

**Answers of the Republic of Belarus to the questionnaire on the practical operation of the Convention on Service Abroad of Judicial and Extrajudicial Documents in Civil and Commercial Matters, signed in Hague on 15 November 1965.**

**3. *Central body.***

3.1. The Ministry of Justice of the Republic of Belarus

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3.2. Russian and English languages.

?.?. For the period since 1998 till September, 2003 the Ministry of Justice of the Republic of Belarus has received 132 inquiries from justice establishments of the States-Parties to the Convention. The greatest amount of which is made with inquiries of justice establishments of Germany, Belgium, Poland.

**The information concerning application of the Convention**

**6. *Sphere of the Convention action (Article 1).***

6.1. Changes in interpretation of sphere of application of the Convention did not mark.

6.2. The sense of a phrase «on civil and commercial matters» did not cause difficulties.

?.3. For the court decision the document should be handed abroad.

6.4. Changes concerning a limiting attribute of the Convention was not marked.

6.5. Terminology used in the Convention did not cause difficulties in interpretation, in connection with distinction from the internal legislation.

**7. *Transmitting bodies.***

7.1. Within the framework of Article 3 of the Convention courts are allocated the right to transmit foreign Central bodies of the request for delivery of documents.

7.2. We believe that cooperation between the Central bodies by definition of the competence of transmitting body, in our opinion should be more extensive.

**8. *Ways of delivery used by Central bodies.***

8.1. Documents are entrusted by courts in conformity with item ?) paragraph 1 of article 5 and paragraph 2 of article 5 of the Convention.

8.2. Agreements between the agreeing states concerning language requirements according to point b) of article 20 of the Convention had not been made.

8.3. Had not been undertaken.

8.4. Are not available.

**9. *Requirement of translation (paragraph 3 of article 5).***

9.1. Does not contradict.

9.4. The requirement of full translation of the document subject to delivery is necessary.

9.5. Legalization of documents translations are not present necessity.

## **10. Terms.**

10.1. Performance of the petition on the average needs monthly term.

10.2. Are available.

10.3. It is possible by definition of concrete terms of execution.

## **11. Alternative channels of transmitting.**

11.1. Consular and diplomatic channels are used at absence of the contact information concerning the Central body.

11.2. Did not cause difficulty to the interpretation of a way of transfer (point ?) the article 10 of the Convention.

11.3. The way of transfer stipulated in point b) of the article 10 is not used. Lawyers are not allocated the right of delivery of documents.

11.4. Interpretation of a way of delivery according to point ?) of the article 10 does not cause any difficulties. The given way is not applied.

## **12. Judicial and extrajudicial documents.**

12.1. Contains. The convention is applied to two kinds of judicial documents.

12.2. The statistics concerning a delivery of quantity of extrajudicial documents is not present.

## **14. Exequatur.**

14.1. The specified circumstances are not the basis for refusal in decision-making to performance.

## **15. Exception of application of the Convention between the Parties.**

15.1. Such rules are not established.

## **16. Fax and e-mail.**

For transmitting of petitions on delivery of documents e-mail and fax are not used. Delivery of documents by fax and e-mail is not acknowledgement on appropriate delivery.

## **17. Typical forms.**

We believe, that typical forms do not demand change.

## **18. Clauses and reciprocity.**

Do not proclaim.

## **19. Article 25: bilateral and multilateral agreements.**

The Republic of Belarus has bilateral treaties on legal aid with China, Poland, Lithuania, Latvia, Vietnam, Cuba, Hungary, and Czech Republic, providing delivery of documents on civil, family and to criminal cases.

The Republic of Belarus is the state-party to the CIS Convention of January 22, 1993 On Legal Aid and Legal Relations on Civil, Family and Criminal Matters and to the Convention On Matters of Civil Process, signed in the Hague on 01 March, 1954, which provide the international delivery of documents.