministry of Justice for an Apostille is attached in Appendix 1.

2. How, in practice, does the competent authority verify the authenticity of the signature, the capacity in which the person signing the document has acted, and the identity of the seal or stamp which the document bears? NB. Please describe the **precise mechanism** the authority uses to verify those elements.

The designated authority in Slovenia verifies the authenticity of the signature, the capacity of the person signing the document and the seal or stamp on the document by comparing them to those on its records. Both the District Courts and the Ministry of Justice have:

- an up-to-date list of all the judges, notaries public and official court interpreters,
- an up-to-date list of original signatures of all the judges, notaries public, official court interpreters, and
- an up-to-date list of stamps and seals used by all the judges, notaries public, and official court interpreters.

If the designated authority is uncertain about the capacity, the name, the signature or the stamp on the document which is sought to be legalised, it will contact the person whose signature appears on such document by telephone or mail. It may ask such person to confirm his/her capacity to sign the document being legalised and/or ask them to forward an original of his/her signature and/or stamp/stamp.

3. What is the form of the Apostille used (please provide a copy, with English translation of any parts in a foreign language)?

The form of Apostille used in Slovenia is modelled on the form of Apostille set out in the Annex to the Apostille Convention.

The form of Apostille used in Slovenia and the translation of such form of Apostille are attached in Appendix 1.

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¹⁶ Zakon o upravnih taksah (uradno prečiščeno besedilo), Official Gazette of the Republic of Slovenia No. 114/2005.

¹⁷ Zakon o sodnih taksah (uradno prečiščeno besedilo), Official Gazette of the Republic of Slovenia No. 20/2004.

4. Is the Apostille issued by the competent authority placed on the public document itself or is the Apostille placed on a so-called allonge?

The Apostille is placed on the last page of the public document which is being legalised if such document can be re-issued and if there is sufficient space on the page. If the document cannot be reissued and only certified copies or duplicates can be issued (as is the case with Slovenian University degrees) or if there is insufficient space on the last page of the document, the Apostille is placed on an allonge.

5. How is the Apostille issued when the public document consists of multiple pages?

If a document has multiple pages, the Apostille is placed on the last page of the document or on an allonge which is attached at the end of the document. All the pages are then bound using official string, a state sticker is placed on top of the official string and an official stamp of the competent authority is placed on the sticker.

6. Which language is used on the Apostille?

The Apostille is written in Slovene in accordance with Article 4 of the Apostille Convention. The title "APOSTILLE" ("Convention de la Haye du 5 Octobre 1961") is written in French on the header of the Apostille.

7. Is the system used for the issuance of an Apostille mechanical or electronic?

Apostilles are issued mechanically. The Apostille is in the form of a stamp and is stamped mechanically on the document itself or on the allonge.

8. What are the main measures taken in order to avoid fraud?

The main measures taken in order to avoid fraud are:

- maintaining up-to-date files at the District Courts and Ministry of Justice of the names, original signatures and original stamps of all the persons with authority to sign public documents in Slovenia; and
- issuing the Apostille on the document itself so as to prevent it from being detached from the original document and attached to another document.

9. Are there any plans to modernize the system used to issue Apostilles?

Currently there are no plans to modernize the process of issuing Apostilles.

10. How long does the total process generally take?

If a written petition for legalisation is filed in person with the Ministry of Justice, an Apostille is usually issued on the same day. If the petition is filed at one of the district courts, then the Apostille is typically issued the day after the petition is filed. If the competent authority has doubts about the authenticity of the document or if there are many public documents which need to be legalised, the process may take up to two working days.

11. What is the fee payable for the issuance of an Apostille? Who sets the fees? How is

the level of the fees determined? Are they purely covering costs or can they also be said to be aimed at bringing revenue?

The fee set by the Ministry of Justice for issuing an Apostille is different to that set by the District Courts.

The Ministry of Justice charges EUR 1.06) to issue an Apostille. The fee is paid by purchase of administrative stamps in any stationers. The stamps must be affixed to the petition. The amount of the fee is set in the Law on Administrative Taxes (“ZUT-UPB2”)¹⁶ and is intended to cover the administrative costs associated with the issuance of the Apostille.

The District Courts charge a court tax which varies in amount from Euro 2.37 to 4.76 per Apostille. The charge is paid by purchase of administrative stamps at any stationers. The stamps must be affixed to the petition. The amount of the fee is set in the Law on Court Taxes (ZST-UPB1”)¹⁷ and is intended to cover the administrative costs associated with the issuance of the Apostille.

NB. Does the same procedure apply to all documents and to all (Member) States party to the Hague Convention, or does it happen that in practice, although a specific document/situation is within the scope of the Convention, a different procedure is applied to particular cases?

The same procedure for issuing Apostilles applies in respect of all types of documents and does not vary from country to country.

Please describe the system used to comply with the **registration or card index requirement**, see Article 7 of the Convention.

1. Is the system used electronic?

The system used to comply with the registration or card index requirement under Article 7 of the Apostille Convention is partly manual and partly electronic.

At the Ministry of Justice the name of each person who filed a written petition to legalise a document is entered into a computer database. In addition, each petition is manually recorded in a register known as the “OV-H” register (which stands for “overitve po haaški” and translated into English means “legalisations under Haag”) in chronological order. This manually administered “OV-H” register lists the name of the persons seeking to legalise documents and contains a detailed description of the documents being legalised, including the name of the issuer of the document, the date, time and reference number of the Apostille.

District Courts do not keep a computer database of issued Apostilles. They instead keep a manual register system which is exactly the same as that used by the Ministry of Justice. Each District Court keeps its own “OV-H” register.

In addition, all originals of the written petitions for Apostilles are manually filled in chronological order at the Ministry of Justice and at the District Courts.

These registers can be inspected at any time upon request.

2. Are there any plans to modernize the system used?

Currently there are no plans to modernize this system.

3. By which methods can the register or card be consulted in accordance with Article 7 of the Convention?

The registers can be consulted both manually and electronically.

Electronically, the computer database at the Ministry of Justice can be inspected by searching under the name of the petitioner.

The "OV-H" registers of the Ministry of Justice and the District Courts can be inspected manually on the premises of the relevant competent authority.

Please verify and, if necessary, correct the information for your Member State on the **competent authorities** under Article 6 of the Convention. The final information should include:

1. the number of authorities
2. their identity and contact details
3. the name and contact details of an approachable contact person at the competent authority(ies).

Two competent authorities have been notified to the Ministry of Foreign Affairs of The Netherlands. These are: the Ministry of Justice and District Courts. In Slovenia there are eleven District Courts: They are located in Ljubljana, Kranj, Krško, Novo mesto, Celje, Koper, Nova Gorica, Maribor, Ptuj, Murska Sobota and Slovenj Gradec.

The contact details of the Ministry of Justice are:

Ministrstvo za pravosodje

Župančičeva 3

SI – 1000 Ljubljana

tel: +386 1 369 52 00

fax: +386 1 369 57 83

Contact person: Department for International Legal Assistance

The contact details of the District Court in Ljubljana, which receives the most petitions for legalisation in Slovenia are:

Okrožno sodišče v Ljubljani

Tavčarjeva 9

SI – 1000 Ljubljana

tel: +386 1 366 45 11

fax: +386 1 366 45 64

Contact person: Mojca Horvatič

NB. In case of multiple competent authorities, is the same system described above used by all authorities?

The system described above is used by both authorities.

I.A.2.5. Judicial control

There is no case law concerning the implementation of the Apostille Convention in

Slovenia.

I.A.2.6. Empirical analysis

We contacted the Ministry of Justice and examined all the Apostilles issued by the Ministry in the week of 26 – 30 June 2006.

The official opening hours of the Ministry of Justice are Monday, Wednesday, Friday from 9 to 12 am and Wednesday from 2 to 4 pm. It seems that petitions for Apostilles are also accepted out of office hours.

Answers to the conducted empirical analysis are presented in Annex II.

I.A.3. Parallel international agreements

I.A.3.1. Status

1. 1968 Council of Europe Convention for the Abolition of Legalisation of Documents Executed by Diplomatic Agents or Consular officers
 - Slovenia is not a party to this Convention.
2. 1987 Brussels Convention Abolishing the Legalisation of Documents in the Member States of the European Communities
 - Slovenia is not a party to this Convention.
3. Convention between Socialist Federative Republic Yugoslavia ("SFRY") and Kingdom of Belgium on Issuance of Excerpts from Registries and Abolition of Legalisation of 1972
 - This agreement is in force in Slovenia pursuant to the Act on Succession to Agreements of Ex-Yugoslavia with Belgium dated 12 July 1997¹⁸. Slovenia succeeded to all agreements entered into by SFRY with Belgium.
4. Convention between Yugoslavia and France on issuance of documents on personal status and abolition of legalisation of 1971
 - This agreement is in force in Slovenia. Pursuant to the terms of the Act on Succession of Agreements of Ex-Yugoslavia with Republic of France dated 18 June 1994¹⁹ Slovenian succeeded to all agreements entered into by SFRY with the Republic of France.
5. The Hague Convention concerning the Recognition and Enforcement of Decisions Relating to Maintenance Obligations Towards Children (1958)
 - Slovenia is not a party to this Convention.
6. The Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1969)
 - Slovenia signed this Convention on 18 September 2000 and ratified it on 1 June 2001.

¹⁸ Official Gazette RS-MP 11-42/1997 (RS 41/1997).

¹⁹ Official Gazette RS-MP 8-44/1994 (RS 35/1994).

7. The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1972)
 - Slovenia signed this Convention on 18 September 2000. To date, Luxembourg, Slovakia, Denmark, Australia, Germany, Argentina, Finland, Estonia, Switzerland, United States of America, Spain, Sweden, Israel, Norway, Poland, People's Republic of China, Bulgaria, Latvia, France, Greece and Cyprus have accepted Slovenia's accession. The Convention was ratified by Slovenia on 17 November 2000.
8. The Hague Convention concerning the International Administration of the Estates of Deceased Persons (1973)
 - Slovenia is not a party to this Convention.
9. The Hague Convention on Civil Aspects of International Child Abduction (1980)
 - Slovenia signed this convention on 22 March 1994. To date, The Netherlands, Luxembourg, United Kingdom of Great Britain and Northern Ireland, Switzerland, Australia, Austria, Ireland, Sweden, United States of America, Argentina, Panama, Germany, Canada, Spain, New Zealand, Mexico, Israel, Chile, Hungary, Italy, Finland, Norway, Venezuela, Greece, Poland, Czech Republic, Slovakia, Portugal, Belgium, People's Republic of China, Serbia and Montenegro, Turkey, Croatia, the Former Yugoslav Republic of Macedonia, France, Bahamas and Belize have accepted Slovenia's accession to this Convention. The Convention was ratified by Slovenia on 1 June 1994.
10. The Hague Convention on International Access to Justice (1988)
 - Slovenia is a party to this Convention. Slovenia issued a notice of succession to this Convention on 8 June 1992 and thereby succeeded to SFRY's membership to this Convention. SFRY became a party to the Convention on 1 October 1988 and ratified it on 8 June 1992.
11. The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (2002)
 - Slovenia signed this Convention on 13 May 2004 [please confirm date] and ratified it on 11 October 2004. The Convention entered into force on 1 February 2005. The following declaration was made by Slovenia at the time of signing the Convention:
 - "Articles 23, 26 and 52 of the Convention allow Contracting Parties a degree of flexibility in order to apply a simple and rapid regime for the recognition and enforcement of judgments. The Community rules provide for a system of recognition and enforcement which is at least as favourable as the rules laid down in the Convention. Accordingly, a judgment given in a Court of a Member State of the European Union, in respect of a matter relating to the Convention, shall be recognised and enforced in the Republic of Slovenia by application of the relevant internal rules of Community law."
 - At the time of ratification the following declaration was made:
 - "In compliance with Article 34 para 2 of the said Convention, the Republic of Slovenia declares that the requests under Article 34 para. 1 of the

Convention are to be communicated to its authorities only through the Ministry of Labour, Family and Social Affairs.”

I.A.3.2. Scope

Convention between Socialist Federative Republic Yugoslavia and Kingdom of Belgium on issuance of excerpts from registries and abolition of legalisation of 1972

Modification of geographical scope:

No

Modification of material scope:

No

Convention between Yugoslavia and France on issuance of documents on personal status and abolition of legalisation of 1971

Modification of geographical scope:

No

Modification of material scope:

No

The Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1969)

Modification of geographical scope:

No

Modification of material scope:

No

The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1972)

Modification of geographical scope:

No

Modification of material scope:

No

The Hague Convention on Civil Aspects of International Child Abduction (1980)

Modification of geographical scope:

No

Modification of material scope:

No

The Hague Convention on International Access to Justice (1988)

Modification of geographical scope:

No

Modification of material scope:

No

The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (2002)

Modification of geographical scope:

No

Modification of material scope:
No

I.A.3.3. Legislative implementation

Article 8 of the Constitution of the Republic of Slovenia provides that national laws and other regulations must accord with generally valid principles of international law and with international agreements (e.g. conventions) to which Slovenia is a party. Customary international and treaty law takes precedence over Slovenian national law (but for the Constitution). Ratified and published international conventions are directly applicable. EU regulations take precedence over Slovenian national law but for the Constitution.

There are two methods by which the terms of international treaties become part of the Slovenia's national law: ratification and transposition. International treaties automatically become part of the Slovenian law upon ratification by the National Assembly. A majority of the members of the National Assembly present most vote in favour of a treaty for it to be ratified. Prior to the ratification a treaty can be submitted to the Constitutional Court for the assessment of its constitutionality. The decision of the Constitutional Court that a treaty is not in accordance with the Constitution is binding. Such treaties cannot be ratified.

The second method, known as transposition, by which the terms of an international treaty become part of Slovenian law requires the adoption by the Slovenian Parliament of a law which contains the terms of the treaty.

The hierarchy of laws (excluding EU law) in Slovenia is as follows:

1. The Constitution
2. International treaties ratified by the National Assembly
3. Laws adopted by the National Assembly
4. Other international treaties
5. Government regulations and other general legal acts

EU regulations take precedence over Slovenian national law but for the Constitution.

Copies of Marriage and Family Relations Act, Civil Procedure Act and Execution of Judgments in Civil Matters and Insurance of Claims Act are set out in Appendix 1 The English translations of Civil Procedure Act and Execution of Judgments in Civil Matters and Insurance of Claims Act are also set out in Appendix 1 (N.B.: the English translations are not official translations and may not be up to date). In addition, unofficial translation of the provisions concerning parental responsibility and measures for the protection of children of the Marriage and Family Relations Act are set out in Appendix 1. Specifically, we have set out the English translation of Section 3 ("Rights and duties of parents and children"), Section 4 ("Exercise of parental right"), Section 5 ("Taking away of parental right"), Section 6 ("Cessation of parental right"), Section 7 ("Prolongation of parental right"), Section 8 ("Measures of Social Work Centre"), Part four ("Adoption"), Part five ("Foster care") and Part six ("Custody") of this Act.

There are no *travaux préparatoires* to these Acts.

I.A.3.4. Practical implementation

Convention between Socialist federative republic Yugoslavia and Kingdom of Belgium on issuance of excerpts from registries and abolition of legalisation of 1972

This bilateral agreement is in force; however, the agreement does not nominate an authority responsible for the implementation of its terms.

Convention between Yugoslavia and France on issuance of documents on personal status and abolition of legalisation of 1971

This bilateral agreement is in force; however, there is no authority which is responsible for the implementation of its terms.

The Hague Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1969)

1. Number of competent authorities:

One

2. Identity and contact details of competent authorities:

Ministry of Justice

Župančičeva 3

1000 Ljubljana

tel.: +386 1 369 52 00

fax: +386 1 369 57 83

e-mail: gp.mp(at)gov.si

3. Contact person at competent authorities:

Department for International Legal Assistance

4. Description of practical implementation process:

In practice a request from the Slovenian competent authority is forwarded by the Slovenian Ministry of Foreign Affairs via diplomatic channels to the equivalent ministry abroad, which handles these requests and initiates appropriate proceedings.

5. Differentiation of procedure applied in practice: Yes / No

No

The Hague Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (1972)

1. Number of competent authorities:

One

2. Identity and contact details of competent authorities:

Ministry of Justice

Župančičeva 3

1000 Ljubljana

tel.: +386 1 369 52 00

fax: +386 1 369 57 83

e-mail: gp.mp(at)gov.si

3. Contact person at competent authorities:

Department for International Legal Assistance

4. Description of practical implementation process:

In practice a request from the Slovenian competent authority is forwarded by the Slovenian Ministry of Foreign Affairs via diplomatic channels to equivalent Ministry of Foreign Affairs abroad, which then handles the requests and initiates appropriate proceedings.

5. Differentiation of procedure applied in practice: Yes / No

No

The Hague Convention on Civil Aspects of International Child Abduction (1980)

1. Number of competent authorities:

One

2. Identity and contact details of competent authorities:

Ministry of the Interior

Štefanova 2

1501 Ljubljana

Slovenia

Phone: + 386 1 432 51 25

Fax: +386 1 251 43 30

E-mail: gp.mnz(at)gov.si

3. Contact person at competent authorities:

Ms. Tatjana MUŠIČ

Ms. Mateja ŠTIRN

4. Description of practical implementation process:

In practice a request from the Slovenian competent authority is forwarded by the Slovenian Ministry of Foreign Affairs via diplomatic channels to equivalent Ministry of Foreign Affairs abroad, which then handles the requests and initiates appropriate proceedings.

5. Differentiation of procedure applied in practice: Yes / No

No

The Hague Convention on International Access to Justice (1988)

1. Number of competent authorities:

One

2. Identity and contact details of competent authorities:

Ministry of Justice

Župančičeva 3

1000 Ljubljana

tel.: +386 1 369 52 00

fax: +386 1 369 57 83

e-mail: gp.mp(at)gov.si

3. Contact person at competent authorities:

Department for International Legal Assistance

4. Description of practical implementation process:

In practice a request from the Slovenian competent authority is forwarded by the Slovenian Ministry of Foreign Affairs via diplomatic channels to equivalent Ministry of Foreign Affairs abroad, which then handles the requests and initiates appropriate proceedings.

5. Differentiation of procedure applied in practice: Yes / No
No

The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children (2002)

1. Number of competent authorities:
One

2. Identity and contact details of competent authorities:
Ministry of Labour,
Family and Social Affairs
Kotnikova 5
1000 Ljubljana
Slovenia
Telephone: +386 1 369 77 00
Fax: +386 1 369 78 32
E-mail: gp.mddsz(at)gov.si

3. Contact person at competent authorities:
Department of International Cooperation and European Affairs

4. Description of practical implementation process:
In practice a request from the Slovenian competent authority is forwarded by the Slovenian Ministry of Foreign Affairs via diplomatic channels to equivalent Ministry of Foreign Affairs abroad, which then handles the requests and initiates appropriate proceedings.

5. Differentiation of procedure applied in practice: Yes / No
No

I.A.3.5. Judicial control

We have searched the case law database of the Slovenian Supreme Court but have not been able to find any case law concerning the above agreements.

I.A.4. National Law

I.A.4.1. Legislative framework

The only legislative acts currently in force in Slovenia concerning the legalisation of public documents are ZOLMP, the Rules on the Legalisation of Public Documents, Signatures, Handwritings, transcripts and copies thereof in Diplomatic and Consular Missions ("Pravilnik")²⁰ and the ZIZ. The acts are provided along with an unofficial translation of the relevant provisions in Appendix 1 [Please provide].

²⁰ Pravilnik o overitvah javnih listin, podpisov, rokopisov in prepisov oziroma fotokopij v diplomatskih in konzularnih predstavništvih Republike Slovenije v tujini, Official Gazette of Slovenia No. 7 2002.

None of these laws have *travaux preparatoires*.

I.A.4.2. Scope

1. Geographical scope

The above mentioned laws apply to (i) public documents executed in the territory of Slovenia to the extent they will be used in a country that is not a member state of the Apostille Convention or with which Slovenia has not entered into a bilateral or other international agreements (i.e. the Paris (1956) and the Vienna (1976) Convention) concerning legalisation of public documents and (ii) to public document issued in such a country where such documents are intended to be used in Slovenia.

2. Material scope

Article 1 of ZOLMP provides that its provisions apply to public documents issued in Slovenia which are intended to be used abroad if such documents are required to be legalised by the country of intended use and to public documents issued in a foreign country that are to be produced in Slovenia. According to Article 2 of ZOLMP the term “public documents” encompasses documents that are recognised as public documents in the country of origin and have been issued in the form and according to procedure required by such country. The Pravilnik defines public documents in the same way. Article 13 of the ZOLMP provides that signatures and seals of official court translators and notaries are certified (legalised) by the Ministry of Justice.

The material scope of ZIZ is set out in Article 42(b). [This Law applies to foreign public documents with the status of an instrument permitting execution on the basis of which the creditor has filed an execution motion.

I.A.4.3. Practical implementation

As a general rule there are three stages to the legalisation of domestic public documents and only one stage for the legalisation of foreign public documents to which the Apostille Convention does not apply.

The rules regarding legalisation of public documents to which the Apostille Convention does not apply are set out in ZOLMP. District Courts, the Ministry of Justice and Foreign Ministry are responsible for the legalisation of Slovenian documents to be used abroad. Article 10 of ZOLMP provides that the District Courts verify the signature and the seal or stamp on the public document, then the Ministry of Justice verifies the seal or stamp of the District Court and the signature of the court official, and finally the Foreign Ministry verifies the seal or stamp of the Ministry of Justice and the signature of the official.

The competent authority for the legalisation of foreign documents that will be used in Slovenia is the Foreign Ministry. If a foreign document needs to be legalised abroad legalisation can be done at the diplomatic mission or consular post of the Republic of Slovenia. This provision governing the process of legalisation in these circumstances is set out in Article 15 of ZOLMP.

A different procedure applies to the legalisation of documents to be used in countries party to the Apostille Convention or with whom Slovenia has entered into a bilateral

agreement concerning legalisation of documents. See discussion in Sections above.

Legalisation of Slovenian public documents to which Apostille Convention does not apply:

Slovenian public documents must be submitted to the District Court for legalisation. A written request for legalisation must be submitted with the document. A model form of the request can be obtained from the relevant authority although the form of request is not prescribed by law. The request for petition can be submitted in person or by post. It is not advisable to submit documents by post since court officials typically place a stamp on the document upon receipt. Sometimes this means that the document cannot be legalised. Moreover, posting a document may delay the legalisation process by a week. It is therefore advisable to personally deliver the documents to the court. The court official then carries out the legalisation procedure, which is similar to the procedure for the legalisation of documents under the Apostille Convention described above. The only document that needs to be provided to the District Court is the public document that needs to be legalised. The public document does not need to be translated for the purposes of legalisation and thus, the person has the option of translating the Slovenian document in the country where such document will be used. If the document is translated in Slovenia then the translation of such document must also be legalised. For the translation to be legalised the document must be translated by an official court translator whose signature and seal must be verified by the Ministry of Justice.

After the legalisation process at a District Court is completed, the legalised document, and optionally the translation of such document, must be submitted to the Ministry of Justice which authenticates the signature of the judge that carried out the first stage of legalisation process. Finally the document is submitted to the Foreign Ministry which authenticates the signature of the Ministry official and the seal of the Ministry of Justice. As a general rule a person can legalise a document at any District Court. Article 42(b) of ZIZ provides that a document must be legalised in the District Court of the area in which the debtor has his permanent or temporary residence.

The legalisation process at the District Court takes a full day. This means that the document is available the next official day that is, if it is submitted on Monday it is available on Wednesday. court tax varies depending on the type and number of pages of the document intended for legalisation.

The legalisation process at the Ministry of Justice and the Foreign Ministry is carried out the same day for an administrative tax in the sum of Euro 1.06 at each stage. If the competent authority has doubts about the authenticity of the document or if there are many public documents which need to be legalised, the process may take longer. This applies to both legalisation at the Ministry of Justice and the Foreign Ministry as well as to legalisation at the District Courts.

The three stage process for legalising Slovenian public documents does not apply to documents issued by a Slovenian governmental body. Article 12 of ZOLMP provides that public documents issued by a governmental body need only be legalised by the Foreign Ministry. However, since the official files of the Foreign Ministry are still not complete, the Foreign Ministry is often unable to verify the signatures and seals. As a consequence, it is very rare for the legalisation of governmental documents to be carried out by the Foreign Ministry and instead such documents are subject to the above-

mentioned three stage process of legalisation.

Legalisation of foreign public documents to be used in Slovenia:

Foreign documents are legalised at the Foreign Ministry or diplomatic mission or consular post of Slovenia. The only requirement for legalisation is that the procedure of legalisation of the foreign document has been carried out by the competent authorities in the country of origin. The competent authority in Slovenia only verifies the authenticity of the seal or stamp of the Foreign Ministry of the country of the document's origin.

I.A.4.4. Judicial control Error! Reference source not found.

There is no case law in Slovenia concerning the legalisation of public documents to which the Apostille Convention does not apply.

PART I.B. Specific

I.B.1. Introduction

I.B.2. Specific documents

1. Documents proving involuntary unemployment

The Employment and Insurance Against Unemployment Act ("ZZZPB")²¹ provides that the document proving involuntary unemployment is the application form for registration in the register of unemployed persons held by the Employment Service of Slovenia. This application is exempt from legalisation. A sample application form is enclosed in Appendix 1. [please provide]

The Ministry of Labour, Family and Social Affairs is the competent authority for registration as an involuntary unemployed.

Pursuant to ZZZPB EU citizens employed in Slovenia have the same rights and obligations as Slovene citizens.

2. Documents proving a family relationship or other durable relationship

The extract from the Civil Register proves a person's family relationship. The extract is issued by the Administrative Unit (a body which executes tasks for *Ministry of the Interior, Ministry of Agriculture, Ministry of Transport and Ministry of Environmental and Spatial Relations*) of the Republic of Slovenia pursuant to the Register of Deaths, Births and Marriages Act ("ZMatR")²². Usually, an extract is issued from a specific register, for example from the Register of Births for births, from the Register of Marriages for marriages and from the Register of Deaths for deaths. Each register contains separate information. If proof of both parental and matrimonial relations is required, an extract from each register must be requested separately. An extract from the Register of Births

²¹ [insert Slovene name] Official Gazette of the Republic of Slovenia No. 71 1993.

²² Zakon o matičnem registru, Official Gazette of the Republic of Slovenia No. 59/2006.

provides proof of a person's relationship with his/her parents. Therefore, to prove the parent-child relationship, an extract from the child's Civil Register (or specifically from the Register of Births) must be obtained.

Proof of other durable relationships can also be obtained. The Registration of Same-Sex Civil Partnership Act ("ZRIPS")²³ allows for the registration of same-sex partnerships and the issuing of documents providing proof of such partnerships. The competent authority for both the registration and issuing of such documents is the Administrative Unit.

Documents with which one can prove dependency are issued pursuant to the Marriage and Family Relations Act ("ZZZDR")²⁴. Article 118 of ZZZDR provides that a parent's obligation to care for a child may be extended by a District Court order after the child has reached 18 years of age in case of the child's physical or mental incapacity. The document evidencing dependency is issued by the relevant District Court. Other documents that provide proof of dependency are documents issued by the Department of Social Security under the provisions of ZZZDR regarding foster placement and guardianship (see Articles 160 and 186 of ZZZDR).

Articles 10 and 11 of the ZOLMP provide that the authority competent for the legalisation of all of the above-mentioned documents are the District Courts in the first instance, the Ministry of Justice in the second and the Foreign Ministry in the third instance, unless the legalisation of such documents is to be carried out pursuant to the terms of a bilateral agreement or the Apostile Convention. In the case of extracts from the Civil Register, documents may be issued in the "international form" as prescribed by the Paris (1956) and the Vienna (1976) Conventions and if so issued do not require further legalisation.

Foreign documents may be used in Slovenia if they have been legalised in the country of origin and such legalisation has been verified by the Slovenian Ministry of Foreign Affairs or the Slovenian Embassy or Consulate in the country of incorporation, unless otherwise provided by a the relevant multilateral or bilateral agreement to which both Slovenia and the country of incorporation are party. For foreign documents originating in states party to the Apostille Convention verifications by the Slovenian authorities is not necessary.

3. Documents proving or contesting a parent-child relationship

Documents proving a parent-child relationship were discussed above, therefore only documents contesting such a relationship are discussed in this section.

The parent-child relationship can be successfully contested by obtaining a verdict from the relevant District Court. The District Court is empowered to issue such verdicts pursuant to the provisions of the ZPP. The grounds for contesting such a relationship are

(cont'd from previous page)

²³ Zakon o registraciji istospolne partnerske skupnosti, Official Gazette of the Republic of Slovenia No. 65/ 2005.

²⁴ Zakon o zakonski zvezi in družinskih razmerjih, Official Gazette of Republic of Slovenia No. 69/2004.

set out in the ZZZDR and the ZPP. The procedure for legalising such verdicts is as described under I.B.2.2.

4. Documents proving the name and forenames of a child or adult

There is no specific document to prove the name and forenames of a child or adult. The identity card and passport can be used to prove the name and surname. Passports and identity cards do not need legalisation.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

Documents proving marriage or civil partnership or other durable relationships were discussed in I.B.2.2., therefore, only the documents for annulling and terminating such relationships are discussed in this section.

Both marriages and registered same-sex civil partnerships can be terminated or annulled by a District Court verdict. The grounds for the annulment and termination of a marriage are set out in the ZZZDR. The provisions for annulling and terminating registered same-sex civil partnerships are set out in the ZRIPS. The procedure for legalising such verdicts is described in I.B.2.2.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

In order to prove legal establishment for the purposes of pursuing specific regulated professional activities, an EU citizen must first submit an application for the recognition of education to the Ministry of Higher Education, Science and Technology as per Recognition and Evaluation of Education Act ("ZPVI")²⁵. The application form is set out in Appendix III, to which the following documents must be attached:

- (a) the original or copy of the certificate or diploma to be recognised or some other document which is recognised as a substitute of the original certificate or diploma under the laws of the issuing country,
- (b) a photocopy of the certificate or diploma referred to in paragraph (a),
- (c) a certified Slovene translation of the certificate or diploma referred to in paragraph (a),
- (d) annual report cards, transcripts, a diploma supplement or some other evidence on the contents and duration of education, and
- (e) a short chronological description of the applicant's education prepared by the applicant.

²⁵ Zakon o priznavanju in vrednotenju izobraževanja, Official Gazette of the Republic of Slovenia No. 73 2004.

The procedure for the recognition of education is set out in the General Administrative Procedure Act ("ZUP")²⁶. The cost for the recognition of education in Slovenia is approximately Euro 200.

7. Documents proving a person's professional qualifications (diplomas)

The documents necessary to prove a person's professional qualification is set out in ZPVI.

See answer above.

8. Documents proving a person's death

If the person whose death needs to be proven was a national of a state that is party to the Paris or Vienna Convention then the death certificate does not need to be legalised or translated in order to be used in Slovenia. A death certificate issued in a country party to the Apostille Convention need only be translated into Slovene and have an Apostille affixed to it. Otherwise a document about persons death should be legalised.

The Administrative Unit of the Ministry of Interior issues death certificates in Slovenia.

9. Documents proving a person's date of birth

A national of a state which is a member of the Paris or Vienna Convention need only provide an excerpt from the Civil Register of Birth to prove his/her date of birth. There is no requirement for the translation or legalisation of such extracts.

The Administrative Unit of the Ministry of the Interior is responsible for issuing extracts from the Register of births in Slovenia.

10. Documents proving the establishment by incorporation of a company

1. Document

The document proving the establishment of a company in Slovenia is the "Decision to Enter a Company into the Court Registry".

2. Authority competent for issuing thereof

Registry court, a special department of the relevant District Court. The registry is uniform for the whole Republic of Slovenia but is regionally managed at all the District courts in

(cont'd from previous page)

²⁶ Zakon o upravnem postopku, Official Gazette of the Republic of Slovenia No. 80 1999, , 70/2000, 52/2002, 73/2004, 119/2005.

the Republic of Slovenia.

3. Legal basis

Court Registry Act, Official Gazette of RS No. 114/2005.

4. Authority competent for legalisation thereof

District Courts

5. Do such incoming documents have to be legalised? Yes/No

Pursuant to the ZOLMP documents proving the establishment of a foreign company may be used in Slovenia if they have been legalised in the country in which such company' is incorporated and such legalisation has been verified by the Slovenian Ministry of Foreign Affairs or the Slovenian Embassy or Consulate in the country of incorporation, unless otherwise provided by a the relevant multilateral or bilateral agreement to which both Slovenia and the country of incorporation are party. For foreign documents originating in states party to the Apostille Convention verifications by the Slovenian authorities is not necessary.

11. Documents proving the constitution of a company, including any official translation thereof

1. Document:

The documents proving the constitution of a company in Slovenia are as follows: (i) the "Constitution Act" for limited liability companies with a single partner, (ii) the "Articles of Association" for limited liability companies and the (iii) the "Statute" for joint-stock companies.

2. Authority competent for issuing thereof

Notaries. The above documents must be issued in the form of notarial deed.

3. Legal basis

Notary Act, Official Gazette of RS No. 4/2006.

4. Authority competent for legalisation thereof

District Courts are responsible for international legalizations.

5. Do such incoming documents have to be legalised? Yes/No

Yes

12. Documents proving the latest banking accounts of a company

A document proving the latest bank accounts of a company in Slovenia are issued by a bank, which in Slovenia is a legal entity governed by private law.

13. Documents proving the deposit of cash or certificates of deposit

The document proving the deposit of cash or certificates of deposit is issued by a bank.

PART II – Incoming documents: Effects in the Member State’s legal order

OVERVIEW OF PART II

II.A.1. European Community Law

II.A.1.1. The effect of the implementation of Community law

The relevant regulations have not yet been implemented into Slovene law. As discussed in Section IA1 the relevant regulations have not been transposed into Slovenian law. However Article 3(a) of the Constitution (Official Gazette of the Republic of Slovenia, No. 33I/1991-I, 42/1997, 66/2000, 24/2003, 69/2004, 69/2004, 69/2004, 68/2006) provides that EU regulations have direct effect and that no special implementation is not required.

II.A.1.2. Admissibility and evidentiary weight in judicial proceedings

N/A

II.A.1.3. Admissibility and evidentiary weight in administrative matters

Foreign public documents produced in a country which is party to the Apostille Convention and which are to be used as evidence in administrative matters do not have to be legalised in Slovenia.

Foreign public documents from countries which are not party to the Apostille Convention have the same legal status as Slovenian public documents once the legislation process is completed.

Pursuant to Article 177 of ZUP a foreign document only needs to be translated into Slovene in order to be submitted as evidence.

The documents rendered by foreign authorities, which are valid public documents in the place of their issue have the same evidential weight as domestic public documents, as long as they have been legalised in accordance with the procedures set out in Slovenian law and as discussed above.

II.A.2. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

II.A.2.1. The effect of completion of the requirements of the Hague Convention

Provided that the requirements of the Apostille Convention are complied with, public documents from states parties to such Convention are admissible and given equal weight in judicial and administrative proceedings in Slovenia.

II.A.2.2. Admissibility and evidentiary weight in judicial proceedings

Article 225 of ZPP provides that foreign public documents which are legalised in accordance with Slovenian law (that is, pursuant to the Apostille Convention for documents issued in states parties to this convention and ZOLMP for foreign public documents issued in other states) shall be admissible and have the same evidentiary weight in judicial proceedings as the domestic public documents. The only requirement

set out in ZPP is that such documents must be accompanied by certified translations thereof.

II.A.2.3. Admissibility and evidentiary weight in administrative matters

Similarly, Article 177 of ZUP provides that foreign public documents will be admissible in administrative proceedings and will have the same evidentiary weight as domestic ones if they have been legalised according to procedure discussed in Section II.A.2.2. and are accompanied by a certified translation.

II.A.3. Parallel international agreements

II.A.3.1. The effect of completion of the requirements of parallel agreements

The procedure for the legalisation of documents from states with which Slovenia has entered into bilateral agreements is the same as that provided under the Apostille Convention. Once this procedure is complied with, the foreign public documents to which parallel agreements apply are admissible and have the same evidentiary weight as domestic documents.

II.A.3.2. Admissibility and evidentiary weight in judicial proceedings

Provided that the above requirements are satisfied public documents from states with which Slovenia has entered into bilateral agreements are admissible in judicial proceedings and have the same evidentiary weight as domestic public documents.

II.A.3.3. Admissibility and evidentiary weight in administrative matters

Provided that the above requirements are satisfied public documents from states with whom Slovenia has entered into bilateral agreements are admissible in administrative matters and have the same evidentiary weight as domestic public documents.

II.A.4. National Law

II.A.4.1. The effect of the completion of the requirements of national law

Once the above requirements of legalisation are complied with there is to our knowledge no *de jure* or *de facto* distinction between foreign and domestic public documents.

II.A.4.2. Admissibility and evidentiary weight in judicial proceedings

Article 224 of the ZPP provides that a public document issued in the prescribed form by a competent authority is evidence of the veracity of its content, unless established otherwise. Pursuant to Article [225 [please confirm]] of ZOLMP [or is it ZUP] provides that once a foreign public document has undergone the process of legalization it has the same status as a domestic public document and thus has the same evidentiary weight.

II.A.4.3. Admissibility and evidentiary weight in administrative matters

Article 169 of ZUP provides that a document issued in the prescribed form by the competent authority (state authority, body of local community, holder of public mandates) proves the veracity of its content, unless established otherwise. Documents which are regarded as public documents pursuant to other acts have the same evidentiary weight. Article 177 of ZUP provides that documents issued in a foreign state which are declared as public documents for purposes of admissibility and evidence in such foreign state and are certified according to Slovenian regulations as described above are regarded as domestic public documents for use in court proceedings,

provided reciprocal treatment is accorded to Slovenian documents in such foreign state. For the use of certificates in administrative proceedings no requirement of reciprocity is imposed.

PART III – Incoming documents: Difficulties

OVERVIEW OF PART III

PART III.A. General

III.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

III.A.1.1. Legal

No major difficulties of a legal nature have been reported to us by our clients regarding the implementation of the Apostille Convention.

III.A.1.2. Practical

We are not aware of any major difficulties of a practical nature regarding the implementation of the Apostille Convention. Since the Convention is a part of Slovenia's national legal order, the difficulties of a practical nature that do occur are discussed in Section III. B.

III.2. Parallel international agreements

III.A.2.1. Legal

There are no major difficulties of a legal nature regarding the implementation of the parallel international agreements. There are several parallel international agreements regarding international cooperation and legal assistance between Slovenia and some other countries:

International legal assistance in area of criminal law is regulated by the following international documents:

1. European Convention on Extradition (13.12.1957) and both of the protocols
2. Convention on the Transfer of Sentenced Persons (21.3.1983)
3. European Convention on Mutual Assistance in Criminal Matters (20.4.1959) with additional protocol
4. United Nations Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances (19.12.1988)
5. European Convention on the Suppression of Terrorism (27.1.1977)
6. Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime (8.11.1990)
7. OECD Convention on Combating Bribery of Foreign Public Officials in International Business Transactions (17.12.1997)
8. Criminal Law Convention on Corruption (27.1.1999)

International legal assistance in area of civil law is regulated by the following international documents:

1. Convention relating to civil procedure (1.3.1954)

2. Convention on the Conflicts of Laws relating to the Form of Testamentary Dispositions (5.10.1961)
3. Convention on the Law Applicable to Traffic Accidents (4.5.1971)
4. Convention on the Law Applicable to Products Liability (2.10.1973)
5. Convention on International Access to Justice (25.10.1980)
6. Convention on the Civil Aspects of International Child Abduction (25.10.1980)
7. United Nations Convention on the Recognition and Enforcement of Foreign Arbitral Awards (10.06.1958)
8. European Convention on Information on Foreign Law (7.6.1968)
9. Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (15.11.1965)
10. Convention on the Taking of Evidence Abroad in Civil or Commercial Matters (18.3.1970)
11. New York Convention on International Enforcement of Child Support Obligation (20.06.1956)

The following are bilateral agreements dealing with International legal assistance in area of criminal and civil law:

ALBANIA:

- Convention on Extradition (22.6.1926)

ALGERIA:

- Agreement on legal assistance in civil and criminal matters (31.3.1982)

AUSTRIA:

- Agreement on mutual legal business (16.12.1954)
- Agreement on mutual recognition and enforcement of arbitral awards in commercial arbitration (18.3.1960)
- Agreement on mutual recognition and enforcement of child support obligation (10.10.1961)
- Agreement on legal assistance in criminal matters (1.2.1982)
- Agreement on Extradition (1.2.1982)
- Agreement on mutual enforcement of judicial awards in criminal matters (1.2.1982)

AUSTRALIA:

- Agreement on mutual extradition in criminal matters (23.11.1900)

BELGIUM:

- Convention on extradition and legal assistance in criminal matters (4.6.1971)
- Agreement on legal assistance in civil and commercial matters (24.9.1971)
- Convention on issuing copies of public register data and abolishing legalisation (24.9.1997)
- Convention on mutual recognition and enforcement of child support obligation (12.12.1973)

BULGARIA:

- Agreement on mutual legal assistance (23.3.1956)

CYPRUS:

- Agreement on legal assistance in civil and criminal matters (19.9.1984)

CZECH REPUBLIC and SLOVAKIA:

- Agreement on Regulation of Legal Relations in Civil, Parental and Criminal Matters (20.1.1964),
- Convention on Extradition of Convicts (23.5.1989)

DENMARK:

- Convention on Extradition (28.10.1988)

FRANCE:

- Convention on legal assistance in criminal matters (29.10.1969)
- Agreement on Facilities of Use of the Hague Convention on Civil Procedure (1.3.1954)
- Convention on Issuing Copies of Public Register Personal Data and Abolishing Legalisation (29.10.1969)
- Convention on Extradition (23.9.1970)
- Convention on recognition and enforcement of judicial awards in civil, commercial and criminal matters (18.5.1971)
- Convention on jurisdiction and on the Law applicable to persons and family law (18.5.1971)

GREECE:

- Convention on mutual recognition and enforcement of judicial awards (18.6.1959)
- Convention on mutual legal relations (18.6.1959)

CROATIA:

- Agreement on legal assistance in civil and criminal matters (7.2.1994)
- Agreement on Extradition (7.2.1994)
- Convention on mutual enforcement of judicial awards in criminal matters (7.2.1994)

IRAQ:

- Agreement on legal and judicial cooperation (23.5.1986)

ITALY:

- Convention on Extradition (6.4.1922)
- Convention on legal and judicial protection of citizens (6.4.1922)
- Convention on mutual legal assistance in civil and criminal matters (3.12.1960)

CANADA:

- Convention on Extradition (23.11.1900)

HUNGARY:

- Agreement on mutual legal business (7.3.1968 and 25.4.1986),

MACEDONIA:

- Agreement on legal assistance in civil and criminal matters (6.2.1996)
- Agreement on Extradition (6.2.1996)
- Convention on mutual enforcement of judicial awards in criminal matters (6.2.1996)

MONGOLIA:

- Agreement on legal assistance in civil, parental and criminal matters (8.6.1981)

GERMANY:

- Agreement on Extradition (26.11.1970)
- Agreement on legal assistance in criminal matters (1.10.1971)

NETHERLANDS:

- Agreement on Extradition (28.2.1896)

POLAND:

- Agreement on legal business in civil and criminal matters (6.2.1960)

ROMANIA:

- Agreement on legal assistance with additional protocol (18.10.1960)

RUSSIA:

- Agreement on legal assistance in civil, parental and criminal matters (24.2.1962)

SPAIN:

- Agreement on legal assistance in criminal matters and extradition (8.7.1980)

SWITZERLAND:

- Convention on Extradition (16.11.1887)

TURKEY:

- Convention on mutual relations in judicial, civil and commercial matters (3.7.1934)
- Agreement on judicial legal assistance in criminal matters (8.10.1973)
- Convention on Extradition (17.11.1973)
- Agreement on mutual extradition of convicts (22.6.1989)

UNITED KINGDOM:

- Convention on Extradition (6.12.1900)
- Convention on regulation of mutual assistance in procedures in civil and commercial matters that take place before judicial authorities (27.2.1936)

USA:

- Convention on Extradition (25.10.1901)

Since all of the above listed agreements and conventions have been ratified by the Parliament, they are given direct effect pursuant to the provisions of the Slovene Constitution.

III.A.2.2. Practical

No major difficulties are reported regarding the above-mentioned agreements. Since these agreements form part of Slovenia's legal order, the difficulties of practical nature that do occur are discussed in Section III. B.

III.3. National law**III.A.3.1. Legal**

No major difficulties of a legal nature are reported regarding the national legal system. In our opinion, however, certain requirements set out in government regulations and decrees concerning the legalisation of foreign public documents are unnecessarily onerous and complex. [have we discussed the requirements set out in the decrees- what exactly are we talking about here, please provide some examples]

III.A.3.2. Practical

Certain difficulties of a practical nature are experienced by our clients as the process of legalisation is often too bureaucratic and the petitioner is required to complete too many forms and certificates. Specific examples are discussed in section III. B.

PART III.B. Specific**1. Documents proving involuntary unemployment**

We have worked on a case of a Polish resident living in Warsaw who had lost his job. He was entitled to receive unemployment benefit from the Polish Employment Service. After being unemployed for 2 months he moved to Slovenia and signed-up for unemployment benefit with the Slovene Employment Service. He enclosed the E-303 form (European form) which was filed with the Polish Employment Service and was entitled to 3 months unemployment benefit from the Slovene Employment Service. Form E-303 did not need to be legalised.

We were notified at Employment Service of Slovenia that had the not been an EU

national, he would not have been entitled to the benefit. This means that there are no problems when the petitioner is an EU citizen, but there may be problems if the petitioner is not an EU national.

2. Documents proving a family relationship or other durable relationship

Similar problems encountered as those discussed in sections 5 and 8.

3. Documents proving or contesting a parent-child relationship

Similar problems encountered as those discussed in sections 5 and 8.

4. Documents proving the name and forenames of a child or adult

Similar problems encountered as those discussed in sections 5 and 8..

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

The procedure for registering residence in Slovenia is rather complicated. An Estonian man and a Slovenian woman married in Tallinn and moved to Slovenia. To register residence in Slovenia the Estonian man had to submit the original marriage certificate, a copy of his bank account proving that he had sufficient funds, a translation of such document, a document proving that he has no criminal convictions and some other documents (such as statement of the person who rents the apartment etc). The process of registering a residence takes one day, provided, that the petitioner submits all the relevant documents. Although the process of registering residence is not as easy for foreigners as for Slovene citizens it is not expensive and is in our view relatively fast.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

A German attorney, admitted in Germany, wanted to work as a lawyer in Slovenia. He was only able to register in the Register of foreign lawyers of the Slovenian Bar upon submitting the following documents: a document proving German citizenship, a document proving his membership of the German Bar, a document proving his professional indemnity insurance, a document proving that he has a suitable office in Slovenia and a statement of co-operation with a Slovene attorney. The submitted documents that were not in Slovene, had to be translated and legalised by a Slovenian notary. The cost of the legalisation was charged according to the notary tariff and thus quite expensive as legalising one page of translation costs 100 notary points (1 point is equivalent to Euro 0,459, but the process was relatively quick as it took only 2 days.

7. Documents proving a person's professional qualifications (diplomas)

A Russian citizen applied for a traineeship at the Higher Court of Ljubljana and as part of the application process had to submit his nostrified Russian law diploma. To nostrify his diploma in Slovenia he had to submit to the University of Ljubljana his original diploma, the documents proving that he had finished the degree, a document proving his average grade and a legalised translations of all of the above documents which was notarised. Since all the documents had to be legalised by a notary, they were charged pursuant to the notary tariff and thus the cost was relatively high. The process was relatively quick since it only took 2 days.

8. Documents proving a person's death

In a case before the Slovene Probate Court we represented the heirs of a foreigner who owned some real estate in Slovenia. We were required to establish the death of the deceased. Because the deceased was an Austrian citizen, the certificate produced was in line with the provision of the Paris Convention of 1956 and Vienna Convention of 1976. Copy from register of deceased of Austria was obtained and was accepted as reliable proof with the Court.

We understood from the judge that had the deceased not been a national of a country which was a member to the above mentioned conventions we would have encountered difficulties. However, as we have never had such a case in practice it is difficult for us to discuss the nature of the difficulties we would have encountered in such a case.

9. Documents proving a person's date of birth

Similar problems encountered as those discussed in sections 5 and 8.

10. Documents proving the establishment by incorporation of a company

Similar problems encountered as those set out in section 11.

11. Documents proving the constitution of a company, including any official translation thereof

According to the Regulation regarding the registration of companies and other legal entities (Uredba o vpisu družb in drugih pravnih oseb v sodni register, UL RS, no. 18-722/2002) a foreign national wishing to set up a company must submit documents proving his/her citizenship (translated and legalised by a notary) or documents proving that a foreign legal person has been registered in the Official Register of the country of incorporation (translated and legalised by a notary). Since the documents need to be legalised by a notary, the cost are relatively high. Except for the high cost we are not aware of any difficulties regarding the use of such foreign public documents in Slovenia.

12. Documents proving the latest banking accounts of a company

Similar problems encountered as those discussed in section 5.

Please note that a company incorporated in Slovenia must have a bank account in Slovenia.

13. Documents proving the deposit of cash or certificates of deposit

Similar problems encountered as those discussed in section 5.

PART IV – Outgoing documents: Difficulties

OVERVIEW OF PART IV

PART IV.A. General

IV.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

IV.A.1.1. Legal

Act of verification of documents in international traffic in Article 14 states: *“Public documents issued in Slovenia which shall be used in member states of the “Apostille” Convention shall be legalised according to the procedure determined with this Convention.*

The legalisations, determined in the first paragraph of the Article 14, shall be performed by District Courts and Ministry of Justice. No further legalisation of public documents issued in Slovenia which shall be used in member states of the “Apostille” Convention shall be necessary.”

Slovenia implemented the Convention into its legal system. Consequently, provided that the requirements set in the Apostille Convention are complied with no further legalisation is required. n.

We are not aware of any problems in legalising public documents. The only No additional requirements concerning legalisation are set out in regulations and decrees.

IV.A.1.2. Practical

We are not aware of any significant practical problems in legalising public documents in Slovenia. However, we would like to draw attention to the fact that under Article 62 of ZUP requires that all foreign public documents which are to be legalised must be translated into Slovenian the cost of which is significant.

IV.A.2. Parallel international agreements

IV.A.2.1. Legal

We are not aware of any legal problems concerning the implementation of these agreements. However, we would like to point out that the legalisation of documents pursuant to the terms of these agreements is somewhat more cumbersome since the petitioner is required to complete three forms, which are set out in Appendix 1. The

forms were published in Official Gazette of the Republic of Slovenia, No. 7, 2002.

IV.A.2.2. Practical

No major practical difficulties have been reported as far as we are aware in respect of the implementation of the above mentioned agreements. There are no major difficulties reported regarding the above mentioned agreements. We are however aware of circumstances where the process of legalization took more than the usual one to two days.

IV.A.3. National law

IV.A.3.1. Legal

There are no major difficulties of a legal nature reported regarding the national legal system.

IV.A.3.2. Practical

Some problems that could arise in Slovenian legal system referring to legalization of documents were already mentioned under parts IV.A.1.2 and IV.A.2.2.

PART IV.B. Specific

1. Documents proving involuntary unemployment

There is no specific document which is required to be produced proving involuntary unemployment in a foreign country.

The Ministry of Labour, Family and Social Affairs keeps the register of the unemployed.

2. Documents proving a family relationship or other durable relationship

We are not aware of any difficulties.

3. Documents proving or contesting a parent-child relationship

We are not aware of any difficulties.

4. Documents proving the name and forenames of a child or adult

We are not aware of any difficulties.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

V tem delu poročila moramo govoriti o problemih ki obstajajo v Sloveniji glede legqalizacije zgoraj omenjenih dokumentov..

A document proving a marriage/civil partnership or other durable relationship should be translated to foreign country's language and legalised by authorised Slovenian organ. A judgment that annuls/terminates a marriage/civil partnership or other durable relationship

should be also translated to foreign country's language and legalised by authorised organ. A problem could arise if Republic of Slovenia and foreign country have not signed any treaty and foreign country is not a member state of Apostille Convention.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

V tem delu porocila moramo govoriti o problemih ki obstajajo v Sloveniji glede legqalizacije zgoraj omenjenih dokumentov.

There are no special requirements for proving a person's legal establishment for the purpose of pursuing specific regulated professional activities in another country under Slovenian law. We are not aware of any cases concerning this issue.

7. Documents proving a person's professional qualifications (diplomas)

No special procedure is prescribed for the legalisation of documents proving the completion of Slovenian professional qualifications. We are not aware of any difficulties.

8. Documents proving a person's death

V tem delu porocila moramo govoriti o problemih ki obstajajo v Sloveniji glede legalizacije zgoraj omenjenih dokumentov.

There are no special requirements for proving a person's death in another country under Slovenian law. We are not aware of any cases concerning this issue.

9. Documents proving a person's date of birth

V tem delu porocila moramo govoriti o problemih ki obstajajo v Sloveniji glede legqalizacije zgoraj omenjenih dokumentov.

There are no special requirements for proving or contesting a person's date of birth in another country under Slovenian law. We are not aware of any cases concerning this issue.

10. Documents proving the establishment by incorporation of a company

V tem delu porocila moramo govoriti o problemih ki obstajajo v Sloveniji glede legqalizacije zgoraj omenjenih dokumentov.

There are no special requirements for proving the establishment by incorporation of a company in another country under Slovenian law. We are not aware of any cases concerning this issue.

11. Documents proving the constitution of a company, including any official translation thereof

V tem delu poročila moramo govoriti o problemih ki obstajajo v Sloveniji glede legalizacije zgoraj omenjenih dokumentov.

There are no special requirements for proving the constitution of a company, including any official translation thereof in another country under Slovenian law. We are not aware of any cases concerning this issue.

12. Documents proving the latest banking accounts of a company

Not applicable

13. Documents proving the deposit of cash or certificates of deposit

Not applicable

PART V – Justification of legalisation or other similar or equivalent requirements identified in Part I

OVERVIEW OF PART V

PART V.A. General

V.A.1. Hague Convention of 5 October 1961 (the ‘Apostille’ Convention)

V.A.1.1 Requirements and procedures

The requirements and procedures for the legalisation of public documents in Slovenia are in line with the provisions of the Apostille Convention. We are not aware of any major difficulties connected with the legalisation of documents in Slovenia. The process of legalisation is quick and inexpensive.

V.A.1.2 Effects rules

We are not aware of any difficulties

V.A.2. Parallel international agreements

V.A.2.1 Requirements and procedures

In our view the requirements and procedures are reasonable and cause no difficulties.

V.A.2.2 Effects rules

We are not aware of any difficulties.

V.A.3. National law

V.A.3.1 Requirements and procedures

Although the requirements and procedures set out in ZOLMP may seem complex we believe they are justified given the need to ensure the veracity of the documents.

V.A.3.2 Effects rules

We are not aware of any difficulties.

PART V.B. Specific

1. Documents proving involuntary unemployment

Legalisation is not required for documents of this type. We are not aware of any difficulties.

2. Documents proving a family relationship or other durable relationship

As per under the Paris and Vienna Conventions legalisation is not required for documents of this type. We are not aware of any difficulties.

3. Documents proving or contesting a parent-child relationship

We are not aware of any difficulties.

4. Documents proving the name and forenames of a child or adult

Legalization is not required for passports and IDs. We are not aware of any difficulties.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

We are not aware of any difficulties.

6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities

We are not aware of any difficulties.

7. Documents proving a person's professional qualifications (diplomas)

We are not aware of any difficulties.

8. Documents proving a person's death

We are not aware of any difficulties.

9. Documents proving a person's date of birth

We are not aware of any difficulties.

10. Documents proving the establishment by incorporation of a company

We are not aware of any difficulties.

11. Documents proving the constitution of a company, including any official translation thereof

We are not aware of any difficulties.

12. Documents proving the latest banking accounts of a company

We are not aware of any difficulties.

13. Documents proving the deposit of cash or certificates of deposit

We are not aware of any difficulties.

PART VI – Suggested action

VI.1. European

One way of further simplifying the procedure for legalising documents would be to standardise the form of the Apostille in one of the EU languages.

In some countries like Russia and the Ukraine the authorities request that the apostille issued in a foreign language be translated into Russian or Ukrainian and the translation certified. This increases the cost of legalisation and makes the entire process more complicated.

Since Slovenia neighbours Italy, we wish to draw attention to the fact that there are numerous instances where the legalisation process set out in the Apostille Convention is not given effect to in Italy. We are aware of numerous cases of Slovenian's experiencing considerable delay in getting their degrees recognised in Italy.

Another way of ensuring that the process of legalisation is complied with and the EU regulations discussed above are given full effect is to provide for a mechanism for penalties and sanctions to be imposed on states who fail to comply with such rules and regulations.

VI.2. Intergovernmental

See above.

VI.3. National

Furthermore, at the national level, the process of legalising Slovenian public documents

to which the Apostille Convention does not apply could be simplified by requiring that such documents only be legalised by the Ministry of Foreign Affairs. This could be done by ensuring that a complete list of all judges, [witnesses,?] government officials which have the power to sign government documents, [notaries] is deposited and maintained at the Ministry of Foreign Affairs, thereby avoiding the need for such documents to undergo the three stage legalisation process described above.