Legalisation of Public Documents within the EU Member States

SLOVAKIA

National Rapporteurs:
Ms Tatiana Hackova, Ministry of Justice, Slovak Republic
Miss Luciana Polaczykova, Assistant

PART I – Documents operating cross-border: Current legal practice as regards legalisation or other similar or equivalent requirements

OVERVIEW OF PART I

PART I.A. General

I.A.1. European Community Law
   I.A.1.1. Introduction

I.A.1.2. Implementation of specific measures
The mentioned regulations are directly applicable in all EU Member States without the need for any national implementing legislative measures. They all were published in the Extraordinary edition of Official Journal of the European Union which is available in Slovak language as the Collection of Laws of Slovak Republic. The Council Directive 2003/8/EC of 27 January 2003 to improve access to justice in cross-border by establishing minimum common rules relating to legal aid for such disputes was implemented by the Act No. 327/2005 Coll. On Provision of Legal Aid for People in Material Need. The competent employees are informed through the central competent authorities about facilitation of legalisation of authentic instruments referred to questionnaire. The provisions of regulations are closely interpreted and abolishing of the requirement of legalisation is related only to instruments referred to questionnaire and rising from the EU Member States.

I.A.1.3. Judicial control
Any of the judicature of the Supreme Court of the Slovak republic has been published yet by now to the provisions of European Community Law related to legalisation of authentic instruments. There is only one decision of the Regional court (as appeal court) on remanding matter because of early submitting to the court of the first instance. The main reason why the District court (The District Court which maintains the Commercial Register) refused to perform the change of entry in the Commercial Register was that there were no certificate on the submitted foreign public document. In Regional Court’s view foreign public document should be submitted in the form enacted by special act. The Convention abolishing the requirement of legalisation for foreign public documents
is the mentioned special act and the court of the first instance should ask the applicant for the rectifying a defect of petition (to amend an apostille on public document). Nevertheless this decision does not belong to judicature.


I.A.2.1. Status

The Slovak Republic became a Contracting party to the Convention by the type of accession with the date of entry into force on 18 February 2002. The mentioned data are correct.

I.A.2.2. Scope

1. The provisions of the “Apostille” Convention has effect only on the territory of the Slovak Republic.

2. The Convention applies to categories of documents mentioned in the Art. 1 par. 2 sub-par. a) to d) of the Convention.

I.A.2.3. Legislative implementation

The Slovak Republic in accordance with the Art. 1 par.2 of the Constitution of the Slovak Republic acknowledges and adheres to general rules of international law, international treaties by which it is bound, and its other international obligations. In accordance with the Art. 86 sub-par. d) in connection with Art. 7 par.4 of the Constitution of the Slovak Republic, prior to ratification, the consent of the National Council of the Slovak Republic is required. This consent of National Council of the Slovak Republic was given by the resolution No. 1305 of 21 March 2001. The mentioned convention in accordance with the Art. 7 par. 5 of the Constitution of the Slovak Republic has precedence over laws.


The English translation of the resolution No. 1305 of the National Council of the Slovak Republic and the text of the Art. 7 par. 4 and 5, Art. 86 sub-par. d) of Constitution of the Slovak Republic and the Art. 2 of the Act No. 97/1963 Coll. On Private International Law and Rules of Procedure as amended are annexed to this questionnaire (Annex 1.a and 2.a).

The legislative design to ratify and to realize this convention was expressed in the “Table Report” from which we have chosen this part:

" The Slovak Republic (Czechoslovak socialist republic) wasn’t not represented in the Ninth Session of the Hague Conference on Private International Law where the Convention was accepted. The Slovak Republic may accede to the present Convention in accordance with its Article 12. Such accession shall have effect only as regards the relations between the Slovak republic and those Contracting States which have not raised an objection to its accession in the sixth months after the receipt of the notification. The Convention shall enter into the force as between the Slovak Republic and the States which have raised no objection to its accession on the sixtieth day after the expiry of the period of six months prescribed for raising an objection.

In accordance with position of the Ministry of Foreign Affairs the present Convention has the character of the president’s international treaty, therefore it is necessary to
introduce the Convention before the National Council of the Slovak Republic to give an consent with it under the Art. 86 sub-par. d) of the Constitution of the Slovak Republic.

II.

The government of the Slovak Republic expressed the consent with accession of the Slovak Republic to the Convention abolishing the requirement of legalisation for foreign public documents of 5 October 1961 by the Resolution No. 1092 (Annex) of 20 December 2000 (hereinafter referred to only as the "Convention") concluded within the Hague Conference on Private International Law.

The National Council of the Slovak Republic expressed the consent with the Convention by the Resolution No. 1305 of 21 March 2001 under the Art. 86 sub-par. d) of the Constitution of the Slovak Republic. The instrument of accession of the Slovak Republic was deposited at depositary defined by Convention. The mentioned Convention entered into the force for the Slovak Republic on 18 February 2002.

I.A.2.4. Practical implementation

1. The applicant may ask for an apostille in person or by registered letter. Requests sent by e-mail or fax are not accepted because annex of this request is the public document by itself, on which the apostille is issued.

2. Every competent body ("an apostille body") has available specimen signature, title of functions and the specimen of the stamp of the employee of the public body which is entitled to issue public documents in its department (e.g. the Ministry of Education of the Slovak Republic has available the lists of academic officers of faculties that are entitled to issue degree certificate). The mentioned list is upgraded according to need (change of name, office or seal). An accredited employee of apostille body compares data from submitted public document with the lists and in case of conformity, he shall issue an apostille.

3. The form of the label or rubber stamp is used in the Slovak Republic.
4. An apostille is placed on side of the itself document where verified signature or seal is situated. If it is not possible so called “allonge” is attached to these documents through the medium of tricolor, small round seal and signature of employee who issues an apostille. An apostille will be placed on attached document.

5. In a case of multilateral public documents an apostille will be placed on the page where verified signatures and seals are situated, usually on the last page of the public document.

6. An apostille issued in the Slovak Republic is drawn up in Slovak language and translated into the English. Only the title and the Convention in accordance with the Art. 4 par. 2 of the Convention is drawn up in French.

7. The used system is mechanic.

8. The apostille labels and stamps are registered in “The Book of legalization” and they are numerated. Accredited employee is responsible for their keeping and non-use. If any concerned person needs information about issued apostille, kind of apostille body and in accordance with number of this apostille it is possible to determine the competent body the apostille was issued by.

9. We have got an information about electronic Apostille Registers, issuing that apostilles and its monitoring. In the case of the grant finance from the state budget for the e-Apostille Pilot Program, we would realize that program.

10. A request for an apostille made in personam will be handled while one waits and a request for an apostille made by a written form will be handled within 10 days.

11. Under the item 3 sub.-par. c) of the The Tariff of Administrative Fees which is an annex to the Act No. 145/1995 Coll. on administrative fees, as amended, there is an administrative fee in amount of two hundred crowns per Apostille being requested. The fees are evaluated by the Ministry of Finance of the Slovak Republic and are paid by duty stamps, which you can buy only at the post office. The fee overlays evident costs and represents an income of the Slovak Republic budget in the item of the tax office.

If the public document should contain an apostille, the same procedure is applied except the cases of “facilitating” provisions of the bilateral treaties with the laid State or the multilateral treaties and the request of the legalisation of the public document was discharged.

**Registration system**

Every competent body of the Slovak Republic designated under the Art. 6 of the Convention keeps a register of the issued apostilles in the “Book of the Legalisation”, where the accredited employee inscribes in eight columns: receipt date of the application, number of the protocol – apostille, identification of applicant, question, duty stamp, the State of destination, signature of accredited employee, filling or a posting date of the supplied request with the signature of the recipient.

1. The used system is not electronic.
2. We are thinking of modernizing this system in the future, if the finance from the State budget are available.
3. Receipt of the facts mentioned in the “Book of legalization” will set up an accredited employee by the request of the interested person.

Competent authorities under the Art. 6 of the Convention:

1. The apostilles in the Slovak Republic are issued: by the competent department Ministries (six Ministries), Regional courts (eight Regional courts) and Offices of the Regional Administration (eight Offices of the Regional Administration).

2. and 3. Name of the authorities, contact data and contact persons of each Competent Authority were actualized by the national authority for Hague conference on private international law (Ministry of Justice) on the date of 23 March 2006 and by that time they have not changed. The understated Competent Authorities are mentioned as they are currently published on the web side of the Hague conference:

Designated Competent Authority(ies):

1. The Ministry of Justice of the Slovak Republic ("Ministerstvo spravodlivosti Slovenskej republiky") and all Regional Courts ("Krajský súd") for: a) public documents issued or certified by courts, notaries, huissiers de justice or other judicial officers; b) translations executed by official (court appointed) translators;

2. The Ministry of Interior of the Slovak Republic („Ministerstvo vnútra Slovenskej republiky") for public documents emanating from authorities within its jurisdiction with the exception of documents specified in point 6 lit. a/ below;

3. The Ministry of Education of the Slovak Republic („Ministerstvo školstva Slovenskej republiky") for public documents emanating from authorities within its jurisdiction;

4. The Ministry of Health of the Slovak Republic („Ministerstvo zdravotníctva Slovenskej republiky") for public documents emanating from authorities within its jurisdiction with the exception of documents specified in point 6 lit. b/ below;

5. The Ministry of Defence of the Slovak Republic („Ministerstvo obrany Slovenskej republiky") for public documents emanating from authorities within its jurisdiction;

6. Office of the Regional Administration („krajský úrad") for: a) documents from the Register of Births, Deaths and Marriages („matrika”) with the exception of decisions on civil status; b) documents issued by health facilities established by the Office of Regional Administration; c) documents issued by the authorities of local self-government,

7. The Ministry of Foreign Affairs of the Slovak Republic („Ministerstvo zahraničných vecí Slovenskej republiky") for any other public document issued in the Slovak Republic not specified above.

Contact details:

Address: Ministry of Justice
Župné námestie 3
813 11 Bratislava
Slovak Republic
| **Telephone:**   | +421 (2) 59353 111  
|                 | +421 (2) 5935 3347  
|                 | +421 (2) 5935 3604  |
| **Fax:**        | inter.coop@justice.sk  
|                 | tlacove@justice.sk  |
| **E-mail:**     | http://www.justice.gov.sk  |
| **Contact person:** | Ms Pelikanová  
|                 | tel.: +421 (2) 5935 3317  
|                 | (language of communication: Slovak)  |
| **Address:**    | Ministry of Interior  
|                 | Dierectorate of Public Administration  
|                 | Drieňová 2  
|                 | 826 86 Bratislava  
|                 | Slovak Republic  |
| **Telephone:**  | +421 (2) 4859 2463 (civil status)  
|                 | +421 (2) 4859 2401 (small businesses)  
| **Fax:**        | +421 (2) 4859 2399 (civil status)  
|                 | +421 (2) 4859 4726 (small businesses)  |
| **E-mail:**     | obcianstvo@mvsr.vs.sk (civil status)  
|                 | oz.svs@mvsr.vs.sk (small businesses)  |
| **General website:** | http://www.civil.gov.sk  |
| **Address:**    | Ministry of Education  
|                 | Centre for Diploma Recognition  
|                 | Stromová 1  
|                 | 813 30 Bratislava  
|                 | Slovak Republic  |
| **Telephone:**  | +421 (2) 5923 8220  
| **Fax:**        | katarina.horvatova@minedu.sk  |
| **E-mail:**     | http://www.minedu.gov.sk (in Slovak only)  |
| **Contact person:** | Ms Katarína Hortáthová  
|                 | tel.: +421 (2) 5923 8220  
|                 | (language of communication: Slovak, German)  |
| **Address:**    | Ministry of Health  
|                 | Limbová 2  |
| Address: | Ministry of Defense  
Kutuzovova 8  
832 47 Bratislava  
Slovak Republic |
|---------|-------------------|
| Telephone: | +421 (2) 44 25 0320  
+421 960 312 233 |
| Fax: | +421 (2) 442 532 42  
+421 960 312 582 |
| E-mail: | michalikm@mod.gov.sk |
| General website: | http://www.mod.gov.sk |
| Contact person: | Ms Milan Michalík  
tel.: +421 960 (2) 5935 3317  
(language of communication: Slovak, English) |

| Address: | Ministry of Foreign Affairs  
Hlboká 2  
833 36 Bratislava  
Slovak Republic |
|---------|-------------------|
| Telephone: | +421 (2) 5978 1111 (central switchboard)  
+421 (2) 5978 3241 (consular department)  
+421 (2) 5978 3249 |
| E-mail: | infopublic@foreign.gov.sk  
informacie@foreign.gov.sk |
| General website: | http://www.foreign.gov.sk |
| Contact person: | Ms Biela  
tel.: +421 (2) 5978 3241  
(language of communication: Slovak, English) |
English, French, Russian)

Practical information:

Price: (no information available)

Useful Links:

Foreign
Information on Apostilles – Ministry of Affairs:
http://www.foreign.gov.sk/En/index.html
under the “Slovak Consular Services” and “Legalisation of Official Documents”

Justice
Information on Apostilles – Ministry of
http://www.justice.gov.sk

( The contact details of the above authorities were last updated on 22 March 2006)

Conventions – Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents (12)

All the competent bodies use the above-mentioned system of the issuing apostilles.

I.A.2.5. Judicial control

1. and 2. Any of the judicature of the Supreme Court of the Slovak republic has been published to the agenda of legalisation by now. It can be caused by reason of short time of application of the Apostille Convention which is applied in the Slovak Republic since February 2000.

I.A.2.6. Empirical analysis

Empirical analysis is enclosed to this document in Annex II.

I.A.3. Parallel international agreements

I.A.3.1. Status

1. European Convention on the Abolition of Legalisation of Documents executed by Diplomatic Agents or Consular Officers (1968) – The Slovak Republic is not a Contracting party of the mentioned Convention.

2. The Brussels Convention abolishing the Legalisation of Documents in Member States of the European Communities (1987) - The Slovak Republic is not a Contracting party of the mentioned Convention.

3. The treaties abolishing the requirement of the legalisation for foreign public documents between two or more countries – in practice it means abolishing the legalisation of the certain categories of documents between two States on the basis of the bilateral treaties on legal assistance. It is a mostly case of categories of judicial documents issued in one Contracting State which are put before judicial bodies of another Contracting State within action in court in the matters the convention is applying to (civil, commercial, family, criminal matters). Although it is a case of category of the public documents relating to the certain matter, they can not be
included in a point number 4 of this questionnaire. The Slovak republic has concluded these “facilitating” bilateral treaties with following States: Afghanistan, Albanian, Algeria, Armenia, Azerbaidzhan, Belgium, Belarus, Bosnia and Herzegovina, Bulgaria, Cyprus, Czech Republic, France, Greece, Croatia, Yemen, Kazakhstan, North Korea, Cuba, Macedonia, Hungary, Moldova, Mongolia, Poland, Portugal, Austria, Romania, Russia, Slovenia, Serbia and Montenegro, Syria, Spain, Switzerland, Tajikistan, Italy, Turkmenistan, Ukraine, Vietnam.

4. The treaties abolishing the requirement of the legalisation for the categories of documents relating to the certain matter, for example:

Hague Convention concerning the recognition and enforcement of decisions relating to maintenance obligations towards children (1958) – The former Czechoslovak Republic acceded to this Convention on 29 November 1970 and subsequently 13 accepting States accepted its accession (Belgium, France, Switzerland, Deutschland, Italy, Austria, Sweden, Finland, Denmark, Norway, Turkey, Netherlands and Netherlands Antilles). The Slovak Republic has accessed to this Convention by the form of the succession after dissolution of the Czechoslovakia when on 26 April 1993 as a successor has become a Contracting State of the Hague Conventions that were signed by the former Czechoslovak Socialist Republic. It was announced in the Collection of Laws of the Slovak Republic as an announcement number 49/1999. Art. 9 par. 3 of this Convention is related to the exemption from the legalisation requirements. The mentioned Article is observed in the Slovak Republic and there are no graver difficulties with other Member States.

Hague Convention on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters (1969) – the Convention was applied in the former Czechoslovak Socialist Republic from year 1982. After the dissolution of the Czechoslovak Socialist Republic of the day 26 April 1993 the Slovak Republic has become as a successor the Contracting State of the Hague Conventions which the former Czechoslovak Socialist Republic had signed. The service of the documents in accordance with the Art. 3 of the Convention does not render any legalisation. After the access of the Slovak Republic to the European Union (1 May 2004) in relation to the other EU Member States was replaced by the Regulation Council (EC) No. 1348/2000 on the service in the Member States of Judicial and extrajudicial documents in civil or commercial matters.

Hague Convention on the Recognition and Enforcement of Foreign Judgments in Civil and Commercial Matters (1971) - the former Czechoslovak Socialist Republic signed this Convention on 6 February 1975 which entered into the force on 11 July 1976 after the ratification of date 12 May 1976. After the dissolution of the Czechoslovak Socialist Republic, the Slovak Republic has announced to depositary its intention to be bound by this Convention also after the dissolution of the Czechoslovak Socialist Republic. It is not necessary to attach an apostille with the request for the enforcement of foreign judgments. The courts are trained in this sense.

Hague Convention concerning the International Administration of the Estates of Deceased Persons (1973) – Although this Convention was ratified by the former Czechoslovak Socialist Republic and Portugal, it was not published in the Collection of Laws, neither it is applied in the Slovak Republic. According to the Art. 44 par. 1 entering into the force of this Convention requires the deposit of three instruments of ratification, acceptance or approval at depositary of this Convention. Although the
requirement for entering into force of the above-mentioned Convention was after the dissolution of the former Czechoslovak Socialist Republic fulfilled, other states have not showed interest on applying of this Convention.

In the Slovak Republic the Convention is applied since the date 1 February 2001 but it brings a lot of troubles particularly in emotional sphere of family relations. According to the expression of the Centre for the international legal protection of children and youth which is the competent body authorized to accept applications for return, apostilles on submitted documents are useless.

The Slovak Republic has signed this Convention on 11 March 2003 and it has entered into force on its territory on 1 June 2003. The Slovak Republic designated the Ministry of Justice of the Slovak Republic as a Central Authority competent to receive and to transmit the application and the Judicial Treasury by the Regional Court in Bratislava as a competent authority in the case of applications for enforcement of the orders where the State is entitled to benefit from the order. In regard of applying of this Convention only since June 2003 there are no many practical experiences. There are two applications on legal aid on file where the application itself and enclosed documents were not appended apostille, what is in compliance with the Art. 10 of the Convention.

**Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Adults (2002)** – the Convention has entered into force for the Slovak Republic after its ratification on 1 January 2002 so before its access to the European Union. The Slovak Republic except the reservation under the Art. 55 of submitted Convention has made declarations to the Art. 23, 26 and 52 of the Convention that in the area of the recognition and enforcement of judgments shall flexible apply the provisions of European Communities Law in a case of a judgment given in a Court of a Member State of the European Union. In the matter of abolishing the requirement of the legalisation the provisions of the European Communities Law are comparable. The authority competent to accept the applications is Ministry of Labour, Social Affairs and Family of the Slovak Republic and the authority competent to issue certifications is The Centre for the international legal protection of children and youth. The employees are trained in respect of abolishing the requirement of legalisation of forwarding documents.

### I.A.3.2. Scope

1. Geographical scope of multilateral conventions and bilateral treaties state in I.A.3.1 question 3 and 4, refer to territory of Slovak republic only and have never been extant on other territories. Naturally, in the case of bilateral treaties it applies to second party to the treaty and in case of multilateral conventions to other member states to convention, by which is the Slovak republic bound.

2. There is a tendency to extend application of provisions that facilitate the use of judicial documents on other categories of documents (e.g. registry documents) within the bilateral treaties on legal aid. The Ministry of Justice of the Slovak Republic as administrator of bilateral treaties on legal aid, does not agree with application of above mentioned provisions to other than judicial categories of public documents in judicial proceeding. Those types of documents are not related to judicial proceedings and related judicial legal aid.
3. Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents in Art. 8 allows the use of these “facilitating” measures of international treaties, so they are applied in relation to the states state in I.A.3 question 3. Mutual impact of others conventions is not marked, they apply singly, each of them in its own area and contain measures that exempt them from legalisation requirements….

I.A.3.3. Legislative implementation

1. In accordance with continental constitutional tradition, recent practice of Slovak Republic lead off from monistic theory. By adoption and publishing of international treaties in Collection of Laws of the Slovak Republic, these are becoming part of internal law system without a necessity of special internal transformation.

Bilateral treaties on legal aid concluded with the states state in I.A.3.1 question 3 are presidential treaties, which were concluded by former Czechoslovak Socialist Republic. Since January 1st 1993 (separation of the Czechoslovakia) also Slovak republic guarantees their performance. Similarly, the states that continue legal personality of former Soviet Union or former Socialistic Federative Republic of Yugoslavia guarantee that their treaties on legal aid are exercised. In the case of former Soviet Union, the performance of treaty is guaranteed by the member states of Commonwealth of Independent Nations. All of these treaties were subject to ratification by the National Council (Parliament) of the Czechoslovak Socialist Republic, according to valid provisions of the Constitution of the former Czechoslovak Socialist Republic. International multilateral conventions state in I.A.3.1 question 4, by which is Slovak Republic bound, were ratified in the same way as Hague Convention Abolishing the Requirement of Legalisation for Foreign Public Documents. The only difference is that conventions signed by the Czechoslovak Socialist Republic before 1993 became for Slovak Republic effective by succession.

Information in I.A.2.3 relate to the conditions when the treaties prevail over the internal legislation.

2. Comments and explanatory reports to the bilateral treaties are not available at the Ministry of Justice of the Slovak Republic, because they were concluded by the former Czechoslovak Socialist Republic. From the group of explanatory reports are available only explanatory reports to the conventions, which were signed by independent Slovak Republic. These conventions are:

The Hague Convention on Civil aspects of International Child Abduction – signed by former Czech and Slovak Federative Republic, but later recognised as binding for the Slovak Republic.

From the Explanatory Report to the Convention:
“Ratification of the Convention by the Slovak Republic is necessary to secure an effective protection of rights and interests of children. The Convention offers mechanism for return of children, which were unlawfully deprived from persons that had the child in custody and which were subsequently removed abroad. This Convention except for its practicality also has preventive intentions. The main aim of the Convention is to respond to withdrawals initiated by persons, which are emotionally related to the child, not to anonymous deprival of children abroad. The application of the Convention can’t be excluded in the case of anonymous deprival, when the real stay of the child in foreign state (party to the Convention) is located. “
The Hague Convention on International Access to Justice
In accordance with Art. 86 sub.-par. d) in connection with Art. 7 par. 5 of the Constitution of the Slovak Republic, before ratification of the convention, an approval of the National Council (Parliament) of the Slovak Republic is required. In this case approval was given by a resolution of the National Council of the Slovak Republic No 119 of December 12th 2006. In accordance with Art. 7 par. 5 of the Constitution of the Slovak Republic mentioned Convention prevails over internal law.

From the Explanatory Report to the Convention:
“The aim of the Treaty is to regulate a legal aid, which is granting by courts of the states - parties to the Convention to parties to legal proceeding and connected questions (e.g. cautio judicatum solvi, criminal immunity) and mutual recognition and enforcement of costs judgements. These issues are primary regulated in The Act of 4 December 1993 No. 97 Collection of Laws on Private International Law and Rules of Procedure as amended. Criminal immunity of Art. 20 of the Convention is connected with Art. 10 of Criminal Procedure Act, and provision of Art. 18 of the Convention is connected to many acts, that allow persons to inspect public registers, to get extract from them or to obtain transcription of civil and commercial judgements (§ 44 a Section 200c of Code of Civil Procedure, Section 18 of the Act No. 154/1994 Collection of Law on Registers, Section 60 of Trade Act etc.)”

The Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children – V accordance with Art. 86 sub.-par. d), in connection with Art. 7 par. 5 of the Constitution of the Slovak Republic, before ratification of the convention is required an approval of the National Council (Parliament) of the Slovak Republic. In this case approval was given by a resolution of the National Council of the Slovak Republic No 1393 of May 16th 2001. In accordance with Art. 7 par. 5 of the Constitution of the Slovak Republic, over mentioned Convention prevails over internal law.

From the Explanatory Report to the Convention:
“The aim of the Convention is:
a) determine state, whose authorities have jurisdiction to adopt measures, that shall protect personality and property of the child
b) determine state, whose legal order shall those authorities use, by the execution of their power
c) determine state, whose legal order shall be used for adjudication of parental rights and obligations
d) determine recognition and enforcement of this protective measures in all states – parties to Convention
e) among the states – party to Convention establish cooperation to the extent, that is necessary for performance of the purpose of this Convention
In terms of invocation of the Convention, substantial is, that competence and governing law provisions (over mentioned a)-c)) are of absolute nature, that means they will be used in the case of children originate from state – party to Convention as well as in the case of children originate from state – non-party to Convention. As distinct from that, recognition and enforcement of measures like authorities cooperation provisions, is possible to apply only in relation among states – party to Convention.”

I.A.3.4. Practical implementation
By invocation of conventions, for presentment of public documents originated from states – party to stated Haag Convention., equal process and requirements are used.

**Ministry of Justice of the Slovak Republic**, Private International Law Division, Župné námestie 13, 813 11 Bratislava, Slovakia, e-mail: inter.coop@justice.sk, was authorized to execute:

- Bilateral treaties on legal aid with states stated in I.A.3 question No. 3
- The Hague Convention of 15 November 1965 on the Service Abroad of Judicial and Extrajudicial Documents in Civil or Commercial Matters
- The Hague Convention of 18 March 1970 on the Taking of Evidence Abroad in Civil or Commercial Matters
- The Hague Convention of 15 April 1958 concerning the recognition and enforcement of decisions relating to maintenance obligations towards children
- The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children

In practice, district courts execute all of over mentioned conventions. There are 45 district courts in the Slovak republic.

**The Centre for the International Legal Protection of Children and Youth**, Župné námestie 6, P.O.Box 57, 814 99 Bratislava, Slovakia, e-mail: cipc@cipc.gov.sk was authorized to execute:

- The Hague Convention of 25 October 1980 on the Civil Aspects of International Child Abduction. Persons to contact:
  - Mrs Helena CHRZANOVÁ, Director (languages of communication: German, English) e-mail: CHRZANOV@employment.gov.sk
  - Mrs JUDr. Alena HALGASOVÁ, Deputy Director (languages of communication: Russian, English) e-mail: halgasova@employment.gov.sk


**Ministry of Employment, Social Affairs and Family of the Slovak Republic**, Špitálska 4-6, 816 43 Bratislava, Slovakia, e-mail: minprace@employment.gov.sk

The Hague Convention of 19 October 1996 on Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in respect of Parental Responsibility and Measures for the Protection of Children – for the purpose of Art. 44

### I.A.3.5. Judicial control

1. and 2. There is no judicature of the Supreme Court of the Slovak Republic in relation to over mentioned conventions.

### I.A.4. National Law

#### I.A.4.1. Legislative framework

The internal law shall be applied, in case of situation, when law of European
Community, Convention Abolishing the Requirement of Legalisation for Foreign Public Documents or relevant international convention can’t be used.

In the cases of Slovak public documents **intended to be used abroad** and state of destination is not a Contracting State to the Apostille Convention, to others Haag Conventions stated in I.A.3 question 4 or to “facilitate” bilateral Treaty, such a documents are subject to consular super-legalisation. E.g. in the case of judicial documents it means verification in three stages:

1. at first, regional court or Ministry of Justice (according to competence), shall verify respective document
2. thereafter, document shall be submit to the Ministry of Foreign Affairs of the Slovak Republic, Consular Division
3. finally is needed verification of the document by representation abroad (embassy, like consulate) of the state of the destination.

1. Basic domestic statute is The Act of 4 December 1993 No. 97 Collection of Laws on Private International Law and Rules of Procedure as amended, which is used in department of justice. Over mentioned Act in Section 62 regulates legalisation of judicial documents, documents verified by a judicial authority or signed before a judicial authority:

   **“Section 62 Legalisation of documents”**

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

   a) the district court, in the case of documents issued by county courts and public notaries or executors residing in its judicial circuit, or documents authenticated by them or signed before them, or translations executed by translators, or expertises executed by experts

   b) the Ministry of Justice, in the case of documents not mentioned in alp. a).”

   For the use of district courts, full procedure is regulated in Administer and Clerical Order for County Courts, District Courts, Special Court and Military Court.

   **“Section 67 Legalisation of documents”**

   1) District court shall, upon the party’s request, legalise public documents, issued by judicial authorities or documents authenticated by them or signed before them, which are intended to be used abroad and were issued by county courts and public notaries or executors residing in its judicial circuit, or documents authenticated by them or signed before them and translations executed by translators or expertises executed by experts.30)

   2) In accordance with par. 1, legalisation means authentication of

   a) judge’s signature and print of court’s official stamp
   b) notary’s signature and print of notary’s official stamp
   c) executor’s signature and print of executor’s official stamp
   d) signature and print of official stamp of translators and experts.
3) Legalisation is chargeable under special regulation. The charge shall be paid by duty stamps, whose top part shall be pasted to the document and devaluated by the print of official stamp and lower part shall be pasted to the district court legalisation book.

4) District court keeps its own evidence of paradigms of
   a) in his circuit residing county courts judges signatures and prints of theirs official stamps
   b) signatures and prints of official stamps of all translators and experts which are placed in the Register of Experts, Interpreters and Translators of the Slovak Republic. Paradigms of those signatures and prints of official stamps provide for them the Ministry of Justice of the Slovak republic.

5) Legalisation shall be executed by a court’s employee, who was approved by the chairman of the court. Before legalisation he has to explore, if legalisation of the signature and print of official stamp on the document, arise under competence of district court under par. 1 and if presented document comply with conditions given in special regulation.

6) If there are no obstructions under par. 5, which could impede legalisation of presented document, the employee compare signature and print of official stamp on the presented document to paradigm of signature and print of official stamp under par. 4 and if they agree, he affix to the document
   a) legalisation under annex No. 8 Art. 1, if state of destination is a party to appropriate international treaty
   b) legalisation under annex No. 8 Art. II for purpose of consular super-legalisation.

7) Any act of super-legalisation shall be recorded in the district court legalisation book. The paradigm of legalisation book is given in annex No. 8 Art. IV. To legalisation book shall measurably apply provisions of this order about Judicial Register.

In the department of Ministry of the Interior, legalisation provisions occur in:
   Nationality Act (§16a) – “If international treaty doesn’t ordain something different, to documents originated from foreign state have to be attached another verification and a sworn translation of the document into Slovak language.”
   Decree implementing the Act on Registers (§35) – “If international treaty doesn’t ordain something different, foreign public document under par. 1 have to be verify by the competent authority of the state of origin and by representation of Slovak Republic in the state of the origin, and attached by a sworn translation of the document into Slovak language.”
   The Act on the Stay of Foreigners (§80) – “If international treaty doesn’t ordain something different, documents which are needed in accordance with procedure under this Act and which were issued by a foreign authority, have to be attached by a legalisation clause.30a)"

(Notices 15, 6b and 30a make reference to Haag Convention Abolishing the
In department of Ministry of Health, legalisation provisions occur in:

Professional Regulation of the Ministry of Health of the Slovak Republic No. 1963/99-A of 13.4.1999, which was published in Internal department regulation – Bulletin of the Ministry of Health of the Slovak Republic, No. 26, and regulate process of issuing and legalising of documents which shall be presented abroad in department of health. (§ 1 and 2) – “This Professional Regulation relate to all health institutions in department of health, state and non-state, which issue in their own competence documents, manifesting facts, that arose on the territory of Slovak republic by or in accordance with health care granting. § 2 Authenticity of the signatures and prints of official stamps on the documents, which were issued by the health institutions and shall be used abroad, legalise the Ministry of Health of the Slovak Republic. If international conventions or legal rule of foreign state doesn’t ordain something different, documents without such a legalisation are invalid when they are used abroad.”

2. Available is Explanatory Report to Section 62 of the Act of 4 December 1993 No. 97 Collection of Laws on Private International Law and Rules of Procedure which is used in the department of justice:

“New wording of this provision respond to the effort to bring the legal services closer to the people. Transfer of the part of legalisation agenda on district courts was approved by government of Slovak Republic in context of resolution No. 1092/2000, that was resolved in accordance with conclusion of Convention of 5.10.1961 on Abolishing the Requirement of Legalisation for Foreign Public Documents (notice No. 213/2002 Collection of Laws). The government of the Slovak Republic approved as “apostille body” of the Slovak Republic under Art. 6 of the Convention also district courts, which shall carry out their function after resolving relevant legislative measures. This proposed provision is that requested legislative measure, which determine competency of district courts by legalisation of public documents, which shall be used aboard.”

I.A.4.2. Scope

1. Internal law shall be applied on public documents, issued by competent Slovak authorities and destined for use abroad, in the non-contracting states to Haag Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, to bilateral treaty, that facilitate use of judicial documents or to the others Haag Conventions mentioned in I.A.3 question 4.

2. Substantive scope of the documents, is outside Haag Convention Abolishing the Requirement of Legalisation for Foreign Public Documents, bilateral treaty, that facilitate use of judicial documents and others Haag Conventions mentioned in I.A.3 question 4. So to this scope belong documents which are not subject to those international treaties.

I.A.4.3. Practical implementation

Authorities responsible for legalisation are identical to competent authorities mentioned in table in I.A.2.4 Competent authorities under Art. 6 of the Convention. Answers 2. 3. 4. 5. 6. are identical to answers mentioned in I.A.2.4. (1-11)

I.A.4.4. Judicial control

There is no judicature of the Supreme Court of the Slovak Republic in relation to over mentioned conventions.
PART I.B. Specific

I.B.1. Introduction

I.B.2. Specific documents

1. Documents proving involuntary unemployment

Documents which confirm involuntary unemployment in the Slovak Republic are issued by competent Labour Office pursuant to registered applicant’s permanent residence. This office is controlled by The Ministry of employment, social affairs and family of the Slovak republic. Equivalent document issued by Member state of the European Union doesn’t need legalisation in the Slovak republic. Legal base is Social Security Act (Act No. 461/2003 Collection of Laws as amended).

2. Documents proving a family relationship or other durable relationship

Documents confirming family status or other permanent bond in Slovak Republic are: birth certificate (state parent’s names), marriage certificate and certificate of death, which are called Registry documents. These documents issue Register of Births, Deaths and Marriages (Registry office) pursuant to “registry event” that happened, if it was on the territory of the Slovak Republic. If registry event happened to Slovak national abroad, those documents shall issue Special Registry in Bratislava. Administration of Registry belongs to the department of Inner. Some of the countries (e.g. Italy) require legalisation for Registry documents. It’s caused thereby those Registry documents are not a judicial documents under Treaty on legal aid that facilitate use of judicial documents or there is no Treaty on legal aid that facilitate use of judicial documents. This situation is in relation to Estonia, Netherlands, Ireland, Lithuania, Latvia, Luxembourg, Germany, Portugal, Sweden and Great Britain. Those documents issued by competent Registry Office are legalised by Regional Authority pursuant to seat of competent Registry Office. Registry documents issued by Special Registry in Bratislava legalise the Ministry of Inner of the Slovak republic. The Legal base is the Registry Act (Act No. 154/1994 Collection of Laws as amended).

3. Documents proving or contesting a parent-child relationship

Documents which prove or deny relationship parent-child in Slovak republic are, except over mentioned birth certificate, also court decisions on affiliation, court decision that deny paternity or court decision on adoption, that establish the same relation as among parents and children. Court decisions on affiliation, court decision that deny paternity or court decision on adoption are not a subject to Regulation Council (EC) No. 2201/2003 Official Journal of European Union and therefore Special Registry require before registration of such a foreign decision, which are relating to Slovak Nationals, their acknowledgment in the Slovak republic. Acknowledgment proceeding take place before District Court in Bratislava. Since this is a judicial proceeding (foreign judicial document is submitted to the Slovak court in the range of judicial proceeding), these documents come under bilateral treaties on legal aid that facilitate use of judicial documents, and the Apostille is not required.
4. Documents proving the name and forenames of a child or adult

Documents that prove name and surname of the child or adult in the Slovak Republic are: birth certificate, marriage certificate (contain mutual statement of surname of the children). Decision on change of the name is an administrative decision. In the case of parent’s disagreement about the change of their child name, the court decision can substitute the consent of one of the parents. The court alone does not decide about the surname. This decision is not a subject to Regulation Council (EC) No. 2201/2003 Official Journal of European Union too. The Special Registry will require the Apostille.

5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship

Documents that prove divorce, nullity of marriage/registered partnership or other permanent bond in Slovak republic are court decisions on divorce/nullity of the marriage. Decisions on divorce/nullity of the marriage in the European Union are subject to Regulation Council (EC) No. 2201/2003 Official Journal of European Union, what means that for registration of the divorce, acknowledgment and execution of those decisions and Apostille is not required. Naturally, the time limitation under issue temporary provision of art. 64 mentioned Regulation, is valid.

6. Documents proving a person’s legal establishment for the purpose of pursuing specific regulated professional activities

Those types of documents are not issued in the Slovak Republic.

7. Documents proving a person’s professional qualifications (diplomas)

High School-leaving certificates are issued and signed by director of respective high school in accordance with Act No. 80/1991 Collection of Laws on High Schools. Degrees are issued by chancellor of respective university in accordance with the Act No. 131/2002 collection of Laws on Universities. By the information of Centre of Equivalence of Education Documents, which pertain to branch of the Ministry of Justice of the Slovak republic, member states of European Union require, to append to education documents which shall be use in those countries, apostille or consular super-legalisation. After mutual agreement Czech Republic, Croatia, Hungary, Austria, Romania and Ukraine do not require to append Apostille to education documents, which shall be use in these countries.

8. Documents proving a person’s death

Document that proves death of the person is certificate of death, which is issued by Registry Office, pursuant to place of death, appointed by medical examination. If it is not possible to set death of the person by a medical examination, on the request of person, which is interest in this matter, the court shall declare the person death and the Registry Office shall issue certificate of death, on the basis of final judgment. All remaining – see
9. Documents proving a person’s date of birth

Document that proves date of birth of the person in the Slovak Republic is birth certificate, which issue Registry Office pursuant to the place of the birth of the child. All remaining – see answer to the question no. 2.

10. Documents proving the establishment by incorporation of a company

Documents which prove taking up residence by the promotion of the company and documents which prove company’s incorporation and official translations of those documents are, in the Slovak Republic, foundation deeds/contracts and partnership contracts, which are usually in the form of notarial protocol, so they are mostly issued by a notary or notary verify the authenticity of a company promoters and partners signatures. Those facts are register in Company Register of the Slovak republic, which is administered by Register Court pursuant to the seat of the company. Register court is the County court in the place of the seat of the District court. Foundation deeds/contracts and partnership contracts requirements are mentioned in the Company Register. In reality, register courts require to append Apostille to foreign public documents originated from member states of European Union (except Czech republic, where the Treaty on legal aid that facilitate use of judicial documents applies also to public documents, that are presented in some other proceeding than judicial proceeding by some other authority than court), because it this case it is not going on acknowledgment and execution proceeding, but administrative act of registration.

11. Documents proving the constitution of a company, including any official translation thereof

See the answer at 10. above.

12. Documents proving the latest banking accounts of a company

Documents which prove last bank accounts of the company and documents which prove cash deposition or certificate of deposit, issue bank institutions, and if these documents shall be presented in the judicial proceeding abroad, upon letters rogatory, the Apostille is not required. The Treasury didn’t provide more information.

13. Documents proving the deposit of cash or certificates of deposit

See previous answer.

PART II – Incoming documents: Effects in the Member State’s legal order
OVERVIEW OF PART II

II.A.1. European Community Law

II.A.1.2. Admissibility and evidentiary weight in judicial proceedings

The document generally, is one of the evidence, which can be used in civil proceeding. Documentary evidence shall be executed by reading of a document or by giving notice of the content of the document in judicial hearing, if it was ordered. Principle of free evaluation of evidence applies in civil procedure in the Slovak Republic. Any document issued by the Court of the Slovak Republic or state body within its remit, as well as any other document imposed by special regulation, testify, that regulation or announcement was issued by a prospective, on the document mentioned body and until the contrary is proved also verity of the facts in that document confirmed or validated (Section No. 134 of the Civil Procedure Act). Burden of evidence’s verity carry the submitter of the document. Foreign public document has probative value, if is appended by necessary authentications and officially translated into Slovak language. After this, the foreign public document is on the same position as the Slovak document is. Official language use before the court is Slovak language, therefore translation is required. With respect to short time of applying of the mentioned conventions, we have any information about differences by officiating foreign and domestic public documents (we have any information if courts in Slovak Republic make some differences by officiating foreign and domestic public documents.) Abolishing the requirement of legalisation for foreign public documents, courts and other state authorities perceive mostly in the truest sense, exception represent only public documents originated from Czech Republic. Apostille is not required in case of documents mentioned in I.A.1.2 of this questionnaire and presented for purpose of document’s acknowledgment and execution.

II.A.1.3 Admissibility and evidentiary weight in administrative matters

Similar as mentioned in II.A.1.2.

PART III – Incoming documents: Difficulties

PART III.A. General


III.A.1.1. Legal

From legal point of view was handled the moment of granting Apostille, like moment of issuing of public document. In the 2003 (the Apostille Convention was effective already), foreign public document originated from Contracting state of Apostille Convention was presented to Slovak authority. The Apostille was appended to that document (on the territory of Slovak Republic) in the time when Apostille Convention was not effective yet. The question was, if the Slovak authority can accept Apostille appended in the time before the Convention came into effect, or shall require new legalisation. Since the Convention doesn't limit the unsableness of the documents from the time view (the apostille have been appended to the foreign document in the time, when Slovak Republic didn't exercise mentioned Convention, but in that time could by append to document for use in some other member state), attitude of the Slovak authority was, that new legalisation is not needed. Legalisation requirement is necessary consider from the view of moment of presentation of the document before respective Slovak authority, not
III.A.1.2  Practical

From the practical view, there are some situations (e.g. in department of education), when Slovak authority (e.g. university) require to append apostille to foreign public document which shall be attached to the university application (e.g. high school leaving certificate) and the foreign authority (e.g. in France) don't want to append apostille to that document with substantiation, that member states of European Union trust mutually, and therefore they do not need legalised such a documents, though there is any official instrument, that would admit this procedure. We remark, that in the Slovak Republic occurred cases of falsification of academical diploma and unlawful use of academical degree and therefore we regard retaining of legalisation of this type of documents as useful.

III.A.3. Parallel international agreements

<table>
<thead>
<tr>
<th>III.A.3.1  Legal</th>
</tr>
</thead>
<tbody>
<tr>
<td>By application of parallel international agreements mentioned in I.A.3 No.3 (Bilateral treaties that facilitate use of foreign public documents), came out some application problems – presenters of foreign public documents perceive those treaties broadly and don't want to respect requirements of other then judicial authorities to append apostille to the &quot;non-judicial&quot; document (when the state is party to the Apostille Convention). Those treaties mostly refer to judicial documents originated from one Contracting State, which are presented to judicial authorities of other Contracting State, in the scope of civil, family, labour or criminal judicial proceeding.</td>
</tr>
<tr>
<td>By the application of parallel international agreements mentioned in I.A.3 No.4 do not occur serious problems. Apostille is not needed for mentioned types of documents.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>III.A.3.2  Practical</th>
</tr>
</thead>
<tbody>
<tr>
<td>By application of parallel international agreements any others serious problems occurred. Problems that occurred were resolved operatively by mutual consent of presenter of the document and respective authority.</td>
</tr>
</tbody>
</table>

III.A.4 National law

<table>
<thead>
<tr>
<th>III.A.4.1  Legal</th>
</tr>
</thead>
<tbody>
<tr>
<td>Provisions of international treaties were incorporated into national law by annotations (links) in respective Sections of the acts, which refer to special provisions of respective international treaty.</td>
</tr>
<tr>
<td>Any others problems as over mentioned are known to us.</td>
</tr>
</tbody>
</table>

| III.A.4.2  Practical |
### PART III.B. Specific

1. Documents proving involuntary unemployment
2. Documents proving a family relationship or other durable relationship
3. Documents proving or contesting a parent-child relationship
4. Documents proving the name and forenames of a child or adult
5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship
6. Documents proving a person's legal establishment for the purpose of pursuing specific regulated professional activities
7. Documents proving a person's professional qualifications (diplomas)
8. Documents proving a person's death
9. Documents proving a person's date of birth
10. Documents proving the establishment by incorporation of a company
11. Documents proving the constitution of a company, including any official translation thereof
12. Documents proving the latest banking accounts of a company
13. Documents proving the deposit of cash or certificates of deposit

### PART IV – Outgoing documents: Difficulties

**OVERVIEW OF PART IV**

**PART IV.A. General**


<table>
<thead>
<tr>
<th>Legal</th>
<th>Practical</th>
</tr>
</thead>
<tbody>
<tr>
<td>Any legal problems by the application of Apostille Convention in relation to outgoing documents are known to us.</td>
<td>Applying the Apostille Convention in the Slovak Republic frequently causes situations when the applicant insists on issuing apostille on the “Slovak” public document although this document belongs to the categories of the documents on which apostille is not required or which should be submitted in the State that the Slovak Republic has closed “the relieving “ procedure with in regard of that given public document (e.g. degree certificate made by Slovak university which should be submitted to the Austrian body). In this case we notice the applicant that apostille is not required and if he/she still insists on issuing apostille (usually apostille is required by the employee of the body where the document should be sent), we issue apostille by reason of not to be harass by that office. The fee for an issuing apostille is really cheap (200.- Slovak Crowns, i.e. 5.- Euros)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>IV.A.2.</th>
<th>Parallel international agreements</th>
</tr>
</thead>
<tbody>
<tr>
<td>Legal</td>
<td>There have been no difficulties of a legal nature with the international agreements described in Part I.A.3 relating to the issuing relevant public documents.</td>
</tr>
<tr>
<td>Practical</td>
<td>Other difficulties as those abovementioned in point IV.A.1.2 are not known.</td>
</tr>
</tbody>
</table>
PART IV.A. Specific

1. Documents proving involuntary unemployment
2. Documents proving a family relationship or other durable relationship
3. Documents proving or contesting a parent-child relationship
4. Documents proving the name and forenames of a child or adult
5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship
6. Documents proving a person’s legal establishment for the purpose of pursuing specific regulated professional activities
7. Documents proving a person’s professional qualifications (diplomas)
8. Documents proving a person’s death
9. Documents proving a person’s date of birth
10. Documents proving the establishment by incorporation of a company
11. Documents proving the constitution of a company, including any official translation thereof
12. Documents proving the latest banking accounts of a company
13. Documents proving the deposit of cash or certificates of deposit

OVERVIEW OF PART V

PART V.A. General


V.A.1.1 Requirements and procedures

1 and 2: There are no discriminatory rules exercised in determination of requirements and procedures for the documents incoming and outgoing to/from the Slovak Republic for the Contracting States of the Apostille Convention. The public documents furnished with apostille and coming from the Contracting States of Apostille Convention have the same character and weight of evidence as public documents of Slovak authorities and they are considered to be valid until the contrary is proved.

3 and 5: In practice there are some cases when the legal entity was excluded from the tender because of non-submission of requiring foreign public documents (e.g. from Italia) furnished with apostille. This system complicates free movement of goods, services and capital.

4: The requirement to set up foreign public documents furnished with apostille and coming from the Member States of EU by the legal entities seems to be as a restriction.
The legal entity is often able to discover more simply if the public document was issued by a foreign competitive authority; the executives of companies or their bodies often know each other personally and the requirement of apostille can be unnecessary barrier for the development of business relations. On the other side it is not very simple to find out or verify authenticity of the foreign public documents which were submitted by the natural persons since they are very different and not very known. (e.g. the power of attorney on which the signature of the donor of power is verified by notary – an individual document). The authenticity of notary can be false, therefore the apostille is convenient way of the verification of authenticity.

6 and 7: It depends on what should be achieved by the abolishing of legislative requirements. The abolishing of apostille for participants means privilege way of verification of authenticity.

8: The requirement of legalisation of the foreign public documents seems to be well-founded, for example for the educational documents, or register’s documents, if the natural person is interested in recognition of this public document on the territory of other State. The legal natures can not afford ask a falsifier for make forgery because of loss of credibility.

9: Requirements and rules are currently adequate and in our opinion the requirement of legalisation is convenient for all authorities and organizations therefore they are defending against false documents. In the legal State the legal effects should be awarded only to the public documents that are surely authentic and issued by authorized person.

10: Documents without procedure of legalisation do not establish any legal effects. The consequence of this matter is rejection of its registration and the court can not award them effects of evidence.

11: The areas where reduction of described difficulties could be possible are business relations, “supplier-customer relations” and others. Apart from this the difficulties in the Slovak Republic are reduced by the mentioned “facilitative” bilateral treaties on legal aid, however they can be subject of different translation of the Contracting States. In the Slovak Republic the mentioned treaties are interpreted closely – facilitation mostly refers to judicial documents issued in one Contracting State and submitted within judicial proceeding before judicial authorities of another Contracting State.

12: Since 1 March 2004 the Slovak Republic has satisfied applicant’s request for legalisation of judicial documents, which were legalized by then only by the Ministry of Justice of The Slovak Republic. After this date these documents are legalized also by the Regional Court pursuant to the place where the document was issued or verified in the matter of verification of official translator or judicial expert; these are verified by the Regional Court without any territorial limitation.

V.A.1.2 Effects rules

V.A.2 Parallel international agreements
V.A.2.1 Requirements and procedures

International agreements described in Part I.A.3 contain provisions on facilitation of submitted documents what we consider to be adequate/conforming for fast and effective applying of mentioned conventions. The authorities designated to execute particular
conventions abolishing the requirement of legalisation for foreign public documents adhere to its provisions and they regard them as well-founded for facilitation of proceedings.

V.A.2.2 Effects rules

V.A.3 National law
V.A.3.1 Requirements and procedures

Requirements and procedures of national law are regulated in accordance with the international treaties and conventions and they are well-founded for security of credibility of the submitted foreign public documents.

V.A.3.2 Effects rules

PART V.B. Specific

1. Documents proving involuntary unemployment
2. Documents proving a family relationship or other durable relationship
3. Documents proving or contesting a parent-child relationship
4. Documents proving the name and forenames of a child or adult
5. Documents proving or annulling/terminating a marriage/civil partnership or other durable relationship
6. Documents proving a person’s legal establishment for the purpose of pursuing specific regulated professional activities
7. Documents proving a person’s professional qualifications (diplomas)
8. Documents proving a person’s death
9. Documents proving a person’s date of birth
10. Documents proving the establishment by incorporation of a company
11. Documents proving the constitution of a company, including any official translation thereof
12. Documents proving the latest banking accounts of a company
13. Documents proving the deposit of cash or certificates of deposit

PART VI – Suggested action

OVERVIEW OF PART VI

VI.1. European

Only the European Union has the power to guarantee uniform regulation of requirements on legalisation of documents circulative in area of EU. The simplest solution should be determination of restriction of legalisation requirements directly in appropriate Council Regulation (e.g. as Art. 52 of Council Regulation (EC) No 2201/2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000). Although to build up reciprocal confidence for all the public documents of each area seems to be dangerous.

VI.2. Intergovernmental
VI.3. National