

Protocol

between the Republic of Moldova and the Slovak Republic to the Treaty between the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic on Legal Assistance and on Regulation of Legal Relations in Civil, Family and Criminal Matters done in Moscow on 12 august 1982

The Republic of Moldova and the Slovak Republic (hereinafter referred to as the "Contracting Parties"),

Continuing a longstanding tradition of favourable mutual relations of cooperation,

Desiring to further deepen their friendly relations and to facilitate mutual assistance in civil matters,

Desiring to bring their mutual legal relations in line with other international obligations,

Have agreed as follows:

Article 1

The Treaty between the Union of Soviet Socialist Republics and the Czechoslovak Socialist Republic on Legal Assistance and on Regulation of Legal Relations in Civil, Family and Criminal Matters dated 12 August 1982 (the "Treaty") shall be applicable between the parties in the manner provided for in this Protocol.

Article 2

The Treaty as amended by this Protocol shall be referred to as the Treaty between the Republic of Moldova and the Slovak Republic on Legal Assistance in Civil Matters. The date of its conclusion shall be the date of the conclusion of this Protocol.

Article 3

Preamble of the Treaty shall be repealed.

Article 4

a) Article 1(2) of the Treaty shall reads as follows:

“The nationals of one Contracting Party are entitled to address freely and without obstacles the courts, prosecutor offices and notaries (the “judicial authorities”) and other authorities of the other Contracting Party which are competent in civil, labor and family matters, they can act in front of them, submit the claims and proposals and do any other procedural acts on the same conditions as the nationals of the other Contracting Party.”

b) In Article 2(1) the word “criminal” shall be repealed.

Article 5

Article 3 of the Treaty shall read as follows:

„Article 3 Method of communication

(1) The judicial authorities of the Contracting Parties shall in application of this Treaty communicate with each other through the Central Authorities unless provided otherwise in this Treaty.

(2) The Central Authorities are:

In the Republic of Moldova Ministry of Justice of the Republic of Moldova;

In the Slovak Republic the Ministry of Justice of the Slovak Republic.

(3) The Central Authorities shall in application of this Treaty communicate with each other directly.”

Article 6

Article 4 of the Treaty shall read as follows:

“Article 4 Scope of legal assistance

The Contracting Parties shall provide mutual legal assistance through the performance of individual procedural acts in accordance with the legislation of the requested Contracting Party, in particular by drafting and transmitting of documents, securing expert opinion, hearing parties, witnesses, experts and other persons, and by service of documents.”

Article 7

Article 5 of the Treaty is amended as follows:

- a) in paragraph (1) letter d) shall reads as follows: “names and surnames of the parties, place of permanent residence or place of temporary residence, their nationality and job title; at legal persons, the name and registered office,”,
- b) in paragraph (1) letter g) shall be repealed,
- c) paragraph (4) shall be repealed.

Article 8

In Article 7(1) of the Treaty the words at the end “or in connection with the criminal matter which is the subject of the proceedings” shall be repealed.

Article 9

Article 11 of the Treaty shall read as follows:

**„Article 11
Validity of Documents**

- (1) Documents issued or certified by the competent authority of a Contracting Party bearing an official seal and/or a signature by an official may in civil proceedings before the judicial authorities of the other Contracting Party be used without further legalisation. The same shall apply for copies and translations of documents certified by the competent authority or a person authorised to do so.
- (2) Documents considered in the territory of one Contracting Party as public documents shall, in proceedings before the judicial authorities of the other Contracting Party, have the probative value of public documents.
- (3) The preceding paragraphs shall apply to documents transmitted under Articles 12 and 13 of the Treaty as appropriate.”

Article 10

Article 14 of the Treaty shall read as follows:

**„Article 14
Information on Law**

The Central Authorities of the Contracting Parties as specified in Article 3 of the Treaty shall, upon request, provide information on the current or past provisions of the law in force in their respective States and on the practice of their judicial authorities in the application thereof.”

Article 11

Article 16 of the Treaty shall read as follows:

**“Article 16
Language**

- (1) The Central Authorities specified in Article 3 of the Treaty shall in application of the Treaty communicate in Slovak, Romanian or English language.
- (2) Requests for judicial assistance and other requests transmitted under this Treaty and the documents attached to them shall be made in the language of the requesting Contracting Party and a translation into the language of the requested Contracting Party or into English shall be attached to them.”

Article 12

Section II of the Treaty shall be amended as follows:

- a) article 18 shall bear the title “Lis Pendens” and shall read as follows:

“If proceedings in the same matter between the same parties have commenced before the courts of both Contracting Parties, the court which commenced the proceedings as second shall stay its proceedings. “,

- b) parts I to IV shall be repealed,
- c) in Part V, Article 51 shall read as follows: “Benefits under Article 50 shall be awarded on the basis of the declaration by the applicant on his personal, family and financial situation . The authority deciding on the application for benefits may request that the applicant provides additional information or necessary clarifications.”,
- d) in Article 52(1) the word “certificate” shall be replaced by the word “declaration ”.

Article 13

Section III of the Treaty shall be amended as follows:

- a) in Article 53(1) the words „according to this Treaty, and in cases not provided for by this Treaty,“ shall be repealed and a new paragraph (3) shall be inserted and shall read as follows: „(3) Recognition may be refused if it is contrary to public policy of the Contracting Party in which recognition is sought.”,
- b) in Article 56 (1) and (2) the word „ordering” shall be replaced by the word „authorising“ in appropriate form,
- c) Article 58 shall read as follows: “Proceedings for recognition and enforcement shall be governed by the law of the Contracting Party where recognition and enforcement is sought.”,
- d) in Article 60 (d) after the words „has become final“ the following words shall be inserted „and the decision whose recognition and enforcement is sought is incompatible with the former decision.”,
- e) in Article 60 a new letter (e) shall be inserted and shall read as follows: „(e) the same matter between the same parties has been adjudicated in a third State, provided such decision was recognised or fulfils the conditions for its recognition in the territory of the Contracting Party where the recognition and enforcement of the former decision is sought and the decision whose recognition and enforcement is sought is incompatible with such decision.”,
- f) in Article 60 the current letter (e) shall become a new letter (f);
- g) in Article 60 a new letter (g) shall be inserted and shall read as follows: „(g) recognition or enforcement would be contrary to the public policy of the Contracting Party in whose territory the recognition and enforcement of the decision is sought”.

Article 14

A new Article 66a shall be inserted in the Treaty as follows:

„Article 66a

Relationship with other conventions governing recognition and enforcement

The provisions of this Treaty shall be subject to the provisions of multilateral conventions governing the reciprocal recognition and enforcement of decisions to which the Contracting Parties of this Treaty are or shall become Parties.”

Article 15

Section IV shall be repealed.

Article 16

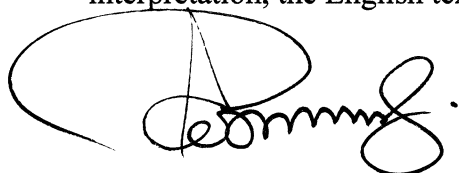
Court decisions in civil and family matters issued in proceedings instituted before the date of entry into force of this Protocol shall be recognized and enforced in accordance with the provisions of the Treaty.

Article 17

- (1) The present Protocol shall be subject to ratification. The instruments of ratification shall be exchanged at Chisinau.
- (2) The present Protocol shall enter into force on the first day of the second month following the month when the exchange of the instruments of ratification took place.
- (3) The present Protocol shall remain in force for an indefinite period.
- (4) Each Contracting Party may denounce the Protocol in writing. In that case the Protocol shall remain in force for the duration of twelve months from the date the notification of denunciation was received by the other Contracting Party. Together with the termination of the Protocol the Treaty shall cease to apply between the Contracting Parties.

In witness whereof the plenipotentiaries of the Contracting Parties have signed this Protocol.

Done at ~~Chişinău~~ ^{Kišimove} on ~~19.4.~~ ^{19.4.} 2017 in two originals, each one in Romanian, Slovak and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.



For

the Republic of Moldova



For

the Slovak Republic