

SLOVAK REPUBLIC

1. Delegations are invited to provide information on any domestic legislation existing on this particular issue.

There is no special domestic legislation regulating the issue of State immunities in the Slovak Republic. The only relevant stipulation is found in the Act on International Private Law, its Article 47 and 47a read as follows:

Exemption from the jurisdiction of Slovak courts

Article 47

(1) Foreign states, including their property, are exempt from the jurisdiction of Slovak courts unless the foreign state expressly consents to the exercise of their jurisdiction.

(2) Exemption from the jurisdiction of the Slovak courts pursuant to paragraph (1) shall not apply to the activities or acts of a foreign state and to the property of a foreign state to the extent that, pursuant to an international treaty or other rules of international law, the foreign state cannot invoke immunity.

(3) Persons, international organisations, and institutions which, pursuant to international treaties, other rules of international law, or Slovak legislation, enjoy immunity in the Slovak Republic are exempt from the jurisdiction of Slovak courts to the extent specified therein.

(4) If any doubt arises as to whether there is an exemption from jurisdiction under paragraph 1, 2 or 3, the court shall request the opinion of the Ministry of Foreign Affairs.

(5) Service of documents in cases in which a foreign state, person, international organisation, or institution is not exempt from the jurisdiction of Slovak courts shall be carried out by the Ministry of Foreign Affairs. If service cannot be performed in this way, the court shall appoint a guardian for the purpose of receiving the documents or, as the case may be, for the defence of rights.

Article 47a

If the Slovak court does not have jurisdiction under this section, it may, in exceptional cases, assume jurisdiction if the proceedings cannot be effectively commenced or conducted abroad and the case has a close connection with the Slovak Republic. This also applies if the recognition of a foreign judgement has been refused in the Slovak Republic, and it is not possible to conduct new proceedings abroad due to the barrier of a lawfully decided matter.

2. Delegations are invited to inform the Committee as to whether there are any other means for the Ministry of Foreign Affairs of communicating information to national courts and how the Ministry of Foreign Affairs perceives the scope of international legal obligations in [this] field.

For example:

- **Are there any information related to international legal obligations contained in the legislative preparatory works of domestic laws on immunities?**
- **Are there any directives, guidelines or circulars that have been issued on this subject?**

There are not any special directives, guidelines or circulars. The Ministry of Foreign Affairs gives its opinions in every concrete case, when a Court or a dispute party requests such opinion or statement. The Ministry can also become the third Party to a dispute.

3. Delegations are invited to precise whether there are any prohibitions or stated limits in domestic law, which would prevent the transmission of information to

national courts by the Ministry of Foreign Affairs. In this regard, are there, in your domestic legal order, any relevant legislation or national practices (any reference of case-law would be appreciated)?

There are no such prohibitions or limits.

4. From a broader perspective, delegations are called upon to express their views as to whether the Ministry of Foreign Affairs can communicate with the Parties engaged in procedures before national courts and, if so, as to how it can proceed. In particular with regard to:

- **the principle of equality of arms (e.g. does the communication with one Party implies informing the others about the content of that communication ?).**
- **the scope of the communication (e.g. communication of possible factual elements or communication restricted to a single point of law).**
- **the principle of independence of the Judiciary.**
- **any other related issue.**

The Ministry of Foreign Affairs does not communicate actively with any of the Parties. Upon request of a court or any of the Parties the ministry issues a statement on commitments and obligations of the Slovak Republic resulting from international customary law and/or international conventional law.