

International judicial cooperation

Published: 28.02.2020.

International judicial cooperation is a part of the overall international cooperation pursued within the framework of the Ministry of Justice. Basically, the international judicial cooperation is aimed at cooperation between judicial authorities in various matters of law in different cross-border situations.

It should be taken into account that the field of international judicial cooperation is governed by different legal instruments. Judicial cooperation between the Member States of the European Union Member, for example, is regulated by the [the European Community instruments](#).

In international judicial cooperation important role is played by the [bilateral \(trilateral\) international treaties](#) to which Latvia is a party. The cooperation based on the terms of international treaties may take different forms, taking into consideration the terms and conditions of the respective treaty. Therefore, judicial cooperation with certain countries has wider scope envisaging judicial cooperation in both criminal and civil matters, while the treaties with other countries only provide for judicial cooperation in the matters of extradition or mutual cooperation of the States in the matters of criminal law.

It should be taken into consideration that the international treaties made between the European Union Member States have very restricted application and they only relate to the matters not regulated on the level of legal acts of the European Union.

Terms and conditions of the international legal cooperation also arise from [a number of multilateral international conventions](#).

The national legal framework of Latvia incorporated in the Civil Procedure Law, the Criminal Procedure Law and other laws also has great importance. It should be noted that the above-mentioned national rules apply if the respective international treaty (convention) or legal act of the European Union does not provide for any other solution or does not govern the concerned matter.

Competence of the Ministry of Justice in the field of judicial cooperation generally is aimed to cooperation during the stage of the court proceedings in both cross-border civil and criminal matters. Judicial cooperation bases on the requests for judicial or legal assistance, where the competent authority of one State makes a request to the competent authority of another State to perform certain procedural actions, such as interrogation of a person, summoning a person to give testimony, obtaining the evidences at disposal of a certain authority, etc.

The role of the Ministry of Justice in the process of judicial co-operation is such that requests for legal assistance from the courts of Latvia are forwarded through the Ministry of Justice to the central or competent authorities of another States. As well the Ministry of Justice upon receipt of requests for legal assistance from the central or competent authorities of another States examines the compliance of requests for legal assistance received from abroad with the national laws or international treaties and refers the request for legal assistance to the appropriate court for enforcement.

It should be taken into account that judicial co-operation is also possible before the commencement of the court proceedings. For example, certain actions may already be taken when criminal case is initiated in pre-trial investigation stage. Taking into consideration the general differences between the civil law and criminal law, distinction can be made between judicial cooperation in civil matters and judicial cooperation in criminal matters.

Ministry of Justice is not the only central authority with responsibility for international judicial cooperation. The functions of central authority in judicial cooperation in the field of criminal law are performed also by the [Ministry of Interior](#) and the [General Prosecutor's Office](#).

In the field of judicial cooperation in civil matters, on the turn, the functions of central authority concerning certain conventions aimed at the matters of child and family law are also performed by the [Ministry of Child and Family Affairs](#).

European Judicial Network in Civil and Commercial Matters



The [European Judicial Network in civil and commercial matters](#) was put into operation from 1 December 2002. The European Judicial Network in civil and commercial matters consists of contact points designated by each Member State as well as representatives of the authorities with responsibility for judicial co-operation for the purpose of application of certain conventions. The operation of the Network covers the settlement of various matters of judicial cooperation in order to facilitate efficient application of the European Community instruments.

One of the central projects implemented within the framework of the Network is the establishment of the Network website. The website includes information about judicial cooperation in civil matters at the European Union level, provides insight in the legal framework of national substantive and procedural laws of the Member States in civil and commercial matters. The purpose of the website is to facilitate access to information for the public and individuals concerning the legal and judicial systems of various Member States, as well as to facilitate and make more efficient the cooperation between the courts of different Member States, and to promote the understanding of legal systems in Member States and Community in the field of civil law.

The website of the Network also includes the [European Judicial Atlas in Civil Matters](#) concerning the practical aspects of judicial cooperation (information about the competent courts, authorities, judicial cooperation system of the respective Member State, electronic filling in of the forms attached to Regulations on the Internet, etc). The information available from the Atlas is related to the application of the European Union Council Regulation (EC) No 44/2001 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters, Regulation No 1347/2000 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and in matters of parental responsibility for children of both spouses, Regulation No 2201/2003 on jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, Regulation (EC) No 1206/2001 on cooperation between the courts of the Member States in the taking of evidence in civil and commercial matters, and Regulation (EC) No 1348/2000 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters.

European Judicial Network in Criminal Matters



Ministry of Justice together with the General Prosecutor's Office represent Latvia in the European Judicial Network in Criminal Matters. Operation of the European Judicial Network in Criminal Matters is aimed at the exchange of information and opinions between the European Union Member States within the framework of judicial cooperation in criminal matters, establishing direct contacts between the officials of competent authorities of the European Union Member States. Operation of the European Judicial Network in Criminal Matters enables effective transmission and enforcement of the requests for legal assistance. European Judicial Network in Criminal Matters provides insight in the laws of the Member States in relation to the implementation of the instruments of the European Union in each Member State. Ministry of Justice is performing the functions of correspondent within the network. The correspondent's role includes providing information about the participation of Latvia in judicial cooperation in criminal matters, providing information on the important topics of judicial cooperation, rendering assistance to the contact points and correspondents of other States on the procedure applicable in Latvia in the field of judicial cooperation.

Development of judicial cooperation in the European Union and within the framework of the [Hague Conference on Private International Law](#) includes initiatives in relation to succession matters, matters related to maintenance obligations, determination of the applicable laws to non-contractual obligations and contractual obligations within the framework of the EU Law.

Participation of the European Union Member States and of the European Community in the international conventions and drafting thereof enables faster and efficient development of judicial cooperation in relation to the third States where the bilateral interests and relations between Latvia and the respective third State are probably not intensive enough to conclude a separate bilateral treaty.

Currently, the Ministry of Justice within the scope of its competence participates in the working groups of the Council of the European Union and within the framework of the Hague Conference on Private International Law in relation to following initiatives in the field of international judicial cooperation:

- Accession to the Rome Convention on the law applicable to contractual obligations;
- Draft Hague Convention on the International Recovery of Child Support and other Forms of Family Maintenance;
- Draft Hague Convention on the Exclusive choice of court Agreements;
- Proposal for a Regulation of the European Parliament and the Council on the Law Applicable to non-contractual obligations ("Rome II");
- Extension of the website of the European Judicial Network in civil and commercial matters with information about the Member States that acceded to the European Union on 1 May 2004, including translation of the existing information into the national languages of those Member States.