

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o alternativnem reševanju sodnih sporov obsega:

- Zakon o alternativnem reševanju sodnih sporov – ZARSS (Uradni list RS, št. 97/09 z dne 30. 11. 2009),
- Zakon za uravnoteženje javnih financ – ZUJF (Uradni list RS, št. 40/12 z dne 30. 5. 2012).

## ZAKON

### O ALTERNATIVNEM REŠEVANJU SODNIH SPOROV (ZARSS)

(neuradno prečiščeno besedilo št. 1)

#### I. SPLOŠNE DOLOČBE

##### **1. člen** (vsebina in namen zakona)

(1) Ta zakon ureja reševanje sodnih sporov v okviru postopkov alternativnega reševanja sporov, ki jih na podlagi tega zakona strankam zagotavljajo sodišča.

(2) Postopki iz prejšnjega odstavka v sodnih sporih izboljšujejo dostop strank do ustreznega pravnega varstva, strankam ponujajo izbiro

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The unofficial consolidated version of the Act on Alternative Dispute Resolution in Judicial Matters comprises:

- Act on Alternative Dispute Resolution in Judicial Matters – ZARSS (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 97/09 of 30 November 2009),
- Fiscal Balance Act – ZUJF (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 40/12 of 30 May 2012).

## ACT ON ALTERNATIVE DISPUTE RESOLUTION IN JUDICIAL MATTERS (ZARSS)

(Unofficial consolidated version No. 1)

#### I. GENERAL PROVISIONS

##### **Article 1** (Subject and purpose of the Act)

(1) This Act governs dispute resolution in judicial matters within the framework of alternative dispute resolution procedures, which are provided to the parties by the courts on the basis of this Act.

(2) Procedures referred to in the preceding paragraph shall improve access to appropriate legal protection for parties, give the parties

ustreznega postopka za reševanje spora, omogočajo pravične, hitre in sporazumne rešitve sporov, strankam in sodiščem zagotavljajo časovne in finančne prihranke ter povečujejo obseg prostovoljnih izvršitev sklenjenih sodnih ali izvensodnih poravnav ali izdanih arbitražnih odločb.

## **2. člen (področje uporabe)**

(1) Ta zakon se uporablja v sporih iz gospodarskih, delovnih, družinskih in drugih civilnopравnih razmerij v zvezi z zahtevki, s katerimi lahko stranke prosto razpolagajo in se glede njih lahko poravnajo, razen če je s posebnim zakonom za posamezne od teh sporov določeno drugače.

(2) Ta zakon se ne uporablja v socialnih sporih.

## **3. člen (pojém alternativnega reševanja sporov)**

Alternativno reševanje sporov po tem zakonu je postopek, ki ne pomeni sojenja in v katerem ena ali več tretjih nevtralnih oseb sodeluje pri reševanju spora iz 2. člena tega zakona s postopki mediacije, arbitraže, zgodnje nevtralne ocene ali drugimi podobnimi postopki.

## **II. PROGRAMI ALTERNATIVNEGA REŠEVANJA SPOROV**

### **4. člen (dolžnosti in upravičenja sodišč)**

(1) Okrajna, okrožna, delovna in višja sodišča ter višje delovno in socialno sodišče strankam omogočijo uporabo alternativnega reševanja sporov s tem, da sprejmejo in uveljavijo program alternativnega reševanja sporov.

(2) V okviru programa iz prejšnjega odstavka sodišča strankam obvezno omogočijo uporabo mediacije, lahko pa tudi uporabo drugih oblik

the choice of selecting the appropriate dispute resolution procedure, facilitate fair, swift and consensual dispute resolution, generate time and financial savings for the courts and parties and increase the number of voluntarily executed concluded court settlements, out-of-court settlements or issued arbitral awards.

## **Article 2 (Scope of application)**

(1) This Act shall apply to disputes arising out of commercial, labour, family and other civil-law relationships with regard to claims which may be freely disposed of and settled by the parties, unless otherwise stipulated for these individual disputes by a separate Act.

(2) This Act shall not apply to social disputes.

## **Article 3 (Definition of alternative dispute resolution)**

For the purposes of this Act alternative dispute resolution shall mean a procedure, without adjudication, in which one or more neutral third persons attempt to resolve a dispute referred to in Article 2 of this Act through mediation, arbitration, early neutral evaluation or other similar procedures.

## **II. ALTERNATIVE DISPUTE RESOLUTION PROGRAMS**

### **Article 4 (Duties and powers of the courts)**

(1) Local, district, labour and higher courts and the Higher Labour and Social Court shall allow parties the use of alternative dispute resolution by adopting and implementing the alternative dispute resolution program.

(2) The courts are required to allow the use of mediation within the framework of the program referred to in the preceding paragraph, and

alternativnega reševanja sporov.

#### **5. člen (oblika in način izvajanja programa)**

(1) Sodišče lahko sprejme in izvaja program alternativnega reševanja sporov kot dejavnost, organizirano neposredno pri sodišču (sodišču pridružen program), ali na podlagi pogodbe z ustreznim izvajalcem alternativnega reševanja sporov (s sodiščem povezan program).

(2) Sodišča lahko na podlagi medsebojnega pisnega dogovora program alternativnega reševanja sporov izvajajo tudi tako, da:

- posamezno okrajno sodišče izvaja program tudi za eno ali več drugih okrajnih sodišč z območja istega sodnega okrožja,
- posamezno okrožno sodišče izvaja program za eno ali več okrajnih sodišč z območja sodnega okrožja tega okrožnega sodišča.

#### **6. člen (vsebina programa)**

S programom alternativnega reševanja sporov sodišče predvsem opredeli, katere vrste teh postopkov zagotavlja in podrobneje določi načela, pravila in obliko teh postopkov. Če sodišče izvaja program na način iz drugega odstavka 5. člena tega zakona, to opredeli v programu.

#### **7. člen (mediatorji v programih mediacije)**

(1) V programih mediacije iz 4. člena tega zakona lahko postopke mediacije izvajajo mediatorke oziroma mediatorji (v nadaljnjem besedilu: mediator), ki so uvrščeni na sezname mediatorjev po tem zakonu (v nadaljnjem besedilu: seznam).

(2) V sodišču pridruženem programu seznam vodi in nanj

in addition they may also allow the use of other forms of alternative dispute resolution.

#### **Article 5 (Form and implementation of the program)**

(1) A court may adopt and carry out the alternative dispute resolution program as an activity, organized directly at the court (a program affiliated with the court), or on the basis of an agreement with an appropriate provider of alternative dispute resolution (a program connected with the court).

(2) On the basis of a mutual written agreement, the courts may also implement the alternative dispute resolution program in the manner where:

- an individual local court implements the program for one or more other local courts which are within the same district as the local court,
- an individual district court implements the program for one or more local courts which are within the same districts as the district court.

#### **Article 6 (Program content)**

In the alternative dispute resolution program, the court shall mainly determine which types of procedures it shall provide, and it shall further specify the principles, rules and forms of these procedures. If the court is carrying out a program in the manner referred to in paragraph two of Article 5 of this Act, it shall define this in the program.

#### **Article 7 (Mediators participating in mediation programs)**

(1) Mediation procedures from mediation programs referred to in Article 4 of this Act may only be carried out by mediators, whose names have been included on the list of mediators in accordance with this Act (hereinafter: the list).

(2) The court which is implementing the program affiliated with

uvršča mediatorje sodišče, ki ta program izvaja.

(3) V programu, ki je s sodiščem povezan, seznam vodi in nanj uvršča mediatorje izvajalec alternativnega reševanja sporov, ki ta program za sodišče izvaja in ima dovoljenje Sveta za alternativno reševanje sporov za uvrščanje mediatorjev na seznam.

(4) Mediator lahko izvaja mediacijo pri tistem sodišču oziroma izvajalcu alternativnega reševanja sporov, pri katerem je uvrščen na seznam.

(5) Sodišča in izvajalci alternativnega reševanja sporov smejo na seznam uvrstiti tudi sodnike, ki izpolnjujejo pogoje za uvrstitev na seznam iz 8. člena tega zakona.

(6) Sodnik, ki je uvrščen na seznam, sme izvajati mediacijo le v sporu, v katerem ni pristojen za nobenega od sodnih postopkov, povezanih s tem sporom.

#### **8. člen (uvrstitev na seznam in izbris s seznama)**

(1) Na seznam se lahko uvrsti oseba, ki izpolnjuje naslednje pogoje:

- je poslovno sposobna,
- ni bila pravnomočno obsojena za naklepno kaznivo dejanje, ki se preganja po uradni dolžnosti,
- ima najmanj izobrazbo, pridobljeno po visokošolskem strokovnem študijskem programu prve stopnje,
- je opravila izobraževanje za mediatorja po programu, ki ga določi ministrica oziroma minister, pristojen za pravosodje (v nadaljnjem besedilu: minister).

(2) Minister lahko določi tudi druge pogoje za uvrstitev na seznam glede na vrsto sporov, v katerih se mediacija izvaja.

(3) Mediatorja se izbriše s seznama, če:

- sam tako zahteva,

the court, shall maintain and include mediators on the list.

(3) In the case of a program connected with the court, the provider of alternative dispute resolution, which is implementing the program and has the authorisation from the Council for Alternative Dispute Resolution to include mediators on the list, shall keep and include mediators on the list.

(4) A mediator may conduct mediation with the court or alternative dispute resolution provider which has included him or her on the list.

(5) The courts and alternative dispute resolution providers may also include judges on the list who meet the conditions referred to in Article 8 of this Act for the inclusion on the list.

(6) A judge, who has been included on the list, may only conduct mediation in disputes that are connected with court proceedings which do not fall under his or her jurisdiction.

#### **Article 8 (Inclusion on and deletion from the list)**

(1) A person who meets the following conditions may be included on the list:

- has contractual capacity,
- has not been convicted by a final judgment of a criminal offence committed with intent, which is prosecuted *ex officio*,
- holds at least a higher education of the first degree,
- has completed the training for mediators in accordance with the program established by the minister responsible for justice (hereinafter: the minister).

(2) The minister may also specify other conditions for including a person on the list, depending on the type of disputes which are to be resolved by mediation.

(3) A mediator shall be deleted from the list, if he/she:

- so requests,

- ne izpolnjuje več pogojev iz prve ali druge alineje prvega odstavka tega člena,
- ravna v nasprotju z zakonom, pravili programa, v okviru katerega izvaja mediacijo, ali v nasprotju z načeli mediatorske etike,
- neredno ali nevestno opravlja svoje delo v postopkih mediacije,
- se ne udeleži obveznih oblik izobraževanja, ki jih določi minister, ali
- v določenem obdobju ne opravi minimalnega števila postopkov mediacij, ki ga določi minister.

(4) O izbrisu s seznama odloči sodišče oziroma izvajalec alternativnega reševanja sporov, ki je mediatorja uvrstil na seznam.

(5) Minister s pravilnikom določi tudi:

- pogoje za izdajo dovoljenja izvajalcem alternativnega reševanja sporov za uvrščanje mediatorjev na seznam in
- način nadzora nad delom mediatorjev.

### **9. člen (vsebina in javnost seznama)**

(1) Seznam vsebuje naslednje podatke:

- osebno ime mediatorja,
- datum in kraj rojstva,
- naslov stalnega ali začasnega bivališča,
- kontaktne podatke: številka telefona in elektronski naslov,
- strokovni oziroma znanstveni naslov,
- poklic,
- podatke o zaposlitvi,
- vrsto sporov, v katerih izvaja mediacijo,
- datum uvrstitve na seznam.

(2) Seznam je zaradi učinkovitega izvajanja postopkov mediacije po tem zakonu javen v delu, ki obsega naslednje podatke:

- osebno ime mediatorja,
- strokovni oziroma znanstveni naslov,

- no longer meets the conditions referred to in indents one or two of paragraph one of this Article,
- acts contrary to an Act, program rules within which the mediation is conducted, or contrary to the principles of mediation ethics,
- fails to regularly or conscientiously perform his or her duties in mediation procedures,
- fails to attend mandatory forms of training, determined by the minister, or
- fails to conduct the minimal number of mediation procedures in a given period, determined by the minister.

(4) The court or the alternative dispute resolution provider which has included a mediator on the list shall decide on his or her deletion from the list.

(5) The minister shall also issue rules which shall prescribe the following:

- the conditions for issuing authorisation to alternative dispute resolution providers to include mediators on the list and
- the manner in which the work of the mediators is to be supervised.

### **Article 9 (Contents and publicity of the list)**

(1) The list shall include the following information:

- personal name of the mediator,
- date and place of birth,
- address of permanent or temporary residence,
- contact details: phone number and e-mail address,
- professional and academic title,
- profession,
- information on employment,
- types of disputes, in which he/she conducts mediation,
- date of listing.

(2) The part of the list which includes the following information shall be made public for the purpose of efficient implementation of mediation procedures:

- the personal name of the mediator,
- the professional and academic title,

- vrsto sporov, v katerih izvaja mediacijo,
- datum uvrstitve na seznam.

(3) Podatke iz prejšnjega odstavka posreduje sodišče oziroma izvajalec alternativnega reševanja sporov ministrstvu, pristojnemu za pravosodje (v nadaljnjem besedilu: ministrstvo), lahko pa jih objavi tudi na svoji spletni strani. Sodišče oziroma izvajalec alternativnega reševanja sporov posreduje ministrstvu tudi podatek o izbrisu mediatorja s seznama.

#### **10. člen (centralna evidenca mediatorjev)**

(1) Za namen seznanjanja javnosti in učinkovitega izvajanja postopkov mediacije po tem zakonu vodi ministrstvo centralno evidenco mediatorjev, uvrščenih na sezname.

(2) Centralna evidenca mediatorjev se objavi na spletni strani ministrstva in obsega naslednje podatke:

- osebno ime mediatorja,
- strokovni oziroma znanstveni naslov,
- vrsto sporov, v katerih izvaja mediacijo,
- naziv in naslov sodišča ali izvajalca alternativnega reševanja sporov, pri katerem je mediator uvrščen na seznam, in
- datum uvrstitve na seznam.

(3) Po prejemu podatka o izbrisu mediatorja s seznama ministrstvo izbriše mediatorja iz centralne evidence mediatorjev.

(4) Minister s pravilnikom določi podrobnejša pravila vodenja seznamov in centralne evidence mediatorjev.

#### **11. člen (vodenje programa)**

(1) Sodišče, ki izvaja program alternativnega reševanja sporov, določi javno uslužbenko oziroma javnega uslužbenca, ki vodi, upravlja,

- the types of disputes in which he/she conducts mediation,
- the date of listing.

(3) The court or the alternative dispute resolution provider shall submit the information referred to in the preceding paragraph to the ministry responsible for justice (hereinafter: the ministry), and may also publish it on its webpage. The court or the alternative dispute resolution provider shall also notify the ministry if a mediator has been deleted from the list.

#### **Article 10 (Central register of mediators)**

(1) For the purpose of public awareness and efficient implementation of mediation procedures according to this Act, the ministry shall keep a central register of mediators, who are included on lists.

(2) The central register of mediators shall be published on the webpage of the ministry and shall include the following information:

- personal name of the mediator,
- professional and academic title,
- types of disputes in which he/she conducts mediation,
- name and address of the court or alternative dispute resolution provider, which has included the mediator on the list, and
- date of listing.

(3) Upon the receipt of the information of a mediator being deleted from the list, the ministry shall delete the mediator from the central register of mediators.

(4) The minister shall issue rules which prescribe in greater detail the keeping of lists and the keeping of the Central register of mediators.

#### **Article 11 (Program management)**

(1) The court, which is implementing the alternative dispute resolution program, shall designate a public employee, who shall

nadzira in ocenjuje uspešnost tega programa (v nadaljnjem besedilu: vodja programa). V sodišču pridruženem programu vodja programa skrbi tudi za izobraževanje, usposabljanje in nadzor nad delom nevtralnih tretjih oseb ter za določitev nevtralne tretje osebe v posamezni zadevi.

(2) Sodišče, ki izvaja program alternativnega reševanja sporov, z letnim razporedom dela sodnikov določi sodnico oziroma sodnika (v nadaljnjem besedilu: sodnik), ki z vodjo programa sodeluje pri vodenju in ocenjevanju uspešnosti programa ter izobraževanju in usposabljanju nevtralnih tretjih oseb.

## **12. člen (financiranje programov)**

Sredstva za financiranje programov, ki jih sodišča izvajajo na podlagi 4. člena tega zakona, se zagotavljajo v proračunu sodišč.

## **13. člen (podpora programu)**

(1) Ministrstvo zagotavlja sodiščem pomoč pri oblikovanju in izvajanju programov, skrbi za seznanjanje javnosti s programi, ki jih sodišča izvajajo v skladu s 4. členom tega zakona, in s pomočjo Sveta za alternativno reševanje sporov zagotavlja tudi ustrezne nasvete in informacije o priporočljivih dobrih praksah pri oblikovanju in izvajanju programov ter zagotavljanju njihove kakovosti.

(2) Sodišča predložijo ministrstvu programe, ki jih sprejmejo na podlagi 4. člena tega zakona.

(3) Center za izobraževanje v pravosodju zagotavlja izobraževanje in usposabljanje nevtralnih tretjih oseb, ki sodelujejo v postopkih alternativnega reševanja sporov v programih, ki jih sodišča izvajajo v skladu s 4. členom tega zakona.

(4) Stroške izobraževanja in usposabljanja iz prejšnjega

manage, administer, supervise and evaluate the success of the program (hereinafter: program manager). In the case of the program being affiliated with the court, the program manager shall also be responsible for educating, training, and supervising the work of neutral third persons, as well as appointing a neutral third person in a particular case.

(2) The court, which is implementing the alternative dispute resolution program, shall appoint a judge in the annual assignment of judges, who shall cooperate with the program manager in managing and evaluating the success of the program, as well as in educating and training neutral third persons.

## **Article 12 (Program financing)**

Funds to finance programs which are carried out by the courts on the basis of Article 4 of this Act, shall be provided from the budget of the court.

## **Article 13 (Program support)**

(1) The ministry shall provide assistance to courts regarding the formation and implementation of programs, the duty of informing the public of the programs, which are carried out by the courts in accordance with Article 4 of this Act, and together with the assistance of the Council for Alternative Dispute Resolution it shall also provide relevant advice and information on recommended good practices for the formation and implementation of programs and regarding their quality assurance.

(2) The courts shall submit to the ministry programs which have been adopted on the basis of Article 4 of this Act.

(3) The Judicial Training Centre shall provide for the education and training of neutral third persons who participate in alternative dispute resolution procedures under the programs which are being implemented by the courts in accordance with Article 4 of this Act.

(4) The costs of the education and training referred to in the

odstavka krijejo nevtralne tretje osebe same.

**14. člen**  
**(Svet za alternativno reševanje sporov)**

(1) Za zagotavljanje svetovanja v zvezi z oblikovanjem in izvajanjem programov po 4. členu tega zakona, zagotavljanjem njihove kakovosti in nadaljnjim razvojem alternativnega reševanja sporov se ustanovi Svet za alternativno reševanje sporov (v nadaljnjem besedilu: Svet).

(2) Svet sestavlja najmanj deset članic oziroma članov (v nadaljnjem besedilu: član). Minister imenuje člane izmed strokovnjakov s področja alternativnega reševanja sporov ali s področja civilnega postopkovnega prava za obdobje štirih let. Svet vodi predsednica oziroma predsednik (v nadaljnjem besedilu: predsednik), ki ga izmed članov določi minister.

(3) S sklepom o ustanovitvi Sveta minister določi sestavo, naloge, način dela, sredstva, povračilo stroškov predsedniku in članom Sveta ter druge potrebne administrativne in tehnične pogoje za delo Sveta.

III. SKUPNE DOLOČBE O POSTOPKU

**15. člen**  
**(napotitev v postopek alternativnega reševanja spora na podlagi soglasja strank)**

(1) Sodišče strankam ponudi možnost alternativnega reševanja spora v vsaki zadevi, razen kadar sodnik oceni, da v posamezni zadevi to ne bi bilo primerno.

(2) Na predlog strank, ki soglašajo, da se opravi poskus alternativne rešitve spora, lahko sodišče kadarkoli prekine sodni postopek za čas, ki ne sme biti daljši od treh mesecev, in stranke napoti v postopek alternativnega reševanja spora.

preceding paragraph shall be borne by neutral third persons.

**Article 14**  
**(Council for Alternative Dispute Resolution)**

(1) The Council for Alternative Dispute Resolution (hereinafter: the Council) shall be established for the purpose of providing advice with regards to the formation and implementation of the programs referred to in Article 4 of this Act, as well as for assuring their quality and further development of alternative dispute resolution.

(2) The Council shall consist of at least ten members. The minister shall appoint members from experts in the field of alternative dispute resolution or from the field of civil procedural law for a term of four years. The Council shall be led by the president, appointed by the minister from the members.

(3) In the decision on the establishment of the Council, the minister shall lay down the composition, tasks, working methods, funds, and reimbursement of costs to the president and members of the Council, and other applicable administrative and technical conditions for the functioning of the Council.

III. COMMON PROCEDURAL PROVISIONS

**Article 15**  
**(Referral to the alternative dispute resolution procedure on the basis of the consent of the parties)**

(1) The court shall present to the parties the option of alternative dispute resolution in every case, except when the judge determines that this would not be appropriate in a particular case.

(2) On the proposal of the parties that have consented to pursuing alternative dispute resolution, the court may stay the court proceeding at any time for a period of no more than three months, and refer the parties to the alternative dispute resolution procedure.



**16. člen**  
**(navzočnost na narokih v postopkih alternativnega reševanja sporov)**

(1) Fizične osebe kot stranke postopka so se dolžne osebno udeležiti srečanj in narokov v okviru postopkov alternativnega reševanja sporov.

(2) Pravne osebe kot stranke postopka morajo na srečanjih in narokih v okviru postopkov alternativnega reševanja sporov zagotoviti navzočnost oziroma dosegljivost oseb s pooblastilom za sklenitev sodne ali izvensodne poravnave.

(3) Vročanje vabil na srečanja in naroke v okviru postopkov alternativnega reševanja sporov po tem zakonu se opravi po pravilih pravnega postopka.

(4) Če pravilno vabljen stranka na srečanje ali narok v postopku alternativnega reševanja spora ne pride in ne izkaže upravičenih razlogov za izostanek oziroma ni splošno znanih okoliščin, iz katerih izhaja, da stranka iz upravičenih razlogov ni mogla priti na srečanje ali narok, mora nasprotni stranki povrniti stroške tega srečanja ali naroka, eni ali več nevtralnim tretjim osebam pa plačati triurno nagrado za pripravo na srečanje ali narok. Stranko se v vabilu na srečanje ali narok opozori na posledice izostanka z naroka.

(5) Pooblaščenec strank so lahko navzoči na srečanjih in narokih v okviru postopkov alternativnega reševanja sporov.

**17. člen**  
**(nagrada in stroški nevtralnih tretjih oseb)**

(1) V postopku alternativnega reševanja sporov po programu iz

**Article 16**  
**(Presence on hearings in alternative dispute resolution)**

(1) Natural persons who are parties to the proceedings are obliged to personally attend meetings and hearings which are held within the framework of alternative dispute resolution procedures.

(2) Legal persons which are parties to the proceedings, shall procure the presence or availability of persons at meetings and hearings which are held within the framework of alternative dispute resolution procedures who are authorised to conclude an in-court or out-of-court settlement.

(3) Service of invitations to meetings and hearings which are held within the framework of alternative dispute resolution procedures in accordance with this Act shall be carried out in accordance with the rules governing civil procedure.

(4) If a party who has been duly invited to a meeting or hearing which is being held in relation to an alternative dispute resolution procedure does not attend and does not present justifiable reasons for his or her absence, or if there are no widely known circumstances from which the fact that the party did not attend the meeting or hearing due to justifiable reasons could be derived, said party shall reimburse the costs of this meeting or hearing to the counterparty and pay the award to one or more neutral third persons for the meeting or hearing preparations in the amount equal to a three hour rate. The party must be informed of the absence on the hearing in the invitation to the meeting or hearing.

(5) Authorised persons of the parties may be present at meetings and hearings which are held within the framework of alternative dispute resolution procedures.

**Article 17**  
**(Award and costs of neutral third persons)**

(1) In the alternative dispute resolution procedure under the

4. člena tega zakona je nevtralna tretja oseba upravičena do nagrade in povračila potnih stroškov v višini, ki jo s pravilnikom določi minister.

(2) Sodniku, ki izvaja alternativno reševanje sporov med delovnim časom, ne pripadeta nagrada in povračilo potnih stroškov iz prejšnjega odstavka.

#### IV. POSEBNE DOLOČBE O POSTOPKU V PROGRAMU MEDIACIJE

##### **18. člen (informativni narok o mediaciji)**

(1) Če stranke sodišču ne predlagajo naporitve v postopek alternativnega reševanja spora, sme sodišče kadarkoli med sodnim postopkom zahtevati, da se stranke osebno udeležijo informativnega naroka o mediaciji.

(2) Datum in uro informativnega naroka sodišče določi po predhodni uskladitvi s strankami.

(3) Vabilo na informativni narok se strankam vroči osebno.

(4) O informativnem naroku, ki ga vodi sodnik ali strokovni sodelavec, se vodi zapisnik.

(5) Če pravilno vabljeni stranka na informativni narok ne pride in ne izkaže upravičenih razlogov za izostanek oziroma ni splošno znanih okoliščin, iz katerih izhaja, da stranka iz upravičenih razlogov ni mogla priti na narok, mora nasprotni stranki povrniti stroške tega naroka. Sodišče stranko v vabilu na narok opozori na posledice izostanka z naroka.

##### **19. člen**

program referred to in Article 4 of this Act, a neutral third person shall be entitled to an award and remuneration of travel expenses in the amount determined in the rules issued by the minister.

(2) A judge who performs alternative dispute resolution during his/her working hours, shall not be entitled to an award and remuneration of travel expenses referred to in the preceding paragraph.

#### IV. SPECIAL PROVISIONS ON THE PROCEDURE IN THE MEDIATION PROGRAM

##### **Article 18 (Informal hearing on mediation)**

(1) If the parties do not propose to the court that they be referred to an alternative dispute resolution procedure, the court may at any time during the court proceedings request that the parties personally attend an informal hearing on mediation.

(2) The date and hour of the informal hearing shall be set by the court after due coordination with the parties.

(3) The invitation to the informal hearing shall be served personally upon the parties.

(4) Minutes shall be kept of the informal hearing, which is conducted by the judge or professional associate of the court.

(5) If a party who has been duly invited to an informal hearing does not attend the informal hearing, and does not present justifiable reasons for his or her absence, or if there are no widely known circumstances from which the fact that the party did not attend the hearing due to justifiable reasons could be derived, said party shall reimburse the costs of this hearing to the counterparty. The party must be informed of the consequences of such absence in the invitation to the hearing.

##### **Article 19**

### **(obvezna napotitev na mediacijo)**

(1) Sodišče sme, kadar je to glede na okoliščine primera ustrezno, na podlagi opravljenega posvetovanja s strankami, ki se udeležijo informativnega naroka, skleniti, da postopek prekine za čas, ki ne sme biti daljši od treh mesecev, in stranke napoti na mediacijo, ki jo sodišče zagotavlja v okviru programa po 4. členu tega zakona.

(2) Sklep o obvezni napotitvi na mediacijo mora biti obrazložen in mora vsebovati tudi opozorilo o posledicah očitno nerazumne zavrnitve napotitve na mediacijo iz petega odstavka tega člena. Sklep se strankam vroči osebno.

(3) Zoper sklep o obvezni napotitvi na mediacijo lahko stranka v osmih dneh od vročitve sklepa vloži ugovor, s katerim nasprotuje napotitvi na mediacijo.

(4) Če stranka vloži ugovor iz prejšnjega odstavka, sodišče, ki je sklep o obvezni napotitvi na mediacijo izdalo, ta sklep razveljavi. Zoper sklep o razveljavitvi sklepa o obvezni napotitvi na mediacijo ni pritožbe.

(5) Sodišče lahko stranki, ki očitno nerazumno zavrne napotitev v mediacijo, ne glede na uspeh v sodnem postopku, na predlog nasprotne stranke naloži, da tej stranki povrne vse njene stroške, ki so bili potrebni za sodni postopek in so nastali od očitno nerazumne zavrnitve napotitve na mediacijo dalje, ali del teh stroškov.

(6) Pri odločanju o tem, ali je bila zavrnitev napotitve na mediacijo očitno nerazumna, se upoštevajo okoliščine posamezne zadeve, predvsem:

- narava spora,
- odločilna dejstva v sporu,
- dejstvo, da sta stranki predhodno poskušali mirno rešiti spor s pogajanjem,
- višina stroškov, ki bi nastali v mediaciji,
- verjetnost, da bi trimesečna prekinitve postopka zaradi mediacije

### **(Mandatory referral to mediation)**

(1) The court may, when appropriate with regard to the circumstances of the case, on the basis of a consultation which has been conducted with the parties who participated at the informal hearing, decide to stay the procedure for a period of no more than three months and refer the parties to mediation, which the court provides to the parties under the program referred to in Article 4 of this Act.

(2) The decision on mandatory referral to mediation must include a statement of grounds and must contain information on the consequences of a refusal of referral to mediation which is manifestly unreasonable, as referred to in paragraph five of this Article. The decision shall be served personally upon the parties.

(3) A party may file an objection to the decision on mandatory referral to mediation within eight days from the service of the decision, with which he/she opposes the referral to mediation.

(4) If the party files the objection referred to in the preceding paragraph, the court which has issued the decision on mandatory referral to mediation, shall repeal this decision. No appeal shall be allowed against the decision repealing the decision on mandatory referral to mediation.

(5) The court may impose on the party whose refusal to mediation is manifestly unreasonable to reimburse the counter-party on his or her proposal with regards to all of the costs that have been necessary for the court proceedings and which were incurred from the manifestly unreasonable refusal of referral to mediation onwards, or a part of these costs, irrespective of the outcome of the court proceedings.

(6) When deciding whether the refusal of referral to mediation was manifestly unreasonable, the following circumstances of an individual case shall be particularly taken into account:

- the nature of the dispute,
- conclusive facts of the dispute,
- whether the parties have already attempted to amicably resolve the dispute through negotiations,
- the amount of costs which would be incurred due to mediation,
- the likelihood that the three month stay of the procedure, which would

- lahko vplivala na izid pravde,
- verjetnost, da bi mediacija lahko uspešno končala spor.

**20. člen**  
**(izvedba prvega srečanja v mediaciji)**

Ko sodišče napoti stranke na mediacijo v okviru programa sodišča, se mora prvo mediacijsko srečanje izvesti v 30 dneh po izdaji sklepa o napotitvi.

**21. člen**  
**(spori z državo)**

(1) Državno pravobranilstvo v vseh sodnih sporih iz razmerij, za katera se uporablja ta zakon in v katerih je Republika Slovenija stranka, poda soglasje za reševanje spora z mediacijo, kadar je to glede na okoliščine primera ustrezno.

(2) ~~(črtan).~~

(3) ~~(črtan).~~

**22. člen**  
**(kritje nagrade in potnih stroškov mediatorja s strani sodišča)**

(1) V mediaciji, ki se po programu iz 4. člena tega zakona izvede v sporih iz razmerij med starši in otroki ter v delovnopравниh sporih zaradi odpovedi pogodbe o zaposlitvi, sodišče krije nagrado mediatorja in njegove potne stroške.

(2) V mediaciji, ki se po programu iz 4. člena tega zakona izvede v vseh ostalih sporih, razen v gospodarskih sporih, sodišče krije nagrado mediatorja za prve tri ure mediacije in njegove potne stroške, ki nastanejo v zvezi s prvimi tremi urami mediacije.

- be caused by the mediation, would affect the outcome of the litigation,
- the likelihood of the meditation successfully resolving the dispute.

**Article 20**  
**(Holding of the first meeting)**

Upon the parties being referred to mediation by the court within the framework of the court program, the first mediation meeting must be held within 30 days from the decision on the referral being issued.

**Article 21**  
**(Disputes with the state)**

(1) The State Attorney's Office shall consent to resolving all disputes with mediation in all judicial matters to which this Act applies, and to which the Republic of Slovenia is a party, if this is appropriate with regard to the circumstances of the case.

(2) ~~(Deleted).~~

(3) ~~(Deleted).~~

**Article 22**  
**(Payment of the award and travel expenses of the mediator by the court)**

(1) For mediations in disputes which arise from relationships between parents and children and labour disputes, which arise due to the termination of an employment contract, and which are performed under the program referred to in Article 4 of this Act, the court shall bear the costs related to the award and travel expenses of the mediator.

(2) For mediation in all other disputes except commercial disputes, which are performed under the program referred to in Article 4 of this Act, the court shall bear the costs related to the award of the mediator for the initial three hours of mediation, as well as any travel expenses incurred in relation to the initial three hours of mediation.

(3) V mediaciji, ki se po programu iz 4. člena tega zakona izvede v gospodarskih sporih, stranke same nosijo nagrado in potne stroške mediatorja, in sicer po enakih delih, če se niso sporazumele drugače.

## V. PREHODNE IN KONČNE DOLOČBE

### **23. člen** **(sprejem in uveljavitev programov sodišč)**

(1) Okrajna, okrožna in delovna sodišča sprejmejo in uveljavijo program alternativnega reševanja sporov iz 4. člena tega zakona najkasneje do začetka uporabe tega zakona.

(2) Višja sodišča ter Višje delovno in socialno sodišče sprejmejo in uveljavijo program alternativnega reševanja sporov iz 4. člena tega zakona najkasneje v dveh letih od začetka uporabe tega zakona.

### **24. člen** **(veljavni programi sodišč)**

Sodišče, ki ob uveljavitvi tega zakona že izvaja program alternativnega reševanja sporov, analizira tak program in ga uskladi z določbami tega zakona najkasneje do začetka uporabe tega zakona.

### **25. člen** **(rok za izdajo pravilnikov)**

Minister izda pravilnike iz tega zakona najkasneje v treh mesecih po uveljavitvi tega zakona.

### **26. člen** **(delovanje Sveta za alternativno reševanje sporov)**

(3) For mediations in commercial disputes, which are performed under the program referred to in Article 4 of this Act, each party shall bear its own costs related to the award and the travel expenses of the mediator, unless otherwise agreed upon by the parties.

## V. TRANSITIONAL AND FINAL PROVISIONS

### **Article 23** **(Adoption and implementation of court programs)**

(1) Local, district and labour courts shall adopt and implement the alternative dispute resolution program referred to in Article 4 of this Act until the date of application of this Act.

(2) Higher courts and the Higher Labour and Social Court shall adopt and implement the alternative dispute resolution program referred to in Article 4 of this Act by no later than within two years from the date of application of this Act.

### **Article 24** **(Applicable court programs)**

The court which is already carrying out an alternative dispute resolution program upon the entry into force of this Act shall evaluate said program and ensure its compliance with the provisions of this Act by the date of application of this Act.

### **Article 25** **(Time limit for issuing rules)**

The minister shall issue the rules referred to in this Act by no later than within three months after the entry into force of this Act.

### **Article 26** **(Functioning of the Council for Alternative Dispute Resolution)**

(1) Svet za alternativno reševanje sporov, ki ob uveljavitvi tega zakona deluje pri Ministrstvu za pravosodje, nadaljuje svoje delo kot Svet po 14. členu tega zakona.

(2) Mandat predsednika in članov Sveta iz prejšnjega odstavka se izteče v skladu s sklepom, s katerim so bili imenovani.

**27. člen**  
**(začetek veljavnosti in uporabe zakona)**

Ta zakon začne veljati petnajsti dan po objavi v Uradnem listu Republike Slovenije, uporabljati pa se začne šest mesecev po njegovi uveljavitvi.

(1) The Council for Alternative Dispute Resolution, which shall be functioning within the Ministry of Justice at the time of the entry into force of this Act, shall continue to operate as the Council referred to in Article 14 of this Act.

(2) The term of office of the president and members of the Council referred to in the preceding paragraph shall expire in accordance with the decision on their appointment.

**Article 27**  
**(Entry into force and application)**

This Act shall enter into force on the fifteenth day following its publication in the Official Gazette of the Republic of Slovenia and shall apply six months after the entry into force of this Act.