

Protocol
between the Slovak Republic and Montenegro
to the Treaty between the Czechoslovak Socialist Republic
and the Socialist Federal Republic of Yugoslavia on Regulation of
Legal Relations in Civil, Family and Criminal Matters dated 20 January 1964

The Slovak Republic and Montenegro (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 and criminal matters;

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

Have agreed as follows:

Article 1

The Treaty between the Czechoslovak Socialist Republic and the Socialist Federal Republic of Yugoslavia on Regulation of Legal Relations in Civil, Family and Criminal Matters of 20 January 1964 (the "Treaty") shall be applicable between the Contracting 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 Slovak Republic and Montenegro on Legal Assistance in Civil and Criminal matters. The date of its conclusion shall be the date of the conclusion of this Protocol.

Article 3

Article 5 of the Treaty shall read as follows:

Language of communication

The authorities of the Contracting Parties, in provision of legal assistance, shall use any of the official languages of the Contracting Parties or English.

Article 4

Article 15 of the Treaty shall read as follows:

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 or criminal 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 Section 7 of the Second Part of the Treaty as appropriate.

Article 5

The Second Part of the Treaty shall be amended as follows:

- a) Sections 1 to 3 shall be repealed,
- b) in Section 4, Articles 35 to 39 and 44 shall be repealed,
- c) in Section 5, Articles 46, 47 a 48 shall be repealed,
- d) in Article 50(1), the letter c/ shall be repealed,
- e) in Article 50(3), the words "in letters a/ and c/" shall be replaced by "in letter a/",
- f) in Article 51 letter b/, the words "under this Treaty or" shall be repealed,
- g) at the end of Article 51 letter d/ before the semicolon, the words "or such a decision was not issued by a court or an arbitration tribunal of a third country, provided that the decision was recognised or is eligible for recognition in the territory of that Contracting Party, and the decision whose recognition and enforcement is sought is incompatible with the other decision " shall be inserted,
- h) Articles 52 and 53 shall be repealed,
- i) in Article 54, paragraph 3 shall be repealed,
- j) in Article 55(2), the words "Articles 50, 51 and 52 of this Treaty" shall be replaced by "Articles 50 and 51 of this Treaty",
- k) Article 58 shall be repealed.

Article 6

In the Second Part of the Treaty a new Section shall be inserted as follows:

Section 8

Article 62a

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 7

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 8

(1) The present Protocol shall be subject to ratification. The instruments of ratification shall be exchanged by diplomatic channels

(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 Podgorica on 29 May 2014 in duplicate, each one in the Slovak, Montenegrin and English languages, all texts being equally authentic. In case of divergence of interpretation, the English text shall prevail.

For the Slovak Republic:

Miroslav Lajčák
Deputy Prime Minister and Minister
of Foreign and European Affairs

For Montenegro:

Duško Marković
Prime Minister and Minister
of Justice