

Factor of Costs in Cross Border Debt Collection

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SELECTED LEGAL BASIS OF THE EU

- “Brussels I” BU I

Council Regulation (EC) No [44/2001](#) of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters

- European enforcement order for uncontested claims EEO

Regulation (EC) No [805/2004](#) of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims

- European order for payment procedure EOPP

Regulation (EC) No [1896/2006](#) of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure.

- European small claims procedure ESCP

Regulation (EC) No [861/2007](#) of the European Parliament and of the Council of 11 July 2007 establishing a European small claims procedure.

LEGAL FRAMEWORK IN THE RS

- **COURT FEES ACT** (OFF. GAZ. NO. 37/2008, 36/2009, 97/2010)
- **ATTORNEY FEE TARIFF ACT** (OFF. GAZ. NO. 67/2008, 35/2009)
- **RULES ON COURT INTERPRETERS** (OFF. GAZ. NO. 49/2002, 75/2003, 71/2007, 88/2010)

NECESSARY CONDITIONS FOR STARTING EXECUTION PROCEDURE IN THE RS

BU I

- IN THE MEMBER STATE OF ORIGIN
 - TO ISSUE AN EXECUTORY TITLE
 - CERTIFICATE OF ENFORCEABILITY (ART. 54 AND 58 FOR JUDGEMENTS AND COURT SETTLEMENTS, ART. 57/4 FOR AUTHENTIC INSTRUMENTS)
- IN THE MEMBER STATE OF ENFORCEMENT
 - DECLARATION OF ENFORCEABILITY
 - DE FACTO EXECUTION

EUROPEAN ENFORCEMENT ORDER

- IN THE MEMBER STATE OF ORIGIN
 - TO ISSUE AN EXECUTORY TITLE
 - EUROPEAN ENFORCEMENT ORDER CERTIFICATE
- IN THE MEMBER STATE OF ENFORCEMENT
 - DE FACTO EXECUTION

EUROPEAN ORDER FOR PAYMENT PROCEDURE

- IN THE MEMBER STATE OF ORIGIN
 - TO ISSUE AN EXECUTORY TITLE (**EUROPEAN ORDER FOR PAYMENT**)
 - DECLARATION OF ENFORCEABILITY
- IN THE MEMBER STATE OF ENFORCEMENT
 - DE FACTO EXECUTION

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EUROPEAN SMALL CLAIMS PROCEDURE

- IN THE MEMBER STATE OF ORIGIN
 - TO ISSUE AN EXECUTORY TITLE (JUDGMENT GIVEN IN THE EUROPEAN SMALL CLAIMS PROCEDURE)
 - CERTIFICATE CONCERNING ISSUED JUDGMENT
- IN THE MEMBER STATE OF ENFORCEMENT
 - DE FACTO EXECUTION

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USUALLY COSTS OF THE EXECUTION PROCEDURE IN RS


- COURT FEES
- ATTORNEY FEES
- TRANSLATION FEES

COURT FEES

- REQUEST FOR EXECUTION ORDER
- **45 €** ➡ FOR ONE EXECUTION MEASURE (FOR
EXAMPLE : execution on personal property)
- **5€** ➡ FOR (EACH) ANOTHER EXECUTION
MEASURE (garnishment, attachment of earnings,
execution on immovable property, etc.)

**LEGAL GROUND OF EXECUTION TITLE IS NOT
IMPORTANT!**

ATTORNEY FEES

- **REMUNERATION** TO DRAW UP REQUEST FOR EXECUTION ORDER (INCLUDED COSTS OF MATERIAL EXPENSES)
-  **DEPENDS ON THE VALUE OF THE SUBJECT MATTER OF THE DISPUTE**
- **EXPENSES**
- EXPENSES TO DRAW UP DOCUMENTS (TARIFF NO. 6000,
- POST AND TELECOMUNICATION EXPENSES (6001, 6002), MAX. TO **20 €**
- VAT (20% OF REMUNERATION + EXPENSES).

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SUBJECT VALUE TILL... EUR	RENUMERATION IS... EUR	SUBJECT VALUE TILL... EUR	RENUMERATION IS... EUR
300	17	40.000	589
600	30	45.000	637
900	43	50.000	685
1.200	56	65.000	736
1.500	69	80.000	787
2.000	87	95.000	838
2.500	105	110.000	889
3.000	123	125.000	940
3.500	141	140.000	991
4.000	159	155.000	1.042
4.500	177	170.000	1.093
5.000	195	185.000	1.144
6.000	219	200.000	1.195
7.000	243	230.000	1.273
8.000	267	260.000	1.351
9.000	291	290.000	1.429
10.000	315	320.000	1.507
13.000	341	350.000	1.585
16.000	367	380.000	1.663
19.000	393	410.000	1.741
22.000	419	440.000	1.819
25.000	445	470.000	1.897
30.000	493	500.000	1.975
35.000	541		

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TRANSLATION FEES

- FOR ONE PAGE OF THE DOCUMENT (1500 SIGNS/PAGE)

➡ **25 €** / TRANSLATION FROM FOREIGN LANGUAGE TO SLOVENIAN

➡ **37 €** / TRANSLATION FROM FOREIGN LANGUAGE TO SLOVENIAN

(ART. 49/1 RULES ON COURT INTERPRETERS)

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COMPARISON THE FACTOR OF
COSTS IN EXECUTION PROCEDURE
ON THE DIFFERENT GROUNDS

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BU I

- COURT FEES
 - DECLARATION FOR ENFORCEABILITY (SUBJECT MATTER JURISDICTION BELONGS TO DISTRICT COURTS)
 - REQUEST FOR EXECUTION ORDER
 - REQUEST FOR PROVISIONAL (PROTECTIVE) MEASURES (ART. 47)
- ATTORNEY FEES
 - REMUNERATION FOR DRAW UP +
 - EXPENSES
- TRANSLATION FEES



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TRANSLATION FEES

- “IF THE COURT OR COMPETENT AUTHORITY SO REQUIRES, A TRANSLATION OF THE **DOCUMENTS** SHALL BE PRODUCED. THE TRANSLATION SHALL BE CERTIFIED BY A PERSON QUALIFIED TO DO SO IN ONE OF THE MEMBER STATES” (ART. 55/2).
- WHICH DOCUMENTS?
 - JUDGMENT
 - CERTIFICATE OF ENFORCEABILITY (ART. 54)

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EUROPEAN ENFORCEMENT ORDER

- COURT FEES FOR
-REQUEST FOR EXECUTION ORDER
- ATTORNEY FEES
-REMUNERATION FOR DRAW UP +
-EXPENSES
- TRANSLATION FEES

“THE CREDITOR SHALL BE REQUIRED TO PROVIDE... A TRANSLATION OF THE EUROPEAN ENFORCEMENT ORDER CERTIFICATE. The translation shall be certified by a person qualified to do so in one of the Member States.” (Art. 20/2c)

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EUROPEAN ORDER FOR PAYMENT PROCEDURE

- COURT FEES
REQUEST FOR EXECUTION ORDER
- ATTORNEY FEES
REMUNERATION FOR DRAW UP +
EXPENSES
- TRANSLATION FEES

“The claimant shall provide the competent enforcement authorities of that Member State with: where necessary, a translation of the **European order for payment** .. The translation shall be certified by a person qualified to do so in one of the Member States”. (Art. 21/2b)

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EUROPEAN SMALL CLAIMS PROCEDURE

- COURT FEES
REQUEST FOR EXECUTION ORDER

- ATTORNEY FEES
REMUNERATION FOR DRAW UP +
EXPENSES

- TRANSLATION FEES

“The party seeking enforcement shall produce... where necessary, the translation of **a copy of the certificate concerning a judgment in the European Small Claims Procedure**. It shall be translated by a person qualified to make translations in one of the Member States”.(Art. 21/2b).

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SUBJECT VALUE 300€	BU1	EEO	EPO	ESCP
COURT FEES				
DECLARATION OF ENFORCEABILITY (9111)	25			
REQUEST FOR EXECUTION ORDER (4011)	45(+5+5..)	45(+5+5..)	45(+5+5..)	45(+5+5..)
REQUEST FOR PROVISIONAL MEASURES (40110)	16			
ATTORNEY FEES				
DECLARATION FOR ENFOR. (3101)	17 X 0.8= 13.6			
REQ. FOR EXEC. ORDER (3460)	17 X 0.3= 5,1	17 X 0.3= 5,1	17 X 0.3= 5,1	17 X 0.3= 5,1
REQ. FOR PROVISIONAL MEASURES(3461)	17 X 0.3= 5,1			
EXPENSES				
POST AND TELECOM.	20	20	20	20
VAT (20%)	8,76	5,02	5,02	5,02
TRANSLATION FEES	25 /PAGE	25 /PAGE	25 /PAGE	25 /PAGE
SUM €	138,56	75,12	75,12	75,12

REMARK: NECESSARY COSTS (RED)

SIMPLIFICATION OF DEBT COLLECTION IN
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SUBJECT VALUE 1500€				
	BU1	EEO	EPO	ESCP
COURT FEES				
DECLARATION OF ENFORCEABILITY (9111)	25			
REQUEST FOR EXECUTION ORDER (4011)	45(+5+5..)	45(+5+5..)	45(+5+5..)	45(+5+5..)
REQUEST FOR PROVISIONAL MEASURES (40110)	16			
ATTORNEY FEES				
DECLARATION FOR ENFOR. (3101)	69 X 0.8= 55.2			
REQ. FOR EXEC. ORDER (3460)	69 X 0.3= 20.7	69 X 0.3= 20.7	69 X 0.3= 20.7	69 X 0.3= 20.7
REQ. FOR PROVISIONAL MEASURES(3461)	69X 0.3= 20.7			
EXPENSES				
POST AND TELECOM.	20	20	20	20
VAT (20%)	23,32	8,14	8,14	8,14
TRANSLATION FEES				
	25 /PAGE	25 /PAGE	25 /PAGE	25 /PAGE
SUM €	225,95	93.84	93.84	93.84

REMARK: NECESSARY COSTS (RED)

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NATIONAL PAYMENT ORDER

CIVIL PROCEDURE ACT

(Of. Gaz. 26/1999...58/2011)

- COURT FEES**

-REQUEST FOR PAYMENT ORDER

T.N. 1301

S.V. 300: $17 \times 1.2 = 20,4\text{€}$;

S.V. 1500: $45 \times 1.2 = 54\text{€}$

-REQUEST FOR EXECUTION ORDER (T.N.4011)

S.V. 300 OR 1500: 45€

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ATTORNEY FEES

-REMUNERATION FOR DRAW UP REQ. FOR P.O
T. N. 3410,

S.V. 300: $17 \times 0.3 = 5,1$;

S.V. 1500: $69 \times 0.3 = 20,7\text{€}$

-REMUNERATION FOR DRAW UP REQ. FOR E.O.
T. N. 3460,

S.V. 300: $17 \times 0.3 = 5,1$;

S.V. 1500: $69 \times 0.3 = 20,7\text{€}$

- EXPENSES : VAT 20%, POST AND TELEC. EXPENSES

- NO TRANSLATION FEES

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THANK YOU
FOR YOUR
ATTENTION!

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