
Practical Guide for EU, EEA and Swiss Lawyers on Service and Establishment

SLOVENIA

SEPTEMBER 2018

This information is provided by our members Bars and Law Societies and seeks to reflect the rules applicable at national level at the time of the most recent update by the relevant Bar or Law Society. The CCBE cannot be held responsible for the accuracy or validity of the information provided, nor give a guarantee that the details are complete, accurate and up-to-date. All information is provided subject to modification, error or omission.

If an error is identified, please bring it to the attention of the CCBE which will correct it, where appropriate.

Structure	Information received
1. Establishment	
1.1. Registration with Host Bar	<p>A lawyer from a country that is a Member State of the European Union, who has the right to practice law in a country that is a Member State of the European Union, may perform the services associated with lawyers in Slovenia under the conditions laid down in Article 34.b of the Slovenian Attorneys Act. Entry into the registry of foreign lawyers with the Bar Association of Slovenia is required to be able to start practicing, and this entry is decided upon providing the Bar Association of Slovenia with the following documents (which must not be older than 3 months and must be officially translated into the Slovenian language by a certified translator):</p> <ul style="list-style-type: none">• Certificate of registration with the competent authority of the home country• Certificate of citizenship• Proof of professional liability insurance in the home country• Proof of a possible membership in a law firm of the home country or any other foreign country• Proof of equipment and premises necessary and suitable for the pursuit of a profession of lawyer• Statement of collaboration with a host state lawyer regarding the representation of clients before courts <p>There is also the possibility under Article 34.d of the Attorneys Act for foreign lawyers to only report individual services to the Bar Association of Slovenia, without registering into the registry of foreign lawyers with the Bar Association of Slovenia. In this case, the lawyer must give a written notification to the Bar Association of Slovenia about their intended performance of the individual services, together with the proof of capability to practice the lawyer's profession and proof of professional liability insurance in the home country. The lawyer also has to determine an address or authorized person for the service of documents in Slovenia. The Bar Association of Slovenia then issues a certificate of notified individual services. The state authorities can</p>

	<p>request that a foreign lawyer submit this certificate to them. The principle of double deontology applies and lawyers can be subjected to disciplinary proceedings in Slovenia.</p> <p>Specification of the costs:</p> <ul style="list-style-type: none"> - Registration fee approx.. 2.200,00 EUR - Membership fee 360,00 EUR per year. <p>Relevant national provision in reference to Article 3 Directive 98/5, e.g.: Article34.a of the Slovenian Attorneys Act.</p>
1.2. Title	<p>The title of the home country must be used, expressed in the official language or one of the official languages of the home country, stating the authority in which the lawyer is registered in his / her home country.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 34 b of the Slovenian Attorneys Act.
1.3. Salaried practice	<p>Through employment as a lawyer to another lawyer or law firm only.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 4 of the Slovenian Attorneys Act.
1.4. Legal Form and Shareholding	<p>Must correspond with the core principles laid down for Slovenian lawyers: no MDPs, no ABSs and no participation of non-lawyers.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 37 of the Slovenian Attorneys Act.
1.5. Joint Practice	<p>Permitted only in the form of societias, which can be established with the restrictions mentioned above.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 37 of the Slovenian Attorneys Act.
1.6. Areas of Activity	<p>Representation of clients before courts and administrative authorities. Advise in the law of home and host state and European and International law.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 2 of the Slovenian Attorneys Act.
1.7. Practice Rules	<p>Representation of clients before courts and administrative authorities. Advise in the law of home and host state and European and International law. For any kind of representation of clients before the courts, a foreign lawyer must collaborate with a Slovenian lawyer. The collaboration has to be agreed in writing between foreign lawyer and the host state lawyer and has to be presented to the Bar Association of Slovenia upon application for entry into the registry of foreign lawyers.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 34.c of the Slovenian Attorneys Act.

1.8. Principle of Double Deontology	<p>As a foreign lawyer, you are subject to the regulations not only of your home bar but also of the host bar.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 34.e of the Slovenian Attorneys Act.
1.9. Disciplinary proceedings	<p>See above.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 34.e of the Slovenian Attorneys Act.
1.10. Insurance (professional indemnity insurance, social security, etc.)	<ul style="list-style-type: none"> • Professional Indemnity Insurance: must comply with the rules for Slovenian lawyers: minimum coverage: € 250.000 for any one claim, with an aggregate level of € 500.000 in total in any one year. • Social security: / <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 9 of the Slovenian Attorneys Act.
1.11. Fees	<p>Slovenian rules apply, in general a lawyer and a client can agree on a fee; however the agreement has to comply with professional rules; otherwise (in lack of an agreement), the Lawyers' Tariff applies.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 17 of the Slovenian Attorneys Act.
1.12. Continuing Legal Education	<p>Not required. There is a provision in the Code of Ethics for Attorneys that they must constantly improve the expertise, but this provision is legally only a recommendation.</p>
1.13. Bar	<p>By registering, you become a member of the Bar Association of Slovenia. However, you may not be elected to a representative body of the bar; you are not entitled to train young lawyers or to render legal aid (pro bono or ex officio).</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 34.c of the Slovenian Attorneys Act.
1.14. Conditions for the Acquisition of the Title of a 'National Lawyer'	<ul style="list-style-type: none"> • Effective and continuous practice as a registered foreign lawyer for at least three years; <p>The lawyer shall provide the Slovenian Bar Association with relevant information and documentation on the number of matters he has dealt with and their nature.</p> <ul style="list-style-type: none"> • Or: Aptitude Test + full capacity for legal acts + can be trusted in the pursuit of the profession + actively speaks Slovenian language + equipment and premises necessary and suitable for the pursuit of a profession of lawyer.

2. Services

3.1. Under home title & representation before courts	<p>Service under your home title, which must be expressed in the official language – before courts and administrative authorities.</p> <p>For any kind of representation of clients before the courts, a foreign lawyer must collaborate with a Slovenian lawyer.</p> <p>Relevant national provision in reference to Article 4 of Directive 77/249, e.g.:</p> <ul style="list-style-type: none"> - Articles 2 and 34.c of the Slovenian Attorneys Act.
3.2. Deontology	<p>You are subject to the rule in the host state and subject to disciplinary supervision of the bar.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 34.e of the Slovenian Attorneys Act.
3.3. Fees	<p>Slovenian rules apply, in general lawyer and client can agree on a fee in writing, however the agreement has to comply with professional rules; otherwise (in lack of a written agreement), the Lawyers' Tariff applies.</p> <p>Relevant provision:</p> <ul style="list-style-type: none"> - Article 17 of the Slovenian Attorneys Act.
3. Acquisition of the national lawyer's title	
3.1. Via Establishment Directive	See above point 1.14
3.2. Via Professional Qualification Directive	<p>Pass the aptitude test (or having a period of adaptation up to 3 years): see Articles 13-14 of Directive 2005/36 on recognition of professional qualifications</p> <p>State exam content:</p> <ul style="list-style-type: none"> - Criminal law, - Civil law, - Commercial law, - government regulation, - Constitution and government organisation. <p>State exam cost approx. 700,00 EUR.</p>
4. Practicalities	
4.1. Practical information	<ul style="list-style-type: none"> • You can find information on the court system, addresses, contacts and opening hours of all Slovenian courts under http://www.sodisce.si/sodisca/sodni_sistem/seznam_sodisc/ • Contacts and information on the organization of the Bar Association of Slovenia are available under http://www.odv-zb.si/en/about-the-bar.

	<ul style="list-style-type: none"> • It is recommended to arrive at least 15 minutes beforehand, because you must pass the security check which can be time consuming (it is unlikely that the security guards would speak English). Some of the courts are bigger than others, consider the time spent for searching the appropriate courtroom. • Once you find the appropriate courtroom, please wait outside. You will be invited in. • Before the Slovenian courts, it is required to wear a lawyer's gown / robe. • As a lawyer for the plaintiff, you and your client sit on the left side, as a lawyer for the defendant you and your client sit on the right side from the judge's point of view. • It is required to stand when the judge walks in or when you speak to him / her. You are only allowed to ask questions or speak when you are given the right to do so by the judge.
4.2. National organisation	<p>On the territory of Slovenia, the Bar exists as an organized activity for as many as 150 years. By now Slovenia has had ten Bar Acts, the latest in force the one adopted in 1993, last amended in 2016.</p> <p>The activity of the Slovene Bar is based on the provision of Article 137 of the Constitution of the Republic of Slovenia, on the Bar Act, on the Code of Conduct for Lawyers (1994, last amended in 2011), on the Lawyers' Tariff (2015) as well as on numerous internal acts of the Bar Association. Moreover, it is necessary to mention several international documents and relevant deeds, in particular the EU Directives and the Code of Conduct for Lawyers in the EU - by CCBE, the officially recognized all-European professional organization of lawyers, combining within the scope of the European Community both national organizations and delegations of observers from other European countries.</p> <p>The Slovenian Bar Association consists of 11 regional assemblies whereof the membership is based on territorial and functional principles. Their territories predominantly coincide with the territories of District Courts.</p> <p>Contacts and information on the organization of the Bar Association of Slovenia are available under http://www.odv-zb.si/en/about-the-bar</p>
4.3. Reference to national legislation with other languages available + links	<p>References to applicable national legislation:</p> <p>The National Assembly: http://www.dz-rs.si/wps/portal/en/Home</p> <p>Supreme Court of the Republic of Slovenia: http://www.sodisce.si/eng/</p> <p>Constitutional Court: http://www.us-rs.si/en/</p> <p>State Portal of the Republic of Slovenia: http://e-uprava.gov.si/en</p> <p>Official Gazette: https://www.uradni-list.si/</p>
4.4. Reference to existing national guides	N/A
4.5. Reference to services available	EU, EEA or Swiss lawyers in a host Member State have access to the services of the Order (permanence, documentation, meetings of columns, etc.) under the same conditions as national lawyers.

for lawyers in that jurisdiction	
4.6. Contact information	E-mail address of the Slovenian Bar association is: info@odv-zb.si