OPEN ACCESS

Received: 14.4.2024
Revised: 21.5.2024
Accepted: 25.5.2024
Published: 7.6.2024

Legestic
vol. 2, 2024, p. 24-33
https://doi.org/10.5219/legestic.10
ISSN: 2730-0641 online
https://legestic.org

Judicial and legal concentration of proceedings in the context of evidence-taking

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Abstract

This paper provides a comprehensive analysis of judicial and legal concentration of proceedings, particularly focusing on evidence taking. The principle of concentration of proceedings, which aims to optimize procedural steps, is central to this study. By ensuring that all relevant objections, evidence, and arguments are presented at a predetermined stage of the process—whether by statutory requirements or judicial discretion—the principle seeks to enhance procedural efficiency and fairness. The paper examines both statutory concentration, mandated by law, and judicial concentration, applied at the judge's discretion. The analysis explores how these mechanisms contribute to the procedural economy, prevent unnecessary delays, and motivate litigating parties to fulfill their procedural duties promptly. Furthermore, the paper discusses the historical development of concentration principles in Slovak law, the impact on procedural obligations, and the balance between procedural strictness and flexibility. The findings highlight the importance of concentration in achieving timely and effective judicial rulings while maintaining the legal guarantees of a fair trial.

Keywords: concentration, legal concentration, judicial concentration

1. Introduction

Contested litigation is primarily regulated by the principle of concentration of proceedings. This principle is a fundamental pillar of the economy and the efficiency of the process. The essence of the principle of concentration of proceedings lies in the optimisation of procedural steps so that all relevant objections, evidence, and arguments are submitted at a certain, pre-defined stage of the process or in a period defined by law (statutory concentration of proceedings) or determined by the judge based on law (judicial concentration of proceedings). These restrictions imposed on the parties require them to apply the means of procedural attack and procedural defence promptly, and they should prevent the parties from causing obstructions to the procedure's proceeding further. This requires the litigating parties to take an active and responsible approach to fulfilling their procedural obligations, which enables the court to secure factual and evidentiary material effectively. According to the Constitutional Court of the Slovak Republic, case ref. I. ÚS 33/2021 of January 26, 2021, published in the Journal of Findings and Resolutions of the CC SR under no. 70/2021, the purpose of the concentration of proceedings is *"The purpose and meaning of concentration in civil litigation proceedings (Section 153 and Section 154 of the Code of Civil Litigation) is, in particular, to contribute to the implementation of the principle of procedural economy, including the speed of proceedings, to prevent delays in proceedings and to motivate the litigating parties to execute procedural acts promptly. A procedural act is not executed in time if the litigating party could have executed it earlier (objective standpoint), had it proceeded with*

due care (subjective standpoint). It is completely at the Court's discretion whether it excuses delayed procedural act of the party or not" **[1]**.

The concentration of procedural acts represents a permanent section of Slovak law and is no longer a recent phenomenon. The concentration of proceedings has been legally enshrined in procedural standards since January 1, 2002, as part of an appeal procedure based on the principle of incomplete appeal, which is still being applied today. The process of concentration of proceedings was applied through similar mechanisms in the Austrian process valid in the territory of the Czech Republic, which was based on the principle of arbitrary code since the adoption of the Code of Civil Procedure (1895), based on which the entire court proceedings were a unified whole. The new concept that was adopted effectively replaced the original Josephinian approach to the principle of law, which meant the legal division of the process into prescribed stages in which the acts of the litigating parties were concentrated even more strictly, and execution of the act at another stage was, principally, unacceptable. The principle of the arbitrary code, which gives up strictly understood stages of the process in which individual acts had to be concentrated, was also balanced, with exceptions leading to the concentration of proceedings. One of these mechanisms was the preclusion of certain procedural acts unless executed within the time specified by legislation. This legislation ensures that the process is conducted without undue delay and that all parties exercise their rights and obligations promptly. Another important aspect was introducing a rule requiring all relevant claims and evidence to be submitted at the pre-trial stage of proceedings. This concentration of procedural requirements works to simplify the next stages of proceedings. It minimises the possibility for the parties to try to expand or change their arguments in later stages. Procedural standards adopted after 1950 are based on the principle of material truth, in which there were no elements aimed at bringing the parties to procedural responsibility for their acts, including the right of the court to apply any form of concentration.

Enshrining the concentration of proceedings constitutes an essential element of modern civil procedure. Essentially, it follows Art. 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms. As part of the right to a fair trial, the Convention recognises that the parties involved have the right to request that the case be decided within a reasonable time. To ensure this right and to make judicial proceedings more efficient, a measure of the Committee of Ministers of the Council of Europe Recommendation R (84)5: *"Principles of civil proceedings designed to improve the functioning of justice"* was adopted, which recommends, as Principle 5, that the Member States adopt legislation based on which (with some exceptions) motions, evidence, objections and means of proof are to be applied as soon as possible at the beginning of the proceedings.

According to legal regulations, each party to the proceedings must litigate properly and with due diligence (procedural diligence – Art. 5 and 8 of the CoCL). Failure to comply with this obligation may result in negative consequences, and the parties are at risk of a procedural sanction because their claims and motions constituting their procedural attack and defence will not be taken into account by the court. Such procedural sanction constitutes a preclusion, as the expiration of the preclusion period (set by law or by the judge) forfeits the procedural right of the party concerned in the proceedings. The concentration of procedural acts represents an effective mechanism for rational and logically justifiable acceleration of the judicial process. This principle is enshrined to streamline procedural steps and minimise undesirable delays in court proceedings. Its application in practice makes it possible to achieve faster and more efficient judicial rulings while maintaining all legal guarantees of procedural justice and forms a functional and teleological unity.

The essence of the concentration of proceedings is the concentration of the means of procedural attack and procedural defence under the definition given in Section 149 of the CoCL, i.e., statements of fact, denial of statements of fact by the counterparty, motions for taking of evidence, objections to the counterparty's motions for taking of evidence and substantive objections. Because of the demonstrative enumeration using the particle "in particular", certain procedural objections may also be included in this category, e.g., the objection to the judge's bias or the objection to the unlawfulness of evidence.

The concentration of proceedings is applied in two forms:

a) appropriate concentration – judicial concentration of proceedings (Section 153 CoCL),
b) necessary concentration – statutory concentration of proceedings (Section 154 CoCL) **[2]**.

The judicial concentration of proceedings is based on the court's discretion, which can decide whether or not it would apply this rule to a given case and in what way. An important aspect of the judicial concentration of proceedings is that it is up to the court's deliberation whether it applies the judicial concentration of proceedings in a particular case; the court is entitled, not obliged to apply it. If the court does not apply it and shall consider delayed acts of the parties, such procedure is not procedurally incorrect, on the contrary, it is only the use of a legal option available to the court and not incorrect application of the judicial concentration of proceedings **[3]**. Statutory concentration is obligatory for both the court and the litigating parties. As mentioned above, it is essential to comply with the general rule of their timely application in the context of applying means of procedural attack and defence. This rule is essential for the legal process to run its proper course, and any failure to act on time may result in the preclusion of rights or the impossibility of effective enforcement of legal claims. In the case of judicial concentration of proceedings, timeliness is assessed following Section 153 Art. 1 of the CoCL, according to which the means of procedural attack and procedural defense are not applied in time, if the party to the dispute could have submitted them earlier, had it acted with due care about the speed and economy of the proceedings. The legal concentration of proceedings according to Section 154 Art. 1 of the CoCL limits the application of the means of procedural attack and procedural defence by announcing a resolution ending the taking of evidence under Section 182 of the CoCL **[4]**. To assess the application of the provisions on the judicial concentration of proceedings regarding the timeliness, the Regional Court in Košice states that *"it is not desirable for a litigating party to statements of fact or evidentiary proposals finally at the hearing only, which could mean frustrating the purpose of the already scheduled hearing and the requirement to set another hearing. Unless special reasons exist, it is not timely to present statements of fact or evidentiary proposals as late as at the hearing"* **[5]**.

In applying the concentration of proceedings, it is interesting to note that the principle of concentration of proceedings specifically applies only to contentious proceedings. The concentration of proceedings represents a procedural principle that aims to rationalise litigation by focusing on the most effective and economical resolution of a legal dispute and ensuring that the relevant procedural acts are executed in a concentrated, as short as possible stage of the proceedings. On the contrary, in non-contentious proceedings, the application of this principle is legally explicitly excluded under Section 34 of the Code of Civil Non-Contentious Procedure (hereinafter referred to as "CoCNCP"). The reason for excluding the concentration of proceedings in non-contentious proceedings is that these proceedings are different and do not require such a degree of procedural strictness and concentration of stages of proceedings as is applied in contentious proceedings. Non-contentious proceedings are often focused on administrative, registration or other legal acts, where there may be a need for greater flexibility or gradual decision-making without dealing with all aspects of the case at a concentrated stage. Such distinction between applying the principle of concentration of proceedings in contentious and non-contentious proceedings contributes to the efficiency and adequacy of the legal process, adapted to the specificities of the respective types of proceedings. The general rules on the judicial and statutory concentration of proceedings shall not apply in disputes with the protection of the weaker party (consumer, labour, and anti-discrimination disputes) about the acts of the weaker party. This approach is consistent with the need to achieve fairness and balance in legal relations where there is significant inequality between the parties. The party in a less advantageous position has the right to use the means of procedural attack and defence at any time until the decision on the merits is announced (Section 296, 312 and 320 CoCL).

The statutory concentration of proceedings is applied in the first instance proceedings and the appeal and supreme appeal proceedings. The extent to which the ruling is contested, the grounds of appeal (or grounds of supreme appeal) and the evidence to prove them may be applied by the appellant only until the expiry of the time limit for filing the appeal or supreme appeal (Sections 364, 365 Art. 3 CoCL; Section 430 and 434 CoCL). The concentration of proceedings does not generally exclude the application of new means of procedural attack and procedural defence in the context of appeal or supreme appeal proceedings. In appeal proceedings, it is possible to apply the so-called novelties only to the extent defined by Section 366 of the CoCL. In supreme appeal proceedings, they are admissible solely to prove the admissibility and timeliness of the supreme appeal (Section 435 CoCL). In the event

of their submission and subsequent procedural defence by the counterparty, the application of the judicial concentration of proceedings as defined in Section 153 of the CoCL will also be considered.

2. Judicial concentration of proceedings

The judicial concentration of proceedings represents the court's right to reject the means of procedural attack and procedural defence that were not applied within the time limit set by the court (Art. 10 (3) CoCL) or by Section 153 Art. 1 of the CoCL as soon as possible with due regard to the speed and economy of the proceedings. The measure in question aims to prevent the litigating parties from deliberately delaying the proceedings before the court and from unduly extending the duration of the proceedings, thereby delaying the court's ruling on the case. The court can apply judicial concentration of proceedings if it would be forced - based on a delayed application of a procedural attack or defence - to call for another hearing or execute another act (Section 153 Art. 2 CoCL). As part of its decision-making process, the court systematically evaluates and applies the parties' liability principle for their procedural activity or passivity and timely fulfilment of procedural obligations. The concentration of judicial proceedings is closely related to Art. 10 of the CoCL (the principle of arbitrary code), in particular to Art. 10 (3) of the CoCL (the concentration principle), according to which the court is entitled to set a binding deadline for the procedural party to execute a procedural act.

The procedural consequence of non-compliance with the concentrated judicial preclusion limit is a procedural preclusion of the party's right to assert a statement of fact or a motion for evidence in the proceedings. Unlike substantive law, its application is made milder by the fact that the court has the option not to apply the judicial concentration if it forgives the omission or if the means of procedural attack and procedural defence were not applied promptly due to an adequate response to the current state of the dispute. The judicial concentration of proceedings is dominated by the judge's individual evaluation of the procedural situation, with a particular focus on the procedural activity of the litigating party and the effective, responsible and careful performance of the obligations related to the conduct of litigation **[6]**. Since the application of the judicial concentration of proceedings is executed by the competent judge at their discretion, it falls within their competence to decide whether they take into account the means of procedural attack or defence that the party could have submitted earlier had they acted with due care about the speed and economy of the proceedings. According to the Constitutional Court of the Slovak Republic: *"Since the concentration of judicial proceedings is applied by the competent judge at own their discretion, it falls within their competence to decide whether the means of procedural attack or defence, which the party could have submitted earlier had it acted with due care concerning the speed and economy of the proceedings, would be taken into account"* **[7]**.

The timeliness of submitting the means of procedural attack and defence is defined in Section 153 Art. 1, the second clause of the CoCL. *"A procedural act is not executed in time if the litigating party could have executed it earlier (objective standpoint), had it proceeded with due care (subjective standpoint). This is the lex generalis rule. It is not applied if a special legal regulation offers the litigating party a time limit for execution of a certain procedural act*. The specific *lex generalis* regulation is followed by the *lex specialis* regulation, according to which the court is entitled or obliged to set a time limit for executing the act by a procedural resolution. In these cases, the court may proceed with a procedural sanction only if the party fails to execute the act within the time limit set in such resolution (in particular, the provisions of Section 167 Art. 3, Section 167 Art. 4 and Section 181 Art. 4 of the CoCL). Following the provisions of the Code of Civil Litigation, the court shall duly inform the parties of their obligation to apply the means of procedural attack and procedural defence promptly. If the court, under Section 167 Art. 2 of the CoCL, sends the defendant a statement of claim, according to Section 273 of the CoCL, it is obliged to instruct the defendant about the consequences of failure to comply with the obligation to comment on the claim and state their defence. The consequence of failure to comply with this obligation is a sanction consisting of issuing a judgment by default. It would be appropriate to consider the application of the general rule on the judicial concentration of proceedings at this stage of the proceedings. This sanction would not yet apply as further acts of the parties would follow the defendant's statement. Those acts are finally accompanied by obligatory instructions on applying judicial concentration of proceedings. Following Section 167 Art. 3 of the CoCL (*lex specialis* to the general

rule), the court must instruct the plaintiff about using the judicial concentration of proceedings when it sends the defendant's statement and allows the plaintiff to comment and propose new evidence within the set time limit. At this stage of proceedings, the defendant's procedural defence is already known, to which the plaintiff is obliged to respond adequately and effectively. Suppose the plaintiff fails to exercise their right. In that case, it is unnecessary to sanction them in the same way as the defendant's failure to comply with their obligation to comment on the action, which is not sanctioned either (the sanction is the application of the judicial concentration of proceedings). Regarding the obligation to instruct, the Constitutional Court stated*: "When assessing the fulfilment of the condition of mandatory procedural representation, the Court of Supreme Appeal is obliged to take into account the specific circumstances of the case, such as the limited information possibilities of the complainant limited to personal freedom (stay in custody and imprisonment). Even if the Supreme Court were not of the opinion that the complainant should be instructed in such a way as to consistently guarantee the protection of their right of access to the court, it is its duty to address in more detail the complainant's request in the rationale for its ruling. It is the task of the Supreme Court to vouch for protection of rights of the complainant, even through the district court with which the complainant's appeal was filed, by up-to-date instruction on how to meet the condition of compulsory legal representation, i.e., by providing information on the possibility of the complainant's turning to the Legal Aid Centre with their application for the appointment of a lawyer for the purpose of representation in supreme appeal proceedings or at least duly justifying why such a step was not taken"* **[8]**.

Defined acts of the parties, such as their action, statement, reply and rejoinder, define the basic scope of the procedural attack and procedural defence of the parties. Although it is possible that the parties also send the court more statements and reactions to the procedural attack and defence, after submitting the defendant's rejoinder, the court should not wait for the parties to exhaust all arguments. Following procedural obligations, it is essential that the subject matter of the dispute is defined in detail and clearly by the action, the statement of defence, the reply, and the rejoinder. Therefore, upon receipt of the documents, the court should actively order a preliminary hearing or hearing of the trial.

The court shall use its powers to apply the judicial concentration of proceedings only at the hearing stage or before the ruling without ordering a hearing (Section 177 Art. 2 CoCL). If the procedural defense of the parties still needs to be finalised even after the filing of the rejoinder, the court may order a preliminary hearing of the dispute or order a hearing. Under Section 181 Art. 4 of the CoCL, the court shall impose an additional time limit for fulfilling procedural obligations on the parties under the threat of judicial concentration during either of the hearings. Suppose the court sets the trial date, when it finds that the parties have failed to fulfil the obligations imposed and have not applied the (new) means of procedural attack and defence on time. In that case, it may apply the judicial concentration of the proceedings at the hearing. The judicial concentration is at the court's discretion, so its application is not mandatory. The court can excuse the delay of a procedural act for objective reasons (legal complexity of the trial) or for subjective reasons (inability of a party to recognise the need to assert and prove certain facts).

The consequence of applying the judicial concentration is that the court shall not consider the procedural act – that is, it shall not grant it procedural effects. This may be disregarding the objection, making new statements of fact, or refusing to take evidence. Suppose the court sanctions the procedural party by applying the judicial concentration of proceedings and does not take into account procedural attacks or procedural defences that are delayed. In that case, it is necessary to justify its procedure in the substantive decision (Section 153 Art. 3 of the CoCL).

As we have mentioned above, different rules on the judicial concentration of proceedings apply in disputes with the protection of the weaker party, namely to the acts of the weaker party. In these proceedings, the investigative principle is partially applied, and the court is entitled to take evidence not proposed by the weaker party. In cases concerning abstract control in consumer matters, the judicial concentration of proceedings is completely excluded (Section 303 Art. 3 of the CoCL) **[9]**.

In its decision, the Constitutional Court of the Slovak Republic stated that since the concentration of judicial proceedings is applied by the competent judge at their own discretion, it falls within their competence to decide whether to take into account the means of procedural attack or procedural defense

that the party could have submitted earlier had it acted with due care regarding the speed and economy of the proceedings **[10]**.

3. Legal concentration of proceedings

The legal concentration of proceedings represents an objective time limit for applying the means of procedural attack and procedural defence, which can be made stricter further by applying judicial concentration. That objective time limit is important for the moment the court is bound thereby **[11]**.

The legal concentration of proceedings is laid down in the provision of Section 154 of the CoCL, which states in its provision that the means of procedural attack and also procedural defence can be applied at the latest before the announcement of the resolution based on which the taking of evidence in civil proceedings is closed **[12]**. Thus, the legal concentration of proceedings means that procedural acts of the litigating parties, which are subject to the concentration of proceedings (means of procedural attack and procedural defence) after the announcement of the resolution ending the taking of evidence, are inadmissible. As a result, they do not cause procedural effects *ex lege*, and the court shall not consider them. The legal concentration of proceedings determines the objective time limit for applying the means of procedural attack and the means of procedural defence, which can be further tightened by applying judicial concentration **[13]**.

Under the provisions of Section 182 CoCL **[14]**, the court is obliged to announce its resolution on the closing of taking of evidence at a hearing that has yet to be adjourned to take further evidence. The court shall announce this resolution only after the parties have had the opportunity to present their closing arguments. This ensures that all relevant information and views of the parties have been assessed before the conclusion of the evidentiary stage in the trial. Following Section 179 Art. 1 of the CoCL, the court must ensure effective preparation for the hearing so that the case can be decided at the first hearing. For this reason, the court sends procedural submissions of the parties (action, statement, reply, rejoinder, or other responses thereto) for their comment, whereby (following the above) according to Section 167 Art. 3 and 4 instruct the parties on the judicial concentration of proceedings. When the court sets the hearing date, it is assumed that all available procedural attack and defence methods should already have been adequately presented. After the opening statement of the litigating parties at the hearing, where the existing procedural attack and procedural defence are presented, the court proceeds by Section 181 Art. 2 of the CoCL. It determines which statements of fact are contested between the parties, which statements of fact it considers uncontested, which evidence it would take and which evidence it would not take and may express the preliminary legal assessment of the case. By the procedure in question, the court defines the subject matter of the dispute. Suppose the court is considering the application of the judicial concentration of proceedings about the statements presented late by the parties at the introductory speeches. In that case, it should usually proceed with it at this point. After the procedure under Section 181 Art. 2 of the CoCL, the court does not allow the parties to express their opinion on the assessment. Still, it proceeds directly with the taking of evidence. The CoCL does not set strict and mandatory rules for the subsequent course of the hearing. Therefore, the court proceeds according to the nature of the case. After taking evidence, it usually invites the parties to comment on the evidence taken by analogy under Section 182 of the CoCL. At this stage, it is not usually the closing arguments themselves, according to Section 182 CoCL, but the determination of the parties' positions on the further procedure on the case's merits.

"The Supreme Court has also already stated that the purpose of Section 181 Art. 2 of the CoCL is to focus the parties' procedural activity on the facts that are contested according to the court's assessment, i.e., to steer the parties to anticipate the court's decision already during the proceedings. In addition, it aims to speed up and simplify the procedure so as not to take unnecessary evidence that the court does not consider important and not to pay attention to unfounded statements of fact that, in the court's opinion, are either uncontested or legally irrelevant. However, a breach of this provision does not limit the litigating party in the exercise of its procedural rights (7Cdo/111/2020, 1Obdo/92/2018, 2Obdo/56/2020). In the resolution, file ref. 4Cdo/167/2012 of 28 May 2013, the Supreme Court stated that strict non-compliance with the procedure under Section 118 Art. 2 of the CoCL on the part of the court (consisting of failure to state which legally significant statements of fact of the parties can be

considered concurring and which remain contested) can be assessed only as the so-called other defect in the proceedings, which in itself does not constitute a confusion of the decision and is not a procedural defect in the proceedings within the meaning of Section 237 (f) of the CoCL (now Section 420 (f) of the CoCL). From the jurisprudence of the Slovak Supreme Court (file ref. IV. ÚS 16/2012) it follows that the court shall express its definitive legal opinion on a particular pending case only in the decision on the merits and not within the procedure under the provisions of Section 118 Art. 2 of the CoCL (previous procedural regulation). Similarly, in the case file ref. II. ÚS 366/2018, the Constitutional Court rejected the constitutional complaint as manifestly unfounded when it did not find a violation of the objected rights even in the legal conclusion of the Regional Court in Prešov mentioned below. "It is true that the court of first instance did not proceed according to Section 181 Art. 2 of the CoCL. The court of first instance did not indicate to the litigating parties during the proceedings ... which statements of fact are contested between the parties, which the court considers to be uncontested, which evidence it would take and which it would not take, and also did not state its preliminary legal assessment of the case. Failure to apply Section 181 Art. 2 of the CoCL by issuing a decision on the merits is validated. In the decision on the case's merits, the Court of First Instance communicated its views. It thus remedied this procedural defect and the possible denial of the right to a fair trial to the litigating parties. Therefore, the Court of Appeal does not consider this reason to be a reason why the contested judgment of the Court of First Instance should be annulled and remanded for further proceedings" (ruling of the Regional Court in Prešov, file ref. 17Co/7/2017 of 23 January 2018) " **[15]**.

At this point, for the first time, the party is allowed to apply other means of procedural attack and defence, the need for which it could have found out during the preliminary legal assessment of the court and the taking of evidence. Currently, the court applies the provisions of Section 181 Art. 3 and 4 of the CoCL at its discretion and, as part of its decision-making process, would consider whether it would allow the parties in the proceedings to submit additional means of procedural attack and procedural defence because the court has forgiven them their late submission or because the party while maintaining professional care, did not know that these means of procedural attack and procedural defence would be necessary. If the litigating parties present new means of procedural attack and procedural defence, the court would consider whether the hearing should be adjourned. The parties are obliged, as before, to state all relevant means of procedural attack and defence of which they are aware so that the court can prepare the next hearing at which it would be able to decide. Otherwise, it is entitled to apply the judicial concentration of proceedings.

The finding of the Constitutional Court of the Slovak Republic, published in the Journal of Judgments and Resolutions of the Constitutional Court of the Slovak Republic under no. 29/2019, defined that: *"If the general court fails to take the evidence proposed by the party to the proceedings, although it is to prove such contested factual circumstance between the parties to the proceedings that is significant or even decisive for the substantive assessment of the claim, it would prevent the party to the proceedings from exercising its procedural rights to the extent that the right to a fair trial would be violated. It also means, in consequence, violation of the fundamental right to judicial protection under Art. 46 (1) of the Constitution of the Slovak Republic"* **[16]**.

In the subsequent stages of the proceedings, the court applies all the presumed rules by analogy until the parties, after taking evidence, state that they have applied all means of procedural attack and defence (including motions for taking evidence). Before proceeding to the closing arguments of the parties and before declaring the taking of evidence to be over, the court must deal with all motions for taking of evidence, including the evidence that has not been taken (for example, concerning the procedure according to Section 153 Art. 2 of the CoCL or under Section 198 Art. 3 of the CoCL). Subsequently, the court invites the litigating parties to the closing arguments pursuant to Section 182 CoCL. If it does not consider it necessary to take further evidence after those, it declares the taking of evidence to be completed. As a result, the legal concentration of proceedings begins to operate.

In legal practice governed by precise procedural rules, it is important to follow the established order of procedural steps. One of the key moments of any court proceedings is the stage of evidence taking and the stage of the closing arguments of the parties to proceedings. The administrative procedure requires that the taking of evidence be closed first, and only then does the court allow the parties to put

forward their closing arguments. This chronological procedure is justified and based on the principles of fair trial. However, despite clearly established rules, a situation may arise where the court first declares the taking of evidence over and only then invites the parties to give their closing arguments. Such a proceeding is considered incorrect from the point of view of procedural justice. This is because, during the closing arguments, either party may proceed with new statements of fact or a proposal for further evidence-taking. In such cases, the court should reopen the taking of evidence so that it can properly assess this new evidence and include it in the overall assessment of the case. In the event that the scenario occurs, because this resolution, according to Section 237 Art. 2 CoCL, is not binding on the court, it could cancel the resolution declaring the taking of evidence closed and continue the proceedings. After the closing arguments of the parties and the evidence are declared closed, the court shall proceed by issuing a judgment (Section 219 Art. 2, first sentence of the CoCL) or adjourn the hearing for no more than 30 days to announce the judgment (Section 219 Art. 2, second sentence of the CoCL), as a result of closing of the evidence taking and before the judgment is announced, a time interval is created during which the principle of concentration of proceedings is applied strictly. At this time, the court is already preparing a writ of judgment. Even though it recapitulates the evidence taken, the facts' analysis, or the case's legal assessment, it proceeds only according to what came to light during the proceedings. If, during this period, the court becomes convinced that there is a need to take new evidence or to continue the hearing, it may annul this procedural decision and order a new hearing at which it summons the parties. The new hearing shall then focus on taking new, additional evidence. After taking this evidence, the court shall close the evidence-taking and declare the hearing complete.

The statutory and judicial concentration of proceedings applies only to the means of procedural attack and procedural defence. Still, it does not mean that after its application, the court would not consider any evidence presented in the litigation. The statutory and judicial concentration of proceedings does not include procedural acts of the parties, such as the withdrawal of an action under Section 144 of the CoCL, which can be applied until the decision of the Court of Appeal, a motion for a change under Section 80 of the CoCL or a motion for a decision on procedural succession under Section 64 of the CoCL and the evidence taking related thereto. These acts may also be executed after the taking of evidence has been declared complete, and to prove the facts stated in these procedural acts, it will also be possible to submit the related evidence that the court would take. The reason is that even in the period between the hearing at which the hearing was adjourned to announce the judgment and its announcement, a procedural situation that had not existed in the litigation until then and to which the court would respond (for example, payment of the amount claimed, assignment of the claim, cessation of the party with the legal successor) cannot be excluded entirely in legal practice. In the above case, despite the existence of legal concentration of proceedings, the court would take the necessary evidence because such evidence does not relate to procedural attack and procedural defence to which the judicial and legal concentration of proceedings applies but to prove the assertion made in the procedural act of the party. About the legal consequences of the statutory concentration of proceedings, Tomášovič notes that "on the one hand, the material significance of the statutory concentration of proceedings arises from the declaration of the resolution on closing of the taking of evidence for the entire further proceedings, including proceedings on remedies (taking into account permissible exceptions), but on the other hand, the normative meaning of the provision of Section 154 on the statutory concentration of proceedings is limited only to the time from the declaration on the termination of the taking of evidence to announcement of the judgment **[17]**. As is the case with the concept of judicial concentration of proceedings, the legal concentration of proceedings applies in disputes with the protection of the weaker party only in the material sense, since according to Section 296 CoCL, Section 312 CoCL and Section 320 CoCL, the weaker party is entitled to submit or designate all facts and evidence to prove its claims not later than by the announcement of the decision of the court of first instance on the merits. Legal concentration of proceedings, which also finds its application in the process of abstract control in consumer matters, as Section 303 Art. 3 of the CoCL excludes only judicial concentration of proceedings in this type of proceedings **[18]**.

4. Conclusion

The aim of the concentration of proceedings is not only to impose sanctions on the parties involved in the process but to set certain limits on statements of factual circumstances and the submission of evidence, which serves the purpose of speeding up the process. Nevertheless, it is essential that the court can still revise its previous decisions if all the statutory conditions had yet to be cumulatively met when those decisions were issued. This mechanism is important for maintaining fairness in court proceedings. We conclude that the most adequate solution for inaction by the litigating parties is to issue judgments by default. In factually complex cases, even the process concentration will only partially guarantee that adjournment by the court would be avoided. Given the vast amount of evidence that must be investigated, adjourning the hearing is necessary. This is justified and legally acceptable in such situations. The concentration of proceedings represents a procedural rule that limits the insertion of new statements of fact and proposes evidence until up to a certain stage of the judicial process. This rule has been introduced to eliminate unnecessary tactical manoeuvring on the part of the parties to proceedings. Employment of such tactics may often lead to an undesirable prolongation of the proceedings. Thus, effective concentration of proceedings contributes to increased efficiency of the court process and reduced delays, thus ensuring faster procedure and ruling on cases. However, the concentration of procedural acts does not mean the proposed evidence must also be taken at this particular stage of the proceedings. The purpose of the concentration of proceedings is not to bully the parties to the proceedings but to provide rapid and effective protection of their rights and legitimate interests. Of course, if the court allows an exception to the concentration, it must duly justify this procedure in its ruling. However, we have identified room for improvement in our analysis. According to our findings, mandatory guidance on the legal qualification applied to the case should be introduced before a resolution on the end of the taking of evidence is announced. Such a procedure could contribute to a clearer and more transparent legal process, but the current legal regulation does not include such practice in Slovak law. The court may only communicate to the parties how the case appears to it from a legal point of view, but this is a preliminary legal assessment of the case, which the court may proceed with, as a rule, at the beginning of the first hearing. Still, such communication is not the court's obligation. It is not uncommon that during the court proceedings, the parties have no idea how the court would assess the case, and the decision on the merits may surprise them. The so-called surprising ruling is when the Court of Appeal bases its decision in the case on legal conclusions other than those used by the Court of First Instance while simultaneously satisfying the circumstance that the party to proceedings does not have the opportunity to express, legally argue or submit new evidence that did not appear to be significant from the point of view of the hitherto legal conclusions of the Court of First Instance against different legal conclusions of the Court of Appeal **[19]** (similarly to the Resolution of the Supreme Court of the Slovak Republic case ref. 9 Cdo 400/2016 of August 15, 2017, 7Cdo 102/2011, 2 Cdo 226/2011, 5 Cdo 46/2011).

Critics of the concentration of proceedings argue that it is a means of speeding up proceedings to the detriment of justice because the litigating parties are deprived of the opportunity to submit evidence and relevant facts at any time. It is possible to effectively reconcile both parties involved in the required process as long as each concentration of proceedings is preceded by adequate instructions from the court. It is also necessary to provide sufficient time for the parties to proceed to indicate or submit evidence and to formulate the relevant facts. Furthermore, it is important to allow the parties to react to changes in the factual and legal situation that had yet to be foreseen or argued by any of the litigating parties before the concentration of proceedings takes stage.

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Funds:

This work was not supported by any grants.

Acknowledgments:

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Conflict of Interest:

No potential conflict of interest was reported by the author.

Ethical Statement:

This article does not contain any studies that would require an ethical statement.

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