

Feasibility study on the Treatment of Foreign Law – Questionnaire

Answers of the Slovak Republic:

1/ a – The London Convention – yes.

b, c - no.

d – The Slovak Republic is contracting party to 26 bilateral contracts concerning legal aid, and some of them provide also access to information on foreign law.

2/ b, c, d – No.

3/ The No. of requests received in 2006 - cca 25; the London Convention – 15 and bilateral contracts – 10; average time taken to respond to the requests: 1/2 year.

4/ The No. of requests that emanated from the judicial authorities in our state - cca 25; London Convention – 15 and bilateral contracts – 10; average time taken to respond to the requests: 1/2 year.

5/ It is possible, that there will be an increase in number of requests referred to in questions No 3 and 4.

6/ Family law and inheritance.

7/ Ministry of Justice of the Slovak Republic, as well as Slovak Courts are highly satisfied with the instruments referred to in question no 1.

8/ - None.

9/ Slovak Republic (responsibility of the Ministry of Justice) provides access to its legislation on the web site of JASPI. Such information are only provided in Slovak language. There are also some unofficial web sites and private organisations, who provides this service.

10/ The Ministry of Justice of the Slovak Republic – Private and International Law Division or Legislative Division responds to written (either by letter, fax or e-mail) or oral reuests for information on Slovak Private and International Law.

On the other hand, where the content of the foreing law is concerned, the Ministry of Justice of Slovak Republic has access to only very narrow scope of information in same areas of foreing law of some states. Therefore, under the bilateral contracts or the London Convention on Information of Foreign Law – our authority only resends requests form Slovak courts to the proper receiving agencies in a foreing state.

Finally, when the Slovak law is concerned, the Supreme Court has the exclusive right to interpret the law.

11/ Yes, the services in question No. 10 are available also to people in other states, but only in Slovak language.

12/ Yes, this official service are free for both the Slovak residents as well as the foreing residents.

13/ These data are not kept.

14/ Rough estimate of the percentage of civil and commercial law cases heard by the judicial authorities in the Slovak Republic is: 2% of cases in 2006. Likely to increase: It is possible.

15/ The most common areas of foreign law applied by or invoked before the judicial authorities in our state are:

- marriage
- divorce
- parental responsibility
- parent-child relationship
- international child protection including child abduction and child adoption
- protection of adults
- maintenance
- products liability
- commercial contracts
- sale of goods
- property
- inheritance.

16/ The states whose laws are most frequently applied by or invoked before judicial authorities in our state are: Czech Republic, Italy, Austria, Germany, United States of America and other.

17/ In the Slovak Republic, judicial authorities ascertain foreign law:

- ex officio, without the assistance of an expert
- ex officio, with the assistance of an expert

18/ The sources consulted by judicial authorities in our state to ascertain the content of foreign law:

- 1.- internet (official legislation)
- 2.- local or personal library (printed legislation, case law and legal publications)

19/ In Slovak Republic judicial authorities do not verify the reliability and / or authenticity of the sources of the foreign law. Information about foreign law sent by competent foreign agency (most often it is the Ministry of Justice of the state) are taken for correct and official.

20/ Most of the information of foreign law gained from the foreign state is not in the Slovak language. Therefore is necessary to appoint a court translator, who translates the documents.

21/ Since the Ministry of Justice does not have access to the content of the foreign law in majority of the cases, the International Private Law Division only forwards the request of Slovak courts for information on foreign law.

22/ No.

23/ Government – the Ministry of Justice of the Slovak Republic, Private and International Law Division.

24/ In the Slovak Republic it is only very rare to seek the content of foreign law by the method described in b/, question 17. In this case Ministry of Justice bears the costs. In majority of cases, the judicial authority in the Slovak Republic seeks a content of the foreign law ex officio, without any expert. In that case, the costs are borne by the party against whom costs will be awarded at the end of the proceedings.

25/ Yes.

26/ -

27/ No, according to the London Convention or any bilateral contract on legal aid.

28/ No.