

Conference on Cross-Border Recognition and Enforcement of Judgments
Ministry of Justice of the Russian Federation in Saint Petersburg
(11 St Isaac's Square) 17
June 2014

QUESTIONNAIRE

The purpose of the Questionnaire is to collect information from States regarding the recognition and enforcement of foreign judgments and issues of international jurisdiction.

The concept for the roundtable discussion session stems from the work the Permanent Bureau is currently undertaking on two key aspects of private international law in crossborder litigation: international jurisdiction and the recognition and enforcement of foreign judgments. A detailed chronology setting out the background of the work undertaken by the Hague Conference in this area is located on the Hague Conference website < www.hcch.net > under "Specialised Sections" then "[Judgments Project](#)".

The Questionnaire has two parts: Part I contains questions regarding the recognition and enforcement of foreign judgments and Part II contains questions on jurisdictional issues in international litigation. Please note that the Permanent Bureau has used the same terminology in the Questionnaire as that which was used in the two detailed notes that the Permanent Bureau prepared for the work being undertaken in this area. These notes identify the issues for consideration in the study of the recognition and enforcement of foreign judgments and jurisdiction in international litigation. For more information on these two topics and for a contextual background to the Questionnaire, please refer to these two notes which are located on the Judgments Project webpage listed above. The notes are titled, "[Annotated Checklist of Issues to be discussed by the Working Group on Recognition and Enforcement of Judgments](#)" (Note 1) and "[Issues Paper on Matters of Jurisdiction including Parallel Proceedings](#)" (Note 2). A glossary of the terminology used is also located on the Judgments Project webpage, titled Annex I: [Glossary to the Annotated Checklist](#).

The detailed information provided in response to this Questionnaire will help the Hague Conference with its ongoing work on the Judgments Project and will hopefully be of use to participants beyond this Conference.

The Permanent Bureau would very much appreciate receiving your response to this Questionnaire by 30 May 2014. Responses should be sent by e-mail to < secretariat@hcch.net > with the following heading and indication in the subject field: "Questionnaire concerning the Judgments Project – [name of State]". Your co-operation in responding to this Questionnaire is very much appreciated and will greatly assist during the roundtable discussion session.

**PART I – RECOGNITION AND ENFORCEMENT OF A FOREIGN COURT
DECISION**

NOTE: If your State has a non-unified legal system (*i.e.*, two or more systems of law which apply in different territorial units), and the information is available, please indicate the jurisdiction/s referred to in your answers.

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern the recognition and enforcement of foreign judgments?

☒ YES
☐ NO

If yes, please specify.

Bilateral treaties bind Slovakia in respect of these States Afganistan, Albania, Algeria, Belarus, Bosnia and Hercegovina, Cuba, Former Yugoslav Republic of Macedonia, Korea (North), Moldova, Mongolia, Montenegro, Russia, Socialist Republic of Viet Nam, Serbia, Switzerland, Syrian Arab Republic, Tunis, Turkey, Ukraine, Yemen (South)

2. Does your State have rules of national law that govern the recognition and enforcement of foreign court judgments in your State (*i.e.*, legislation or case law)?

☒ YES
☐ NO

If yes, please specify.

Law No. 97/1963 on Private International Law and the Rules of Procedure Relating Thereto, as amended (PIL Act).

3. Which courts in your State hear applications for the recognition and enforcement of foreign judgments?

Please specify.

district courts acting as courts of enforcement

4. Are there specific conditions that need to be met in order for a judgment to be recognised and enforced by a court in your State?

☒ YES
☐ NO

If yes, under what circumstances (*e.g.*, the jurisdiction of the foreign court must be recognised, the respondent to the application for recognition and enforcement must have assets in your State, the judgment must be a monetary judgment that is final and conclusive)?

Decisions of authorities of another State, including settlements approved by them, in matters falling within the scope of PIL Act , provided that in the Slovak Republic they fall within the courts' jurisdiction, as well as foreign authentic instruments in such matters shall have legal effect in the Slovak Republic if they have been recognised by the Slovak authorities

A foreign decision can neither be recognised nor enforced if

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(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 capable of in the Slovak Republic,

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

5. Can a court in your State refuse to recognise and enforce a foreign court judgment that otherwise meets the specific conditions identified in Part I question 4?

☒ YES
☐ NO

If yes, under what conditions (e.g., procedural fairness, lack of proper notice to the defendant, an inconsistent foreign or domestic judgment, parallel domestic proceedings)? In addition, are those grounds for refusal raised on the court's own motion or by the party opposing the recognition and enforcement application?

Grounds are listed in answer to Question 4 and the court must refuse recognition and/or enforcement if any of the grounds is met. The court has no discretion to recognise despite the existence of any of the grounds prohibiting recognition.

6. Is recognition and enforcement of a foreign judgment subject to a special procedure before a court in your State?

☒ YES
☒ NO

If yes, please describe the procedure.

In principle recognition is not subject to special procedure, the verification of the grounds of recognition happens within the enforcement proceedings. However, a party may apply for a specific decision on recognition either separately (in advance of enforcement) or within this procedure and if he does so, the enforcement is stayed until the court has decided on recognition in a separate proceedings. The proceedings are governed by the PIL Act.

7. What types of judgments are entitled to recognition and enforcement in your State?

☒ Judgments entered in default Comments.

☐ Provisional and protective measures Comments.

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☒ Non-money judgments Comments.

☒ Judgments awarding non-compensatory damages Comments.

Without prejudice to their not being recognised for reasons of public policy. No jurisprudence so far exists.

☒ Other.

If other, please specify.

notarial deeds (authentic instruments)

8. In your State, is it possible to appeal a courts decision to recognise and enforce a foreign judgment?

☒ YES

☐ NO

If yes, under what circumstances.

There is no limitation on the right of any party to appeal the decision.

9. What is the frequency of applications for recognition and enforcement of foreign court decisions per year? It is appreciated that this information may not be readily available in your Ministry; however such information may possibly be obtainable from the courts in your State.

☐ 0-5

☐ 5-10 10-20

☐ more than

☐ 20.

Any comments.

NO DATA IS COLLECTED.

10. How many applications for the recognition and enforcement of a foreign court decision are granted in your State?

☐ 0-5

☐ 5-10 10-20

☐ more than

☐ 20.

Any comments.

NO DATA IS COLLECTED.

PART II – JURISDICTIONAL REQUIREMENTS

1. Is your State a party to any bilateral and/or multilateral treaties and/or agreements that govern issues of jurisdiction in international litigation?

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- ☒ YES
☐ NO

If yes, please specify.

Slovakia is bound by bilateral treaties containing provisions on international jurisdiction relevant for this questionnaire with Bosnia and Hercegovina,

Cuba, Former Yugoslav Republic of Macedonia, Moldova, Mongolia, Montenegro, Russia, Socialist Republic of Viet Nam, Serbia, Ukraine

2. Does your State have rules of national law that govern issues of jurisdiction in international litigation in your State? (*i.e.*, legislation or case law)

- ☒ YES
☐ NO

If yes, please specify.

PIL Act - Act No. 97/1963 of Collection of Laws on Private International Law and the Rules of Procedure relating Thereto as amended.

3. Have the rules of international jurisdiction in your State recently been reviewed? (*e.g.*, by the legislators, law reform bodies, other professional bodies).

- ☐ YES
☒ NO

Comments

Not since 2003 when the national rules were adapted to the rules of the Brussels I Regulation.

4. In which of the following situations would the courts in your State have jurisdiction:

☐ where the defendant voluntarily submits to the jurisdiction

Comments

☒ where the defendant is domiciled or resides in your State

Comments

☐ where the defendant carries out regular commercial activity in your State

Comments

This is per se no specific ground of jurisdiction if no other grounds are given (seat, office, property in Slovakia)

☒ where the contract is performed or there is a breach of contract in your State

Comments

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☒ where a contract is concluded executed between parties in your State
Comments

☒ where the parties to the dispute have designated the courts of your State for the purpose of deciding disputes between them?
Comments

☒ where an injury occurs to a person as the result of a tortuous act occurring in your State
Comments

☒ where damage occurs to tangible property as the result of a tortuous act occurring in your State
Comments

☒ where the defendant does not reside in your State, but the defendant's immovable property is held in your State
Comments

☒ Other
Please specify

litigation relating to Slovak immovables and IPRs (parallel to Art. 20 Brussels I), forum actoris in insurance, consumer and employment litigations (parallel to Brussels I), and related actions (parallel to Article 6 of Brussels I)

5. Is the nature of the above-mentioned grounds such that without these present a court is not entitled to hear a case?

☒ YES

☐ NO

Comments.

6. In which of the following situations would a court, otherwise having jurisdiction as described in part II question 4, decline to exercise its jurisdiction in your State:

☒ where there are identical proceedings (proceedings involving the same parties and the same cause of action) occurring in another State's courts
Please indicate the relevant source of law and any comments.

A few bilateral international treaties contain such mandatory or discretionary provisions, but the national law does not.

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☐ where there are related proceedings (those proceedings that do not have identical parties and causes of action but have related causes of action and parties)

Please indicate the relevant source of law and any comments.

☐ where the court determines that it is an inappropriate forum Please indicate the relevant source of law and any comments.

☐ where it is in the interests of justice to do so Please provide any comments.

☒ other

Please indicate.

IN PRINCIPLE NONE. THE COURT HAS NO DISCRETION TO DECLINE TO EXERCISE JURISDICTION.