

**EUROPEAN RULE OF LAW REPORT 2022**  
**3<sup>rd</sup> EDITION**  
***Input of the Slovak Republic***

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*Following the request for input to the Rule of law Report 2022 from 1<sup>st</sup> December 2021 (3<sup>rd</sup> edition), the Slovak Republic hereby sends information to the questions regarding (i) justice system, (ii) anti-corruption framework, (iii) media freedom and pluralism and (iv) other institutional issues related to checks and balances.*

<b>I. JUSTICE SYSTEM</b>
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The legal and institutional framework for the independence of the justice system in Slovakia reported last year for the 2<sup>nd</sup> Edition of the Rule of Law Report is still applicable. This part contains mainly new information which was not reported for the purpose of the 2<sup>nd</sup> Edition of the Rule of Law Report, neither for Justice Scoreboard for 2022 or by other occasion (for ex. consultations with the Commission).

**Main reform laws (March 2021 – January 2022)**

***Laws adopted by the Parliament:***

- **Act No. 125/2021 Coll. on granting subsidies in the Ministry of Justice of the Slovak Republic competence**
  - Act was adopted to eliminate the shortcomings which were revealed in practice when granting subsidies in the Ministry of Justice's area of competence.
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/125/20210501.html>
  
- **Act No. 217/2021 Coll. amending the Act. No 274/2017 Coll. on victims (May 2021)**
  - The Act strengthened the victim's rights and their protection against further victimisation in many areas. It simplified access to compensation, established a net of intervention centres which render all-embracing help and protection for victims. Up to this day 8 intervention centres have been established (further information: <https://www.pomocpreobete.gov.sk>).
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/217>
  
- **Act No. 211/2021 Coll. amending the Act. No. 307/2016 Coll. on the payment procedure**
  - The Act increased efficiency of rules aimed at control of unfair contract terms and improves the access of consumers to the justice. The purpose was to unify the decision-making practice of the courts and also to prevent different assessment of 'unfair terms' definition.
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/211>
  
- **Act No. 179/2021 Coll. amending the Act No. 62/2020 Coll. on exceptional measures in relation to the spread of COVID 19 disease and in justice**
  - The Act introduced the possibility for members of chambers established by law (e.g. Slovak Bar Association, Slovak Chamber of Bailiffs, Slovak Notary Chamber), to execute their voting right by electronic means during the time of emergency or distress situation which result from the COVID 19 pandemics.

- <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/179>
- **Act No. 308/2021 Coll. amending the Code of Criminal Procedure**
  - The aim of this Act was limit the duration of the collusion custody and better regulate elements and conditions of the of the petition and decision on custody.
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/308>
- **Act No. 403/2021 Coll. Amending the Act No. 530/2003 Coll. On Business Register**
  - This Act enabled the Ministry of Justice in cooperation with Registry courts to add certain identification data in an automated manner and thus relieve the entrepreneurs from costs and administrative fees linked with amendment of such data.
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/403>
- **Act. No. 432/2021 Coll. on Disciplinary Code**
  - The Supreme Administrative Court was provided by a new tool to apply the competence to decide on the disciplinary liability of judges, prosecutors, notaries and bailiffs – the new Disciplinary Code. This Act represents another important step how to reinforce the trust in the judiciary.
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/432>
- **Act No. 519/2021 Coll. amending the Act No. 513/1991 Coll. on the Commercial Code**
  - Act allowed companies erased from the Business Registry as a consequence of breach of their duties in November 2021 (during the so called cleaning of the Business Registry) to apply for re-entry in the Registry until January 2022, thus to help those who were stricken off the Business Registry due to their fault/inaction.
  - <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/519>

Any other Act quoted in the text below can be also easily find via the Slov-lex Portal either using the search option (<https://www.slov-lex.sk/vyhľadavanie-pravnych-predpisov>) or simply by using a direct link: [www.slov-lex.sk/pravne-predpisy/SK/ZZ/year/number\\_of\\_the\\_Act](https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/year/number_of_the_Act) (see the links above). Subsequently, using a „history“ option (on the right) you can choose which time version of the Act you wish to see.

#### ***Bills in the Parliament / adopted by the Government***

- **New legal frame for entrepreneurs in financial distress**
  - The aim of the Bill is to give the debtors necessary room for efficient and quick preventive restructuring at the beginning of their distress before actual bankruptcy. Such possibility should prevent bankruptcy as well as loss of jobs and know-how. At the same time the creditors should receive higher amount of their claims in comparison to sums received in possible bankruptcy proceedings.
  - <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=8519>
- **Bill amending the Act No. 97/1963 Coll. on Private International Law and Rules of International Procedure**
  - The aim of the bill is to address certain application issues and to properly implement the new European legislation contained in:
    - Council Regulation (EU) on jurisdiction, the recognition and enforcement of decisions in matrimonial matters and the matters of parental responsibility, and on international child abduction,

- Regulation of the European Parliament and of the Council (EU) on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters and
- Regulation of the European Parliament and of the Council (EU) on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters.
- <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=8536>
- **4 bills related to the reform of the Court Map (1. Regional courts, 2. District courts, 3. City court Bratislava, 4. City court Košice)**
  - Despite splitting the former Court Map Bill into 5 separate bills, main goals of reform of the court map remained the same. Focus is on enabling specialization of judges, higher quality and speedier decision making for people and better conditions of work for judges and courts clerks. See also reply to question 16.
  - <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=8540>
  - <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=8539>
  - <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=8538>
  - <https://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=8537>

***Draft bills in the public consultations (inter-ministerial review process) or bills after consultations & awaiting adoption by the Government***

- **Draft Bill amending Act No. 221/2006 on pre-trial detention**
  - The main aim of the legislative changes is amelioration of conditions in the pre-trial detention including minimization of the restrictions regarding persons held in the pre-trial detention. The particular attention is paid to reinforcement of social contacts/relations, especially with family members. The European and International recommendations regarding the humanization of the execution of the detention/custody were taken into consideration. (Stage of the legislative process: after the consultation in the Government's Legislative Council).
  - <https://hsr.rokovania.sk/302872021-/>
- **Draft Bill on Establishment of Administrative Courts**
  - This Draft Bill is the last piece of the new Court Map mosaic. It lags behind the 4 previous bills, because its content depends on the final content of the 4 abovementioned bills related to the new court map.
  - <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/533>
- **Draft Bill amending Act No. 211/2000 Coll. on Free Access to Information**
  - Proposed legislation should address existing practical problems both of those who request information as well of those who provide information. It broadens significantly the scope of provided information as well as obliged persons. It also addresses the implementation deficit vis-à-vis PSI2 Directive.
  - See more: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/727>
- **Draft Bill amending Criminal Code (Act No. 300/2005 Coll.)**
  - A major draft amendment to the Criminal Code comes with a comprehensive reassessment of the setting of penalty rates according to the principle "Let us be milder to the weaker and stricter to the stronger". It represents the important change in the rules on imposition of criminal penalties.
  - <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/744>

## **A. Independence**

### **1. Appointment and selection of judges, prosecutors and court presidents (including judicial review)**

- **Constitutional Judges**

No legislative changes.

- **Judges (other than constitutional judges)**

**Act No. 71/2021 Coll.** (effective from 18. February 2021) – a minor addition, already reported in the Justice Scoreboard 2022, Q1, part Legislation, point 12

- **Prosecutors**

No legislative changes.

- **Court Presidents**

No legislative changes.

### **2. Irremovability of judges; including transfers (including as part of judicial map reform), dismissal and retirement regime of judges, court presidents and prosecutors (including judicial review)**

- **Constitutional Judges**

No legislative changes.

- **Judges (other than constitutional judges)**

No legislative changes.

***Ongoing Judicial map reform***

- Pursuant to the Constitution of the Slovak Republic - Art. 148 (1) - a judge may be transferred to another court only with his/her consent or on the basis of a disciplinary decision. The judge's consent to the transfer is not required when changing the court system, if this is necessary to ensure the proper administration of justice; details shall be provided by law (not yet adopted vis-à-vis the new Court Map).
- As for the moving of judges and judicial staff to the city of the succeeding court in the context of the changes of the Court Map, which was one of their main fears, nobody will have to move. Existing courts will be kept and they will function as detached workplaces of succeeding courts.

- **Court presidents**

No legislative changes.

***Ongoing Judicial map reform***

With regard to process of election of new presidents of courts, the Ministry of Justice decided to keep all presidents of those courts that are succeeding the courts that cease to exist. Therefore, no election will take place at succeeding courts. The election of presidents will take place only vis-à-vis 2 new city courts in Bratislava and Košice, since none of the existing courts is considered to be a successor of merging courts.

- **Prosecutors**

No legislative changes.

### 3. Promotion of judges and prosecutors (including review)

- **Judges**

No legislative changes.

- **Prosecutors**

No legislative changes.

### 4. Allocation of cases in courts

#### **Act No. 757/2004 Coll. on Courts (as amended)**

- no legislative changes so far, the legislative process of adoption of a new Judicial map which should have a major effect on allocation of cases in courts is still ongoing, the map yet does not have a final shape, already reported in the Justice Scoreboard, Q.1 – Legislation, point 5 – planned legislation
- the Government approved 4 legislative proposals of the Ministry of Justice on 12 January 2022 (for more details please see point 16).

### 5. Independence (including composition and nomination and dismissal of its members), and powers of the body tasked with safeguarding the independence of the judiciary (e.g. Council for the Judiciary)

- **Constitution - Act No. 460/1992 Coll. (as amended)**

No legislative changes.

- **Act No. 185/2002 Coll. on the Judicial Council (as amended)**

Since December 2021 further changes have been made in the functioning of the Judicial Council:

- the election of associate judges of the disciplinary chambers (Art. 4 (1 i))
- the President's competences regarding the restriction of the public at meetings of the Judicial Council (e.g. also the removal of persons from the room where the Judicial Council meets) (Art. 7 (2-4))
- the direct competence of the President to file a disciplinary motion against the judge in the event that the judge fails to comply with the obligation to file a written declaration or declaration of assets in a timely manner; as well as in case the President of the Judicial Council

invites the Judge to clarify/complement his written declaration or declaration of assets and the Judge fails to do so (Art. 27h (3))

- the direct competence of the President to file a disciplinary motion against the judge if the judge does not prove in a credible manner the legitimacy of the origin of the property increase or legitimacy of the origin of the property itself (Art. 27ha (8))
- the authority/competence of the President to convene working meetings of the Judicial Council. (Art. 27i (2))

## 6. Accountability of judges and prosecutors, including disciplinary regime and bodies and ethical rules, judicial immunity and criminal/civil (where applicable) liability of judges (including judicial review)

**The Supreme Administrative Court** of the Slovak Republic was established within the recent reform of the judiciary as the supreme body in matters of administrative justice. It has been exercising its powers from 1 August 2021, and currently has 21 judges. The seat of the Supreme Administrative Court is in Bratislava. In addition to reviewing the decisions of administrative courts, the Supreme Administrative Court has also the competence to decide on the **disciplinary liability of judges, prosecutors, notaries and bailiffs**.

The new Act on the **Disciplinary Code** of the Supreme Administrative Court of the Slovak Republic, which stipulates details of procedure of disciplinary proceedings, is effective from 1 December 2021: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/432/20211201>. Its aim is to unify the disciplinary rules for the above mentioned legal professions and to make disciplinary proceedings more efficient.

For more information, please see in points 49 and 50.

### **Statistics of the Supreme Administrative Court (2021)**

Total numbers of disciplinary proceedings (judges and prosecutors): 71

- 70 judges
- 1 prosecutor
- o proposals for disciplinary measure: 62
- o proposal for review of written warnings (§ 117 para 8 of the Act on Judges): 9

The total number of 71 cases consists of

- 55 cases initially addressed to the Judicial Council (by July 31, 2021 including previous years)
- 16 new cases of disciplinary proceedings addressed to the Supreme Administrative Court (as from August 1, 2021) concern 15 judges and 1 prosecutor, e.g. 11 cases concerning disciplinary measures, 1 appeal against the disciplinary decision of Judicial Council and 4 concerning proposals for review of written warnings.

### **Judges - disciplinary proceedings in 2021:**

Number of proceedings initiated by the Minister of Justice:

- o Proposals for disciplinary measures 11
- o Written warnings: 4
- o Temporary suspensions of the function: 1 (as a result of the criminal prosecutions of judge)

### **Prosecutors - disciplinary proceedings in 2021**

6 new disciplinary proceedings were **initiated in 2021**:

- in 4 cases for disciplinary misdemeanour according to Section 188 Subsection 1 letter a/,
- in 1 case for disciplinary misdemeanour according to Section 188 Subsection 1 letter a/, c/,
- in 1 case for serious disciplinary misdemeanours according to Section 188 Subsection 1 letter a/, Subsection 2.

In the case of disciplinary misdemeanours, these were mostly unjustified delays in the proceedings, the prosecutor's conduct, which led to a violation of the accused party's right to defence, and also the prosecutor's behaviour in public, which reduced the dignity of the prosecutor's office.

In the case of a serious disciplinary misdemeanour, it was the use of alcoholic beverages at the workplace during the prosecutor's working time.

7 disciplinary proceedings were effectively **terminated**. In those cases, the following disciplinary measures were imposed:

- according to Section 189 Subsection 1 letter b / of the Act on Prosecutors, namely a reduction of the basic salary by 15% for 3 months,
- according to Section 208 Subsection 3 letter c / of the Act, the Disciplinary Commission acquitted the prosecuted prosecutor because the act for which the disciplinary proceedings were conducted was not a disciplinary offence or misdemeanour,
- according to Section 208 Subsection 3 letter c/ of the Act, the Disciplinary Commission acquitted the prosecuted prosecutor in part of the petition, because the act for which the disciplinary proceedings were conducted was not a disciplinary offence or misdemeanour.

It found him **guilty** in part of the petition and imposed on him a disciplinary measure - transfer to a lower level prosecutor's office, according to Section 189 Subsection 2 letter a/ of the Act,

- according to Section 208 Subsection 2 of the Act on Prosecutors, waiving the imposition of a disciplinary measure, as, given the nature of the disciplinary offence committed, it can be reasonably expected that the hearing of the case before the disciplinary commission was sufficient
- according to Section 209 letter c/ in connection with Section 201 letter a/ of the Act on Prosecutors, the disciplinary proceedings were stopped because the motion to initiate disciplinary proceedings was submitted late,
- Section 201 letter a) in conjunction with Section 197 Subsection 5 of the Prosecutors' Act, the disciplinary proceedings were discontinued in two cases because the petitioner withdrew his motion to initiate disciplinary proceedings before the matter was decided by the Disciplinary Board of Appeal.

4 prosecutors were **charged** (prosecuted):

- for the offence of disorderly conduct according to Section 364 Subsection 1 letter a/, Subsection 2 letter b/ of the Criminal Code with reference to Section 138 letter a/ of the Criminal Code in conjunction with the offence of dangerous threat according to Section 360 Subsection 1 of the Criminal Code,
- for a particularly serious crime of money laundering according to Section 233 Subsection 1 letter a/, Subsection 4 letter a/ of the Criminal Code committed in the form of complicity pursuant to Section 20 of the Criminal Code
- 2 times for the crime of accepting a bribe according to Section 329 Subsection 1, Subsection 2 of the Criminal Code.

*7. Remuneration/bonuses/rewards for judges and prosecutors, including changes (significant increase or decrease over the past year), transparency of the system and access to information*

## **Remuneration**

Special remunerations/rewards were not payed to judges. The only exception were the rewards linked to the anniversary (jubilee). The 13-teen and 14-teen salary continued to be payed as prescribed by the law. The extra to sick leave were addressed in a minimum individual cases.

## **Disciplinary proceedings**

The new Act on the **Disciplinary Code** of the Supreme Administrative Court of the Slovak Republic was completed by 2 Decrees of the Ministry of Justice:

- Decree of the Ministry of Justice no. 433/2021 Coll. on the compensation of an associate of the disciplinary senate (EUR 200/month)
- Decree of the Ministry of Justice no. 434/2021 Coll. on overall costs of disciplinary proceedings

## **Act No. 385/2000 Coll. on Courts (as amended)**

### **Act No. 154/2001 Coll. on Prosecutors (as amended)**

As a result of changes in the area of disciplinary competence and the establishment of the Supreme Administrative Court, there were accompanying changes to these laws. Currently, in accordance with Section 1 Subsection 1 of the Decree of the Ministry of Justice no. 433/2021 Coll. the associate (thus also the prosecutor) of the disciplinary senate is entitled to a monthly remuneration for the actual performance of the function of the associate disciplinary senate (200 euros / month).

## **8. Independence/autonomy of the prosecution service**

### **Act No. 153/2001 Coll. on Prosecution Service (as amended)**

No legislative changes.

## **9. Independence of the Bar (chamber/association of lawyers) and of lawyers**

### **Legislation:**

#### **Act No. 586/2003 Coll. on the Legal Profession (= attorneys at law / advocates)**

Section 2 para. 2:

*When providing his legal services, each lawyer shall act independently, shall be bound by the generally binding legal rules, and within the limits of the same also by the client's instructions.*

Section 66 para. 2:

*The Bar is an independent professional organisation associating all the practising lawyers admitted to the Bar.*

#### **Slovak Bar Association Rules of Professional Conduct**

Preamble:

*In a society founded on respect for democracy and the rule of law as one of the most important constitutional principles a lawyer plays a vital role. The lawyer must serve the interests of justice as well as the interests of those, whose rights and liberties he is entrusted to defend or represent. A lawyer's function therefore lays on him a number of legal and moral obligations in relation to his clients, courts and other authorities before which the lawyer pleads his client's case or acts on his client's behalf, the public for whom the existence of a liberal and independent legal profession is an essential means of safeguarding human rights and freedoms in face of the power of the state.*



Section 2 para. 3:

*The lawyer may render legal services only within the limits of his independent and liberal practice of law. The lawyer may neither participate in any activities of persons, who render legal services without a statutory authority and licence, nor support such activities.*

Section 38:

*The lawyer shall act before the courts and any other authorities in such a way so as to avoid any interference with his independence. He shall show due respect towards courts and other competent authorities. His behaviour including his appearance add to the honour and credit of any act he is involved in, as well as to the status and dignity of the entire legal profession.*

## **In general**

Independence of lawyers intertwined with the independence of the bar association is recognised by the Act on the Legal Profession (No. 586/2003). The first and foremost mission of the lawyer is to represent clients, their rights and interests protected by law. To properly and effectively do so, the lawyer must be independent of any external, institutional, economic pressure in order to prioritise the client's interests. A lawyer must maintain independence in order to give clients unbiased advice and representation. A lawyer cannot be influenceable and must retain high ethical standards.

Slovak Bar Association is recognised as independent by law which, as required by the international standards, lays down the principles of independence, professional ethics and the avoidance of conflict of interests. It provides for the effective operation of professional associations of lawyers, the proper qualification and training of lawyers and administration of disciplinary proceedings.

Slovak Bar Association serves as an institutional guarantee of independence in

- Preventive phase:
  - Bar Association Presidency Council decides upon recommendations of its bodies on requests from members and other subjects for interpretation of law related to the legal profession (Slovak Bar Association Working Group on core issues of the profession), compatibility of legal practice with other activities (Slovak Bar Association Working Group on Compatibility) = any activity that causes doubts about the independence of lawyer or legal profession must be declared incompatible regardless of its legal form, circumstance, scope and length, remuneration or lack of it
  - In March 2020 Slovak Bar Association adopted the rules for assessment of compatibility of activities with ethical principles of the legal profession
  - Slovak Bar Association provides mandatory training on deontology to all trainee lawyers
  - Slovak Bar Association adopts clearly delineated lawyers' duties and responsibilities vis-a-vis their clients and other effective regulation of the profession
- Reactive phase:
  - Slovak Bar Association is responsible as self-regulated professional body for decision-making on the professional misconduct of its members and issues disciplinary sanctions.
  - The Supervision Committee, Disciplinary Committee and Disciplinary Committee of Appeal deal with any breach of obligation. Slovak Bar Association Rules of Disciplinary Procedure provide for the system of disciplinary procedure and disciplinary sanctions, including striking a person of the list of lawyers. Annually the Disciplinary panels deal with several hundreds of cases.
  - Slovak Bar Association has issued for the past ten years several Collections of Disciplinary Findings that provide for transparent, consistent and foreseeable decision-making, as well as to raise awareness of the ethical nuances. In 2017 additional detailed rules related to

standards of disciplinary decision-making and sanctions were approved by the General Assembly of lawyers.

Threats to independence of judges and lawyers are often signs of corrosion of the rule of law. Slovak Bar Association signed a Resolution on the Rule of Law on 21 February 2020 in Vienna along with 48 other subjects to support Polish judges and lawyers in their attempts to sustain the rule of law in Poland.

### 10. Significant developments capable of affecting the perception that the general public has of the independence of the judiciary

All reforms (see other replies) aim at improving the quality and efficiency of the judiciary and lowering the corruption and therefore, they should also improve the image of the judiciary in the eyes of public. We are aware of the fact, that reputation of the judiciary is lower than ever, also due to ongoing prosecution of individual judges and prosecutors, nevertheless, the cleansing process is a necessary precondition to create trust in the judiciary. We believe that reforms will ameliorate experience the general public encounters at courts and thus positively affect the public perception of the judiciary.

#### **B. Quality of justice**

### 11. Accessibility of courts (e.g. court/ legal aid fees, legal aid, language)

A legislative change and a planned legislation regarding legal aid has been reported in the Justice Scoreboard 2022, Q.1 – Legislation, point 10

### 12. Resources of the judiciary (human/financial/material)

- There have been no substantive changes regarding justice system expenditures in 2021. Expenditures (without expenditure on IT services):
  - 2019 = EUR 239,490,250
  - 2020 = EUR 250,301,883
  - 2021 = EUR 260,526,278
- The salaries and social and health insurances of the judges and employees create a major part of these expenses. The average salary of a judge was adjusted to EUR 3,399.
- Expenditure on court proceedings (EUR 18 million), represent approximately half of the expenses on goods and services (including expenses on advocates, experts, notaries, bailiffs, interpreters, translators, witnesses and lay judges).
- Expenses related to securing performance of courts during pandemics - EUR 440,000 were paid above normal expenditures.
- More substantive changes in the financing of the justice system are expected in the future in relation to the reform of the court map. These changes are planned to materialize from 2022 and will have an impact on the 2022 budget of the justice in the sum of approximately EUR 17,4 million and of EUR 34,4 million for 2023.

<b>Number of Judges (31/12/2021)</b>			
<b>Court</b>	<b>Total number of Judges</b>	<b>Men</b>	<b>Women</b>
Regional Courts and Specialised Criminal Court	397	157	240
District Courts	905	305	600

Total	1302	462	840
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Number of employees at Regional Courts, District Courts and Specialised Criminal Court (31/12/2021)		
Function		Number of employees
Performance of judiciary	Assistants	1303
	Judicial Secretary	695
	Higher Court Official	1062
Other staff at general judicial department		516
Judicial treasury		60
Administration and management staff		821
<b>Total</b>		<b>4 457</b>

See also information provided for the EU Justice Scoreboard.

### 13. Training of justice professionals (including judges, prosecutors, lawyers, court staff)

#### **Judicial Academy (training of judges and prosecutors)**

The education for judges, prosecutors and court staff is provided by the Judicial Academy of the Slovak Republic since 2003. In the last four years, the main methodology of trainings of justice professionals was modified and started to focus on the modernization and innovation of judicial education by introducing the so-called specialized trainings. This way of trainings extends the hitherto applied approaches to the education of the judicial community by dividing the target group into smaller groups according to the judicial agenda with precisely defined specific educational needs, i.e. specialization and applies interactive education in small groups with increased involvement of foreign and domestic professional lecturers.

In 2021, the Judicial Academy followed and applied the methodology of trainings in the field of **soft skills** and, also in **professional ethics**, due to low trust in the judicial system and the functioning of the prosecutor's office, which was prepared during 2020. Education in this area follows the training requirements set out in the EJTN Handbook on Judicial Training Methodology in Europe, and particularly reflects requirements based in the Government's Program Statement. Both types of training are based on regional principles, so that one topic is widely spread among target group from every single region. Based on high interest on topics mostly in the field of soft skills, the Academy organized series of trainings for the judges, court staff and prosecutors. In 2021, the Academy prepared and organized intensified regional trainings for judges and court staff and separately for the prosecutors and trainees in prosecutors' offices. The intensified training in professional ethics will take place also in 2022. The methodology of this training follows the internal documents of Judicial Academy on organization and realization of educational processes.

Due to lasting negative pandemic situation caused by COVID-19, Judicial Academy provided education mainly in a distance form, using the ZOOM video conferencing application. Online teaching takes place in virtual classrooms. This still new form of training did not affect the number of courses organized in 2021. The fact the online training is more available to the target group benefitted to higher number of participants. From July to October 2021, the training events were also held in person on the premises of headquarters in Pezinok and on the premises of the Detached Workplace in Omšenie. The language training activities were organized in previously selected regional facility in November 2021 following the plan of activities in the project funded by European Social Fund. Those trainings were organized in accordance with the Public Health Office decree regulating the organization of mass events and following the other current anti-pandemic measures.

In 2021, the Judicial Academy continued special intense courses of legal English and finished two phases with internal certificate. In November 2021 Academy started new courses which syllabus focuses on different areas and preparation for international testing TOLES. These trainings are part of the national project funded by European Social Fund.

Judicial Academy also extended the e-learning to initial trainings to follow the plan of trainings and mandatory education. Due to the prolonged negative pandemic situation, we provided the audio and video lectures for new trainees in prosecutors' offices and for all candidates who were preparing for the judicial exams. E-learning was positively appreciated by the target group and because of that, we would like to continue with e-learning in these types of education even after the pandemic ends.

### **Slovak Bar Association (training of lawyers)**

In Slovakia, there is no system of mandatory training of qualified lawyers. Nevertheless, the Slovak Bar Association provides training to its members on voluntary basis (qualified lawyers) and mandatory basis (trainee lawyers). Lawyers look for further training among private providers depending on their area of expertise. Slovak Bar promotes training events with EU dimension organised by its partners.

In 2021 the Bar organised more than 150 training events for circa 6500 participants. This was possible due to the prevailing online format of regular weekly seminars and thanks to the gradual increase in the number training activities as well as European projects. Slovak Bar Association has been involved in several training projects with European dimension:

- Cooperation with Council of Europe within HELP (Human Rights Education for Legal Practitioners) Programme: implementation of the course on Domestic Violence and Violence against Women, Ethics for judges, prosecutors and lawyers and translation of the course Access to Justice for Women
- Cooperation with Academy of European Law (ERA) in organising a conference on EU Antidiscrimination law and Young Lawyers Contest, as well in promoting EU Litigation seminars and Mediation in the EU: language, Law and Practice
- Cooperation with European Lawyers Foundation (ELF) in implementing project on internships of young lawyers (LAWYEREX)

Slovak Bar Association organised a panel discussion (panellists: member of the Slovak Judicial Council, ECtHR judge, Slovak Bar President and Czech Supreme Administrative Court judge) moderated by an investigative journalist on the topic of ethics of judges, prosecutors and lawyers and its relevance for the fair trial ([https://www.sak.sk/web/sk/cms/news/form/link/display/981196/\\_event](https://www.sak.sk/web/sk/cms/news/form/link/display/981196/_event)). The panellists commented on the current topics related to the rule of law deficiencies within the justice sector.

#### 14. Digitalisation (e.g. use of digital technology, particularly electronic communication tools, within the justice system and with court users, including resilience of justice systems in COVID-19 pandemic)

Digital tools available for court proceedings and electronic tools of the prosecution service have been recently reported in 2022 Justice Scoreboard – Q. 3 – 7. The Reform of judicial map and digitalization of justice are the backbones of reforms under the Slovak Recovery and Resilience Facility in the Justice component.

We place the emphasis on the development of two backbone IT solutions: the new Court Management System and the new Commercial Register.

The **new Court Management System** shall bring our judicial processes to the 21<sup>st</sup> century, including e-filing, digitalization of judicial procedures, transparency in the e-file management, access of users to e-documentation or better judicial statistics. The new system will be interoperable with a wide range of IT systems, including at the cross-border level. As regards the EU-wide electronic data exchange, the new System will, of course, fully implement the existing e-CODEX standards. Moreover, we are in the final stage of integration judicial case management system into a new criminal case management system of the Ministry of the Interior, which should, in the future, allow a fully electronic communication between the Police, prosecution services and judiciary. A huge challenge is the integration of separate IT systems and ensuring their interoperability.

The **new Commercial Registry IT System** should also bring major advancements. It shall enable us to carry out all activities fully electronically. A better automated control of ultimate beneficial owners shall be also inherent in the new system.

We are working also on the fully digitalized **insolvency proceedings**, including a major revamp of the existing insolvency register.

Several **other projects** are ongoing with the objective of improving the efficiency, modernization, and better access to the Slovak judiciary. For example, we have recently introduced a new functionality to our judicial services that can detect whether the service is online or offline, monitors the number of processed queries, checks the functionality of workflows of connected services in real time.

The **use of Artificial Intelligence** by the judiciary in Slovakia is still in its beginnings. At the moment, we test the use of AI in the Slovak judiciary for ancillary administrative activities, such as the transcription of the speech to text. The pilot testing of this AI system is underway at several courts in cooperation with the Slovak Academy of Sciences. In addition to that, we also test the use of AI for the anonymization of court decisions in cooperation with a private sector. We see a big potential of AI use also for other processes such as the automatic translations or for the analysing the case law and other support services. For instance, we plan to create an Analytical Support Platform for easier access to case law databases. The objective would be to speed up the process of studying files.

#### **Prosecution:**

Digitalisation at the prosecutor's office has been carried out according to the OPIS project, continuously since 2016. The creation and exchange of electronic documents in the information system PATRICIA (prosecutor's office information system) is functional. Due to the principles of cyber security, it is not possible to work in the IS PATRICIA remotely, outside the prosecutor's office (home office). There is a gradual improvement in efficiency in this area. E.g. the findings of the prosecutor's office show that, at the practical level, electronically signed documents are sent by prosecutors to

electronic communication boxes of lawyers. Even from lawyers, eDocuments often come signed by a QES (qualified electronic signature).

The decree of the Ministry of Justice of the Slovak Republic No. 618/2005 on the creation of LEAs' and courts' files has not yet been amended in such a manner that it would be legally possible (in criminal matters) to send to the court not only paper documents signed by hand. This change would be possible once the new Court Management System is available.

### 15. Use of assessment tools and standards (e.g. ICT systems for case management, court statistics and their transparency, monitoring, evaluation, surveys among court users or legal professionals)

Due to low data quality and unreliability of statistical information generated by the current Case Management System, the court statistics monitoring and assessment are largely based on a separate data collection method (via electronic statistical forms) and rely on outputs created by Ministry of Justice's analytical unit – the Analytical Centre. These outputs are publicly available on the Ministry's website and include regular statistical reports, case-flow overviews as well as a court performance dashboard (interactive Business Intelligence tool). This should change with the future introduction of the new Case Management System.

The following projects are still ongoing (within the CEPEJ Project):

- Time frames –time frames monitoring has been piloted using some parameters of the current Case Management System (8 regional courts and one district court in each region). Due to the insufficiency of the current IS, an intermediate solution of time frames monitoring is going to be introduced until the new Case Management System is in place and fully operational.
- Case weighting – assembling of data was interrupted due to COVID-19 pandemic. The project will continue based on the developments of the pandemic situation in Slovakia. Further information, see: <http://web.ac-mssr.sk/vazenie-pripadov>.

### 16. Geographical distribution and number of courts/jurisdictions (“judicial map”) and their specialisation, in particular specific courts or chambers within courts to deal with fraud and corruption cases

After the summer consultations in 2021 with judges and other experts, the Ministry of Justice restarted the legislative process in September. The main visible change is, that we proposed four separate legal acts instead of one:

- 1) Bill on the changes and completion of some Acts related to the establishment of new seats of Regional Courts:  
<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=850>
- 2) Bill on the changes and completion of some Acts related to the establishment of new seats of Districts Courts:  
<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=849>
- 3) Bill on the establishment of the City Court Bratislava:  
<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=848>
- 4) Bill on the establishment of the City Court Košice:  
<https://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=8&ID=847>
- 5) Draft Bill on Establishment of Administrative Courts  
<https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/533>

First 4 bills were adopted by the Government on 12 January, sent to the Parliament. Parliamentary readings shall start during Parliament's February session. The 5<sup>th</sup> draft bill is in public consultations.

The content of the reform and its objectives remained the same:

- Main goals of reform of the court map are enabling for specialization of judges and courts and a strong focus on improving the random selection of judges to the cases.
- The specializations of judges, random selection, data on incoming cases and decided cases, expected efficiency of judges/courts, and commuting to courts were the major indicators considered when determining the size of the district covered by each general district court. The distance of each court to citizens was also taken into account, especially regarding the court hearings for vulnerable groups.
- The reform is based on CEPEJ recommendations and was prepared with 2016 - 2019 statistical judicial data, regional specifications, distance for citizens, time needed for the citizens to get to the court, public transport options, statistical data number of citizens, etc.
- The specialization of judges should lead to higher quality and better performance of the whole system and to more efficient utilization of resources. The second effect of the new judicial map could be interrupting the corruption bonds within justice.
- The number of judges will remain the same as it is now, but thanks to larger court districts, each court will have more judges. That is important to enable a better random selection of judges and limitation of corruption.
- As a minimum 3 judges will be specialized in every main agenda (civil, business, criminal, family) at each court.

New court map reduces the number of district courts from 54 to 30 and will introduce specialization of courts and judges. Number of appeal courts is proposed to be reduced from 8 to 4. Nevertheless, majority of cancelled courts will continue to exist as detached work premises of new district and regional courts.

### ***C. Efficiency of the justice system***

#### **17. Length of proceedings**

According to the methodology applicable in the Slovak Republic, the length of court proceedings is still calculated differently than the lengths of proceedings published by EU organizations. In EU and other international reports (CEPEJ, World Bank, OECD), countries are compared with each other using the Disposition Time (DT) indicator, which cannot be considered as the length of proceedings by our methodology (although for international comparisons we use also the disposition time).

In Slovakia, average lengths of proceedings published for selected agendas (civil, criminal, family and business) are calculated as the average of the time period from the case being lodged with the court till existence of a final court decision in the case (including appeals at all instances). It is assumed in months. It is an indicator with rather informative purpose for the citizens. It does not directly indicate the effectiveness of the court, since there may be more actors in the process and more instances of courts involved in the total length of proceedings for which the length is calculated.

The most recent collected data are for 2020:

- **Criminal cases:** the published average lengths of proceedings for criminal cases in 2020 was 5,99 months, disposition time in criminal cases first instance courts was 128,7 days and the clearance rate in criminal cases first instance courts was 99,92%.

- **Civil cases:** the published average lengths of proceedings for civil cases in 2020 was 21,66 months. Disposition time in civil cases first instance courts was 183,3 days and the clearance rate in civil cases first instance courts 99,42%.
- **Family cases:** the published average lengths of proceedings for family cases in 2020 was 7,84 months. Disposition time in family cases first instance courts was 144,5 days and the clearance rate in family cases first instance courts 103,43%.
- **Business cases:** the published average lengths of proceedings for business cases in 2020 was 25,94 months. Disposition time in business cases first instance courts was 370,7 days and the clearance rate in business cases first instance courts 98,77%.
- **Administrative cases:** the average lengths of proceedings for administrative cases is not being published. Disposition time in administrative cases first instance courts was 585 days and the clearance rate in administrative cases first instance courts 86,77%.

See also data provided for the Justice Scoreboard.

### **Other reforms**

*Please see the introduction.*

### **Significant developments in relation to the COVID 19 pandemic related to the Justice System**

- COVID information relevant for the judiciary is regularly published at the website of the Ministry of Justice (<https://www.justice.gov.sk/Stranky/Ministerstvo/Opatrenia-COVID-19.aspx>)

On 25 March 2020, Act no. 62/2020 was adopted (effective as of 27 March 2020), according to which hearings are conducted only to the extent necessary.

- The implementation of this law was carried out by measures of the Ministry of Justice. The measures also ensured the uniform implementation of the regulations of the Public Health Office.
  - In the monitored period, there were various regimes (for the period until 30 April 2020, from 6 May 2020 to 31 May 2020, from 2 June 2020 to 1 September 2020, from 1 September 2020 to 1 October 2020, from 3 November 2020, from 4 January 2021).
  - Thus, the courts were not closed in 2020, but operated in a restricted regime, and that limited regime depended on the development of the epidemic situation.
  - There were situations when the hearings were limited to the absolute minimum. In several measures in 2020, the ministry recommended that courts organize work so that court staff and judges could work from home.
  - Act no. 62/2020 was amended with the effect as of 19 January 2021. On the basis of this amendment, the Ministry is authorized to issue a decree determining the scope of hearings to be held.
  - Subsequently, measures for courts were no longer issued. Courts, like every employer and operator, complied with the decrees of the Public Health Office of the Slovak Republic and hearings were held in accordance with the Decree of the Ministry of Justice of the Slovak Republic no. 24/2021.
  - As the emergency situation continuous, the hearings have since then been held to the necessary extent and this is determined by the Ministry in a decree. According to the development of the epidemic situation, the decree has been amended four times so far.
- COVID information relevant for the cross-border cooperation is regularly submitted to the EU via the EJN in civil and commercial matters and the EJN in criminal matters.
  - This information is published via the European e-Justice Portal



([https://e-justice.europa.eu/content\\_impact\\_of\\_covid19\\_on\\_the\\_justice\\_field-37147-en.do](https://e-justice.europa.eu/content_impact_of_covid19_on_the_justice_field-37147-en.do)),

- Detailed COVID information regarding judicial cooperation in criminal matters is kept by the Eurojust.

#### **New representatives at high-level positions in the justice sector:**

- JUDr. Pavol Nad' was appointed as the President of the newly established Supreme Administrative Court of the Slovak Republic on 18 May 2021.
- Mgr. Ján Kmeť, PhD. was appointed as the Director of the newly established Office of the Management of the seized Property on 11 May 2021.

## **II. ANTI-CORRUPTION FRAMEWORK**

### **A. The institutional framework capacity to fight against corruption (prevention and investigation / prosecution)**

#### **i) To react to the points raised in the 2021 Rule of Law Report (foreign bribery):**

An amendment of **Section 336 of the Criminal Code**, which entered into force on 1 January 2021, brought several positive changes in relation to indirect corruption. It is clear from the amended Section 336 of the Criminal Code that the new regulation already covers cases where an individual offers or gives a bribe to another person who did not in fact have an influence on what the bribe was given for. This means that the bribed person does not have to exercise his or her own influence directly on the decision-maker, but can also influence the decision-maker through another intermediary.

Regarding the prosecution of bribery of foreign public officials, the prosecutor of the Special Prosecutor's Office issued an instruction in 2021 to reopen the prosecution in the case of bribery of the governor of the **Turks and Caicos archipelago**, and the police, in cooperation with the General Prosecutor's Office, "**ÚŠP**"), are taking the necessary action in the matter. Furthermore, on the instructions of the prosecutor, the police also dealt with the possible bribery of foreign public officials by representatives of some Slovak companies in **Central America**.

At present, the Prosecutor's Office deals very thoroughly with any suspicion of **possible corruption of foreign public officials, which was to be committed by Slovak entities**. Due the importance of this subject, a part of the training of the ÚŠP and of anti-corruption units of the police was devoted to this issue in November 2021, at which the ÚŠP pointed out the importance and need for thorough prosecution of this form of corruption.

#### **ii) Prosecution**

As for the staffing of the Division of Fight against Corruption of the Special Prosecutor's Office, the situation as of January 2022 is still not fully satisfactory. Although there was an increase in posts for the department at the end of 2021, one prosecutor retired and at the same time one prosecutor from the department went on parental leave. **At present, therefore, there is 1 head prosecutor and 4 ordinary prosecutors in the corruption division**. The agenda of the 2 prosecutors who left by the end of 2021 had to be redistributed among the remaining ones, and **each prosecutor currently of the corruption division - including the head, has more than 100 pending files plus several other files pending in court proceedings**. This situation is unsustainable in long-term and one of the fundamental tasks of the Prosecutor's Office in 2022 in the area of personnel and the fight against corruption should be the full staffing of the Division of Fight against Corruption.

In 2020 and 2021, despite the persistence of several systemic problems, **significant improvements in the detection and prosecution of serious corruption offenses** can be noted. We are of the opinion that the criticism that has been in place in previous years against the low number of serious corruption cases is no longer appropriate, as the number has grown significantly. **In 2021, several former high-ranking state officers (ministers) were charged for the suspicion of accepting a bribe and bribing. Charges have also been raised with accepting bribes in connection with their duties. Several other high-ranking state officers were also accused and investigations into serious cases that began in 2020 continued.**

From among of the serious criminal cases in which the prosecutor **filed an indictment** in court in 2021, it is necessary to point out e.g. to a criminal case in which **several natural persons and legal persons were charged with the continuing crime of accepting a bribe and the crime of money laundering**, which occurred in the period from at least the beginning of 2017 until March 2020, in Bratislava and other places in the territory of the Slovak Republic and in the territory of the Federal Republic of Austria, persons Ing. JK, PhD., MK and Ing. M K PhD., joined together for the purpose of committing corruption crimes, as well as committing money laundering. Ing. J K, PhD., **employed as the General Manager of the Agricultural Payment Agency (PPA)**, as a person with competence in proceedings conducted at the PPA, intending to induce an unauthorized property benefit for himself as well as for other natural persons or for legal entities managed by them that were interconnected in terms of personnel or property; ensured the issuance of positive decisions on the approval of non-repayable financial contribution ("NFP"), which conditioned the provision of cash as a bribe, the amount of which was determined at 10% of the total amount requested as NFP, bribes from individual applicants were required through MVDr. Ľ K, in the form of a contract for work pursuant to Section 536 and others of the Commercial Code, as amended, the subject of which are, among others, "Obtaining a positive decision on the approval of the NFP", while the contracts in question and the implied or subsequent legal acts and several banking operations managed by companies through them only served to cover the origin of the obtained funds through corruption proceedings.

**Another case** carried out in 2021, in which a first-instance conviction has already been issued, is a criminal case based on the fact that, on the basis of ongoing tax audits against company B, its real estate was blocked by a decision of the Criminal Office of the Financial Administration (hereinafter referred to as the "KÚFS") by a preliminary measure. At an unspecified time in summer 2018, Ing. PG asked the person JUDr. BB, both **members of the SIS** at that time, to arrange a meeting with JUDr. Ľ M, at that time in the position of director KÚFS, saying that he would need help with unblocking the property and promised a financial reward for a favourable execution of his request. After an agreement on the manner in which Ing. PG told DB that he would solve his problem with the preliminary measure regarding company B for a fee of EUR 400,000, which DB agreed to, the persons involved agreed he would hand over this amount in two payments, by paying the first EUR 200,000 and then after the cancellation of the preliminary measure he will pay another EUR 200,000; **for which the defendants were found guilty of the crime of accepting a bribe and were sentenced to imprisonment for 11 and 10 years and a fine of EUR 50,000 and EUR 40,000.**

**Other** successful corruption cases are listed in the text **to point 29 of the questionnaire.**

*18. List any changes as regards relevant authorities (e.g. national agencies, bodies) in charge of prevention detection, investigation and prosecution of corruption and the resources allocated to each of these authorities (the human, financial, legal, and technical resources as relevant), including the cooperation among domestic authorities. Indicate any relevant measure taken to effectively and timely cooperate with OLAF and EPPO (where applicable).*

National Crime Agency of the Presidium of the Police Force (hereinafter *the NACA*) is the only unit of the Police Force for detection and investigation of corruption offences, excluding corruption cases committed by members of security forces, and, effectively as of 1 January 2020, also investigation and expedited investigation of Financial Administration members, where the Inspection Bureau Service is a competent authority. Besides the aforementioned offences, the NACA performs detection and investigation of the most serious criminal offences, especially, offences against property, economic offences, and offences committed by criminal and terrorist groups, serious violent criminal offences, drug-related criminal offences, and criminal offences of terrorism and extremism.

To increase the efficiency of the fight against criminal activity, on 1 October, the NACA underwent a vast reorganization. Subsequently, in the course of 2020 and 2021 in the context of its authorizations, the NACA was principally securing strengthening its personnel capacity and enhancing technological, material and technical provisions of the created organizational units according to their modernization and introduction of the technical advancement.

New structural changes within the NACA are expected to enter into force as of 1 February 2022, when, following the changes of organizational hierarchy of the Presidium of the Police Force Operations Departments will be supplemented situated in the Slovak territory (section Bratislava, section West, section Centre, and section East) by analytical departments and financial investigation departments. The objective of the prepared change of the organizational hierarchy of the NACA is to support detection and investigation of the most serious forms of corruption threatening financial resources of the state budget, European Union budget and, especially, serious economic criminality.

The NACA within the scope of its authority in detecting and investigating economic criminal offences, develops coaction and cooperates with the **OLAF**. It mainly concerns criminal offences adversely affecting the financial interests of the European Union, and criminal offences of manipulation with public procurement and public auction.

In terms of delegated competence, the NACA develops its relations with the **European Public Prosecutor's Office** that executes its powers in the territory of the Slovak Republic by the means of European delegated prosecutors with their place of employment situated in the headquarters of Special Prosecution Office of the General Prosecutor's Office of the Slovak Republic.

Crime Prevention Department of the Office of the Minister of Interior of the Slovak Republic (hereinafter "CPD of the Office of the Minister of Interior):

- Cooperation with the Government Office of the Slovak Republic within the National Anticorruption Program; on the cooperation with the OECD in the project titled „Zlepšenie integrity verejnej správy v SR“ Integrity Enhancement in the Public Administration in the Slovak Republic;
- Cooperation with the Whistleblower Protection Office in educating the employees of the Ministry of Interior of the Slovak Republic and informing the public via Information Offices for the Victims of Criminal Offences;
- Cooperation with the Geodesy, Cartography and Cadaster Authority of the Slovak Republic: set the cooperation in proposing anticorruption measures at cadastral departments on the basis of a questionnaire survey;
- Cooperation with the Ministry of Transport and Construction of the Slovak Republic: set the cooperation in proposing anticorruption measures on the basis of a questionnaire survey

## 19. Safeguards for the functional independence of the authorities tasked with the

## prevention and detection of corruption.

Legislative prerequisites of independence of investigators within the Police Force, including NACA investigators, are guaranteed by Section 201 (3) of the Criminal Procedure Code, Section 7 (1) of Act of the National Council No. 171/1993 Coll. on the Police Force as Amended as well as by Regulation of the Minister of Interior No. 175/2010.

Policemen, pursuant to Section 48 (5) of Act of the National Council No. 73/1998 Coll. on the Civil Service of the members of the Police Force, Slovak Information Service, Prison and Court Guard Service of the Slovak Republic, and of the Railway Police as Amended, cannot be members of a political party or a political movement or perform activities in their favour.

The independence of a policeman when exercising their service activity is established in Article 2 of current Regulation of the Minister of Interior No. 3/2002 on the Code of Conduct of a Police Force Member as Amended as follows:

*“A policeman exercises their service activity without regard to religious, racial, national, social, political, class, and other external factors.”*

Pursuant to Section 1 (2) of Act of the National Council No. 171/1993 Coll. on the Police Force as Amended, activities of the Police Force fall within the scope of authority of the National Council and the Government. President of the Police Force, appointed and dismissed by the Minister of Interior, is responsible for the performance of their duties to the Minister (Section 6 of Act of the National Council No. 171/1993 Coll. on the Police Force as Amended).

## 20. Information on the implementation of measures foreseen in the strategic anti-corruption framework (if applicable). If available, please provide relevant objectives and indicators.

Task fulfilment of the Anticorruption Program of the Ministry of Interior of the Slovak Republic for 2019-2023 on behalf of the scope of authority of the Police Force due to the material competence designated to the NACA which, on the basis of identification of risk corruption areas in the Police Force incorporated the aforementioned ministerial anticorruption program into the Action Plan of Fight against Corruption of the Police Force for 2019-2023 issued by the means of Order of the President of the Police Force No. 2/2020.

In the evaluated period of 2021, the task fulfilment of anticorruption programs was considerably affected by the epidemiologically situation in relation to Covid-19 and measures impose to restrict its spread. Many units of the Police Force were forced to postpone corruption prevention task fulfilment, especially educational activities arranged in 2021 or more precisely to perform them by distance/online learning, getting familiar with general and internal regulations and associated methods.

The NACA as a supervisor of the anticorruption policy of the Police Force actively participated in the development of anticorruption initiatives within the Police Force, attended online work meetings held by coordinator of the anticorruption policy of the Ministry of Interior of the Slovak Republic, created subsequent guidelines and coordinated anticorruption activities of Police Force units. While implementing the Action Plan of the Fight against Corruption of the Police Force for 2019-2023, as well as in plans of further development of anticorruption policy, it enforced application of principles of morality, ethics, integrity, and preferring the public to private interests within the Police Force.

For this purpose, the NACA, in cooperation with the OECD, drew up a project titled „**Protikorupčné vzdelávanie Policajného zboru – školenie lektorov**“. (**Anticorruption education of the Police Force- Training of Lecturers**). The aim of the project is, via training the lecturers from among the Police Force members, to build a network of coordinators, employees dealing with integrity and anticorruption policy within the Police Force, provide consultancy and guidance in integrity standards application, enforcement of ethical norms and anticorruption awareness among Police Force members. Due to the unfavourable epidemiological situation in 2021, the implementation of the aforementioned training has been postponed for 2022.

In accordance with the plan to introduce an electronic questionnaire survey of corruption risks within the Ministry of Interior of the Slovak Republic, the NACA successfully implemented the given task within the Police Force units and drew up evaluation of its efficiency following the identification of actual threats of corruption at working positions of the Police Force.

In the area of education of the Police Force members aimed at protection of whistleblowers, we secured retraining on Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendment and Supplementation of Certain Acts and Regulation of the Ministry of Interior of the Slovak Republic No. 99/2019 on the Internal System of Handling the Whistleblowing Procedures.

Due to securing education and raising the anticorruption awareness, Police Force members and employees of the Ministry of Interior of the Slovak Republic were informed on establishment of a portal on the intranet webpage of the Ministry of Interior titled *Korupcia - Boj proti korupcii* (*Corruption-Fight against Corruption*), on options of online consultancy for the public on the webpage: [www.prevenciakriminality.sk](http://www.prevenciakriminality.sk) as well as the Anticorruption E-learning. Program is available on the webpage of the Ministry of Interior of the Slovak Republic.

In the process of anticorruption policy enforcement, corruption elimination and integrity enhancement following the current social challenges, it is inevitable to develop national anticorruption policy in accordance with international anticorruption standards and adopted integrity principles. In this context, the NACA participated in the international project titled **IntegriSport Erasmus+**.

Apart from the Slovak Republic, representatives of law enforcement authorities, sports associations and betting organizations from Cyprus, Finland, Hungary, Lithuania, Netherlands, and Portugal are parties to the project. The conceptual intention of the project is supported by the Council of Europe and international organizations and associations, like European Elite Athletes Association, and Lottery Monitoring System.

Activities of the project were aimed at integrity enhancement, education and raising the awareness on manipulation of sport events so called match fixing, as well as at the professional research conducted in the area of prevention and fight against manipulations of sport events. Information on the project IntegriSport Erasmus+ is published on the webpage: [www.integrisport.org](http://www.integrisport.org).

In order to preserve permanent support and trust of the public, and Police Force integrity, just like due to introduction of innovative methods and progress in preventive anticorruption activities emphasizing the system of efficient corruption risk management, it was necessary the preventive anticorruption activities within the Police Force were systematically secured by the unit, whose exercise of official activity is principally focused on methodological management and guidance of Police Force units' activities. In this respect, changing the organizational hierarchy of the Presidium of the Police Force shifted the responsibility for corruption prevention of the Police Force from the NACA to the Criminal Police Bureau of the Presidium of the Police Force, which performs methodological activity and coordinates procedures of Police Force units.

#### **The CPD of the Office of the Minister of Interior:**

- updated ministerial anticorruption program for 2019-2023 until 30 June annually;
- 9 December 2021: International Anti-Corruption Day. A carried out campaign titled „Protikorupčné desatoro“ (Anti-Corruption Commandments) at district offices, 75 placed roll-ups in Slovak regions at client centres, posters, brochures of the Anti-Corruption Commandments;

**Goal:** to enhance long-term prerequisites for creation of secure anti-corruption ambience for the employees as well as clients of the district offices. Informing the clients (the public) and district office employees on anti-corruption measures and building a secure anti-corruption ambience for district office clients and employees.

#### **Forms of a campaign:**

- enhancing expertise (for the sake of district office clients and also employees) being able to elucidate procedures in whistleblowers' protection and how they should proceed in case they want to report an instance of corruption
- Training the supervisors at district offices, regional coordinators for crime prevention and employees of Information Offices for the Victims of Criminal Offences in the area of coordination mechanism of anti-corruption policy at district offices and whistleblower protection (7 October 2021, 11 November 2021, 30 November 2021, 9 December 2021);
- Informing the clients (the public) on anti-corruption principles of the Ministry of Interior of the Slovak Republic via media: press conferences, electronic media, district offices, social networks:  
<https://www.minv.sk/?protikorupcne-desatoro>;  
[www.preveniakriminality.sk](http://www.preveniakriminality.sk)

#### **B: Prevention**

**21. Measures to enhance integrity in the public sector and their application including as regards incompatibility rules revolving doors, codes of conduct, ethics training). Please provide figures on their application.**

The Office of the Government of the Slovak Republic drafted an Update of the National Anti-Corruption Programme (hereinafter as „Updated NAcP“). The Updated NAcP contained particular measures such as adopting a law on lobbying that would regulate incompatibility rules and revolving doors issue, preparation of codes of conduct of the Government, identification of corruption risks in the legislative procedure, drafting mechanisms to detect corruption schemes, participation of all central authorities in the corruption risks management software, other measures aimed at cooperation of relevant bodies in preventive activities.

The Government discussed the Updated NAcP on 24 November 2021. However, it did not approve the document and interrupted the discussion on it.

On 3 March 2022 an Integrity Forum will be held in Bratislava. The Slovak Republic's Integrity Forum is jointly organised by the Government Office of the Slovak Republic and the OECD's Public Sector Integrity Division, Public Governance Directorate, under the auspices of the project „Improving Integrity of Public Administration in the Slovak Republic“.

During this event the Deputy Secretary General of the OECD and the Prime Minister of the Slovak Republic will publish the Integrity Review, that was prepared by the Corruption Prevention Department of the Government Office („the CPD of the Government Office“) and the OECD's Public Sector Integrity Division in the framework of the project. The Integrity Review contains several recommendations that will have to be implemented into the new Anti-corruption Strategy for 2024 – 2029. The CPD of the Government Office will start to prepare the new strategy after the Integrity Forum comes over.

As to the codes of conduct, the CPD of the Government Office prepared a draft Integrity Principles in cooperation with relevant public authorities, private sector representatives, NGOs and academics. The CPD of the Government Office organized 2 meetings (on 15 June 2021 and 30 September 2021). At the moment it prepares a draft discussion document that will reflect the discussions of the participants and their proposals made during the meetings. The draft Integrity Principles should be finalised by the end of 2022.

Besides the priority task in the area of repressive activities, the NACA develops its activities also in the area of corruption offences prevention, proposals of anticorruption measures and application of ethical standards and integrity norms in civil service. In accordance with the current social challenges and purpose of development of national anticorruption policy, as well as due to implementation of recommendations of international organizations, the NACA, in cooperation with the OECD, drew up **Anticorruption E-learning Program titled „Integritou proti korupcii“ (By the means of integrity against corruption).**

The Anticorruption E-learning Program is comprised of three educational modules: **Integrita vo verejnej službe (Integrity in civil service), Eliminácia potenciálu pre korupciu (Corruption Potential Elimination), Zvyšovanie povedomia o korupcii v medzinárodnom obchodnom prostredí (Raising the Awareness on Corruption in International Trade Environment).** Particularly, the module of Integrity in Civil Service, drawn up in cooperation with the OECD, provides broad framework of policies in the area of integrity like standards of conduct of public officials, conflict of interest management, revolving door system, establishment of standards for acceptance of gifts, prevention from nepotism, support of open culture of organization, and securing the transparency in lobbying.

The Anticorruption E-learning Program is designed to increase the quality of expertise, raise the awareness and level of education of employees in the area of public administration, business sector, civil society and general public.

Obligation of policemen to respect the Code of Conduct when performing their official duties is enshrined in Section 8 (1) of Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as Amended. Provisions of ethical conduct of Police Force members are a part of obligations whose adherence is also provided by Section 48 (3) of Act No. 73/1998 Coll. on the Civil Service of the members of the Police Force, Slovak Information Service, Prison and Court Guard Service of the Slovak Republic, and of the Railway Police as Amended.

The program is publicly accessible on the webpage of the Ministry of Interior of the Slovak Republic: <http://www.minv.sk/?dotaznik> also in English: <http://www.minv.sk/?survey> just like on the OECD web portal: <http://www.oecd.org/gov/ethics/integrity-slovak-republic.htm>.

The Code of Conduct for Police Force members was issued by the means of Regulation of the Minister of Interior No. 3/2002 on the Code of Conduct of a Police Force Member as Amended, containing essential moral norms, values, principles, and rules of regulation of conduct and activities of Police Force members.

In relation to the needs of social development and in accordance with Regulation of the Minister of Interior of the Slovak Republic No. 85/2020 on Elaboration of Government Agenda for the Ministry of Interior of the Slovak Republic for 2020-2024, as well as in accordance with implementation of recommendations of international organizations a working group was established within the Ministry of Interior which drew up a **proposal of new Code of Conduct of a Police Force Member.**

The task to update and issue the Code of Conduct of a Police Force Member is also enshrined in the Anticorruption Program of the Ministry of Interior of the Slovak Republic. The NACA, via representation in the aforementioned working group, actively participated in forming integrity principles, professional liability and discipline of the Police Force members.

The proposed adjustment of the Code of Conduct of a Police Force Member establishes value aspirations for high standards of conduct of a policeman, particularly regarding the attributes like honesty, integrity, justice, lawful use of force, corruption risk prevention and the related restrictions of gift or hospitality acceptance, as well as prevention from a conflict of interests, abuse of powers and other negative phenomena when performing official duties excluding duty performance of a policeman.

Drawing up of a proposal of the new Code of Conduct of a Police Force Member and its practical application within the professional duties is a significant prerequisite of raising the awareness on ethical liability, ethical standards support, integrity enhancement of a policeman and building the integrity culture within the Police Force.

The CPD of the Office of the Minister of Interior in cooperation with the Inspection Service Bureau created „*Vzdelávací protikorupčný balíček*“ (Educational Anti-Corruption Package) in order to educate employees of the Ministry of Interior of the Slovak Republic in the area of corruption prevention. In the ministerial anti-corruption program, units within the Ministry undertook to incorporate the Educational Anti-Corruption Package into optional topics of education when creating the conversion course of a state employee, and to ensure the same topic range for the employee to be familiarized with when performing their duty in public interest during a new employment, that would be annually evaluated by 30 April for the previous calendar year.

## *22. General transparency of public decision-making (e.g. public access to information, including possible obstacles related to the classification of information, transparency authorities where they exist, and framework rules on lobbying, including the transparency of lobbying, asset disclosure rules, gifts and transparency of political party financing.*

The Updated NAcP contained also measures focused on amending the legislation on public access to information. Although the Updated NAcP was not approved by the Government, the Ministry of Justice already included some objectives declared in the NAcP [in line with the Manifesto of Government] in the draft Bill on access to information (please see more in the introductory part – information on main legislative reforms).

Regarding the asset disclosure rules, the CPD of the Office of the Minister of Interior organized a meeting with relevant authorities on 7 September 2021. The participants discussed a draft form for asset declaration. At the moment, the CPD of the Office of the Minister of Interior updated the draft form in the light of the discussion and it prepares another meeting with the authorities. After finalizing the draft form, the CPD of the Office of the Minister of Interior intends to prepare a final document for the Government.

There are no unified rules on gifts. The Updated NAcP contained a measure focused on unification of the rules regarding the central authorities.

The CPD of the Office of the Minister of Interior and Section of Legislation and Legal Services undertook in the ministerial anti-corruption program to issue Directive of the Ministry of Interior of the Slovak



Republic on Measures in the Area of Corruption Prevention by 31 December 2022.

*23. Rules on and measures to preventing conflict of interests in the public sector. Please specify the scope of their application (e.g. categories of officials concerned)*

There is no new legislation since the last Rule of Law Report. The rules are implemented by the Act no. 55/2017 Coll. on Civil Service and by the Decree of the Government no. 400/2019 Coll. on Code of Conduct of Civil Servants.

The specific rules apply to public officials in compliance with the Constitutional Act no. 357/2004 Coll. on Public Interest Protection in the Performance of Offices of Public Officials as amended.

*24. Measures in place to ensure whistleblower protection and encourage reporting of corruption*

Conditions of protection of whistleblowers in the Slovak Republic in relation to their protection within employment relationships are regulated by Act No. 54/2019 Coll. on the Protection of Whistleblowers and on Amendment and Supplementation of Certain Acts that came into force as of 1 March 2019.

The Act in question also provides conditions of establishment of the new specialized Whistleblower Protection Office. It was created in 2021 with the objective to strengthen conditions and improve efficiency of whistleblower protection by shifting the power from labour inspectorate to the aforementioned office. The competency of the office is supervision of respect for the law, providing professional statements and consultancy when applying this law and submitting the annual report on the activity to the National Council of the Slovak Republic.

In context of the Ministry of Interior of the Slovak Republic, submitting, verifying, recording the reports, as well as processing the personal data contained and authority of the Inspection Service Bureau in relation to whistleblowers are regulated by Regulation of the Ministry of Interior of the Slovak Republic No. 99/2019 on Internal System of Handling the Whistleblowing Procedures.

The CPD of the Office of the Minister of Interior:

- specialist seminar on the issue of Corruption Reporting and Whistleblower Protection for the employees of the Ministry of Interior of the Slovak Republic: by 31 December 2021- 660 trained employees (28 January 2021, 10 February 2021, 3 March 2021, 24 March 2021, 27 April 2021, 5 May 2021, 12 May 2021, 19 May 2021, 25 May 202, 7 October 2021, 11 October 2021, 18 November 2021, 25 November 2021, 9 December 2021);
- 22 March 2021: an email sent to all the employees titled „Nedajme šancu korupcii“ (Let’s not give corruption a chance) on how to proceed when reporting corruption
- 8 and 10 November 2021- seminars were held, that were compiled in the context of a request by students of High School of the Police Force in Pezinok and Košice. Concerning the content, the seminars were aimed at whistleblower activities and specific aspects of corruption offences. The content and lecturing were provided by the Inspection Service Bureau and Whistleblower Protection Office.

*25. List the sectors with high-risks of corruption in your Member State and list the relevant measures taken/envisaged for monitoring and preventing corruption*

and conflict of interest in these sectors. (e.g. public procurement, healthcare, citizen investor schemes, risk or cases of corruption linked to the disbursement of EU funds, other).

The main areas of the Anti-Corruption Program for 2019-2023 are, on the basis of the created analysis of data collection on identification of corruption risks: the areas of decision-making procedures; in the area of public procurement, in the area of customer service, in granting the authorizations, permits, allocating subsidies, providing information and inspection activity:

[https://www.minv.sk/?protikorupcny\\_koordinator\\_zakladne\\_informacie](https://www.minv.sk/?protikorupcny_koordinator_zakladne_informacie)

According to the experience of the prosecution services, high-risk areas of corruption are:

- Infrastructure and construction, in particular “green” renovation of buildings
- Agriculture
- Environment (esp. projects related to tackle the climate change)
- Healthcare
- Government procurement and investment
- Public IT contracts (especially in the selection of companies for the supply of large IT systems and also in the selection of suppliers for the State Material Reserves Administration)
- Construction proceedings (both in public procurement and in administrative proceedings), in the area of administration of cities and municipalities.

## 26. Measures taken to assess and address corruption risks in the context of the COVID-19 pandemic.

The CPD of the Government Office has not adopted any specific measures in the context of the COVID – 19 pandemic. More information concerning taken pandemic measures are available on the website:

<https://transparency.sk/sk/ako-sa-bojuje-proti-korupcii-cez-pandemiu/>

+ See the statement of 2021 (no.23)

## 27. Any other relevant measures to prevent corruption in public and private sector

The CPD of the Government Office is an administrator of software for Corruption risks management. In 2020 – 2021 there were 2 reviews realised through this software with following risks that were detected:

- Insufficient measures to mitigate the corruption risk to the position;
- Outdated anti-corruption prevention and anti-corruption procedures;
- Increased possibility of tolerance of corruption due to financial remuneration;
- Lack of effective mechanisms to prevent undue external pressures on decision-making;
- Lack of effective mechanisms to prevent undue internal pressures on decision-making.

It has to be point out, that not all central authorities were involved in the reviews.

The Updated NAcP contained an obligation to central authorities to participate regularly the reviews under this software.

The performed questionnaire survey by the means of software application „*Riadenie korupčných rizík*“

(Corruption Risk Management): identification of causes, opportunities, space, and conditions favourable to give rise to corruption and let it grow;

- 12 April 2021- survey performed for the Presidium of the Police Force, number of respondents from among the Presidium of the Police Force members: 2.210;
- 29 June 2021- survey performed for the Fire and Rescue Service: 3.638 respondents;

For more information see the statement of 2021 (no.27 and 28).

### **C. Repressive measures**

#### **28. Criminalisation, including the level of sanctions available by law, of corruption and related offences including foreign bribery.**

2021

<u>Section/Criminal Code</u>	<u>Number of condemned persons</u>
<u>§ 328</u>	<u>2</u>
<u>§ 329</u>	<u>26</u>
<u>§ 333</u>	<u>67</u>
<u>§ 336</u>	<u>13</u>
<u>§ 336b</u>	<u>3</u>
<b>Total</b>	<b>115</b>

#### **Act No. 300/2005 Coll. - Criminal Code (as amended)**

In December 2021, the Ministry of Justice of the Slovak Republic submitted to the public consultation procedure a **major draft amendment to the Criminal Code**. The submitted proposal comes with a comprehensive reassessment of the setting of penalty rates according to the principle "Let us be milder to the weaker and stricter to the stronger". The legislative process is currently in the stage of evaluating the comments - 9 comments, mostly of a substantive nature, were submitted by the commenting entities with regards to the corruption-related points mentioned below.

The amendment to the Criminal Code contains several fundamental changes to which the government committed itself in the **Manifesto of the Government of the Slovak Republic for the years 2021 – 2024 , part Criminal Policy and Prisons**, and which respond to problems identified in practice.

With regard to corruption offenses, it is proposed to **modify the formulation of selected corruption offenses (§ 328 paragraph 1 - accepting a bribe, § 332 paragraph 1 - bribery)** so that they are applicable in practice to all corruption cases and there are no outrageous and undesirable evasions of justice only because of some problematic notions or features that the current wording contains.

The proposal also **amends the wording of the criminal offence of electoral corruption in § 336a**, as practice has shown that the current formulation does not cover very frequent and serious cases when someone takes a bribe in a higher amount for arranging for a larger number of people to vote for a particular candidate. It is therefore proposed that § 336a para.1 be supplemented by point e), thus also penalizing cases when someone demands or accepts a bribe in order to ensure that not him/her but other persons vote in a certain way. At the same time, **it is proposed to severe penalties for electoral corruption taking into consideration its social impact.**

The draft amendment also introduces **new criminal offenses, including § 340a - "breach of protection of a whistle-blower"**.

The effectiveness of the draft amendment to the Criminal Code is proposed **from 1 June 2022**.  
The entire material is available at: <https://www.slov-lex.sk/legislativne-procesy/SK/LP/2021/744>.

### **Act No. 301/2005 Coll. - Code of Criminal Proceedings (as amended)**

A major amendment of the Code of Criminal Proceedings is being prepared by the Ministry of Justice. Expert works started already in 2021, but the legislative process will be launched in 2022.

+ See the statement of 2021 (no.25)

### *29. Data on investigation and application of sanctions for corruption offences<sup>9</sup>, including for legal persons and high level and complex corruption cases) and their transparency, including as regards to the implementation of EU funds.*

#### **The main proceedings related to corruption effectively concluded in the form of convictions in the course of 2021**

- **corruption case of the emeritus judge** JUDr. P. P. of Regional Court in Žilina (in addition to imprisonment, a fine of 150,000 euros was imposed),
- **corruption case of lawyer** JUDr. P. K., who requested and took the financial means for the "settlement" of the criminal case at the Regional Court in Žilina (in addition to imprisonment, a fine of 35,000 euros was imposed),
- conviction of the "**businessman**" Ing. F. T. and lawyer JUDr. Ing. Ľ. M. for the continuing crime of accepting a bribe, while Ing. F.T. received financial funds from various persons (in thousands of euros) for the "settlement" of criminal cases at the Regional Court in Žilina (Ing. F.T., among other, had a fine of 100,000 euros imposed),
- **corruption case of judge** JUDr. M. U. from the Regional Court in Žilina (in addition to imprisonment, a fine of 10,000 euros was imposed),
- **offering a bribe from a well-known lawyer** JUDr. P. CH. and another natural and legal person in regards to the **State Secretary of the Ministry of Agriculture and Rural Development** of the Slovak Republic in the amount of 60,000 euros (in addition to imprisonment, fines of up to 40,000 euros were imposed)
- case of **indirect corruption of the former General Director of the Economics Section of the Financial Directorate of the Slovak Republic** Ing. M. F. (in addition to imprisonment, a fine of 150,000 euros and a forfeiture of an item worth 40,000 euros was imposed),
- **former Vice President of the Financial Administration of the Slovak Republic** Ing. D. Č. convicted of a criminal offense (in addition to imprisonment, a fine of 30,000 euros was imposed),
- **former 1st Deputy Director of the Slovak Information Service** JUDr. B. B. convicted of the crime of accepting a bribe and others (in addition to imprisonment, a fine of 14,000 euros was imposed),
- **corruption case of the former director of the Office of the Inspection Service of the Ministry of the Interior of the Slovak Republic** JUDr. A. S., who was also supposed to abuse the power to provide information to unauthorized persons for remuneration (he was fined 25 000 euros in addition to imprisonment),
- former **Deputy Director of the Department of Special Police Activities of Police Force** Mgr. N. P. convicted of working for the criminal group T., providing this group with information on the development of individual members of the group by the Police Force and corruption (sentenced to 5 years' imprisonment and confiscation of property),
- **former director of the National Anti-Crime Unit, West Branch, NAKA**, Mgr. Š. Š., who took financial funds and other bribes for providing information from ongoing criminal proceedings

- (in addition to imprisonment, a fine of 35,000 euros was imposed),
- manipulation of public procurement at the Ministry of the Interior of the Slovak Republic in the period 2009-2011 (a total of up to 142 acts), where **an employee of the Ministry of the Interior of the Slovak Republic Ing. Ľ. D.** and entrepreneur Ing. P. Ž. **were convicted** (both were sentenced to 9 years' imprisonment and confiscation of property),
  - a corruption case of **an employee from the Labour Inspectorate in Košice** (sentenced to 5 years' imprisonment and a fine of 4,000 euros),
  - indirect corruption of **the former director of SAD (Slovak Bus Transport) Prešov PhDr. J. K.**, who promised to provide a bribe (in addition to imprisonment, a fine of 25,000 euros was imposed),
  - a corruption **case in the state Forests of the Slovak Republic**, where Mr P. M. demanded bribes from entrepreneurs (in addition to imprisonment, a fine of 10,000 euros was imposed).

We can state 2021 was, in comparison to 2020 in terms of detection and investigation of **corruption offences** similarly successful, which is suggested by the following statistical indicators (from the scope of authority of the NACA, a year not finished):

Corruption Offences	Up till 30 November 2021
Number of Procedures pursuant to Section 199 of the Criminal Procedure Code (initiation of criminal prosecution)	253
Number of Procedures pursuant to Section 206 of the Criminal Procedure Code (pressing charges)	228
Number of accused natural persons pursuant to Section 206 of the Criminal Procedure Code	197
Number of accused legal persons pursuant to Section 206 of the Criminal Procedure Code	3
Amount of requested bribes in criminal offences of accepting a bribe	3 259 515 eur
Amount of provided bribes in criminal offences of accepting a bribe	3 893 877 eur
Amount of offered bribes in criminal offences of bribery	774 792 eur
Amount of given bribes in criminal offences of bribery	4 973 285 eur

In the area of exclusive scope of authority of the NACA i.e. in relation to detection and investigation of criminal offences **adversely affecting financial interests of the European Union**, we present the following statistical data:

Criminal offences adversely affecting financial interests of the European Union	Up till 30 November 2021
Number of Procedures pursuant to Section 206 of the Criminal Procedure Code (pressing charges)	40
Number of accused natural persons pursuant to Section 206 of the Criminal Procedure Code	64
Number of accused legal persons pursuant to Section 206 of the Criminal Procedure Code	6
Amount of adverse impact on the EU resources	6 695 481 eur

In relation to **fiscal criminal offences**, an **adverse impact in the amount of 76,314,112 eur** was registered and the amount of 4,372,743 eur was prevented. **62** natural and **11** legal persons were charged with **fiscal criminal offences**.

Serious crime is distinguished by being committed in an organized manner, especially referring to the previous period and presented results of the NACA. In the course of the period up till 30 November 2021 **charges were pressed against 95 persons as members of 12 criminal groups and 104 persons as members of organized groups**.

In relation to the exclusive scope of authority of the NACA in the area of detection and investigation of criminal offences of **premeditated murders**, **charges were pressed against 18 natural persons**. Regarding the drug-related criminality, the NACA registers 134 accused natural persons. 60 natural persons were charged with criminal offences of extremism.

Overall number of the accused within the scope of authority of NACA of the Presidium of the Police Force	Natural Persons	Legal Persons
	734	28

Number of police interventions	Up till 30 November 2021	125
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Number of deployments of intervention group of NACA of the Presidium of the Police Force	Up till 30 November 2021	53
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The practice up to now indicates manners of committing criminal offences are changing, perpetrators are adapting to new trends in alignment with the dynamic of society development, requiring the NACA to **increase the quality of analytical activity** and create efficient predispositions of identification and seizure of proceeds from criminal activity so that investigation concentrates to diffuse application of principle of following the cash flow in criminal matters i.e., inevitability of **criminal investigation**. For this purpose, as of 1 February 2022 **departments of financial investigation** will be created within the scope of authority of the NACA, establishing one in each regional section.

Simultaneously, in order to secure high quality of analytical activity, the **analytical departments** will be established in all regional sections, preserving the central analytical department aimed at securing the operatively and thematically focused analyses and compilation of conceptual outputs supporting performance of professional activities in the area of detection and investigation of criminal offences. They should also specialize in analysis of organized forms of criminality, cash flows, personal and property causalities among the suspicious subjects, assessment of corruption relationships in public procurements, acquisition of subsidies from the budget of the Slovak Republic and the European, in public contracts of high value and other criminal offences where public finances are handled in a wasteful manner.

### 30. Potential obstacles to investigation and prosecution as well as to the effectiveness of sanctions of high-level and complex corruption cases (e.g. political immunity regulation, procedural rules, statute of limitations, pardoning)

More cases of corruption would be revealed if there was greater willingness of natural person to report that they have been asked for a bribe or that they have been offered a bribe and if there were greater

efforts to cooperate with the police in documenting corruption at the time of the corrupting conduct (so-called proactive evidence). Especially in cases where public officials demand bribes from entrepreneurs to provide subsidies, non-repayable funds, or to obtain lucrative contracts, it is often a major obstacle when people are asked for a bribe, they decide not to report corruption, as they still would not manage to obtain the contract or subsidy concerned even after the possibly successful documented corruption they helped with.

In this regard, the legislation should respond to the problem outlined and set up a system that complements the protection of anti-social whistle-blowers by giving the whistle-blower some assurance that he will not be discriminated against in the subsequent procurement process or in obtaining funds and tenders because he has reported and documented corruption related to his bid. Detecting complicated corruption schemes in public procurement, processing subsidies from the budget of the Slovak Republic and the European Union, high-value public tenders and similar serious matters, where there is a huge waste of public finances will not be possible without a significant strengthening of the number and quality of analysts, operators and investigators within the organizational structure of the police.

The analytical component of the police plays an important role in the initial stages before the prosecution, when it should perform analyses of financial flows or personnel and property links between suspects in order to obtain a basic overview of whether they could benefit from a particular suspicious operation which influenced the decision on the tender, subsidy or other use of public resources. Subsequently, during the proper investigation, the absence of analysts is felt by individual investigators of complicated corruption schemes, where the investigator often has to perform this time-consuming and professionally demanding analytical activity himself along with procedural acts, which is often at the expense of investigation speed in pending custody cases. In order to strengthen the analytical capacities, four analytical departments will be created within the competence of the National Criminal Agency of the Presidium of the Police Force from 1 February 2022.

### III. MEDIA PLURALISM

Slovakia is in the process of preparing/enacting a broad reform of media legislation that should include a new Constitutional Act on Media Freedom, a new Act on Media Services, a new Act on Publications the Media and Audio-visual Industry Register, as well as additional changes that will bring various other legislative acts in line with the new media policies.

Act on Media Services is at the time in Parliament going through second reading while Act on Publications is expected to be presented to the Parliament by the end March 2022.

#### **A. Media authorities and bodies**

#### **32. Measures taken to ensure the independence, enforcement powers and adequacy of resources of media regulatory authorities and bodies**

There have been no changes in comparison to 2021 Rule of Law Report in this area. The new legislation that is at the time in parliament preserves the independence status and financing mechanisms of the Broadcasting Council. Its name will be changed to Media Services Council. New Act will also establish coregulatory body – the Commission for protection of minors that will have representatives from

audio-visual industry and regulatory bodies. The administration of this Commission will be handled by the office of the Media Services Council.

### 33. Conditions and procedures for the appointment and dismissal of the head / members of the collegiate body of media regulatory authorities and bodies

There have been no changes in comparison to 2021 Rule of Law Report in this area. Election mechanism and rotation principle will be preserved, as well as the appointment and dismissal of the head / members of the collegiate body.

### 34. Existence and functions of media councils or other self-regulatory bodies

The main are the Print-Digital Council of the Slovak Republic, which is a professional association providing advocacy for editorial independence and supervision over professional standards, and Advertising Standards Council.

## **B. Transparency of media ownership and safeguards against government or political interference**

### 35. Measures taken to ensure the fair and transparent allocation of state advertising (including any rules regulating the matter)

There are no such measures in place.

### 36. Safeguards against state / political interference, in particular:

- safeguards to ensure editorial independence of media (private and public)
  - New legislation will introduce limited editorial responsibility in respect of the public/state sources of information.
- specific safeguards for the independence of governing bodies of public service media governance (e.g. related to appointment, dismissal) and safeguards for their operational independence (e.g. related to reporting obligations),
  - There are no changes in comparison to 2021 Rule of Law Report in this area.
- procedures for the concession/renewal/termination of operating licenses
  - There are no significant changes in comparison to 2021 Rule of Law Report in this area. New legislation will bring only simplification of current administrative procedures. Authorization of broadcasting will be for undetermined time. Only renewal will be in respect of use of frequencies for radio analogue broadcasting.
- information on specific legal provisions for companies in the media sector (other than licensing), including as regards company operation, capital entry requirements and corporate governance
  - There are no major changes planned in comparison to 2021 Rule of Law Report in this area. The new legislation will introduce limiting measures that should support



pluralism of media. These will focus on monitoring the share on advertising market, with threshold of 60% max. for one final ultimate owner.

### 37. Transparency of media ownership and public availability of media ownership information, including on media concentration (including any rules regulating the matter)

Currently the Act no. 315/2016 coll. on the Register of Public Sector Partners provides disclosure of the ultimate owners of major media that do business with the state. New regulation should expand this obligation to all media regardless do they do business in with the state or not. Making available information about the ultimate owners of a media via public register should bring more transparency in media ownership.

While at the present media legislation that contains specific thresholds and/or other limitations in order to prevent a high degree of horizontal concentration of ownership concerns mainly traditional media, such as TV, Radio and Television; new legislation should expand the scope of subjects to include also online media.

#### **C. Framework for journalists' protection**

### 38. Rules ale practices quaranteeing journalist's independence and safety

In comparison to 2021 Rule of Law Report, the new media legislation will focus on rights and obligations of journalists, rights and obligations of media information service providers in communicating to the public. It will tackle the principles of editorial accountability and transparency of media ownership and principles of plurality of media services.

In summary, these changes should boost independence of journalists and protection of sources, while placing focus on adherence to professional standards through means of self-regulation. Journalistic independence should be guaranteed not only in respect of state interference, but in relation to media owners as well, who could also exert undue influence on journalists for their own political or economic interests.

Sources of information should receive further guarantees in protecting their anonymity when providing information to journalists. This should be paired with constitutional enshrinement of right to access information particularly from public bodies.

In line with the Commission Recommendation on the protection, safety and empowerment of journalists, the safety and independence of journalists will be part of the Strategy of Policies in Culture 2030.

The aim of the Ministry of Justice is to give journalists a special protection via their new status as the protected person according to the Criminal Code. The definition of "journalist" to the legal order of the Slovak Republic will be required (see input of the Ministry of culture).

### 40. Access to information and public documents (including procedures, costs/fees, timeframes, administrative/judicial review of decisions, execution of decisions by public authorities).

The access to information is regulated by the Act No. 211/2000 Coll. on the Free Access to Information ([www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/211/20211101.html](http://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2000/211/20211101.html)). This Act reflects the principles of open government and transparency, so it is based on the approach “what is not secret, is public”. This Act is the basis for the access to information and public documents.

Everybody has the right to ask information from obliged person (Section 2) and has the right to obtain it in principle for free. The only exception for fees concern material cost what is regulated in Section 21 of this Act. In accordance with Section 4 para. 3 letter c) of the Act 145/1995 coll. on Administrative Fees the “Actions related to the implementation of generally binding legislation on free access to information are exempt from administrative fees”.

The obliged person shall disclose the information with undue delay but no later than 8 days. If the obliged person fails to provide information, it is possible to review the decision according to administrative law. It means that in first it is administrative review by the administrative body (obliged person) which is possible to contest before court in the administrative proceeding.

The process of requiring information is straightforward and information can be made in writing, orally, by fax, e-mail or other technically feasible means. Only requirement is that It must be clear from the application to whom the request is addressed to, the name, surname, first name or business name of the applicant, his address or registered office, the information to which the application relates and what method of disclosure the applicant proposes.

The access to information shall be provided without proving any legal or other reason or interest for which information is required (Section 3 para 3 of the Act on the Free Access to Information).

The effectiveness of the execution of the rights to information and the review procedure illustrates also Section 18 para 3 of the Act, where the following rule applies:

“If the obliged person fails to provide information within the period for compliance with request, or to issue a decision, or provide access to information, it shall be deemed that the obliged person issued a decision rejecting the provision of information. In this instance, the decision shall be regarded as delivered on the third day after the expiration of the period for compliance with request.”

The reviewing court has the possibility to order to the obliged person the disclose the requested information (see section 193 of the Code of Administrative Procedure: <https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/162/20210801> ).

Public awareness on Freedom of information Act is good, it is widely used.

New media legislation will also preserve separate right for media to access information from representatives of state and public organizations. This separate right does not have formalized procedure; it is a legal declaratory statement of right that should serve as a guarantee for media services.

#### *41. Lawsuits (including SLAPPs – strategic litigation against public participation) and convictions against journalists (incl. defamation cases) and safeguards against abusive lawsuits*

Slovakia does not have statistics regarding SLAPP cases since it does not exist as a separate legal concept in current national legal order. As such there are only basic civil and criminal law tools that could be used to prevent or curve the effect of SLAPP to a degree.

Under Section 138 of the Code of Civil Procedure (Manifestly unfounded lawsuit): "If, after a preliminary legal assessment, it is clear from the facts alleged in the application that the lawsuit is manifestly unfounded, the court shall call upon the applicant to withdraw the lawsuit. For this purpose, the court may hear the plaintiff."

In criminal law Article 345 of the Criminal Code (Code penal) stipulates the crime of "False accusation" whereas "Whoever falsely accuses another of a criminal offense with the intent to bring about his prosecution shall be punished by imprisonment for one to five years."

However, in line with initiative of Vice-President of the European Commission for Values and Transparency Věra Jourová SLAPPs have been brought to focus and possible measures are being considered to be introduced and new legislation and guidelines that should boost the protection of journalists and foster media pluralism.

### ***Other developments related to the journalists and media***

The following prosecutions are currently being conducted in which journalists are in the **procedural position of injured parties** in the proceedings, and the attacks against them are linked to their journalistic activities:

- 2 criminal prosecutions are being conducted in the Regional Prosecutor's Office Bratislava:
  - criminal prosecution, which is being conducted at the stage of proceedings before the court of first instance for the offense of defamation pursuant to Section 373 Subsection 1, Subsection 2 letter c) of the Criminal Code, and in which the injured party is a journalist. After submitting the indictment, the criminal prosecution was suspended pursuant to Section 215 Subsection 1 letter b) of the Code of Criminal Procedure. Proceedings are currently pending before the court of appeal on the basis of the prosecutor's complaint;
  - criminal prosecution, which is being conducted at the stage of the appeal proceedings, where the accused allegedly committed, among others, a dangerous persecution under Section 360a Subsection 1 letter a), letter c), Subsection 2 letter c) of the Criminal Code, against journalists. The defendant was convicted by a court of first instance without final effect, and the appeal proceedings are held based on his appeal.
- 2 criminal prosecutions in the territorial district of the Regional Prosecutor's Office Trnava:
  - criminal prosecution, which is being conducted at the stage of appeal proceedings, the act of which consists in a dangerous threat to an investigative journalist. The defendant has been acquitted by a court of first instance, and an appeal is currently pending based on appeal by the prosecutor;
  - criminal prosecution, which is conducted in the stage of preliminary proceedings for the crime of extortion according to Section 189 Subsection 1, Subsection 2 letter d) of the Criminal Code in the form of participation according to Section 21 Subsection 1 letter c) of the Criminal Code. The act is related to an order to set on fire a motor vehicle of an investigative journalist publishing in the local internet medium in the town of Sereď. The prosecution, which consisted of setting the motor vehicle on fire itself, was effectively terminated by a convicting sentence.

**1 criminal prosecution is currently being conducted** in the territorial district of the Regional Prosecutor's Office Košice, in which a former journalist is involved in the **procedural position of a defendant**, while the proceedings which are the subject of criminal prosecution are related to his journalistic activities. This is a criminal prosecution for the crime of defamation according to Section 373 Subsection 1, Subsection 2 letter c) of the Criminal Code. The case is currently pending before a court of first instance.

**No conviction** of a journalist has been registered for the current period.

The Prosecutor's Office in the institutional system of authorities involved in criminal proceedings, within its legal powers in preliminary proceedings, provides guarantees against prosecutions that could be conducted in violation of the law, including prosecutions against journalists. This statement was confirmed in the case of a criminal case conducted in the Regional Prosecutor's Office Bratislava, when the authorized member of the Police Force filed charges against two journalists for the offense of endangering confidential facts committed in the form of complicity under Section 20 of the Criminal Code and Section 353 Subsection 1 of the Criminal Code, where the prosecutor, when exercising prosecutor's supervision, annulled the resolution of the authorized member of the Police Force, with which he had initiated the said criminal prosecution pursuant to Section 199 Subsection 1 of the Code of Criminal Procedure, and at the same time filed a charge under Section 206 Subsection 1 of the Code of Criminal Procedure against the said journalists.

#### **IV. OTHER INSTITUTIONAL ISSUES RELATED TO CHECKS AND BALANCES**

42. Framework, policy and use of impact assessments, stakeholders'/public consultations (particularly consultation of judiciary and other relevant stakeholders on judicial reforms), and transparency and quality of the legislative process

No legislative changes.

43. Rules and use of fast-track procedures and emergency procedures (for example, the percentage of decisions adopted through emergency/urgent procedure compared to the total number of adopted decisions)

No legislative changes.

44. Regime for constitutional review of laws

No legislative changes.

45. COVID-19: provide update on significant developments with regard to emergency regimes in the context of the COVID-19 pandemic

- judicial review (including constitutional review) of emergency regimes and measures in the context of the COVID-19 pandemic

##### **1.1 Justice**

In the Slovak Republic, several anti-COVID measures have been subject to a constitutionality test. The Constitutional Court is the main body for the protection of constitutionality.

Since the beginning of the pandemic period, the Constitutional Court of the Slovak Republic has been continuously addressing issues that arise out of measures taken during an emergency or in order to mitigate the effects of a pandemic.

The subject of the constitutional survey has so far been the following questions:

- a) compliance with the declaration of a state of emergency and the re-extension of the state of emergency<sup>1</sup>;
- b) the legitimacy of the Public Health Office to restrict fundamental rights and freedoms;
- c) discrimination i) from the point of view of favouring vaccinated persons upon entering the Slovak Republic, ii) from the point of view of exclusion of the right to/ claims for damages<sup>2</sup> and lost profits due to the implementation of measures under the Public Health Protection Act;
- d) the legitimacy of regulation by secondary legislation (government decrees, their publication in the Journal of the Government of the Slovak Republic and their judicial review)<sup>3</sup>;
- e) Restriction of personal liberty by ordering isolation in the home environment and in the state quarantine<sup>4</sup>.

The initiators were (opposition) parliamentarians, the President of the Slovak Republic, the Public Defender of Rights and the Prosecutor General of the Slovak Republic. So far, it has been an abstract survey of constitutionality.

Not all submissions were accepted. However, in several cases, the approach to these issues has stabilized and the findings of the Constitutional Court of the Slovak Republic have led either to strengthening of the legal certainty (confirmation of the practice, form of legal acts) or to clarifying the conditions for restricting fundamental rights and freedoms (e.g. discrimination issues).

In general, we can say that the Slovak Constitutional Court has unequivocally ruled that "efforts to mitigate the negative effects of a pandemic, as well as efforts to actively protect public health, are legitimate goals that may justify state interference in the individual rights of individuals." However, such interventions must always be necessary and proportionate to the objective pursued.

The last issued decision of the Constitutional Court of the Slovak Republic in this regard is the finding no. PL. ÚS 4/2021 of 8 December 2021 on isolation in the home environment and quarantine measures ordered by the state.

#### Parliament

Throughout 2021, the Parliament held 30 plenary sessions lasting 96 sitting days. In the reporting period, the Parliament adopted 102 government and 63 deputies' laws, out of which 27 laws via fast-track legislative procedure intended to mitigate the public health, social and economic impacts of the COVID -19 pandemic. To sum up, 165 laws were adopted in total.

Depending on the local situation, access to the main parliamentary building including the plenary hall was restricted. Quorum was not reduced due to constitutional parameters and legal reasons. All MPs and staff were required to wear a face mask and to use hand sanitizer on premises.

Parliamentary questions, interpellations, reports and the draft state budget for 2022 were submitted and debated in the customary manner, following the above-mentioned hygiene and COVID-conscious procedures.

The Parliament has taken steps to organize the committee meetings, official visits, conferences, and other events remotely. The Parliament also adopted amendments to the rules of procedure to ensure public access to webcasts of plenary and committee public meetings as well as to their records, to

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<sup>1</sup> PL ÚS 2/2021

<sup>2</sup> PL ÚS 8/2021

<sup>3</sup> PL ÚS 8/2021: námietky navrhovateľa k nesúladu označených ustanovení zákona o ochrane verejného zdravia ústavou a ústavným zákonom o bezpečnosti štátu možno rozdeliť do nasledujúcich oblastí: (i) vylúčenie nárokov na náhradu škody, (ii) vyhlásenie vyhlášok na nariadenie opatrení vo Vestníku vlády Slovenskej republiky a ich súdny prieskum a (iii) transformácia opatrení – prechodné ustanovenie a retroaktivita.

<sup>4</sup> PL. ÚS 4/2021: ÚS SR skúmal 3 otázky, z toho 2 sa týkali testu zásahu do práva na osobnú slobodu. ÚS SR dospel k záveru, že izolácia realizácia v domácom prostredí (na rozdiel od štátom nariadenej izolácie/karantény napr. v zdravotníckom zariadení) nepredstavuje obmedzenie osobnej slobody (pozri bližšie web ÚS SR, TS 55/2021).

allow online participation of members of Parliament in committee meetings and committees' advisory bodies meetings during extraordinary situation, states of emergency and states of urgency and to provide more flexibility in voting committee verifiers in order to ensure the proper functioning of committees in extraordinary situations.

#### Government

Slovak President Zuzana Čaputová on 1 April 2021 formally appointed a new cabinet of Eduard Heger, the country's former finance minister until his promotion on Thursday. Eduard Heger introduced a new health minister. The post was taken by Vladimír Lengvarský, director of the Central Military Hospital. Most of the other government ministers has been retained.

Slovakia's Constitutional Court ruled 7 July 2021 that a nationwide referendum cannot be held on whether to call an early parliamentary election. The court dismisses citizens' initiative for referendum after over 585,000 Slovak citizens signed petitions calling for the snap parliament elections.

#### Significant mobility restrictions and public health measures

From the beginning of the 2021, the extraordinary situation declared on 11 March 2020 remained in place till 25 November 2021, when the state of emergency has been declared for 90 days. From 17 December 2021, the terms of the curfew changed. The curfew applied nationwide from 20.00 to 05.00 the following day.

Some lockdown and curfew restrictions imposed on 25 November 2021 have been loosened for vaccinated persons. FFP2/KN95/N95 masks ("respirators") have been required in indoor public spaces, all public transportation, including taxis and ride sharing services. Violation of the quarantine, mask, and testing rules in Slovakia could result in fines.

In 2021, Slovak authorities announced increased monitoring along Slovak borders and fines for travel and quarantine rule violations could be imposed. Test results or full vaccination have been required for entry to any business located inside a shopping mall. Children over the age of 12 who have been unvaccinated followed the same rules as unvaccinated adults.

In the reporting period, new age groups could also be administered the vaccine: A registration for COVID-19 vaccination from the age of 12 was open on 8 June 2021. Upon the approval of parents and the child's paediatrician, children between 5 and 11 years of age can be vaccinated for coronavirus in Slovakia beginning 9 September 2021.

#### Attempts to increase vaccination rates

The first case of the Delta variant was confirmed in Slovakia on June 23 2021. On 7 July, 2021, however, vaccination centres start to vaccinate without previous registration due to low interest in vaccination. To increase the vaccination rate in Slovakia, the Finance Ministry launched the registration for the "vaccination lottery" from August 1 until October 30.

After registration, people vaccinated against Covid-19 could win cash prizes from €1,000 to €100,000 (in a base variant) as well as to acquire a cash bonus for those who persuade the unvaccinated to get the shot. As a next attempt for positive motivation, Slovakia's Parliament approved a plan to give people 60 and older up to 300 euros if they are vaccinated against COVID-19.

On 9 December 2021 lawmakers agreed that those who have received at least one primary dose of the vaccine by 15 January 2022 will receive 200 euro in cash, and those who have received a booster by that date will get 300 euros.

First three Omicron cases have been confirmed in Slovakia, on 11 December 2021. By 31 December 2021, the country has administered at least 6,073,488 doses of COVID vaccines. Assuming every person needs 2 doses that are enough to have vaccinated about 55.7% of the country's population.

46. Independence, resources, capacity and powers of national human rights institutions (NHRIs'), of ombudsman institutions if different from NHRIs, of equality bodies if different from NHRIs and of supreme audit institutions

Ministry of Justice submitted a legislative proposal establishing the **National Preventive Mechanism (NPM)** under the Ombudsman for the purposes of ratification of OP-CAT in summer of 2021 for public consultation. Ministry received several comments, which were partially resolved through consultations. However, a key request made by the Commissioner for People with Disabilities as well as the Commissioner for Children to split the competence of NPM between these two institutions and the Ombudsman is still under review.

#### 49. Judicial review of administrative decisions:

- short description of the general regime (in particular competent court, scope, suspensive effect, interim measures and any applicable specific rules or derogations from the general regime of judicial review).

According to art. 46 par. 2 of Constitution of Slovak Republic: *„Any person who claims his or her rights to have been denied by a decision of a body of public administration may come to court to have the legality of the decision reviewed, save otherwise provided by a law. The review of decisions in matters regarding the fundamental rights and freedoms however shall not be excluded from the jurisdiction of courts. “*

The constitutional law is followed by the Act no 162/2015 Coll. - Administrative Court Procedure Code.

The general regime of judicial review of administrative decisions is regulated by the Code of Administrative Court Procedure. According to Article 2 paragraph 2 of Code of Administrative Court Procedure: *“Anyone who claims that his rights or legally protected interests have been violated or directly affected by a decision of an administrative authority, a measure of an administrative authority, omission of an administrative authority or other intervention of an administrative authority shall be entitled to claim protection before an administrative court under the conditions set out in this Act.”*

In the administrative judiciary, the administrative court provides protection for the rights or legally protected interests of a natural person and a legal person in the field of public administration and decides on other matters stipulated by this Act.

Administrative courts are:

1. district courts (simple cases electoral judiciary),
2. regional courts (primary administrative courts of first instance),
3. Supreme Administrative Court (administrative court of second instance, exceptionally acts as a court of first instance).

The Supreme Administrative Court of the Slovak Republic was established within the recent reform of the judiciary as the supreme body in matters of administrative justice. It has been exercising its powers from 1 August 2021, and currently has 21 judges. The seat of the Supreme Administrative Court is Bratislava.

In addition to reviewing the decisions of administrative courts, the Supreme Administrative Court also fulfils an irreplaceable function in a democratic society by guaranteeing the legal conduct of elections. As part of this task, it decides, among other things, in proceedings on the registration of candidate documents for elections to the National Council of the Slovak Republic and for elections to the European Parliament, in matters of constitutionality and legality of local elections, or on actions for dissolving political parties.

The Supreme Administrative Court has also the competence to decide on the disciplinary liability of judges, prosecutors, notaries and bailiffs. The Act on the Disciplinary Code of the Supreme Administrative Court of the Slovak Republic, which stipulates details of procedure of disciplinary proceedings, is effective from 1 December 2021.

The filing of an administrative action shall not have suspensory effect, unless this Act or a special regulation provides otherwise. However, the administrative court may, at the request of the plaintiff and after the defendant has heard the order, grant the administrative action suspensory effect. Proceedings before the administrative court can only be initiated on the basis of an application. The administrative court hears the cases in public. The public may be excluded from the hearing only in the cases provided for by this Act. The judgment must always be made public.

Proceedings before an administrative court are oral, if this law so provides. The evidence is taken directly and the evidence is evaluated by the administrative court at its discretion.

Judicial review of administrative decisions is carried out by an administrative judge. According to Article 19 of the Code of Administrative Court Procedure: *"Administrative courts are the Supreme Administrative Court, regional courts and, in cases laid down in law, also district courts."*

In proceedings before the administrative court, the parties have equal status. The parties are obliged to prove their claims and perform acts within the time limit set by the administrative court.

Public administration bodies are bound by decisions of administrative courts in a specific case.

Administrative courts decide in proceedings on

- a) administrative actions,
- b) administrative actions in matters of administrative punishment,
- c) administrative actions in social matters,
- d) administrative actions in matters of asylum, detention and administrative removal,
- e) actions against inaction of a public administration body,
- f) actions against other intervention of a public administration body,
- g) electoral actions,
- h) actions in matters of local self-government,
- i) political rights actions,
- j) jurisdictional actions,
- k) proposals in other matters.

The Supreme Administrative Court and regional courts decide in the senates, while in the district court the judge himself decides.

Administrative courts review decisions and measures of administrative authorities. Administrative courts do not review generally binding legal regulations (unless the Code of Administrative Court Procedure establishes otherwise) and preliminary, procedural, and disciplinary decisions and measures of administrative authorities. (Article 7, c) and e) of the Code of Administrative Court Procedure).

- **Suspensive effect:** According to Articles 184 and 185 of the Code of Administrative Court Procedure: *"Filing an administrative action has no suspensive effect unless the Code of Administrative Court Procedure or a special act stipulates otherwise. On the request of the applicant and after the administrative authority has delivered the opinion, the administrative court may order that the action should have a suspensory effect"*
  1. *if the immediate enforcement or other legal consequences of the contested decision or the measure of the administrative authority is a risk of serious injury, significant economic*



- damage or financial damage, serious damage to the environment, or other serious irreparable consequence and a suspensive effect is not in conflict in the public interest, or*
2. *if the contested decision or measure of the public authority is based on a legally binding act of the European Union, the validity of which may be seriously doubted, and the applicant would otherwise be in danger of serious and irreparable damage and the suspensory effect is not contrary to the European Union's interests"*
- **Interim Measures:** There are no interim measures in the administrative legislation. Interim measures ("urgent and precautionary measures") are stipulated only in the Code of Civil Procedure, but this section does not apply to administrative court proceedings governed by the Code of Administrative Court Procedure. The only special (interim) measure is the "temporary suspension of the general binding regulation", which can be imposed in proceedings on the compliance of a generally binding regulation of a municipality, city, city district, or self-governing region with the law, government regulation and generally binding legal regulations of ministries and other central state administration authorities. According to Article 362 paragraph 1 of the Code of Administrative Court Procedure: *"On the request of the applicant, the administrative court may order to temporarily suspend a generally binding regulation or its part, if its further application may jeopardize fundamental rights and freedoms if there is serious economic or environmental damage or another serious irreparable consequence."*

#### 50. Follow up by the public administration and state institutions to final (national/supranational) court decisions, as well as available remedies in case of non-implementation.

If the administrative court revokes a decision or a measure of the administrative authority, it will state what the unlawfulness consists of and how the administrative authority should eliminate it in the next proceedings. The administrative court imposes a reasonable period of time on the administrative authority to fulfil the given obligation, but not longer than 3 months.

If the administrative authority does not act in accordance with the decision of the administrative court, the administrative court is entitled to impose a fine on the administrative body, even repeatedly.

#### ***D. The enabling framework for civil society***

##### 51) Measures regarding the framework for civil society organisations (e.g. access to funding, legal framework incl. registration rules, measures related to dialogue between authorities and civil society, participation of civil society in policy development, measures capable of affecting the public perception of civil society organisations, etc.)

The Office Plenipotentiary of the Government of the SR for Civil Society Development will in 2022-2023 continue in the project titled „Podpora partnerstva a dialógu v oblasti participatívnej tvorby verejných politík“, (Support of Partnership and Dialogue in the Area of Participative Creation of Public Policies), and its project intention was approved in September 2021, currently, we are waiting for a call for action to be issued and subsequent approval of the project.

The main goals of the project are:

- Building capacities of the public administration, support of participative creation of public policies and development of public services in partnerships and mutual dialogue among the Public Administration, NGOs, and the public and citizens by the form of pilot schemes of

participative creation of public policies (state administration, regional territorial authority, and local territorial authority) aimed at implementation of innovative measures to support participation into the practice of Public Administration

- Improvement of pro-participative attitudes, skills and knowledge regarding employees of the Public administration via educating and training activities
- Improvement of the conditions for creation of public policies on the participative principle in form of continuation of analytical activity and continuous research activities
- Monitoring and evaluation of practically implemented measures, creation of new legislative proposals to support participation and enforcement of the proposed measures from the abovementioned project: Support of Partnership and Dialogue in the Area of Participative Creation of Public Policies

### *53. Measures to foster a rule of law culture (e.g. debates in national parliaments on the rule of law, public information campaigns on rule of law issues, etc.)*

The issue of the rule of law has recently become one of the most important European topics of public debate in the Slovak Republic with the primary goal of supporting the creation of a more stable culture of the rule of law enshrined in Article 2 of the Treaty on European Union.

The National Council of the Slovak Republic, according to § 58a of the Act of the National Council of the Slovak Republic no. 350/1996 Coll. on the Rules of Procedure of the National Council of the Slovak Republic, as amended, has entrusted the Committee of the National Council of the Slovak Republic for European Affairs with the performance of its powers in matters of the European Union.

On 2 February 2021, the 31st meeting of the Committee of the National Council of the Slovak Republic for European Affairs took place, at which (via videoconference) the Vice-President of the European Commission for Values and Transparency Věra Jourová presented „Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on the Rule of Law Report 2020 - The rule of law situation in the European Union,“ COM (2020) 580 and the working document „Chapter on the rule of law in Slovakia,“ SWD (2020) 324 of 30 September 2020.

On 22 September 2021, a discussion on the rule of law took place at the National Council of the Slovak Republic between the delegation of the National Council of the Slovak Republic and Members of the European Parliament from the Committee on Civil Liberties, Justice and Home Affairs (LIBE), Members of the Rule of Law and Fundamental Rights Monitoring Group (DRFMG) (within the Ad-hoc delegation to Slovakia and Bulgaria), which has a mandate to monitor violations of democracy, the rule of law and fundamental rights, while monitoring the fight against corruption within the EU. The discussion focused on the rule of law, the reform of the judiciary, the fight against corruption, measures to protect journalists and whistleblowers and the state of media freedom.

In 2021, rule of law was the topic of the meetings of European Affairs Committee of the National Council of the Slovak Republic in the context of giving approvals to the positions of the Slovak Republic at the meetings of the European Council and at the meetings of the General Affairs Council.

In addition, there have been discussions about rule of law at the National Council of the Slovak Republic during various bilateral negotiations between members of the National Council of the Slovak Republic, and foreign delegations.