



THE REPUBLIC OF POLAND
Ministry of Justice
Department of International Cooperation
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DWM III 080-75/11/2

Please mention our case number in your response

Warsaw, 11 July 2011

REPUBLIKA SLOVENIJA
 MINISTRSTVO ZA PRAVOSODJE
 LJUBLJANA, Zupančičeva 1

Prejeto: 15. 07. 2011	Šifra: 024
Številka zadeve: 560-41/2010/43	Priloge: /
	Priloge:

Katja Rejec Longar

General Director

Ministerstvo Za Pravosodje

Direktorat Za Mednarodno

Sodelovanje

in Mednarodno Pravno Pomoč

Ref. Number: 560-41/2010/38

Dear Ms Longar,

In reference to your letter dated 10 June 2011 the Ministry of Justice of the Republic of Poland kindly informs as follows:

Article 61 paragraph 1 of the Treaty concluded between the Republic of Poland and FPR Yugoslavia on legal relations in civil and criminal matters dated 6 February 1960 may arise interpretational doubts. It should also be pointed out that this Treaty was signed fifty years ago and the type of documents covered by the art. 61 par. 1 may, in particular, constitute a matter of numerous controversies.

Compliance with its contents could support the wide interpretation of the term "public documents" by covering documents issued also by state authority other than the court of law. However, it should be pointed out that different conclusions will be drawn while applying the systems interpretation which accepts the title of the Treaty. It defines that the said Treaty shall be applied only in civil and criminal matters. It means that the scope of art. 61 par. 1 cannot

be wider than the one indicated in the title; therefore public documents for example diplomas or school certificates cannot be covered by the subject article.

The matter of defining the documents covered by exemption from legalization has already occurred on the ground of other international agreements concluded by the Republic of Poland. The Polish party presented the position that the exemption from legalization applies to documents issued in civil and criminal matters only.

Furthermore, I kindly inform you that, the European Council conducts analysis within the The Stockholm Programme — An Open And Secure Europe Serving And Protecting Citizens¹ covering years from 2010 until 2014. The analysis refer to future regulation on free movement of documents and abolition its legalization in the Member States' relations and recognition of certain effects caused by acts concerning civil status. This circumstance should be taken into consideration when making attempts to resolve the problems of subject matter.

Seizing the opportunity, I send you kind regards.

DYREKTOR DEPARTAMENTU
Współpracy Międzynarodowej
i Prawa Europejskiego



Jan Ciszewski

¹ 2010/C 115/01, O.J.E.U dated 4 May 2010