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[Home](#) > Slovenia

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## Slovenia

### Vrhovno sodište Republike Slovenije

Date of establishment

The Supreme Court of the Republic of Slovenia was formally established with the Constitution on December 23, 1991. Practically, it has performed this function since June 25, 1991 when Slovenia gained independence from former Yugoslavia, thus replacing the authority of the Federal Court in Belgrade (historically, it has existed in different forms since 1918).

Address and e-mail of the court:

Vrhovno sodište RS (Supreme Court of the Republic of Slovenia)

Tavčarjeva 9

1000 Ljubljana

Slovenija (Slovenia)

phone: 0038613664444

[urad.vsrs@sodisce.si](mailto:urad.vsrs@sodisce.si) <sup>[1]</sup>

Website

<http://www.sodisce.si/eng/> <sup>[2]</sup>

Link to the national database of their case law

<http://www.sodnapraksa.si/> <sup>[3]</sup>

[http://www.sodisce.si/znanje/supreme\\_court\\_key\\_decisions/](http://www.sodisce.si/znanje/supreme_court_key_decisions/) <sup>[4]</sup>

### Position of the supreme court in the national court system:

The Republic of Slovenia has one Supreme Court. It is the highest court in the state. It hears cases on third instance in criminal and civil cases, in commercial lawsuits and in labour and social security disputes. In administrative disputes it hears cases on second instance as the administrative disputes procedure

before the Administrative court itself serves as an appellate procedure in regard to the administrative procedure before the administrative authority.

The access to the Supreme Court is somehow limited in all types of cases. In general, the extraordinary legal remedies can be filed to the Supreme Court, if the case holds a substantial value to the involved party. For civil cases, commercial lawsuits and administrative disputes it means that the disputed portion of the decision of second instance court has to exceed a certain amount of money. In criminal cases a request for the protection of legality can be filed against every final judicial decision, but the applicant may only refer to complaints he was not able to state in his appeal against the first instance ruling or the court of second instance did not examine these complaints. Other cases are admissible only if they contain a contentious question on law where the Supreme Court's decision should have an important effect in the field of legal security and harmonization of jurisprudence.

The Supreme Court hears cases against rulings that were final on second instance courts. These rulings can only be contested due to the incorrect application of material law and an essential violation of procedural provisions. The exception is an appeal against the judgment of the court of second instance in criminal cases and against a judgment of the Administrative court which may be lodged with the Supreme Court before the decisions are final, if the higher or Administrative court, after conducting a hearing, determined the factual situation differently from the court of first instance/administrative authority and based its judgment on such factual determination.

What does the court decide about

The Supreme Court has jurisdiction in:

1. Adjudicating or deciding at the first instance in administrative and auditing-administrative disputes, except in cases for which the jurisdiction of another court of the first instance is determined by statute;
2. Adjudicating at the second instance on appeals against the decisions of a court of the first instance in matters from the previous subparagraph, and on appeals against the decisions of courts of the first instance, when so determined by statute;
3. Adjudicating at the third instance on regular legal remedies against the decisions of courts of the second instance;
4. Deciding on extraordinary legal remedies against decisions of courts, except in cases where deciding in such a dispute falls within the jurisdiction of another court;
5. Deciding in disputes about the jurisdiction between inferior courts, except in cases where it is determined by statute that deciding in such a dispute falls within the jurisdiction of another court;
6. Deciding on the transfer of jurisdiction in cases determined by statute;
7. Performing other matters determined by statute.

The principals of procedure:

The president of the Supreme Court of the Republic of Slovenia or in case of his absence the vice president decides on propositions for control of letters or other packages as well as control and taping of telecommunications and control of telecommunications with the list of the telecommunicating traffic in the Republic of Slovenia.

The number of justices and panels

Currently the number of justices is 31.

The Supreme Court shall decide in the panel of three judges, and in the panel of five judges when so determined by statute.

On a legal remedy against the decision under the previous paragraph issued by the panel of five judges, the Supreme Court shall decide in the panel of seven judges, otherwise in the panel of five judges.

How are the justices appointed

According to the Constitution of the Republic of Slovenia (Article 130) judges are elected by the National Assembly on the proposal of the Judicial Council. The promotion to a higher position is done by the Judicial Council. However, for Supreme Court judges the National Assembly has to decide again (after it has already elected the judge at first instance, in case the candidate held judicial office before) on the appointment of a candidate to the post of a Supreme Court judge upon the proposal of the Judicial Council.

Persons who fulfil the general conditions for a judge may be elected to a judicial post at the Supreme Court (Supreme Court judge), if they have successfully held judicial office for at least 15 years or have at least 20 years of working experience in legal work after passing the lawyer's state examination. University lecturers in law who fulfil the general conditions for a judge may be elected Supreme Court judges provided they have been elected to at least a title of associate professor.

The selection procedure is described in the provisions of the Judicial Service Act. The list of candidates is drawn by the Ministry of Justice in accordance with the applications. The applications are sent to the President of the Supreme Court to formulate an argued opinion on the suitability of each candidate. The opinion of the President together with the eventual candidate's comments is sent to the Judicial Council. It is the Judicial Council that selects the candidate that it proposes for election to the National Assembly. However, the Judicial Council is not obliged to follow the proposal of the President of the Supreme Court.

There are no specific provisions regarding the hearing of candidates by the Judicial Council. However, such hearings can take place. In the case of the latest selection for the Supreme Court judge that became Head of the Registry Department, the Judicial Council invited the candidates to a hearing in which they presented themselves and their views on the work and programme of the Registry Department.

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