

**The Act
of 4 December 1993 No. 97 Collection of Laws**

on Private International Law and Rules of International Procedure

**as amended by Act No. 158/1969, Act No. 234/1992, Act 264/1992, Act No. 48/1996,
Act No. 589/2003, Act No. 382/2004, Act No. 36/2005, Act. No. 336/2005 and Act No.
273/2007 Collection of Laws**

The National Assembly of the Slovak Republic has passed the following Act:

INTRODUCTORY PROVISIONS

Article 1

Purpose of Act

The purpose of the present Act is to determine which law shall govern civil, commercial, family, labour and other comparable relations with an international element, to regulate the legal status of aliens, as well as to set up the procedure before Slovak judicial authorities in the regulation of such relations and the decision-making in respect of such relations, and help thereby to facilitate international co-operation.

Article 2

International treaties

The provisions of the present Act shall apply only if an international treaty binding the Slovak Republic or the implementing legislation thereto do not provide otherwise.

PART I

PROVISIONS CONCERNING CONFLICT OF LAWS

AND THE LEGAL STATUS OF ALIENS

Division 1

Conflict of laws

Article 3

Legal capacity

(1) Legal capacity of a person shall be governed by the law of the State of his nationality, unless the present Act provides otherwise.

(2) If a foreign national concludes a legal act in the Slovak Republic, it suffices, unless the present Act provides otherwise, if he has legal capacity to act under Slovak law.

Article 4

Legal acts

Unless otherwise provided or unless otherwise required in the interest of reasonable regulation of relations, the validity of a legal act as well as the consequences of its invalidity shall be governed by the same law which governs the effects of such an act; as regards the form of an act, however, it suffices if the law of the place where the will to act was expressed had been observed, unless the law governing a contract should require, as a condition for its validity, the written form for an act.

Rights *in rem*

Article 5

Rights relating to immovable or movable property shall be governed by the law of the place where such property is situated unless the present Act or specific legislation provides otherwise.

Article 6

The establishment and termination of rights relating to movable property shall be governed by the law of the place where the movable property was situated at the time of the fact which establishes or terminates such rights. If movable property is being transported under the terms of a contract, the establishment and termination of such rights shall be governed by the law of the place from where such property was dispatched.

Article 7

Provisions concerning entries in public records in force in place where the immovable property is situated shall apply even in cases where the legal ground for the establishment, termination, restriction or transfer of a recorded right is governed by a different law.

Article 8

Adverse possession shall be governed by the law of the place where the property was located at the beginning of the period of prescription. The person acquiring such property by adverse possession may, however, invoke the law of the State where such possession was finalised, provided all conditions for prescription under the law of that State have been fulfilled after the removal of the property to the territory of that State.

Contracts and torts

Article 9

Choice of law

(1) Parties to a contract may choose the law which shall govern their mutual property relations unless specific legislation provides otherwise; they may do so tacitly, if, with regard to the circumstances, there is no doubt as to their expressed will.

(2) Unless the expressed will of the contracting parties indicates otherwise, the conflict of law provisions of the chosen law shall be disregarded.

(3) If the parties to a consumer contract choose a law which offers smaller protection of consumer's rights in comparison to Slovak law, their relations shall be governed by the Slovak law.

Article 10

(1) In the absence of choice of applicable law by the parties, their contractual relations shall be governed by the law whose application corresponds to the reasonable regulation of the relation concerned.

(2) To that effect, the following principles shall in general apply, unless specific legislation provides otherwise:

(a) sales and performance contracts shall be governed by the law of the place where the seller or performer have their seat (residence) at the time of the conclusion of the contract;

(b) contracts concerning immovable property shall be governed by the law of the place where such property is situated;

(c) transportation contracts (contracts of carriage, forwarding contracts, etc.) shall be governed by the law of the place where the transport operator or forwarding agent had their seat or residence at the time of the conclusion of the contract;

(d) insurance contracts, including contracts concerning insurance of immovable property, shall be governed by the law of the seat (residence) of the insurer at the time of the conclusion of the contract;

(e) commissions and similar contracts shall be governed by the law of the place where the person carrying out the commission had his seat (residence) at the time of the conclusion of the contract;

(f) agency and brokerage contracts shall be governed by the law of the place where the person for whom the agent or broker act had his seat (residence) at the time of the conclusion of the contract;

(g) contracts involving multilateral barter trade shall be governed by the law whose application best corresponds to the regulation of mutual relations as a whole.

(3) Other contracts shall in general, unless specific legislation provides otherwise, be governed by the law of the State in which both parties have their seat (residence); if their seat (residence) is not in the same State and the contract was concluded with both parties present, the contract shall be governed by the law of the place where the contract was concluded; if the contract was concluded between absent parties, it shall be governed by the law of the seat (residence) of the party accepting the offer for the contract.

Article 11

The law determined in application of Articles 9 and 10 shall also apply to any changes to, securities for and the consequences of a breach of obligations specified there, unless the intent of the parties or the nature of the matter indicate otherwise.

Article 12

With respect to movable property, the law determined in application of Articles 9 to 11 shall govern, as regards relations between the parties, also the following issues:

(a) the moment from which the right to dispose of a thing passes to the acquirer,

(b) the moment from which the acquirer gains title to the products and yields of the transferred thing,

(c) the moment from which the risk of damage to the transferred thing passes to the acquirer,

(d) the moment from which the right to compensation for damage which occurred in connection with the transferred thing passes to the acquirer,

(e) the reservation of proprietary rights to the transferred thing.

Article 13

(1) Prescription of rights relating to obligations shall be governed by the law applicable to the obligation itself.

(2) The setting off of claims shall be governed, unless the concern for a reasonable regulation of the legal relation concerned requires otherwise, by the law applicable to the claim to be set off against.

Article 14

Legal relations arising from unilateral legal acts shall be governed by the law of the State of the debtor's residence (seat).

Article 15

Tort claims shall be governed by the law of the place where the damage or the harmful event occurred.

Labour law

Article 16

(1) Relations arising out of an individual contract of employment shall be governed - unless the parties agree otherwise - by the law of the place where the employee works.

If the employee, however, works in one State under a contract of employment with an organisation which has its seat in another State, the law of the seat of the organisation shall apply, unless the employee has his residence in the State where he worked.

(2) The relations of employment of transport workers shall be governed, in case of rail or road transport, by the law of the seat of the employer and in the case of river and air transport by the law of the place of registration, and in the case of maritime transport by the law of the State under whose flag the transport is carried out.

Succession

Article 17

Succession shall be governed by the law of the State whose national was the deceased at the time of his death.

Article 18

(1) The capacity to make or invalidate the testament, as well as the effects of any defects of the will and its manifestation, shall be governed by the law of the State whose national was the deceased at the time he manifested his will. The same law shall apply to the determination which other forms of disposition of property upon death are admissible.

(2) The form of the testament shall be governed by the law of the State whose national the deceased was at the time he made the testament; it suffices, however, if the law of the State on whose territory the testament was made had been observed. The same shall apply to the form of invalidation of the testament.

Family law

Relations between spouses

Article 19

Legal capacity of a person to conclude marriage, as well as the conditions for its validity, shall be governed by the law of the State of the nationality of that person.

Article 20

The form of celebration of a marriage shall be governed by the law of the place where the marriage is celebrated.

Article 20a

Marriage concluded abroad by a Slovak national before an authority other than an authority of the Slovak Republic duly authorised is valid in the Slovak Republic provided it is valid in the State where it was concluded and none of the circumstances excluding the conclusion of marriage under the Slovak substantive law existed. If the other spouse is not a Slovak national, his or her capacity to conclude marriage is governed by the law of the State whose national he or she is.

Article 21

(1) The personal and property relations of spouses shall be governed by the law of the State of their common nationality. If the spouses have different nationalities, such relations shall be governed by the Slovak law.

(2) Agreement on matrimonial property regime shall be determined under the law applicable to the property relations of spouses at the time when the agreement was concluded.

Article 22

(1) Divorce shall be governed by the law of the State of the common nationality of the spouses at the time the divorce proceedings are initiated. If the spouses have different nationalities, the Slovak law shall apply.

(2) If, under the provisions of paragraph 1, foreign law would be applicable which does not permit divorce or does so under extremely difficult conditions, provided the

spouses, or at least one of them, have lived in the Slovak Republic for a longer period of time, Slovak law shall apply.

(3) The above provisions shall also apply to the declaration of marriage invalid or to the determination whether a marriage does or does not exist.

Relations between parents and children

Article 23

(1) Establishment of parentage (its determination or contestation) shall be governed by the law of the State whose nationality the child acquired by birth.

(2) If the child lives in the Slovak Republic, parentage may be established (determined or contested) in application of Slovak law provided this is in the child's best interest.

(3) For the recognition of parentage to be valid it suffices if it was done in accordance with the law of the State of recognition.

Article 24

(1) Relations between parents and children, including the attribution or extinction of parental responsibility, shall be governed by the law of the State of the habitual residence of the child. In so far as the protection of the person or the property of the child so requires, the court may exceptionally take into consideration also the law of another State with which the situation has a substantial connection.

(2) Parental responsibility acquired under the law of the State of the child's former habitual residence remains unchanged after a change of the child's habitual residence. If, however, one of the parents did not acquire parental responsibility which he or she would have under the Slovak law, he or she shall acquire such responsibility as of the moment when the Slovak republic becomes the place of the child's habitual residence.

(3) The exercise of parental responsibility shall be governed by the law of the State of the child's habitual residence.

(4) For the purpose of this provision the Slovak Republic shall be deemed to be the place of habitual residence of minor refugees and children who, due to disturbances occurring in their country, were displaced to the territory of the Slovak Republic as well as children whose habitual residence cannot be established.

Article 24a

Maintenance obligation of parents in respect of their children shall be governed by the law of the State of the child's habitual residence. Other maintenance obligations shall be governed by the law of the State of the maintenance creditor's residence.

Article 25

(1) Claims by the single mother against the child's father shall be governed by the law of the State whose national she was at the time of the child's birth.

(2) If the mother, a foreign national, resides in the Slovak Republic and the child's father is a Slovak national, the mother's claims shall be governed by the Slovak law.

Article 26

(1) Adoption shall be governed by the law of the State whose national is the adopter.

(2) If the adopting spouses have different nationalities, the conditions for adoption specified by the laws of both national laws must be met.

(3) If under paragraphs 1 and 2 a foreign law shall be applied which does not permit adoption, or does so under extremely difficult conditions, provided the adopter, or at least one of the adopting spouses, have lived in the Slovak Republic for a longer period of time, Slovak law shall apply.

Article 26a

The placement of the child in the pre-adoption care of the future adopters shall be governed by the law of the State of the habitual residence of the child.

Article 27

The question whether the consent of the child or another persons or authorities shall be required for the adoption or the establishment of similar relations shall be assessed in accordance with the law of the State of the child's nationality.

Guardianship

Article 28

The conditions for the establishment or termination of guardianship over minors shall be governed by the law of the State of the minor's habitual residence. The guardianship shall, in principle, relate to the person of the minor and his property irrespective of its location.

Article 29

The obligation to accept and carry out the guardianship over minors shall be governed by the law of the State of the guardian's nationality.

Article 30

The legal relations between the guardian and the minor shall be governed by the law of the State where the guardianship court or authority are situated.

Article 31

The preceding provisions on guardianship over minors shall apply *mutatis mutandis* to similar measures of protection, such as the guardianship over incapable adults.

Division 2

Status of aliens

Article 32

(1) Foreign nationals shall enjoy in the sphere of their personal and property rights equal rights and obligations as Slovak nationals unless the present Act or special legislation provide otherwise.

(2) If another State treats Slovak nationals differently from its own nationals, the Ministry of Foreign Affairs in agreement with the competent Slovak authorities may decide that the provision of paragraph 1 shall not be applied.

(3) The provisions of paragraphs 1 and 2, as regards property relations, shall apply *mutatis mutandis* to legal entities.

Article 33

Dual and uncertain nationality

(1) If a person, at the relevant moment, has Slovak nationality and another State also considers such a person to be its national, the Slovak nationality shall be decisive.

(2) If a person, at the relevant moment, has nationalities of several other States, the nationality acquired as last shall be decisive.

(3) A person who, at the relevant moment, has no nationality or whose nationality or last acquired nationality cannot be determined shall be regarded as a national of the State of his residence at the relevant moment and, if this cannot be established, of the State where he dwelt. If the latter cannot be established either, he shall be treated as a Slovak national.

Division 3

Common provisions

Article 34

Systems of Laws

If law of a State which has several systems of laws shall be applicable, the law of that State shall determine which particular system of law shall be applied.

Article 35

Renvoi

If under the provisions of the present Act foreign law shall be applicable and its provisions refer back to the application of the Slovak law or refer to the application of the law of a third State, such reference may be accepted if it corresponds with the reasonable and just regulation of the relation concerned.

Article 36

Ordre public

The legal provision of another State must not be applied if the effects of such an application would be contrary to principles of the social and governmental system of the Slovak Republic and its legal system which must be complied with without reservation.

PART II

INTERNATIONAL PROCEDURAL LAW

Division I

Jurisdiction

Article 37

Unless the subsequent Articles provide otherwise, Slovak courts shall have jurisdiction if the defendant has his residence or seat in the Slovak Republic or, provided property rights are involved, if he has property there.

Article 37a

Slovak courts shall also have jurisdiction:

- a) in matters relating to individual contracts of employment if the action is brought by the employee having his residence in the Slovak republic,
- b) in matters relating to insurance contracts if the action is brought by the policyholder, the insured or the beneficiary and the defendant has residence or seat in the Slovak Republic,
- c) in matters relating to consumer contracts if the action is brought by the consumer having his residence or seat in the Slovak Republic,
- d) in matters relating to other contracts if the goods were delivered, or should have been delivered, or services were provided, or should have been provided, in the Slovak Republic; in all other cases if the place of performance was, or should have been, in the Slovak Republic.

Article 37b

Slovak courts shall also have jurisdiction:

- a) in matters relating to tort, delict or quasi-delict if the harmful event occurred, or could have occurred, in the Slovak Republic,
- b) in civil claims for damages arising out of a criminal offence if the prosecution is conducted by Slovak authorities,
- c) in disputes arising out of operation of a branch, agency or other establishment of a legal entity if that branch, agency or other establishment is situated in the Slovak Republic.

Article 37c

Slovak courts may establish their jurisdiction over a person also by an action of the party to the proceedings:

- a) if the claims are so closely connected that it is necessary to hear and examine them together to avoid the risk of irreconcilable decisions,
- b) in respect of a counter-claim arising from the same facts on which the original claim was based and the Slovak court has jurisdiction over the original claim.

37d

Exclusive jurisdiction

Slovak courts shall have exclusive jurisdiction:

- a) in proceedings which have as their object rights *in rem* in immovable property or tenancies of immovable property if the immovable property is situated in the Slovak Republic,
- b) in proceedings concerned with the registration or validity of patents, trade marks, designs or other similar rights required to be registered or deposited if the deposit or registration has been applied for or has taken place in the Slovak Republic or is deemed to have taken place there under international law.

Article 37e

Prorogation of jurisdiction

(1) The jurisdiction of a court over disputes arising out of a contract or tort (delict or quasi-delict) may be established by the parties. Unless otherwise agreed upon by the parties, such jurisdiction shall be exclusive. An agreement conferring jurisdiction in matters referred to in Article 37d shall be null and void.

(2) If the parties agreed that a Slovak court shall have jurisdiction, they cannot change by agreement the subject matter jurisdiction of the court.

(3) An agreement conferring jurisdiction shall be in writing or evidenced in writing. If it relates to a contract in international trade or commerce, it suffices if it is done in a form which accords with the usual practice in such trade or commerce and which is regularly observed by the parties in respect of contracts of the type concerned.

(4) An agreement conferring jurisdiction solely to the benefit of one of the parties shall be without prejudice to the right of that party to bring an action before a different court.

(5) In matters relating to individual contracts of employment, insurance and consumer contracts, the agreement conferring jurisdiction shall be valid only if it does not exclude the jurisdiction of the courts of the State of the claimant's residence or if it was entered into after the dispute has arisen.

(6) If the agreement confers exclusive jurisdiction on a foreign court, Slovak courts may be nonetheless seized if the chosen court declined exercising its jurisdiction.

Article 37f

(1) If the Slovak court has no jurisdiction as to the substance of the matter, it may nevertheless, upon an application by a party, order provisional measures.

(2) Such provision measure shall have effects solely in the Slovak Republic.

Jurisdiction in family matters

Article 38

(1) Slovak courts shall have jurisdiction in matrimonial matters (divorce, marriage annulment or determination whether a marriage does or does not exist) if at least one of the spouses is a Slovak national.

(2) If none of the spouses is a Slovak national, Slovak courts shall have jurisdiction:

(a) if at least one of the spouses resides there and the decision is recognisable in the States of origin of both spouses, or

(b) if at least one of the spouses has resided in the Slovak Republic for a substantial period of time, or

(c) provided such ground of invalidity of marriage is concerned on account of which the marriage must be annulled under the Slovak law even without a motion to this effect, if both spouses live there.

Article 38a

Slovak courts shall have jurisdiction in matters of maintenance obligations if either the maintenance creditor or the maintenance debtor has his residence or habitual residence in the Slovak Republic

Article 39

(1) Slovak courts shall have jurisdiction in matters of parental responsibility in respect of a minor if the minor has his habitual residence in the Slovak Republic or if his habitual residence cannot be determined.

(2) Slovak courts shall also have jurisdiction in matters of parental responsibility in respect of refugee children or children who, due to disturbances occurring in their country, were internationally displaced and are present in the Slovak Republic.

(3) If the Slovak court does not have jurisdiction on the substance of parental responsibility, it shall only take measures necessary for the protection of the person or the property of the child and shall inform thereof the competent authority of the State of the child's habitual residence. Such measures shall be taken by the Slovak court in application of provisions of the Slovak substantive law.

(4) Slovak courts shall have, in proceedings in matrimonial matters, also jurisdiction over the question of parental responsibility of spouses in respect of their common child, provided:

a) the child has his habitual residence in the Slovak Republic, or

b) at least one of the spouses has parental responsibility in relation to that child, the jurisdiction of the courts has been accepted by the spouses and the exercise of such jurisdiction is in the best interest of the child.

Article 40

An application for establishment (determination or contestation) of parentage may be filed with the applicant's court of general jurisdiction in the Slovak Republic if the defendant has no court of general jurisdiction in the Slovak Republic. If the applicant has no court of general jurisdiction in the Slovak Republic either, but one of the parents or the child is a Slovak national, the application shall be filed with the court determined by the Supreme Court.

Article 41

(1) The Slovak court shall have jurisdiction in matters of adoption if the adopter is a Slovak national. If the adopters are a married couple, it suffices if only one of the spouses is a Slovak national and resides in the Slovak Republic.

(2) If neither the adopter nor any of the adopting spouses is a Slovak national, the Slovak court shall have jurisdiction:

(a) if the adopter, or at least one of the adopting spouses, resides there and if the court decision is recognisable in the State of origin of the adopter or the adopting spouses, or

(b) if the adopter, or at least one of the adopting spouses, has resided in the Slovak Republic for a substantial period of time.

Article 41a

(1) Adoption of a child who is a Slovak national and who has his habitual residence in the Slovak Republic may be declared only by the Slovak court.

(2) The Slovak court has jurisdiction to declare adoption also in circumstances where, at the time of decision-making, the child no longer has his habitual residence in the Slovak Republic if the court had taken the decision on the placement of the minor child in the care of future adoptive parents.

Article 42

Jurisdiction in matters of legal capacity and guardianship

(1) In matters of restriction or deprivation of legal capacity as well as guardianship the Slovak courts shall have jurisdiction if the person has his habitual residence in the Slovak Republic.

(2) If the Slovak court does not have jurisdiction under paragraph 1, it shall only take measures necessary for the protection of the person or his property and shall inform thereof the competent authority of the State of the person's habitual residence. Such measures shall be taken by the Slovak court in application of provisions of the Slovak substantive law.

Article 43

Jurisdiction in matters of declaration of death

(1) The Slovak court shall have exclusive jurisdiction to declare a missing Slovak national dead.

(2) The Slovak court may declare a missing foreign national dead in application of the Slovak substantive law with legal effects limited to persons permanently resident in the Slovak Republic and to the property situated here.

Jurisdiction in succession matters

Article 44

The Slovak court shall have jurisdiction in matters of succession always if the deceased was a Slovak national at the time of his death. In respect of the property situated abroad, however, the Slovak court shall proceed in the matter only if such property may be released to the Slovak authorities or if the other State recognises the legal effects of such decisions taken by the Slovak judicial authorities.

Article 45

(1) The Slovak court shall proceed in a succession matter of a foreign national related to estate situated in the Slovak Republic:

(a) if the State of the deceased person's nationality neither releases the property of Slovak nationals to Slovak courts nor recognises the legal effects of their decisions, or if that State refuses to settle the estate or fails to respond, or

(b) if the deceased had his residence in the Slovak Republic and an heir residing there so requests,

(c) in all cases where immovable property situated in the Slovak Republic is concerned.

(2) In all other cases the Slovak court shall only take measures necessary for the protection of the foreign national's estate.

Article 46

Jurisdiction in matters of invalidation of documents

The Slovak court shall have jurisdiction to invalidate documents issued abroad only if such invalidation may have, depending on the nature of the matter, legal effects in the Slovak Republic.

Article 47

Exemption from the jurisdiction of Slovak courts

(1) Foreign States and persons who under international treaties or other rules of international law or specific Slovak legislation enjoy immunity in the Slovak Republic shall not be subject to the jurisdiction of Slovak courts.

(2) The provision of paragraph 1 shall also apply to the service of documents, to summons of the aforesaid persons as witnesses, to enforcement of decisions as well as other procedural acts.

(3) Slovak courts, however, shall have jurisdiction if:

(a) the object of the proceedings is the immovable property, situated in the Slovak Republic, of the States or persons specified in paragraph 1 or their rights relating to such immovable property owned by other persons, as well as their rights arising from the tenancy of such immovable property, unless the object of the proceedings is the payment of rent,

(b) the object of the proceedings is succession in which the persons specified in paragraph 1 appear not in their official capacities,

(c) the object of the proceedings relates to the exercise of employment or commercial activity which the persons specified in paragraph 1 carry out outside the framework of their official capacities,

(d) the State or the persons specified in paragraph 1 voluntarily submit to their jurisdiction.

(4) Service of documents in cases specified in paragraph 3 shall be carried out by the Ministry of Foreign Affairs. If service cannot thus be performed, the court shall appoint a guardian for the purpose of receiving the documents or, as the case may be, for the defence of rights.

Division 2

Provisions concerning procedure

Article 48

The Slovak courts shall proceed in application of Slovak procedural rules while all parties shall have equal position in the proceedings as regards the assertion of their rights.

Status of aliens in proceedings

Article 49

The capacity of foreign nationals to sue and be sued shall be governed by the law of the State of their nationality. It shall suffice, however, if they have such capacity under the Slovak law.

Article 50

Foreign nationals shall be entitled to exemption from court fees and deposits and to the appointment, free of charge, of a representative for the protection of their interests, provided reciprocity is guaranteed.

Article 51

(1) If the defendant so moves, the court shall order a foreign national who seeks a decision on a property claim, to put up a bond for the payment of the costs of procedure with the proviso that should he fail to put up such a bond within the stipulated period of time, the court would not continue the proceedings against the will of the defendant and would terminate them.

(2) The deposition of a bond may not be ordered if:

(a) the motion for the deposition was filed after the defendant had acted in the case or had made a procedural motion although he had known that the plaintiff was not a Slovak national or that he had lost his Slovak nationality,

(b) in the State of the plaintiff's nationality a bond would not be required from a Slovak national in comparable cases,

(c) the plaintiff owns immovable property in the Slovak Republic sufficient in value to cover the costs to be incurred by the defendant in the proceedings,

(d) the motion to initiate proceedings is dealt with by a payment order,

(e) the plaintiff is exempt from the payment of court fees and deposits.

Article 52

Documents issued by foreign courts and authorities, considered as public documents in the State of their origin, shall have probative force of public documents in the Slovak Republic as well if they have been duly legalised.

Determination of foreign law and reciprocity

Article 53

(1) The judicial authority shall take all necessary measures to determine the content of the applicable foreign law; if the content of the foreign law is not known to such an authority, it may request information to this effect from the Ministry of Justice.

(2) If in the adjudication of matters specified in paragraph 1 any doubt arises, the judicial authorities may ask the Ministry of Justice for an opinion.

Article 54

A declaration by the Ministry of Justice on reciprocity in respect of another State, issued in consultation with the Ministry of Foreign Affairs and other Ministries concerned, shall be binding on the courts and other authorities.

International legal assistance

Article 55

Unless otherwise provided, judicial authorities shall communicate with foreign authorities through the Ministry of Justice.

Article 56

Slovak judicial authorities shall provide, upon request, legal assistance to foreign judicial authorities, provided reciprocity is guaranteed. Legal assistance may be denied if:

(a) the performance of the requested assistance does not fall within the jurisdiction of the requested Slovak judicial authority; if, however, such assistance falls within the jurisdiction of another judicial authority or within the jurisdiction of other Slovak authorities, the request shall be forwarded to the competent authority for execution;

(b) the assistance requested is contrary to the Slovak *ordre public*.

Article 57

(1) The requested legal assistance shall be provided in application of the Slovak law; upon request by the foreign authority, foreign procedural rules may be applied if the requested procedure is not contrary to the Slovak *ordre public*.

(2) If the foreign authority so requests, the witnesses, expert witnesses and parties may be examined under oath. The same shall apply to sworn affidavit of facts vital for the assertion or preservation of claims abroad.

(3) The oath for witnesses and parties shall read as follows: „I swear on my honour that I shall say the truth and nothing but the truth about everything I am asked by the court and shall withhold nothing.“

(4) The oath for expert witnesses shall read as follows: „ I swear on my honour that I shall submit my expertise in accordance with my best knowledge and conscience.“

(5) In the case of an oath submitted after the fact, the wording shall be altered accordingly.

Article 58

If no authenticated Czech or Slovak translation is attached to a foreign document, it shall be served on the addressee if he accepts it voluntarily; the addressee shall be advised that he has to be aware of the potential legal consequences of his refusal to accept the document.

Article 59

(1) Upon request by a Slovak judicial authority, the Slovak diplomatic or consular authority shall:

(a) effect service on persons in the State of their accreditation if such function is admissible under international treaties or other rules of international law, or if it is not contrary to the law of the State of service;

(b) effect service on Slovak nationals who enjoy diplomatic privileges and immunities in the State of service and examine such persons as witnesses, expert witnesses or parties;

(c) upon an authorisation by the Ministry of Foreign Affairs, examine witnesses, expert witnesses and parties as well as carry out other procedural acts if such persons

appear voluntarily and if this is not contrary to the law in force in the State where the assistance shall be provided.

(2) The Slovak diplomatic or consular authorities shall act in accordance with the law applicable to the requesting judicial authority and the acts performed by them shall have the same effect as if they had been carried out by the judicial authority itself.

Article 60

Service effected upon the request of a Slovak judicial authority by a foreign authority as well as evidence taken by the latter shall have legal effects even if they are not in conformity with the provisions of the foreign law as long as they are in conformity with the Slovak law.

Article 61

Certificate of Slovak law

The Ministry of Justice shall issue a certificate of the law in force in the Slovak Republic to anyone who requires it in order to assert his rights abroad. Such certificate shall neither interpret the law nor explain how it should be applied in a particular legal matter.

Article 62

Legalisation of documents

Documents issued by judicial authorities or documents authenticated by them or signed before them, which are intended to be used abroad, shall be legalised upon the party's request by:

a) the Regional Court, as regards documents issued by the District courts, notaries or *huissiers* located in the district of the Regional Court, documents or signatures authenticated by them, as well as translations made by translators or written opinions provided by experts,

b) the Ministry of Justice, as regards any other document not specified in subparagraph a).

Article 62a

Other duties of court in crossborder cases

(1) A person who intends to claim maintenance abroad under an international treaty or reciprocity by bringing an action for establishment of maintenance or for enforcement of the decision of a Slovak court, may request the district court for the place of his residence to assist him in drawing up the application. The district court shall be under an obligation to draw up the application.

(2) A person who intends to bring an action before a foreign court or who is a defendant in proceedings abroad may request the district court for the place of his residence to assist him in drawing up an application for legal aid to be given in the proceedings abroad under an international treaty. The district court shall be under an obligation to draw up the application.

(3) The court, on a motion by the applicant and at his expense, shall arrange for the translation of an application under paragraphs 1 or 2 and its supporting documents. If the applicant meets the requirements for the provision of exemption from court fees, the costs of the translation shall be borne by the State.

(4) Paragraphs 1 to 3 shall be applicable also in cases where the international treaty allows an application for the enforcement of a domestic decision abroad to be filed with the court which rendered that decision in the first instance.

Division 3

Recognition and enforcement of foreign decisions

Article 63

Decisions of authorities of another State, including settlements approved by them, in matters specified in Article 1, provided that in the Slovak Republic they fall within the courts' jurisdiction, as well as foreign authentic instruments in such matters (further referred to as „foreign decisions“) shall have legal effect in the Slovak Republic if they have been recognised by the Slovak authorities.

Article 64

Conditions for Recognition

A foreign decision can neither be recognised nor enforced if

(a) its recognition is pre-empted by exclusive jurisdiction of the Slovak authorities or if in application *mutatis mutandis* of the Slovak provisions on jurisdiction the foreign authority would have had no jurisdiction in the matter,

(b) it neither has *res iudicata* effects nor is enforceable in the State of origin,

(c) it is no decision on merits,

(d) the party against whom recognition of the decision is sought has been deprived by the foreign authority of the possibility to participate in the proceedings before it, in particular he was not duly served the summons or the document instituting the proceedings; the court shall, however, not review this condition if the decision was duly served on the party and he has not appealed it or if the party has declared that he does not insist on the review of this condition,

(e) Slovak court has issued a decision, which has *res iudicata* effects, in the matter or an earlier foreign decision in the same matter was recognised or is recognisable in the Slovak Republic,

(f) the recognition would be contrary to Slovak *ordre public*.

Article 65

Foreign decisions in matrimonial matters and in matters involving establishment (determination or contestation) of parentage where at least one of the parties is a Slovak national and foreign decisions on adoption of a child who is a Slovak national shall be recognised in the Slovak Republic, unless precluded by the provisions of Article 64 (b) to (f).

Article 66

(1) Foreign decision on the placement of the child in the care of a person or on the contact with the child may neither be recognised nor enforced if:

- a) any of the conditions set out in Article 64 (a) to (e) is not fulfilled,
- b) the child was not given the opportunity to be heard in the proceedings on the substance, unless the court dispensed with the hearing of the child for reasons of urgency or that the child was not capable to express his opinion due to his age and maturity,
- c) recognition would, taking into account the best interest of the child, be manifestly contrary to the Slovak *ordre public*.

(2) The court shall not recognise a foreign order on placement or contact at the request of a person claiming that such decision infringes upon his parental responsibility if it was given, except in case of urgency, without such person having been given an opportunity to be heard.

Article 67

(1) Foreign decisions in matrimonial matters, in matters involving establishment (determination or contestation) of parentage or adoption of a child shall be recognised by a specific decision of the Slovak court.

(2) Foreign decision on the placement of or contacts with the child shall be recognised either by a specific decision of the Slovak court or by ordering its enforcement.

(3) Any other foreign decision shall be recognised by the Slovak court by ordering its enforcement or issuing a mandate for its execution; if a foreign decision does not require enforcement, it shall be recognised in such a way that a Slovak authority takes account thereof as if it were a decision of a Slovak court. At a request by either the claimant or the defendant from the foreign decision, the Slovak court shall decide on the recognition of a foreign decision always by a specific decision.

Article 68

Effects of foreign decision

(1) A foreign decision recognised by a Slovak court shall have equal legal effects as a decision rendered by a Slovak court.

(2) Even without recognition a foreign decision in matrimonial matters, in matters involving establishment (determination or contestation) of parentage or adoption of a child shall have equal legal effects as a decision of a Slovak court if the parties are not Slovak nationals and if it is not contrary to the Slovak *ordre public*.

Procedure on application for recognition of a foreign decision

Article 68a

Jurisdiction of court

The following courts shall have jurisdiction to proceed on the application for recognition of a foreign decision:

- a) Regional Court in Bratislava for recognition of foreign decisions in matrimonial matters, in matters involving establishment (determination or contestation) of parentage or adoption of a child,
- b) for recognition of foreign decisions on placement of or contact with the child, the district court for the habitual residence of the child and, in absence thereof, the district court for the residence of the child; when no such court exists, the District Court Bratislava I,
- c) the court having jurisdiction to order enforcement of a decision or to issue a mandate for execution for recognition of decisions not covered by subparagraph b) above.

Article 68b

(1) The proceedings on recognition shall commence by an application which may be filed by a person who is referred to as a party in the foreign decision and, in matrimonial matters, in matters involving establishment (determination or contestation) of parentage or adoption of a child also by a person who can manifest a legal interest in the matter.

(2) Parties to the proceedings shall be the applicant and all persons against whom the foreign decision shall be recognised. If the applicant fails to specify them in the application, the parties to the proceedings shall be all persons referred to as parties in the foreign decision.

(3) If the applicant has his residence or seat abroad, he shall choose a representative having residence or seat in the Slovak Republic for the purposes of service of documents. Failing to do so in a specified delay, the documents shall be deposited in the court with the effects of service; the applicant shall be advised of such a consequence.

(4) The provision of paragraph 3 shall be applied *mutatis mutandis* also in relation to other parties of the proceedings if they do not have residence or seat in the Slovak Republic.

Article 68c

Elements of application for recognition of foreign decision

(1) The application for the recognition of a foreign decision shall specify the court addressed, the identity of the applicant, the matter it relates to and the purpose of the application; it shall be signed and specify the date of delivery. The application shall furthermore specify the foreign decision, the name of the authority of origin, the date when the foreign decision became binding or provide information on its enforceability and it shall list all supporting documents attached to the application. The application shall be filed in a number of copies with supporting documents which would allow one copy to be retained by the court and each party to be served with one copy.

(2) The application shall be supported by the following:

- a) the complete text of the original of the foreign decision or its duly certified copy,
- b) a certificate by the competent foreign authority evidencing that the foreign decision is binding or enforceable or that an ordinary appeal is no longer possible against it,
- c) documents evidencing that the ground of non-recognition under Article 64(d) was not given or a declaration by the other parties that they did not insist on the review of this ground,
- d) duly certified translations of all the supporting documents into Slovak.

(3) If necessary, the court shall invite the applicant to complete his application in a delay of 15 or more days. If the applicant, failing the invitation by the court, does not rectify or complete his application and due to this the proceedings cannot be continued, the court shall terminate the proceedings. The applicant shall be advised of such a consequence.

Article 68d

(1) The filing of an application for recognition of a foreign decision shall stay any proceedings for its enforcement or issuance of a mandate for its execution until the decision on the application for recognition shall have become binding.

(2) If the foreign decision was appealed in the State of origin, the court proceeding on recognition or enforcement (issuance of a mandate for execution) of that foreign decision may stay its proceedings until the decision on the appeal shall have become binding.

Article 68e

Hearing the case

(1) Unless one of the parties files a complaint against the recognition of a foreign order within a period of 15 day from the service of the application for recognition, the court shall not conduct a hearing in the case.

(2) If the parties have declared in writing that they agree with the recognition of the foreign decision, the court shall not serve the application and shall not conduct a hearing. Such written statement by the parties shall be filed with a duly certified translation into Slovak.

Article 68f

Extent of review of foreign decision

(1) The court shall be bound by the findings of fact on which the foreign authority based its jurisdiction.

(2) The foreign decision may not be reviewed as to its substance.

Article 68g

Court decision

(1) In matrimonial matters, in matters involving establishment (determination or contestation) of parentage or adoption of a child, the court shall decide on the application for a recognition of a foreign decision by a judgment, in all other cases it shall decide by a resolution.

(2) If any of the conditions for recognition of a foreign decision is not fulfilled, the court shall refuse recognition. In all other cases it shall recognise the foreign decision.

(3) If the foreign decision contains more than one verdict and the recognition is not possible or required for all of them, the court shall recognise the foreign decision only to the extent possible or required. The applicant himself may request partial recognition of a decision.

Article 68h

(1) The provisions of this division shall be applicable *mutatis mutandis* to the proceedings on the application for non-recognition of a foreign decision in the Slovak Republic.

(2) Provisions relating to the proceedings on the recognition of a foreign decision shall be applicable *mutatis mutandis* to the proceedings on the application for the declaration of enforceability or non-enforceability of a foreign decision in the Slovak Republic.

Article 68i

Transitional provisions

(1) Proceedings on recognition and enforcement of foreign decisions commenced under the unamended legal provisions shall be finalised in application of those provisions.

(2) If the Slovak court based its jurisdiction on the unamended legal provisions, its jurisdiction shall continue.

(3) Jurisdiction conferred on the courts by a written agreement of the parties under the unamended legal provisions shall be retained. The validity of a choice of court agreement concluded before this amendment entered into force shall be governed by the unamended legal provisions.

FINAL PROVISIONS

Article 69

The Act No. 4/1948 Collection of Laws on private international and interregional law and the legal status of aliens in the sphere of private law is hereby repealed.

Article 70

The present Act shall enter into force on 1 April 1964¹.

¹ The last amendment entered into force on 1 July 2007.