1 July 2024

Positive preliminary assessment of the satisfactory fulfilment of milestones and targets related to the fourth payment request submitted by Slovakia on 15 December 2023, transmitted to the Economic and Financial Committee by the European Commission

Executive summary

In accordance with Article 24(2) of Regulation (EU) 2021/241, on 15 December 2023, Slovakia submitted a request for payment for the fourth instalment of the non-repayable support. The payment request was accompanied by the required management declaration and summary of audits. To support its payment request, Slovakia provided due justification of the satisfactory fulfilment of the 15 milestones in the fourth instalment of the non-repayable support, as set out in Section 2(1.3) of the Council Implementing Decision of 14 July 2023 on the approval of the assessment of the recovery and resilience plan for Slovakia[1].

In its payment request, Slovakia has confirmed that measures related to previously satisfactorily fulfilled milestones and targets have not been reversed. On 15 April 2024, the Commission took note in a letter addressed to Slovakia that contrary to the requirement of the milestone 18.2 under the first payment request that "binding multi-annual ceiling shall be introduced", the adopted government budget for 2024-2027 did not contain multiannual expenditure ceilings. The Commission considered that the absence of the expenditure ceilings in the general government budget was an act imputable to Slovakia and it was contrary to requirements of milestone 18.2. Against this backdrop, and in accordance with the Commission's methodology for reversal of milestones and targets under the Recovery and Resilience Facility, the Commission informed the Member State in the letter of 15 April 2024 that it considered that milestone 18.2 had been reversed by Slovakia and was no longer considered as satisfactory fulfilled. In its reply from 15 May 2024, the Deputy Prime Minister of Slovakia informed the Commission about Slovakia´s actions taken to address the milestone reversal. This included the revision of the Act no. 523/2004 Coll. on the Budgetary Rules of Public Administration to introduce : (i) a binding limit for the year 2024; (ii) provisions assuring the binding nature of the expenditure ceilings as of the 2025-2027 cycle (which is to be calculated in line with the net expenditure path in the national medium-term fiscal-structural plan); (iii) guarantees that the limits are multiannual, as they apply to all years for which the public administration budget is approved.

These actions have been assessed by the Commission as sufficient to address the reversal of milestone 18.2, so that it can now be considered as satisfactory fulfilled and as such, the Commission does not have evidence that any reversals have occurred. Furthermore, the Commission is monitoring the continued implementation of other previously assessed milestones and targets, including milestone 15.5 entitled "Package of laws to fight corruption and strengthen integrity and independence of the justice system". In that respect, it is noted that legislative amendments to the Slovak Criminal Code and other related laws of 8 February 2024 are subject to constitutional review by the Constitutional Court of the Slovak Republic which also suspended the effectiveness of some of these provisions.

Upon receipt of the payment request, the Commission has assessed on a preliminary basis the satisfactory fulfilment of the relevant milestones. Based on the information provided by Slovakia, the Commission has made a positive preliminary assessment of the satisfactory fulfilment of all 15 milestones.

The milestones positively assessed as part of this payment request demonstrate significant steps in the implementation of Slovakia's Recovery and Resilience Plan. They notably highlight the continuation of the reform momentum in key policy areas, such as competitiveness, transport, health and social care, education, judiciary and the pension system. For example, measures under this payment request introduce a pension system and public transport reforms, reduce the regulatory burden for businesses and streamline public procurement processes, improve the financing of long-term and social care, optimize the emergency healthcare network, introduce a new judicial map and specialization requirements for judges, as well as a curricular and textbook reform, togethering with measures preventing early school dropouts.

By the transmission of this positive preliminary assessment and in accordance with Article 24(4) of Regulation (EU) 2021/241, the Commission asks for the opinion of the Economic and Financial Committee on the satisfactory fulfilment of the relevant milestones and targets.

[1] ST 11205/23 INIT, ST 11205/23 ADD 1, ST 11205/23 ADD 1 COR 1

Contents

Number: C3.M3	**Related Measure:** SK-C[C3]-R[R1]: Preparation of transport investment projects
Name of the Milestone: The amendment to the Railways Act and related legislation on transport infrastructure parameters	
Qualitative Indicator: Entry into force of an amendment to the Railway Act by the National Council of the SR and adoption of an amendment to the Decree No. 350/2010 Coll. on the construction and technical order of railway lines by the Ministry of Transport and Construction and entry into force of the legislation	**Time:** Q1 2023

Context:

The measure aims to improve the management of transport investment and increase their economic benefits through improved investment planning, new transport methodologies to identify projects, and revision of relevant railway legislation.

Milestone C3.M3 concerns legislative changes which are expected to simplify and streamline the legislative and technical requirements for transport infrastructure parameters, in line with best practices in other EU countries and European legislation. Milestone C3.M3 requires creating conditions for speeding up the pace of preparation of railway infrastructure upgrades, reducing the cost per kilometer of an upgraded line and enabling faster and safer railways to be built earlier.

Milestone C3.M3 is the final milestone of this reform and was preceded by milestones C3.M1 and C3.M2 (both assessed as satisfactory fulfilled under the first payment request). Milestone C3.M1 required Slovakia to prepare and publish an investment plan for railway infrastructure projects containing the methodology, priorities and timetable for the construction of the infrastructure. Milestone C3.M2 required Slovakia to publish a methodology for selecting, preparing, and implementing projects for cycling based on the highest value for money possible and contribute to the objective of passenger modal shift from individual road transport to cycling.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all constitutive elements as listed in the description of the milestone and of the corresponding measure in the Council Implementing Decision annex) was satisfactorily fulfilled.
i. **Copy of Act No. 402/2021 Coll. adopted on** 20 October 2021 amending Act No. 513/2009 Coll. on railways and amending certain acts, as amended, and **amending Act No. 145/1995 Coll.** on administrative charges, published in the Official Journal on 12 November 2021, entered into force on 1 December 2021 (linked at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/402/20211201).
i. **Copy of Act No. 205/2023 Coll.** adopted on 9 May 2023 amending certain acts in connection with the reform of the building legislation, published in the Official Journal on 9 June 2023, entered into force on 1 September 2023 (linked at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/205/20231001).

i. **Copy of Decree of the Ministry of Transport of the Slovak Republic No. 157/2023** of the Ministry of Transport of the Slovak Republic adopted on 17 April 2023 **amending Decree No. 350/2010 Coll**. Of the Ministry of Transport, Posts and Telecommunications of the Slovak Republic on the construction and technical regulations of railways, published in the Official Journal on 5 May 2023, entered into force on 1 July 2023 (linked at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/157/20230701).

v. Comparative document with table of parameters relating to Railway Act No. 53/2010 before the reform with construction – technical requirements in Slovakia with those in other EU countries and Commission Regulation (EU) 1299/2014, prepared by the Ministry of Transport.

vi. Comparative document with table of parameters relating to Decree No. 350/2010 before the reform with construction – technical requirements in Slovakia with those in other EU countries and Commission Regulation (EU) 1299/2014, prepared by the Ministry of Transport.

vii. Analysis of cost comparison between the status quo before the amendments and after amendments, prepared by the Ministry of Transport.

The authorities also provided:

viii. Text of Law 513/2009 and Decree No. 350/2010 before and after the reform – with a distinction between the amendments (Annex), prepared by the Ministry of Transport.

ix. Overview of the most important requirements for the construction – technical parameters of railway infrastructure constructions in Slovakia – before and after the reform, prepared by the Ministry of Transport.

Analysis:

The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force of an amendment to the Railway Act by the National Council of the SR and adoption of an amendment to the Decree No. 350/2010 Coll. on the construction and technical order of railway lines by the Ministry of Transport and Construction and entry into force of the legislation

Act No. 402/2021 Coll. amending Act No. 513/2009 Coll. on railways, has been adopted by the Slovak National Council on 20 October 2021. As per Article 3 of Act No. 402/2021 Coll., the Act entered into force on 1 December 2021.

Furthermore, National Council of Slovakia also adopted Act No. 205/2023 Coll on 9 May 2023, which amends Article 14 of Act No. 513/2009 Coll. The amendment, according to Article 60 of Act No. 205/2023 Coll, entered into force on 1 September 2023. This amendment provides further clarification to Article 14 of Act No. 513/2009, supporting the revision of technical requirements for transport infrastructure under Amendment 1 (see sections below).

Decree No. 157/2023, which amended Decree No. 350/2010 on the construction and technical regulations of railways, was adopted by Ministry of Transport, Posts and Telecommunications on 17 April 2023, and as per Article 2 Decree No. 157/2023, it entered into force on 1 July 2023.

Furthermore, in line with the description of the measure**, this [reform] shall be achieved through the following measures: The amendments, by 31 March 2023 to the Railways Act and related legislation.**

The amendments to the Railways Act and related legislation simplify and streamline the legislative and technical requirements for transport infrastructure parameters as explained below.

The Council Implementing Decision required that the amendments to the Railways Act and related legislation shall be amended by 31 March 2023. Although the amendments to Railway Act via Act No. 402/2021 Coll. entered into force on 1 December 2021, the amendments to Decree No. 350/2010 via Decree No. 157/2023 were adopted on 17 April 2023 and entered into force on 1 July 2023. Furthermore, the subsequent amendment to Railway Act via Act No. 205/2023 was adopted on 9 May 2023 and entered into force on 1 September 2023, respectively. While this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the delay in the entry into force and the adoption of the amendments did not change the nature of the measure or affect its progress towards simplifying and streamlining rail legislation in Slovakia, as rail project renovation and upgrades are very long-term projects that take years to implement. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The legislative amendments shall simplify and streamline the legislative and technical requirements for transport infrastructure parameters

In line with the Council Implementing Decision requirements, the amendments adopted to Act No. 513/2009 Coll. and Decree No. 350/2010 provide for the following changes that simplify and streamline the legislative and technical requirements for transport infrastructure parameters:

- Amendment 1: Technical conditions for maintaining the level crossing of the railway line and the road and the establishment of non-level crossings (Article 14 of Act No. 513/2009, as amended by Article 1 of Act 402/2021 and Article 48 (15) of Act No. 205/2023):
    - The amendment narrowed the requirement to abolish level crossings or to convert them to off-level lines for rail vehicle speeds of more than 120 km/h and on all lines that are not part of the trans-European transport network. The possibility of allowing a derogation and maintaining a level crossing was slightly extended from originally only ancillary lines to a part of the main line with speeds up to 120 km/h. In cases of establishment of a new level crossing or during upgrading of railway lines for line speeds between 121 km/h and 160 km/h, the need to choose a level or an off-level crossing of the railway line and the road will be assessed in terms of traffic intensity (rail and road) and other relevant factors when granting a road administrative exemption or approval from the Ministry. In the case of new level crossings or upgrades of railway lines for line speeds of161 km/h and above, such level crossings would be off-level.
    - The simplification and streamlining of the rules results from relaxing some requirements for replacing or removing the level crossings for non-level crossing depending on the railway line speed and other technical factors.
- Amendment 2: Technical requirements for load bearing capacity of the sub-ballast (Article 3(3)(c) of Decree No. 350/2009, as amended by Article 1(9) of Decree 157/2023):

    - The amendment clarifies the definition of a specific technical safety test, which before this amendment was not always conducted.
    - This streamlines and simplifies the rules, as previously the rail infrastructure manager had not always applied this test due to previously unclear rules, and its mandatory application which will now reduce number of substructure failures. The test includes the examination of the load carrying capacity of the substructure and track foundation in order to serve on a permanent basis.
- Amendment 3: Technical requirements for the permissible gradient of track (Article 7(7) of Decree No. 350/2009, as amended by Article 1(14) of Decree No. 157/2023):
    - The amendment simplifies and streamlines the permissible longitudinal inclination of the points of change of gradients of tracks up to 2,5 ‰ if in railway stations, passing loops and railway sidings. The relaxation of this technical requirement will make it possible to reduce costs in particular in cases where tracks are extended from 600 or 750 metres that were sufficient in the past to more than 1000 metres currently required on lines of international importance – for the purpose of bypassing longer container trains.
- Amendment 4: Technical requirements for access to modernised and renewed platforms (Article 9(7) of Decree No. 350/2009, as amended by Article 1(17) of Decree No. 157/2023):
    - The amendment simplifies requirements of allowing the access to platforms without requiring underpasses to platforms to be constructed (or upgrading the level approach instead of building a floor). Instead, level approaches would be used while not reducing the required technical operational level of railway construction.
- Amendment 5: Road structures on level crossings (Article 11(1) of Decree No. 350/2009, as amended by Article 1(24) of Decree No. 157/2023):
    - The amendment simplifies and streamlines the conditions for the maintenance or repair of level crossings, as structures made of asphalt concrete or cast asphalt have sufficient rigidity and do not need to be replaced within 5 years as was previously expected by Slovak legislation. In technical terms, prior to the amendment of the Decree, the level design asphalt/concrete with a protective check rail was not considered to be demountable by the infrastructure manager. This has meant that they would have had to be replaced with another technical solution, which had led to high investment costs for upgrading/renewal of level crossings.
- Amendment 6: Technical requirements on the distance between track centres (Article 5(4) and Annex 3(2) of Decree No. 350/2009, as amended by Article 1 (71) of Decree No. 157/2023)):
    - The purpose of the amendment is streamline and simplify the requirements by establishing the basic conditions for constant centre distances of railways depending on the gauges of the rolling stock with interfaces with other railway track constructions. The nominal horizontal distance between track centres determines the design for the required tracks and takes into account the ranges due to aerodynamic effects. Removal of the necessity to rebuild tracks for larger distances in railway stations and passing loops is expected to save costs that can be invested to more measures with higher benefits for rail speed and safety.
- Amendment 7: Technical requirements of the radius of curve on newly constructed or upgraded railway lines and associated main station tracks (Article 7(2) and Annex 5 to

Decree No. 350/2009, as amended by Article 1 (7) and Article 1 (73)) of Decree No. 157/2023):

- The amendment streamlines and simplifies the rules by making it possible to optimise (reduce) the scale of realignment of track radii needed for future track modernisation projects. These simplifications reflect other EU Member States standards and are designed in such a way as to respect the relevant specified line speeds.

- Amendment 8: Technical requirements on the horizontal width of the rail sub-ballast plan (Article 8(4) and Annex 6(1)(a) of Decree No. 350/2009 as amended by Article 1(74) of Decree No. 157/2023):
  - The amendment simplifies and streamlines the rules by permitting the use of "Y"-shaped sleepers design on Slovak rail. According to the revised rules, the minimum width of the rail sub-ballast on new single-track lines in straight sections shall be at least 5 200 mm on a track width line (not on TEN-T network) with a defined line speed of not more than 100 km/h, thus allowing to simplify requirements for construction and upgrading.
- Amendment 9: Technical requirements on edge lengths of newly built and reconstructed platforms (Article 9(9) and Annex 7 to Decree No. 350/2009, as amended by Article 1(19) of Decree No. 157/2023):
  - The amendment simplifies and streamlines the rules for designing upgrades to rail platforms by allowing infrastructure managers to account for the requirements of the existing service, as well as the requirements of the service reasonably foreseen within a period of at least ten years after the platform has been put into service. Before the amendment, the length of platforms on lines with long-distance express trains required in the Slovak Republic was to be 400 meters. The modification allows for the variability of the length of the platform in accordance with the conditions specified in EU INF TSI (Regulation (EU) 1299/2014, points 4.2.1 and 4.2.9.), and the necessary parameters shall be established by the designer of the project of line and the specified line speed according to the provisions of Regulation (EU) 1299/2014.

The legislative amendments shall [simplify and streamline the legislative and technical requirements for transport infrastructure parameters] (i) in line with good practice in other EU countries and European legislation, (ii) reduce the cost per kilometer of modernised line, (iii) which shall create conditions to accelerate the pace of preparation of railway infrastructure upgrades, and enable faster and safer railways to be built earlier.

<u>i. Amendments are in line with good practice in other EU countries and European legislation.</u>

The Ministry of Transport provided two comparative documents of the initial state of play before the revision in Decree No. 350/2009 and Act No. 513/2009. The two overview documents provide comparisons between the technical conditions in the Czech, German, and Austrian legal regimes, and the Slovak legal regime before the amendments to the Decree and the Railway Act. Moreover, the documents also provide comparisons of applicable provisions of EU legislation (e.g., Commission Regulation (EU) 1300/2014, Commission Regulation (EU) 1169/2010, Commission Regulation (EU) 402/2013, as well as the good practices and rules developed by the Organisation for Cooperation of Railways.

While the two overview comparative documents do not describe the situation after the reform, the post-reform alignment of the amendments with good practice in other EU countries and European legislation, is evidenced by references to the amendments of the revised Decree 350/2009 and Act 513/2009, as follows:

- Amendment 1: Technical conditions for maintaining the level crossing of the railway line and the road and the establishment of non-level crossings (Article 14 of Act No. 513/2009, as amended by Article 1 of Act 402/2021 and Article 48(15) of Act No. 205/2023:
    - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating to Act No. 513/2009, at row No 2): The off-level crossing of the railway line with the ground communication is required at train speeds above 160 km/h, but leaving a level crossing is possible at lower speeds only if strict requirements are met which guarantee the safety of passage through both rolling stock and road vehicles in compliance with the conditions laid down in Commission Regulation (EU) 1169/2010.
    - Result of the reform: The amendment narrowed the requirement to abolish level crossings or to convert them to off-level lines for rail vehicle speeds of more than 120 km/h and all (even slower) lines that are part of the trans-European transport network, in line with good practice in other Member States and conditions under EU legislation.
- Amendment 2: Technical requirements for load bearing capacity of the sub-ballast (Article 3(3)(c) of Decree No. 350/2009, as amended by Article 1(9) of the Decree 157/2023):
    - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating to Decree No. 350/2010, row No 10): Technical and safety tests in other EU Member States include tests of load carrying capacity of the substructure and track foundation, but this was not the case in Slovakia before the amendment. Commission Regulation (EU) 1169/2010 is not applicable in this case.
- Amendment 3: Technical requirements for the permissible gradient of track (Article 7(7) of Decree No. 350/2009, as amended by Article 1 (14) of Decree No. 157/2023):
    - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating to Decree No. 350/2010, rows 7-8): the assessment of the Member States showed a range of permissible inclinations, including higher permissible inclinations than previously accepted by Slovakia's Decree No. 350/2010. Commission Regulation (EU) 1169/2010 is not applicable to this case. The permissible gradient inclinations are in line with good practices in other EU Member States.
- Amendment 4: Technical requirements for access to modernised and renewed platforms (Article 9(7) of Decree No. 350/2009, as amended by Article 1 (17) of Decree No. 157/2023):
    - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating to Decree No. 350/2010, row 14). The assessment showed that other Member States make it possible to establish a level approach to modernised and renewed platforms, in accordance with Commission Regulation (EU) 1300/2014. However, in Slovakia there was a strict requirement to ensure a non-level approach to both upgrading and refurbishment (reconstruction) of lines.
    - Result of the reform: The requirement was relaxed in line with the good practices in other Member States and allowing the access to platforms by not requiring

underpass to platforms (or upgrading the level approach instead of building a floor) while not reducing the required technical operational level of railway construction.

- Amendment 5: Road structures on level crossings (Article 11(1) of Decree No. 350/2009, as amended by Article 1 (24) of Decree No. 157/2023):
  - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating Decree No. 350/2010 and the summary document): explains that the amendment was based on and applied mainly the experience in Czechia, where the provisions of the national technical regulation (ČSN 73 6380 Art. 5.4.5.4.1, footnote 10) indicate that a structure with the surface of asphalt concrete or poured asphalt may also be regarded as a breakable level structure. The amendment to the Decree, following the Czech example, allows the infrastructure manager to choose the type of level structure, either modular or fixed. Both are disassembled, only the dismantling technology is different.
- Amendment 6: Technical requirements on the distance between track centers (Article 5(4) and Annex 3(2) of Decree No. 350/2009, as amended by Article 1(71) of Decree No. 157/2023):
  - Assessment of other Member States and EU legislation (as evidenced by the Comparative document with table of parameters concerning Decree No. 350/2010, rows 3-4): Assessment of the distance between tracks in Member States and Commission Regulation (EU) 1300/2014, showed that that the distance between track centres of 4 200 mm is only required from a speed of 250 km/h in the comparator countries. Until this amendment, this was however the standard distance in Slovakia despite the tracks not allowing to reach that speed. The amendment, in line with the ranges mainly in Germany and Czechia, sets out new distances between track centres.
- Amendment 7: Technical requirements of the radius of curve on newly constructed or upgraded railway lines and associated main station tracks (Article 7(2) and Annex 5 to Decree No. 350/2009, as amended by Article 1 (7) and Article 1 (73) of Decree No. 157/2023):
  - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating Decree No. 350/2010, rows 6): Assessment showed that the originally required radii of curves were too high in Slovakia. The requirements are now aligned with those of other Member States and Commission Regulation (EU) 1300/2014.
- Amendment 8: Technical requirements on the horizontal width of the rail sub-ballast plan (Article 8(4) and Annex 6(1)(a) of Decree No. 350/2009 as amended by Article 1 (74) of Decree No. 157/2023):
  - Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating Decree No. 350/2010, row 11): Member States, such as Czechia and Germany allow for the use Y'-shaped sleepers for the design of rail superstructure, depending on the defined line speed. This allows to reduce the specified minimum width of the railway underground plan from standard 6 200 mm to 5 200 mm, thereby reducing both investment costs and requirements for the construction, upgrading and renewal of the railway track.
- Amendment 9: Technical requirements on edge lengths of newly built and reconstructed platforms (Article 9(9) and Annex 7 to Decree No. 350/2009, as amended by Article 1(19) of Decree No. 157/2023):

- Assessment of other Member States and EU legislation (as evidenced by Comparative document with table of parameters relating Decree No. 350/2010, row 16): The assessment showed that only in Slovakia platforms with the length up to 400 meters were required when modernising or building new tracks in stations where fast trains stop. This is not the case for other Member States, whereas Commission Regulation (EU) 1299/2014 only requires 400-meter platforms for rail lines supporting 250 km/h+, which are neither available nor planned in Slovakia. The amendment aligns with Commission Regulation (EU) 1299/2014 Article 4.2.9.

ii. Amendments to help reduce the cost per kilometre of modernized rail

In order to substantiate that the amendments listed above are going to result in cost savings, the Ministry of Transport provided as evidence an excel document listing the amended technical parameters, accompanied by an analysis of the cost reductions. The analysis of cost reductions was substantiated by primary evidence from previous and new rail infrastructure projects, attached directly to the excel document, showing that all amendments are expected to result in cost reductions.

The reductions were quantified by cost reduction per kilometre of modernised rail. The cost savings based on the amended technical parameters range between a reduction of EUR 10 285 per kilometre (e.g., in the amendment to parameters of radius of curve on newly constructed or upgraded railway lines) to a reduction of cost of EUR 1 477 874 due the amendment easing the conditions for level crossings.

iii. Amendments to create conditions to accelerate the pace of preparation of railway infrastructure upgrades , enabling faster and safer railways to be built earlier

As evidenced by the revised Decree No. 350/2009 and the revised Act No. 513/2009, the amendments are designed to accelerate the modernisation and renewal of the Slovak railway infrastructure. In particular, the acceleration of the preparation and implementation of the renewal of the lines will result from the legislative changes, which will make it possible, in justified cases when modernising and renewing the railway infrastructure, to not to carry out new structures and relays that are more time-consuming for the design, purchase of land, authorisation and implementation, and result in cost overruns.

This is evidenced by the specific amendments giving infrastructure managers a new option of not implementing minor road overpasses and over/under-railway runs (Amendment 1), under-passes to platforms at low-frequency stations (Amendment 4), increase in the distance between track centres (Amendment 6), as well as modifications to the curve radius and track widths (Amendments 7 and 8).

As evidenced by all amendments of the Decree and the Railway Law (both individually and taken together), the reform also benefits projects that are not yet in implementation or in the final phase of preparation to design and prepare, namely by allowing the projects to implement a less costly solution. This in turn allows the rail infrastructure manager to opt for more cost-effective and earlier construction, modernisation and renewal of railway infrastructure, thus allowing more projects to be commenced and speeding up the pace of preparation of railway infrastructure

upgrades. Importantly, these amendments also help accelerate renewals and deployment of faster rail infrastructure, which is one of the key goals of Investment 1 of Component 3 of the Slovak RRP.

Compared to previous CID requirements, the CID requirement of enabling faster and safer railways to be built should not be read on individual level, but rather on a systemic level, considering the situation with rail infrastructure in Slovakia. The argument for systemic interpretation stems from the state of play in the Decree and the Railway Law prior to the amendments, which had prior excessive requirements not aligned with EU and other Member States, making track and network upgrades and renewals vastly more expensive, as well as the overarching goal of the RRF reform as such, which was aimed at simplifying and streamlining of the conditions to accelerate preparation of railway upgrades, thus making Slovak railways safer and faster.

Importantly, as evidenced in the sections above and the evidence shared by Slovakia (Comparative documents of the Decree and the Railway Law with other Member States, cost savings assessment), the continued implementation of the prior excessive rules would have been more costly, which was delaying costly infrastructure projects renewals. As stated in supplementary evidence shared by Slovakia, this has led to delays and very long lasting "temporary" speed reductions as a result of safety issues. In terms of enabling safer and faster railways in Slovakia, the amendments on a systemic level will allow the railway infrastructure manager to address and resolve issues on more of the lines that are in poor technical condition on rail lines and level crossings, which have had to be used at reduced train speeds or can only be used for a long time with significantly reduced train speeds or other constraints.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C3.M4	**Related Measure:** SK-C[C3]-R[2]: Public passenger transport reform
Name of the Milestone: New law on public passenger transport	
Qualitative Indicator: Entry into force of the Act on Public Passenger Transport by the National Council of the Slovak Republic and entry into force of legislation to effectively coordinate, integrate and manage public transport	**Time:** Q1 2023

Context:

The objective of the reform is to improve the provision of passenger transport through a new transport service plan followed by optimisation of rail passenger transport. The frequency of rail transport on the lines with the highest potential for transferring traffic from cars to trains would be increased, allowing for better coordination between regional public bus and train services.

Milestone C3.M4 concerns the entry into force of new legislation to standardise public passenger transport standards and to streamline the public service order, which is currently fragmented and insufficiently coordinated between the State, counties, cities and municipalities.

Milestone C3.M4 is the first milestone of this reform, and it will be followed by milestone C3.M5 on the implementation of the optimised rail transport timetable and target C3.T6 on the number of counties in which transport tariff integration is in place.

The reform has a final expected date for implementation by 30 June 2026.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements as listed in the description of the milestone and of the corresponding measure in the Council Implementing Decision annex) was satisfactorily fulfilled.
ii. **Copy of Act No. 332/2023 Coll.** on Public Passenger Transport and amending certain acts, published in the Official Journal on 18 August 2023 and with entry into force on 1 January 2024 in line with its Article 9.

The authorities also provided:

iii. A link to Act No. 514/2009 Coll. On Transport and Railways
iv. A link to Act No. 343/2015 Coll. On Public Procurement, including the transposition of European Parliament and Council Directives 2014/24 and 2014/25
v. A link to the conceptual document: "Schedule of the liberalization of transport services in the public interest on railways and special railways"; www.mindop.sk/ministerstvo-

1/doprava-3/zeleznicna-doprava/liberizacia-osobnej-zeleznicnej-dopravy/harmonogram-liberizacie-dopranych-sluzieb

Analysis:

The justification and substantiating evidence provided by the Slovak authorities cover all the constitutive elements of the milestone.

Entry into force of the Act on Public Passenger Transport by the National Council of the Slovak Republic.

The Act on Public Passenger Transport entered into force on 1 January 2024, as stated in Article 9 of the Act. The Act was adopted on 21 June 2023 by the National Council of the Slovak Republic and promulgated in the Collection of Acts on 18 August 2023.

Furthermore, in line with the description of the measure, **by 31 March 2023 a new law shall create public passenger transport standards and streamline the public service order.**

The Council Implementing Decision required that by 31 March 2023 a new law shall create public passenger transport standards. The Public Passenger Transport Act, which creates public passenger transport standards, was adopted on 21 June 2023 and entered into force on 1 January 2024, except for Article 1(26) on the national integrated ticket that will enter into force on 1 January 2025 in line with its Article 9. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision, the delay between the adoption of this law and the actual application of the provisions is considered both limited and proportional, notably due to the complexity of the legislation. The act has entered into force by 1 January 2024, the delay justified by the complexity of the preparation of the legislation, which included lengthy inter-ministerial consultations in parallel with consultations with external stakeholders. Regarding the delayed entry into force of Article 1(26), the provision will enter into force on 1 January 2025, in line with the preparation of the National Transport Service Plan which includes tariff integration. Moreover, all other provisions of the Act on Public Passenger Transport creating public passenger transport standards and streamlining the public service order have already begun taking effect due to its entry into force on 1 January 2024 in line with Article 9. Under Article 1(22) of the Act, the National Transport Service Plan is being prepared. Under Article 1(22)(1), the National Transport Service Plan is also concerned with tariff integration, laying the groundwork for the entry into force of Article 26 by 1 January 2025. Additionally, the National Transport Authority (established under Article 1(33)) draws up the proposal for the integrated tariff (Article 1(32)(b)(6)). As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

[…] Entry into force of legislation to effectively coordinate, integrate and manage public transport services.

The Act on Public Passenger Transport, which entered into force on 1 January 2024, as stated in Article 9 of the Act, creates the conditions for improving the coordination and continuity of the different modes of transport operated in the public interest through the coordinating body, the National Transport Authority (NADA). As per Article 1(33), the National Transport Authority's task is to process, inter alia, the design of public passenger transport services, which include measures to achieve transport integration, tariff integration, the integration of tickets, the design of connecting points and the determination of the transport mode for a given territory, the way in which parallel traffic is dealt with and measures to ensure the coordination and continuity of different modes of transport. In coordination with the National Transport Authority, contracting authorities (the Ministry of Transport, municipalities, or regions) may trust the organisers to operationally manage the organisation and coordination of regular services (Article 1(24)(4)).

Furthermore, the Act on Public Passenger Transport integrates the use of different modes of transport, which together form the system of regular services, from an operational point of view, by laying down common rights and obligations for both passengers and carriers in regular services. The Act strengthens the competences of contracting authorities (Article 1(21)) and introduces the obligation for carriers to publish traffic-related data (Article 1(25)(2)). Lastly, the obligation for carriers to use electronic payment and passenger equipment systems that ensure their interconnectivity is defined (Article 1(25)(1)).

The law shall standardise public passenger transport standards and streamline the public service order, which is currently fragmented and insufficiently coordinated between the State, counties, cities and municipalities.

The Act on Public Passenger Transport standardises public passenger transport standards and streamlines the previously fragmented system. Furthermore, the Act also meets the requirement to streamline public service order, as it includes provisions for the drafting of a National Transport Service Plan (Article 1(22)) and a Transport Service Plan (Article 1(23)).

As stated in Article 1(1) on the subject matter of the Act, it concerns:

- the conditions for the operation of public passenger transport;
- the rights and obligations of carriers and passengers;
- the provision of services of the territory by public transport services on regular services;
- the competence of public authorities and liability for breaches of the obligations laid down in the Act.

The Act on Public Passenger Transport formally defines the organiser of the integrated transport system (Article 1(2)(d)) and its status vis-à-vis other entities (Article 1(24)(4)).

The Act harmonises and standardises the provisions for the operation of public passenger transport and harmonises the definition of regular services (Articles 1(3) and 1(5)) and other modes of transport: special regular services in Article 1(17) and occasional services in Article 1(18), respectively. Thanks to the Act, the operation of all these modes of transport is harmonised across urban, regional, rail and shipping and subject to the same requirements. Public passenger transport is defined in Article 1(3) and includes bus transport, rail transport, urban trolleybus and urban tramway transport, transport on special railways, cableway traffic and shipping. Under Article 1(5), regular services are defined as "the periodic provision of transport services on a specified route of the journey in which passengers are picked up and set down at predetermined stopping points and which the carrier carries in accordance with pre-announced conditions of carriage, a published timetable and fare" (Article 1(5)(1)). Regular services can operate as urban, regional and long-distance services and also include services on special railways and traffic on cableways, regardless of their seasonality (Article 1(5)).

Article 4 harmonises the conditions for the preparation of the code of carriage. The position of the contracting authority vis-à-vis the carrier providing public transport services is strengthened by requiring the code of carriage to comply with the legal conditions applicable throughout Slovakia, which contributes to the effort towards integrated transport and technical interoperability.

A specific section of the Public Passenger Transport Act is dedicated to tickets and fares (Articles 1(13) and 1(14)), which provides the basis for tariff integration throughout Slovakia and foresees the creation of a single ticket.

The National Transport Service Plan of the Slovak Republic (defined under Article 1(22)) is an implementation document for whole-Slovak transport integration, tariff integration, the integration of tickets and the integration of carriers, the design of the transfer points and the determination of the transport mode according to the size of the traffic flow. The National Transport Service Plan also includes a way to deal with parallel transport and measures to ensure the coordination and continuity of the different modes of transport. The aim is to ensure the efficiency of the public transport resources spent, so that, for example, two contracting entities (e.g. two neighbouring regions (higher territorial units)) do not compete with each other but, on the contrary, establish a complementary system of network lines. The National Transport Service Plan is drafted, and its implementation supervised, by the National Transport Authority, which has the possibility to decide on the imposition of fines or penalties for non-compliance (Article 1(33)).

The Transport Service Plan (Article 1(23)) is drawn up by the contracting authority, cooperating with other contracting authorities to align capacity and operating possibilities for regular services. The contracting authority must draw up a transport service plan in such a way as to address the efficiency and cost-effectiveness of the provision of transport services (Article 1(23)).

Furthermore, in line with the description of the measure, **the legislation shall define a national authority to coordinate, in cooperation with regional integrators, the creation of a national integrated transport system with a unified fare, as well as to coordinate the preparation and implementation of public procurement procedures for public passenger rail services and vehicles purchased with the support of EU funds for the operation of these routes in previous periods.**

1. The legislation defines a national authority to coordinate, in cooperation with regional integrators, the creation of a national integrated transport system with a unified fare.

As outlined in Article 1(33) of the Act on Public Passenger Transport, the National Transport Authority (NADA), is established as a national coordinator to ensure the coordination and integration of regular services and to carry out activities enabling the interconnection of tariffs, sales and control systems in order to travel across the entirety of regular transport in the Slovak Republic on a single ticket. As stated in the sections above, regular services are defined in Article 1(5) and can be operated on urban, regional and long-distance services. The NADA is the coordinating and integration body for regular services and multimodal travel and is to be seen as the implementing entity of the single ticket itself.

The Ministry of Transport of the Slovak Republic lays down the legal act on the unified fare (Article 1(43)). The preparation of a decree defining mandatory acceptance of the unified ticket system as well as the approval of the National Transport Authority's (NADA's) outputs according to Article 1(33) of the Act also involves Ministry of Transport. This is through the ministries' participation in the Council of Contracting Authorities (Article 1(33)(5) and (6)), which ensures sufficient neutrality of NADA in relation to all levels of competent authorities.

Regulation of fares (Article 1(15)) is monitored by regulatory authorities which include the Ministry of Transport (Article 1(32)), regions (higher territorial units) (Article 1(35)) and municipalities (Article 1(36)).

2. The national authority coordinates in cooperation with regional integrators.

As outlined in Article 1(33) of the Act on Public Passenger Transport, the National Transport Authority (NADA) is established as a national coordinator for public passenger transport. Cooperation with regional integrators is ensured through the creation of a Council of Contracting Authorities (Article 1(33)(5) and (6)) which approves proposals that fall under the competence of NADA. In this council nine representatives are selected:

- The Ministry of Transport of the Slovak Republic as the contracting authority for rail transport in the public interest (three representatives);
- The Association of Self-governing Regions, representing higher territorial units as contracting authorities for regional bus transport (three representatives);
- The Association of the Union of Cities of Slovakia, representing cities, as clients of urban transport (two representatives); and

- The Ministry of Finance of the Slovak Republic, which is the central public administration body in the field of public finance, and which includes the Value for Money Unit overseeing the efficient management of public resources (one representative).

Additionally, under Article 1(33)(4)(c), the National Transport Authority cooperates with public authorities, clients, organisers and carriers providing public transport services in the area of its competence.

3. [The National Transport Authority is] to coordinate the preparation and implementation of public procurement procedures for public passenger rail services and vehicles purchased with the support of EU funds for the operation of these routes in previous periods

The competences of the National Transport Authority are outlined in Article 1(33)(4). Concerning the coordination of regular services, the Article states that the National Transport Authority is to cooperate with the bodies of the European Union and with other international bodies or organisations in the field of its competence.

Realization of public procurement for the conclusion of a contract for transport services in the public interest - are executed pursuant to Act No.514/2009 on Transport on Railways according to Articles 21(2) to 21(10). The public tender for the conclusion of a contract is for transport services is announced by the competent authority, which is the Ministry of Transport of the Slovak Republic for rail transport on the territory of the Slovak Republic.

Where the subject of a public tender are public service railway lines where vehicles for the operation of these lines were purchased with support of EU funds in previous periods, this is dealt with in Act no. 514/2009 on Transport on Railways. Article 22(3) states; "where there is a change of public service operator, rolling stock purchased from a subsidy pursuant to paragraph 1 shall be transferred free of charge by the initial operator to a new operator with whom the contracting authority has concluded a public service contract." In accordance with Act no. 514/2009, the Ministry of Transport of the Slovak Republic is the ordering authority for transport services in the public interest in railway transport.

The Council Implementing Decision required the National Transport Authority to coordinate the preparation and implementation of public procurement procedures. Instead, the preparation and implementation of public procurement procedures is conducted by the Ministry of Transport. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the deviation between the role of the National Transport Authority and the Ministry of Transport is considered acceptable since it concerns internal procedures in Slovakia which are in line with procedures of other Member States. The implementation of tenders requires extensive administrative capacities and relevant experiences in the field of public procurement, which cannot be ensured in the short term for the National Transport Authority, which was established only on 1 January 2024 pursuant to the Act on Public Passenger Transport. The Ministry of Transport overseeing

public procurement is in line with the practice in other Members States, where the central decision-making on public procurement also remains on the level of the Ministry of Transport. This is substantiated in the conceptual document "Schedule of the liberalization of transport services in the public interest on railways and special railways", which contains an overview of practices in other EU Member States. Additionally, the National Transport Authority is a budgetary organisation which itself falls under the authority of the Ministry of Transport. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Furthermore, in line with the description of the measure, **the legislation shall define rules, responsibilities and obligations in the (1) coordination, (2) ordering and (3) financing of regional bus and train services.**

1. Coordination

As stipulated in Article 1(31), public administration related to the Act on Public Passenger Transport is carried out by public authorities and the professional supervisory authorities. The public administrations are the Ministry of Transport, the National Transport Authority, the Transport Authority, Higher territorial units and municipalities. The responsibilities of each of these public authorities is further described in Articles 1(32)-(36).

The National Transport Authority cooperates with regional integrators through Council of Contracting Authorities (Article 1(33)(5) and 1(33)(6)) which approves proposals that fall under the competence of the National Transport Authority. This council includes representatives from the Association of Self-governing Regions, representing higher territorial units as contracting authorities for regional bus transport and the Association of the Union of Cities of Slovakia, representing cities, as clients of urban transport.

In the field of management of the development and implementation of an integrated transport system, the National Transport Authority is obliged to ensure the coordination and integration of regular services (Article 1(33)(4)(b)).

The contracting authority draws up the Transport Service Plan. Contracting authorities should cooperate with each other in order to reconcile capacity and operating possibilities for regular services (Article 1(23)(1)).

The organiser can be trusted by the contracting authority to, in cooperation with the National Transport Authority, operationally manage the organisation and coordination of regular services (Article 1(24)(4)(j)).

2. Ordering

Article 1(6) of the Act on Public Passenger Transport outlines the rules for authorisation for the operation of a bus or urban railway service. Each bus or urban railway service requires a separate authorisation. Conditions for establishing a bus or urban railway service are set out as well as obligations of the applicant. Article 1(7) outlines the rules for the application for granting or amending a license to operate a line pursuant to Article 1(6). Under Article 1(22)(1), the National Transport Service Plan also includes a way to deal with parallel transport and include measures to ensure the coordination and continuity of the different modes of transport. The Transport Service Plan (Article 1(24)(4)(e)) should contain provisions on coordination and cooperation with neighbouring territories of interest and other modes of transport.

Article 1(21) specifies the ordering authorities of transport services in the public interest as follows:

- the Ministry of Transport of the Slovak Republic, in terms of transport services on the territory of the Slovak Republic by rail transport and boat transport.
- Higher territorial units (regions), with regard to transport services in the territory of interest of the region by regional bus transport, as well as by regional and urban rail transport, which is not ordered by the Ministry of Transport of the Slovak Republic
- a municipality, with regard to the provision of transport services in the territory of interest of the municipality by urban bus transport and urban rail transport.

Under Article 1(12)(4), the responsibility of the approval of the timetable for an urban bus service or an urban railway service in the territory of the municipality of interest and, at the same time, beyond the municipal district, requires the approval of all the competent administrative authorities in the territorial districts on the route of the route and the approval of the higher territorial unit locally concerned.

In order to ensure the transport service of the territory, the contracting authority may provide transport services in the public interest itself if the contracting authority is a higher local authority or municipality (Article 1(27)). The contracting authority may also entrust the organiser with ordering public transport services (Article 1(24)(6)(b)).

The Transport Service Plan (Article 1(23)) will address and eliminate unpurposed parallel routes. Parallel routes are “transport services of an identical transport offer in terms of route and near-time location which have a negative impact on each other by the number of passengers carried; parallel bus services and urban rail transport services carried out within a single municipality and rail transport are not considered to be parallel transport” (Article 1(23)(6)). Elimination of these unpurposed parallel routes is done “in order to minimise parallel transport services and to establish a functional link between rail and regional bus transport, so as to link urban rail transport, urban bus transport and shipping to regional bus and rail transport, with a view to promoting integrated transport systems” (Article 1(23)(5)). When deciding to which mode of transport to give priority, the state of the infrastructure, transport capacity, speed, economic efficiency, the environment and walking

distance, and the ability to compete with individual car transport are to be taken into account (Article 1(23)(5)).

3. Financing

Furthermore, the rules on financing of regional bus and train services are covered by Article 1(30), which defines rules for compensating the contracting authority for the provision of public transport services as agreed in the transport service contract.

Article 1(30)(2) outlines what compensation for the performance of transport services in the public interest, consists of in the most common cases. This includes, unless otherwise stated in the transport services contract;

a) compensation for demonstrable loss, which is the difference between the economically justified costs incurred in discharging an obligation under a transport service contract, including a reasonable profit, and the revenue from the regulated fares, including other revenues generated. This describes cases where the gross contract was concluded through direct award in accordance with the Act on Public Procurement (Act no. 343/2015 Coll.). As was explained in supplementary communication with Slovakia, the largest public transport operations in Slovakia operate in this mode.

b) compensation for the difference between the competitive price for the performance of an obligation under a transport service contract and the revenue from the regulated fare, including additional revenues generated. This describes a transport service contract concluded following a competitive tendering procedure in accordance to the Act on Public Procurement (in the case of bus transport Act No. 343/2015 Coll., in the case of railway transport Act No. 514/2009 Coll. on Railway Transport). As was explained in supplementary communication with Slovakia, regional bus transport operates in this mode.

c) reimbursement consists of an amount corresponding to the net financial impact referred to in specific legislation. This describes the net contract (concession) concluded by direct award pursuant to specific legislation. As was explained in supplementary communication with Slovakia, some urban bus transport operations in small towns operate in this mode.

d) reimbursement consists of the price to be tendered for the performance of an obligation under a transport service contract. This describes the net contract (concession) concluded as the result of competitive tendering.

The obligations for the financing of a bus service that runs through the territory of two or more principals is laid down in Article 1(30)(6). While the transport service contract is concluded by the one whose territory the initial stop is in, the compensation of a public transport service will be shared by the higher regional authority in whose territory the road or final destination stop is situated, unless otherwise agreed with another contracting authority. The financing of the costs of the public transport service ordered may also contribute to the financing of the costs of the public transport

service ordered by the contracting authority, as well as by employers whose transport service requirements for their staff have been taken into account in the service plan and agreed in the transport service contract. The amount of this contribution will be agreed in the transport services contribution contract. Higher territorial units, municipalities or other person whose requirements for transport services have been taken into account by the transport service contract may also contribute to the financing of public transport service compensation (Article 1(30)(7)).
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C6.M5	**Related measure:** SK-C[C6]-R[R2]: Accessibility, development and quality of inclusive education– Reform 2: Definition of the concept of special educational needs of children and pupils and development of a model for eligible support measures in education and education, including their funding system
Name of the Milestone: Entry into force the redefinition of the concept of special educational needs	
Qualitative Indicator: Entry into force of the amendment to Act No 245/2008 Coll., Act No 597/2003 Coll.	**Time**: Q1 2023

Context:

The objective of the reform is to provide a new definition of the concept of special educational needs (SEN) of children and pupils, who are experiencing obstacles to access education and training and need support measures to fulfil their educational potential. The reform also envisages the development of a vertical model for eligible support measures in education, including their funding system. In order to implement the reform, teachers should be provided with teaching and methodological materials through further training programmes.

Milestone C6.M5 concerns the entry into force of amendments to Act No. 245/2008 and Act No. 597/2003. The amendment to Act No. 245/2008 on education and training, together with a separate new Decree, is required to define children and pupils experiencing obstacles to access education and their entitlement to education support through specific support measures by 31 March 2023. The amendment to Act No. 597/2003 requires changes on the financing of primary schools, secondary schools, and educational establishments.

Milestone C6.M5 is the second step in the implementation of the reform. It was preceded and linked to the completion of milestone C6.M4 which was positively assessed in the third payment request and concerned the adoption of the amendments to Acts No. 245/2008 and No. 597/2003 as well as the preparation of the methodological materials. Milestone C6.M5 will be followed by target C6.T6, which is the final element in the implementation of Reform 2. The target foresees trainings and other information activities on the new model of eligible support measures for 10 000 teachers and specialist staff.

The reform has a final expected date for implementation in Q4 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;

ii. **Copy of Act No. 245/2008 Coll.** on Education and Training, published in the Official Journal on 2 July 2008 , consolidated version entered into force on 30 May 2023 (Annex I of the supporting evidence). Published on the legal portal of the Slovak Republic at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20230530.html

iii. **Copy of Act No. 597/2003 Coll.** On Financing of Primary Schools, Secondary Schools and School Facilities, published in the Official Journal on 31 December 2003, consolidated version entered into force on 30 May 2023 (Annex II of the supporting evidence). Published on the legal portal of the Slovak Republic at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/597/20230530.html

iv. **Copy of Act No. 182/2023 of 9 May 2023** amending Act No. 245/2008 and amending certain Acts, including Act 597/2003, published in the Official Journal on 30 May 2023 , entered into force on 30 May 2023 (Annex III of the supporting evidence). Published on the legal portal of the Slovak Republic at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/182/20230530.html

Analysis:

The justification and substantiating evidence provided by the Slovakia's authorities covers all constitutive elements of the milestone.

Entry into force of the amendment to Act No. 245/2008 Coll, Act No. 597/2003 Coll by 31 March 2023.

The amendment to Act No. 245/2008 on education and training (hereinafter Act No. 245/2008) entered into force on 30 May 2023 as evidenced by the amending Act No. 182/2023 of 9 May 2023 amending Act No. 245/2008 (Annex III of the supporting evidence), Art. VIII.

The amendment to Act No. 597/2003 entered into force on 30 May 2023 as evidenced by Annex III of the supporting evidence (the amending Act No. 182/2023, Art. VIII).

The Council Implementing Decision required the amendments to Act No. 245/2008 and Act No. 597/2003 to enter into force by 31 March 2023. The amendments entered into force on 30 May 2023 with a delay of two months. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the delay in the entry into force of the amendment to Acts No. 245/2008 and Act No. 597/2003 occurred due to political changes in the management of the Ministry of Education in September 2022. The deviation is acceptable as the two-month delay has not precluded the new measures to enter into force before the start of the respective school year and before the time of the assessment. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis it is considered that this constitutive element of the milestone is satisfactory fulfilled.

The amendment to Act No. 245/2008 on education (together with a separate new Decree) defines children and pupils experiencing obstacles to access to education and their entitlement to education support through specific support measures.

Act No. 182/2023 of 9 May 2023 amending Act No. 245/2008 on education and training and amending certain acts (hereinafter Act No. 182/2023) changes the legal definition of Special Education Needs (SEN) with a new, revised definition in Article 2, point i) of that act, defining children and pupils experiencing obstacles to access education and their entitlement to educational support through specific support measures. Act No. 182/2023 was adopted on 9 May 2023 as part of the implementation of previous milestone 6.4. The adopted new definition of special education needs was already positively assessed in the 3rd Payment Request as part of the assessment of milestone C6.M4.

Act No. 182/2023 included provisions on the entitlement to educational support through specific support measures for children and pupils experiencing obstacles to access education, based on the established definition of SEN. The Act introduced (i) new Article 145a (1) providing a definition of what constitutes a support measure and (ii) new Article 145a (2) detailing a list of 21 educational support measures.

Act No. 182/2023 of 9 May 2023 also amended Act No. 597/2003 on financing of primary schools, secondary schools, and school establishments (hereinafter Act No. 597/2003) with regard to the creation of a funding system for the allocation of funds for support measures (the adopted amendments were already positively assessed in the 3rd Payment Request as part of the assessment of milestone C6.M4). The amendments to Act No. 597/2003 included the following:

A new Article 4e Contribution to support measure of the amended Act No. 597/2003 introduces a provision for an earmarked and fixed contribution from the state budget (from the Chapter of the Ministry of Education) for the different categories of the 21 support measures, introduced in the new Article 145a (2) of Act No. 245/2008.

The amendments to Act No. 597/2003 foresee three ways for financing support measures, depending on their category:

- Article 4e(1) of Act No. 597/2003 stipulates funding regulated by the *Methodology for the allocation of funds for support measures in education* (*the methodology for the school year 2023/2024, which entered into force on 22 September 2023,* is provided as Annex V of the supporting evidence, hereinafter the methodology),which will be updated on annual basis for each school year. The methodology is covering in particular the funding for support professions (teaching assistant, special educator or other pedagogical staff, health professional, etc.).

- Article 4e(2) of Act No. 597/2003 stipulates funding at the request of the school founder, mainly applicable to the financing of material provision of support measures (including contributions to special educational publications, removal of physical barriers, etc.;
- Article 8c of Act No. 597/2003 stipulates funding through a conciliation procedure, which concerns specifically the provision of language support in the school's language of instruction.

Article 3(2a) of the Act introduced a new provision for budgeting funds from the Chapter of the responsible Ministry to support measures in education and training, added as a new sub-point 10.

The Council Implementing Decision required a separate new Decree to accompany the amendment to Act No. 245/2008 for the definition of the entitlement to education support through the specific support measures and enter into force by 31 March 2023. However, the complete list of support measures was included in the amendments to Act No. 245/2008 with a new Article 145a (1), which provides a definition of what constitutes a support measure and a new Article 145a (2) detailing a list of 21 educational support measures. Act No. 245/2008 entered into force on 30 May 2023 as explained above. Therefore, the adoption and entry into force of a separate Decree was not considered necessary by Slovakia. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the limited delay in the entry into force and legislative technique followed by Slovakia does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Commission Preliminary Assessment: Satisfactorily fulfilled.

Number: C6.M7	**Related Measure**: SK-C[C6]-R[R3]: Reforming the system of counselling and prevention and ensuring systematic data collection in the field of mental health promotion for children, pupils and students
Name of the Milestone: Entry into force of the legislation that create the comprehensive system of counselling	
Qualitative Indicator: Entry into force of the amendment to Act No. 245/2008 Coll. and separate Decrees, probable amendment and Government Regulation No 630/2008 Coll.	**Time:** Q1 2023

Context:

The measure aims to reform the system through which counselling and prevention centres provide their professional activities. The reform thereby ensures that counselling and prevention centres operate closer to schools and provide professional activities without defining health disadvantage. The change in the advisory system is accompanied by further support measures. To achieve this objective, the reform amends relevant legislations.

Milestone C6.M7 consists of four points: i) the new counselling and prevention centres provide professional activities without focusing on a target group according to health disadvantage, and in close cooperation between schools, support teams at schools, and in a multidisciplinary team, ii) the replacement of the current concept of an advisory system with an interconnected system focussing on accessibility, complexity and compliance with content and performance standards, iii) the creation of conditions for intensive, timely and high-quality support, assistance and intervention for children, pupils, students, legal representatives, institutional representatives and other counterparts, and iv) the change in funding such that the contribution is determined on the basis of professional activities carried out.

Milestone C6.M7 is the only milestone or target of this reform.

Following the completion of this milestone, in line with the title of the measure in the Council Implementing Decision, Slovakia will ensure systematic data collection in the field of mental health promotion for children, pupils and students. This is a further step of this reform that is not linked to the milestones and targets in the Council Implementing Decision.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled;
ii. **Copy of Decree Act No. 24/2022 Coll. of the Ministry of Education, Science, Research and Sport of the Slovak Republic** on counselling and prevention facilities adopted on 17 January 2022 as effective from 1 January 2023 to 31 August 2023 and as published in the Official

Journal on 28 January 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/24/20230101.html;

iii. **Copy of Act No. 138/2019 Coll. adopted on 10 May 2019 as effective from 1 January 2022 to 29 March 2022** on pedagogical and professional employees as published in the Official Journal on 29 May 2019 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/138/20220101.html;

iv. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 19 November 2021 to 31 December 2021** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20211119.html;

v. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 January 2022 to 14 January 2022** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20220101.html;

vi. **Copy of Decree Act No. 342/2023 Coll. of the Ministry of Education, Science, Research and Sport of the Slovak Republic** amending Decree Act No. 24/2022 counselling and prevention facilities adopted on 21 August 2023 as effective from 1 September 2023 and as published in the Official Journal on 25 August 2023 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/342/20230901;

vii. **Copy of Act No. 394/2022 Coll. adopted on 8 November 2022 as effective from 1 January 2023** amending Act No. 597/2003 on the financing of primary schools, secondary schools and school facilities as published in the Official Journal on 29 November 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/394/20230101;

viii. **Copy of Act No. 414/2021 Coll. adopted on 20 October 2021 as effective from 1 January 2022** amending 138/2019 on pedagogical and professional employees as published in the Official Journal on 19 November 2021 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/414/20220101;

ix. **Copy of Act No. 415/2021 Coll. adopted on 20 October 2021 as effective on 1 January 2022** amending Act No. 245/2008 on education and training as published in the Official Journal on 19 November 2021 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/415/20220101.html;

x. **Copy of Act No. 489/2022 Coll. adopted on 14 December 2022 as effective from 1 January 2023** amending Act No. 630/2008 laying down details of the breakdown of funds from the state budget for schools and school facilities as published in the Official Journal on 23 December 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/489/20230101;

xi. **Copy of Act No. 630/2008 Coll. adopted on 10 December 2008 as effective from 2 January 2022 to 31 December 2022** laying down details of the breakdown of funds from the state budget for schools and school facilities as published in the Official Journal on 30 December 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/630/20220102.html;

xii. **Copy of Act No. 630/2008 Coll. adopted on 10 December 2008 as effective from 1 January 2023** laying down details of the breakdown of funds from the state budget for schools and school facilities but no longer retrievable on Slovlex due to the adoption of further amendments to the Act;

xiii. **Copy of the content standards for 18 professional activities as issued by the Ministry of Education, Science, Research and Sport of the Slovak Republic** defining what professional activities are provided at each of the five levels of support as published on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic on 25 August 2023 also retrievable at https://www.minedu.sk/obsahove-standardy-odbornych-cinnosti-v-zariadeniach-poradenstva-a-prevencie-a-v-prostredi-skol/;

xiv. **Copy of the content standards for 16 diagnostics as issued by the Ministry of Education, Science, Research and Sport of the Slovak Republic** defining what diagnostic activities are provided at each of the five levels of support as published on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic on 25 August 2023 also retrievable at https://www.minedu.sk/obsahove-standardy-pre-diagnosticku-cinnost-diagnostika-v-zariadeniach-poradenstva-a-prevencie-a-v-prostredi-skol/;

xv. **Copy of the performance standards for 21 professional activities as issued by the Ministry of Education, Science, Research and Sport of the Slovak Republic** defining how professional activities are provided at each of the five levels of support as published on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic on 25 August 2023 also retrievable at https://www.minedu.sk/vykonove-standardy-odbornych-cinnosti/.

The authorities also provided:

xvi. **Copy of Decree Act No. 24/2022 Coll. of the Ministry of Education, Science, Research and Sport of the Slovak Republic** on counselling and prevention facilities adopted on 17 January 2022 as effective from 1 September 2023 and as published in the Official Journal on 28 January 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/24/20230901.html;

xvii. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 September 2008 to 31 December 2008** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20080901.html;

xviii. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 January 2023 to 29 May 2023** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20230101.html;

xix. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 30 May 2023 to 31 August 2023** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20230530.html;

xx. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 September 2023 to 31 August 2024** on education and training but no longer retrievable on Slovlex due to the adoption of further amendments to the Act;

xxi. **Copy of Act No. 597/2003 Coll. adopted on 6 November 2003 as effective from 1 September 2023 to 31 August 2026** on the financing of primary schools, secondary schools and school facilities but no longer retrievable on Slovlex due to the adoption of further amendments to the Act;

xxii. **Copy of 4 guides issued by the Ministry of Education, Science, Research and Sport of the Slovak Republic describing the five levels at which professional activities are provided in the reformed counselling and prevention system** as published on the website of the Ministry of Education, Science, Research and Sport of the Slovak Republic on 11 February 2022 also retrievable at https://www.minedu.sk/transformacia-poradni/;

xxiii. **Copy of the manual "Methodological Guide – 2022/2023, version 1.7.1" issued by the Education Methodology and Information Production Department (CVTI SR) in 2023** providing guidance to employees of counselling and prevention centres;

xxiv. **Copy of the introductory document accompanying the content standards for professional activities approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic** on 24 August 2023 and as effective from 1 September 2023, also retrievable at https://www.minedu.sk/obsahove-standardy-odbornych-cinnosti-v-zariadeniach-poradenstva-a-prevencie-a-v-prostredi-skol/;

xxv. **Copy of the introductory document accompanying the content standards for diagnostics approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic** on 24 August 2023 and as effective from 1 September 2023, also retrievable at https://www.minedu.sk/obsahove-standardy-pre-diagnosticku-cinnost-diagnostika-v-zariadeniach-poradenstva-a-prevencie-a-v-prostredi-skol/;

xxvi. **Copy of the introductory document accompanying the performance standards for professional activities approved by the Ministry of Education, Science, Research and Sport of the Slovak Republic** on 24 August 2023 and as effective from 1 September 2023, also retrievable at https://www.minedu.sk/vykonove-standardy-odbornych-cinnosti/;

xxvii. **Copy of a document with coefficients used in the computation of the financial contribution** as described in Article 7(18) of Act No. 630/2008 as in force from 2 January 2022 to 31 December 2022 as inferred from Annex 10 of the abovementioned copy of Act No. 630/2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/630/20220102.html;

xxviii. **Copy of a document with coefficients used in the computation of the financial contribution** as described in Article 8(8) of Act No. 630/2008 as in force from 2 January 2022 to 31 December 2022 as inferred from Annex 11 of the abovementioned copy of Act No. 630/2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/630/20220102.html;

xxix. **Copy of a document with coefficients used in the computation of the financial contribution** as described in Article 8a(3) of Act No. 630/2008 as in force from 1 January

2023 to 31 December 2023 as inferred from Annex 10 of the abovementioned copy of Act No. 630/2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/630/20230101.html;

xxx. **Copy of a document with coefficients used in the computation of the financial contribution** as described in Article 8a(4) of Act No. 630/2008 as in force from 1 January 2023 to 31 December 2023 as inferred from Annex 11 of the abovementioned copy of Act No. 630/2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/630/20230101.html.

Analysis:

The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force of the amendment to Act No. 245/2008 Coll. and separate Decrees, probable amendment and Government Regulation No. 630/2008 Coll.

The entry into force of the amendment to Act No. 245/2008 Coll. on education and training is provided by amending Act No. 415/2021 that was adopted on 20 October 2021 and entered into force on 1 January 2022 in accordance with Article 5.

Separate Decrees have been provided in the form of Decree No. 24/2022 on counselling and prevention facilities that was adopted on 17 January 2022 and entered into force on 1 January 2023 in accordance with Article 5 and amending Decree No. 342/2023 that was adopted on 21 August 2023 and entered into force on 1 September 2023 in accordance with Article 2. The latter Decree amended Decree No. 24/2022.

Government Regulation No. 630/2008 Coll. laying down details of the breakdown of funds from the state budget for schools and school facilities has been amended by amending Regulation No. 489/2022 that was adopted on 14 December 2022 and entered into force on 1 January 2023 in accordance with Article 2.

A comprehensive system of counselling and prevention shall consist of the newly created Advisory and Prevention Centres (CPP), which shall provide professional activities without defining a focus on target groups according to health disadvantage, as is currently the case, i.e. so that the possibility of visiting the centre of counselling and prevention is not determined on the basis of the child's health disadvantage. Professional activities shall be provided in close cooperation between support teams in schools and schools, including a multidisciplinary team. – From the measure description: The objective of the reform is to shift the newly-created Advisory and Prevention Centres (CPP) to operate closer to schools. **By amending respective legal acts, these centres shall provide professional activities without defining health disadvantage, as it is currently the case, which causes discrimination.**

The system of counselling and prevention consists of the newly created advisory and prevention centres (CPP) and is comprehensive, because the old centres were discontinued and replaced and the reform did not only replace the centres for pedagogical and psychological counselling and prevention (CPPPaP) ("*Centrum Pedagogicko-Psychologického Poradenstva a Prevencie*") by advisory and prevention centres (CPP) ("*Centrum Poradenstva a Prevencie*") but also the centres for special-pedagogical counselling (CŠPP) ("*Centrum špeciálno-Pedagogického Poradenstva*") by specialised centres for counselling and prevention (ŠCPP) ("*Špecializované Centrum Poradenstva a Prevencie*"). The latter makes the new system of counselling and prevention comprehensive as all professional activities are included in a single system consisting of five distinct levels of support. CPP provide third- and fourth-level support, as explained in the subsequent section of this preliminary assessment.

Amending Act No. 415/2021, that was adopted on 20 October 2021 and entered into force on 1 January 2022, contains Article 1(248) which amended Article 1(130)(4) of Act No. 245/2008 such that it states that the new system of counselling and prevention consists of two types of centres: i) counselling and prevention centres (CPP) ("*Centrum Poradenstva a Prevencie*") and ii) specialised centres for counselling and prevention (ŠCPP) ("*Špecializované Centrum Poradenstva a Prevencie*"). Article 1(130)(2) of Act No. 245/2008 as in force until 31 December 2021 states that prior to the reform, the counselling and prevention system consisted of two different types of centres: i) centres for pedagogical and psychological counselling and prevention (CPPPaP) ("Cen*trum Pedagogicko-Psychologického Poradenstva a Prevencie*") and ii) centres for special-pedagogical counselling (CŠPP) ("Centrum *špeciálno-Pedagogického Poradenstva*").

Moreover, Article 1(298) of the aforementioned amending Act No. 415/2021 introduced Article 1(161n)(6) in Act No. 245/2008 which states that CPPPaP and CŠPP which are established by a local state administration and do not become by the reform newly created counselling and prevention centres, cease to exist on 31 December 2022.

The comprehensive system of counselling and prevention provides professional activities without defining a focus on target groups according to health disadvantage as is currently the case, i.e. so that the possibility of visiting the centre of counselling and prevention is not determined on the basis of the child's health disadvantage which causes discrimination, because Decree No. 24/2022, that was adopted on 17 January 2022 and entered into force on 1 January 2023, contains Articles 2(1-2) which state that pupils and in the case of minors, the child's legal representatives, as well as the staff of schools, can apply for professional activities directly at the CPP and ŠCPP. The newly created counselling and prevention centres are therefore accessible on the basis of the needs of the child. In contrast, Articles 1(132)(1) and 1(133)(1) of Act No. 245/2008 as in force until 31 December 2021 state that CPPPaP did *not* provide professional activities to children with disabilities and a CŠPP exclusively provided professional activities to children with disabilities.

Professional activities are provided in close cooperation between support teams at schools and schools, and in a multidisciplinary team, because Article 1(248) of the aforementioned amending Act

No. 415/2021 introduced Article 1(130)(5) in Act No. 245/2008 which replaced Article 1(130)(4) of the Act as in force until 31 December 2021. Article 1(130)(5) explicitly states that the CPP, ŠCPP, and at the level of the school: pedagogical staff, professional staff and the school support team, have to cooperate in a multidisciplinary manner, in particular with: legal representatives, institutional caretakers, schools, employers, public authorities, as well as other entities involved in education and training. In contrast, Article 1(130)(4) that was in force until 31 December 2021 stated that CPPPaP, CŠPP and at schools: professional staff, had to cooperate. The latter Article therefore only implied multidisciplinary cooperation without specifying the need to cooperate in particular with: legal representatives, institutional caretakers, schools, employers, public authorities, and other entities involved in education and training.

The categories of professional staff as referred to above are defined by Articles 1(22-27) of amending Act No. 414/2021, that was adopted on 20 October 2021 and entered into force on 1 January 2022, which amended Articles 1(24-27) of Act No. 138/2019 to reflect the terminology of the newly created counselling and prevention centres (which are now called CPP and ŠCPP) and state that professional staff encompass: psychologists, special educators, career counsellors, speech and language therapists, therapeutic educators, and social pedagogues.

The term "school support team", as also referred to above, is introduced by Article 1(124) of the aforementioned amending Act No. 414/2021 which introduced Article 1(84a) in Act No. 138/2019 which states that school support teams constitute a group of special pedagogues and professional staff, and where relevant pedagogical staff, who are employed at the school and organise themselves at the level of the school upon the discretion of the school principal. Moreover, the latter Article states that the task of the school support team is to coordinate any collaboration with CPP and ŠCPP, and to provide professional activities.

The amendment to Act No 245/2008 on education and training (together with a separate new decree) shall replace the current concept of an advisory system with an interconnected system focusing on accessibility, complexity and compliance with content and performance standards.

The concept of an advisory system is replaced by the aforementioned Article 1(248) of amending Act No. 415/2021 which replaced section three of part nine of Act No. 245/2008. That is, it introduced Articles 1(130-133) of Act No. 245/2008 which define the concept of an advisory system.

The advisory system is interconnected because it provides professional activities in a wide range of topics and for a wide range of purposes. The abovementioned Article 1(130)(1) of Act No. 245/2008 states that professional activities encompass: i) counselling activities, ii) psychological activities, iii) pedagogical activities, iv) special-pedagogical activities, v) speech-pedagogical activities, vi) therapeutic-pedagogical activities and vii) social-pedagogical activities, and aim at optimising the educational, psychological, social and career development of children. The latter Article was amended by the aforementioned Article 1(248) of amending Act No. 415/2021 to reflect the change

in terminology in the counselling and prevention system (references to CPP and ŠCPP instead of CPPPaP and CŠPP). Moreover, the amendment of Article 1(130)(1) interacts in a new way with the new and stronger hierarchy of the providers of professional activities, as grouped around five distinct levels of support, and the new and more prominent role of school-level support in the new advisory system, as described further down in this section of the preliminary assessment and as contributing to the interconnection of the advisory system.

The advisory system focuses on accessibility, because the provision of professional activities is compulsory for a CPP, as stated in Article 1(2) of the aforementioned separate new Decree No. 24/2022 which states that a CPP cannot reject the provision of a professional activity if the applicant is a child, or in the case of minors, the child's legal representatives or guardian, has its residence in the territory in which the CPP is situated. The provision further states that the CPP can also not reject the provision of a professional activity if the applicant is an institutional caretaker or an employee who works as pedagogical- or professional staff member at a legal entity, which is based in the territory in which the CPP is situated. Moreover, Article 1(3) of the Decree states that a ŠCPP provides professional activities throughout the territory of Slovakia.

The advisory system focuses on complexity because it consolidated the professional activities that are provided by distinct actors into five levels of support that together form a single advisory system. The aforementioned Article 1(248) of amending Act No. 415/2021 introduced Article 1(131) in Act No. 245/2008 which contains the nature of the five levels at which professional activities are to be provided.

First level professional activities are provided at the level of the school by the school's pedagogical staff, professional staff and school support team, and constitute relatively generic professional activities focussing on: pedagogical diagnostics; pedagogical intervention; educational counselling; career guidance; inclusive education; and prevention.

Second level professional activities are provided at the level of the school by the school's special pedagogue and professional staff in deliberation with a CPP and/or ŠCPP as these consist of more complex activities focussing on: orientation diagnostics; prevention; counselling; intervention; crisis-intervention; re-education; and methodological support and counselling for pedagogical staff, professional staff as well as legal representatives and institutional caretaker.

Third and fourth level professional activities are provided at the level of the CPP by the professional staff of the CPP, where fourth level professional activities are of a more specialised nature and more tailored to the specific needs of the child than those at level three. Third level professional activities focus on: basic diagnostics, sub-diagnostics and comprehensive diagnostics; counselling; prevention; intervention; crisis-intervention; therapy; rehabilitation and re-education; and methodological and supervisory activities for school support teams, pedagogical staff and professional staff, as well as legal representatives and institutional caretakers. Fourth level professional activities focus on:

specialised professional activities; counselling; prevention; specialised diagnostics, comprehensive diagnostics and differential diagnostics; therapy; rehabilitation and re-education; compensatory, re-educational and special educational aids; and methodological and supervisory activities for school support teams, pedagogical staff and professional staff, as well as legal representatives and institutional caretakers.

Fifth level professional activities are provided at the level of the ŠCPP by the professional staff of the ŠCPP and constitute the most specialised forms of professional activities that are provided focussing on: specialised professional activities; counselling; prevention; comprehensive diagnostics and highly specialised differential diagnostics; therapy; rehabilitation; professional activities for children under the age of five; compensatory, re-educational and special educational aids; and methodological and supervisory activities for school support teams, pedagogical staff and professional staff, as well as legal representatives and institutional caretakers. Moreover, the aforementioned Article 1(3) and Article 3(5) of Decree No. 24/2022 also state that a ŠCPP conducts methodological and supervisory activities for a CPP, and that a ŠCPP specialises in a certain type of disability or the provision of complex professional activities to young children.

The advisory system focuses on compliance with content and performance standards because the aforementioned Article 1(248) of amending Act No. 415/2021 introduced Article 1(131)(1) in Act No. 245/2008 which states that professional activities shall take place in accordance with content and performance standards. The standards define what and how professional activities are provided at each of the five levels of support with the aim to ensure that professional activities are conducted in a compatible and harmonised manner across the five levels. Article 1(248) also introduced Article 1(133)(2) in Act No. 245/2008 which states that the performance and content standards are issued by the Ministry of Education which publishes these on its website. The Slovak authorities shared a copy of the content standards for 18 professional activities and 16 diagnostic activities, and 21 performance standards for professional activities.

This creates conditions for intensive, timely and high-quality support, assistance and intervention for children, pupils, students, legal representatives, institutional representatives and other counterparts.

Conditions for intensive support, assistance and intervention are created, because the reform increased the minimum number of staff members required to open a CPP and ŠCPP compared to the previous requirements on CPPPaP and CŠPP. The aforementioned Article 1(248) of amending Act No. 415/2021 introduced 1(130)(6) in Act No. 245/2008 which states that to establish a CPP at least five full-time professional staff members have to be hired and that at least one of these should be classified under the career-grade of an "autonomous professional staff member" ("*Samostatný Odborný Zamestnanec*"), and that to establish a ŠCPP at least three full-time professional staff members have to be hired and that at least one of these should be classified under the career-grade of an autonomous professional staff member. Article 1(130)(9) of the version of Act No. 245/2008

that was in force until 31 December 2021 stated that to establish a CPPPaP or CŠPP only three professional staff members needed to be hired without specifying any minimum working-time or minimum career-grade. It must thereby be noted that Article 4(161qa) of amending Act No. 394/2022, which was adopted on 8 November 2022 and entered into force on 1 January 2023, introduced Article 1(161qa) in Act No. 245/2008 which states that until 31 December 2023 a CPP should have at least two full-time professional staff members one of which should be classified under the career-grade of an autonomous professional staff member, and that the sum of the hours worked by the other professional staff members of the CCP should equal at least the number of hours that is equivalent to three full-time positions. For a ŠCPP the latter Article states that until 31 December 2023 a ŠCPP should have at least one full-time professional staff member who is classified under the career-grade of autonomous professional staff member, and that the sum of the hours worked by the other professional staff members of the ŠCPP should equal at least the number of hours that is equivalent to two full-time positions. While this means that between 1 January 2023 and 31 December 2023 CPP and ŠCPP needed to employ less full-time staff members, the total number of hours was already equivalent to that of respectively five and three full-time positions. Moreover, the requirement to employ at least one autonomous professional staff member was already affecting the system as of 1 January 2022.

Conditions for timely support, assistance and intervention are created because in-take interviews at the CPP or ŠCPP are organised within 30 days after receipt of application, and applicants are duly informed in case the CPP or ŠCPP is unable to provide the requested support. Article 2(7) of the aforementioned Decree No. 24/2022 states that an intake-interview at the CPP or ŠCPP needs to be provided no later than 30 days after the receipt of application for professional activities if the application is made by the pupil, or for minors, the pupil's legal representative or the institutional caretaker. Moreover, Article 2(8) of the latter Decree states that if the CCP or ŠCPP has no capacity to provide the requested professional activities, the CCP or ŠCPP should notify this to the applicant and the office of the regional school administration within five working days.

Conditions for high-quality support, assistance and intervention are created because the aforementioned Decree No. 24/2022 implies that the reform not only increased the minimum number of staff as required at the establishment of the CPP and ŠCPP, as explained above, but that these numbers should also be maintained over their lifetime of the centre by introducing specific requirements on the specialisation of professional staff members to ensure a broad coverage of expertise at each CPP and ŠCPP. Article 3(2) of the Decree states that a CPP should have at least one psychologist, one special pedagogue and three professional employees who are either a psychologist, special pedagogue, therapeutic educator, social educator or speech therapist. Moreover, the Decree states in Article 3(3) that a ŠCPP shall have at least one psychologist, one special pedagogue and one professional employee who is either a psychologist, special pedagogue, social pedagogue, or speech therapist.

Support, assistance and intervention are provided to children, pupils, students, legal representatives, institutional representatives and other counterparts, because Articles 1(130)(1-2) of Act No. 245/2008 as in force on 1 January 2022 state that children are eligible for support from professional activities from birth to the end of vocational training (support is thus provided on the basis of the achieved level of education and not on age), and that counselling is also provided to the legal representatives of children and pupils, institutional caretakers, pedagogical staff and professional staff. The aforementioned Article 1(248) of amending Act No. 415/2021 introduced the reference to "institutional caretakers" and "professional staff" in the latter Article 1(130)(2) of Act No. 245/2008 and thus the list of beneficiaries of counselling.

The change in funding shall consist of setting the contribution on the basis of the professional activities carried out. In the context of the change in funding, Government Regulation No 630/2008 laying down the details of the breakdown of funds from the state budget for schools and educational establishments may also need to be amended. – From the measure description: **A change in the advisory system shall be accompanied by further support measures such as: change in funding setting up on the basis of the professional activities.**

The funding system is changed such that it sets the financial contribution on the basis of the professional activities carried out, because the computation of the flat-rate contribution of the regional authority to CPP and ŠCPP has been changed to be based on the number of children and pupils who received professional activities from the centre during the previous school year instead of the number of children residing in the territory of the centre.

Article 1(20) of the amending Regulation No. 489/2022, that was adopted on 14 December 2022 and entered into force on 1 January 2023, introduced Article 8a in Government Regulation No. 630/2008 which changed the computation of the flat-rate and performance contribution, based on which the regional authority distributes funds to public CPP and public ŠCPP. Article 1(20) does not compute the flat-rate contribution on the basis of the number of children and pupils residing in the territory of the centre, as referred to in Articles 7(17) and 8(7) of Government Regulation No. 630/2008 as in force until 31 December 2022, but on the basis of the number of children and pupils who received professional activities during the previous school year. In addition, Article 1(20) also increased the weight of the performance-based elements from 60% to 80% in the computation, relative to the Articles 7(18) and 8(8) of Government Regulation No. 630/2008 as in force until 31 December 2022.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: **C6.M8**	**Related Measure**: SK-C[C6]-R[R4]: Implementation of tools to prevent early school leaving and adapt F-type study programme

Name of the Milestone: Entry into force of legislative amendments aimed at: Extension of the possibility to acquire lower secondary education in lower secondary vocational education (VET) optimisation of NSOV programmes in response to labour market needs and the offer of NSOV programmes in relation to the educational needs of the target group of pupils

Qualitative Indicator: Entry into force of the amendment to Act No 245/2008, Act No 61/2015 and modification of Decree No 292/2019.Z. z.	**Time:** Q1 2023

Context:

The measure aims to adapt F-type study programmes (i.e. any (combination of) education programme(s) at which pupils are taught both lower secondary education courses and lower secondary vocational education courses) such that lower secondary education can be completed in secondary vocational schools (NSOV) in a two- and three-year combined programme. This increases the number of possibilities for young people who did not complete lower secondary education to achieve a higher level of education. The reform amends relevant legislations such that F-type study programmes are optimised and the obligation to determine secondary school performance plans is extended to lower secondary vocational education disciplines.

Milestone C6.M8 consists of four points: i) the amendment providing for the possibility to complete lower secondary education in lower secondary vocational education in a two- and three-year combined programme (depending on the year in which the pupil dropped out of primary school) by means of a comitology examination; ii) a greater coverage of the system in relation to vulnerable groups and the adaption of the education offer to labour market needs; iii) the extension of the obligation to determine secondary school performance plans to lower secondary vocational education; and iv) the setting up of the performance planning system for F-type study programmes by defining specific criteria which consider the specificities of the programmes.

Milestone C6.M8 is the first step of the implementation of the reform and will be followed by target C6.T9, related to the optimisation of the content of lower secondary vocational education programmes in response to labour market needs. The reform has a final expected date for implementation of 30 June 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the target (including all the constitutive elements) was satisfactorily fulfilled;
ii. **Copy of Act No. 61/2015 Coll. adopted on 12 March 2015 as effective from 1 January 2022** on vocational education and training as published in the Official Journal on 31 March 2015

also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/61/20220101.html;

iii. **Copy of Decree No. 202/2022 Coll of the Ministry of Education, Science, Research and Sport of the Slovak Republic** laying down the criteria for determining the maximum number of pupils in the first year of secondary education adopted on 3 June 2022 as effective from 7 June 2022 and as published in the Official Journal on 7 June 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/202/20220607;

iv. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 January 2022 to 14 January 2022** on education and training as published in the Official Journal on 2 June 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20220101.html;

v. **Copy of Decree No. 287/2022 Coll. of the Ministry of Education, Science, Research and Sport of the Slovak Republic** on the system of fields of education for secondary schools and on the material scope of application to the fields of education adopted on 11 August 2022 as effective from 1 October 2022 to 31 August 2023 and as published in the Official Journal on 18 August 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/287/20221001.html;

vi. **Copy of Annex 3 of Decree No. 287/2022** listing the groups of courses referred to in Article 1(4) of Decree No. 287/2022 adopted on 11 August 2022 as effective from 1 October 2022 to 31 August 2023 and as published in the Official Journal on 18 August 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/287/20221001.html as inferred from the abovementioned copy Decree No. 287/2022;

vii. **Copy of Act No. 413/2021 Coll. adopted on 20 October 2021 as effective from 1 January 2022** amending Act No. 61/2015 on vocational education and training as published in the Official Journal on 19 November 2021 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/413/20220101;

viii. **Copy of Act No. 415/2021 Coll. adopted on 20 October 2021 as effective on 1 January 2022** amending Act No. 245/2008 on education and training as published in the Official Journal on 19 November 2021 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/413/20220101;

ix. **Copy of Act No. 596/2003 Coll. adopted on 5 November 2003 as effective from 1 January 2022 to 31 May 2022** on state administration in education and school self-government as published in the Official Journal on 31 December 2003 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/596/20220101.html;

x. **Copy of the methodology for the determination of the maximum number of secondary school pupils per school for the 2023/2024 school year** issued by the Director-General Secondary Schools Section within the meaning of the Decree of the Ministry of Education, Science, Research and Sport of the Slovak Republic Act No. 202/2022 laying down the criteria for determining the highest number of pupils in the first year of secondary schools also retrievable at https://www.minedu.sk/31397-sk/metodika-vyhodnotenia-urcovacich-

kriterii-pre-urcovanie-najvyssieho-poctu-ziakov-prvych-rocnikov-strednych-skol-pre-sk-rok-20232024/;

xi. **Copy of the 9 state education programmes for the 9 fields in which lower secondary vocational education programmes are provided in accordance with Decree Act No. 287/2022 1(4)**, as approved by the Ministry of Education, Science, Research and Sport the Slovak Republic on 31 May 2023 under 2023/5272:44-C2910, 2023/5272:45-C2910, 2023/5272:46-C2910, 2023/5272:47-C2910, 2023/5272:48-C2910, 2023/5272:49-C2910, 2023/5272:50-C2910, 2023/5272:51-C2910, and 2023/5272:52-C2910 as effective from 1 September 2023.

The authorities also provided:

xii. **Copy of Act No. 61/2015 Coll. adopted on 12 March 2015 as effective from 1 April 2015 to 31 August 2015** on vocational education and training as published in the Official Journal on 31 March 2015 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/61/20150401.html;

xiii. **Copy of Act No. 61/2015 Coll. adopted on 12 March 2015 as effective from 1 September 2015 to 31 December 2015** on vocational education and training as published in the Official Journal on 31 March 2015 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2015/61/20150901.html;

xiv. **Copy of Act No. 224/2022 Coll. adopted on 15 June 2022 as effective from 1 July 2022** on secondary school as published in the Official Journal on 23 June 2022 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/224/20220701;

xv. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 September 2008 to 31 December 2008** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20080901.html;

xvi. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 January 2013 to 14 June 2013** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20130101.html;

xvii. **Copy of Act No. 245/2008 Coll. adopted on 22 May 2008 as effective from 1 September 2015 to 31 December 2015** on education and training as published in the Official Journal on 2 July 2008 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2008/245/20150901.html;

xviii. **Copy of Act No. 324/2012 Coll. adopted on 20 September 2012 as effective from 1 January 2013 to 31 August 2013** amending Act No. 245/2008 on education and training as published in the Official Journal on 23 October 2012 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2012/324/20130101.html;

xix. **Copy of Act No. 596/2003 Coll. adopted on 5 November 2003 as effective from 1 January 2004 to 30 June 2004** on state administration in education and school self-government as

published in the Official Journal on 31 December 2003 also retrievable at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/596/20040101.html;

xx. **Copy of Act No. 596/2003 Coll. adopted on 5 November 2003 as effective from 1 September 2023 to 31 August 2024** on state administration in education and school self-government but no longer retrievable on Slovlex due to the adoption of further amendments to the Act;

xxi. **Copy of the Referencing Report of the Slovak Qualifications Framework to the European Qualifications Framework** issued by the State Institute of Vocational Education ("Štátny Inštitút Odborného Vzdelávania"), Bellova 54/A, 837 63 Bratislava 37, in 2017;

xxii. **Copy of the framework forecast of the number of newly recruited pupils in lower secondary vocational education in secondary vocational education for the school year 2023/2024** as issued by the Minister for Education, Science, Research and Sport of the Slovak Republic 2022/16250:1-A2220 on 8 June 2022.

Analysis:

The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the description of milestone C6.M8 and has undertaken the assessment on a revised basis. In this description, it is stated that the combined programme shall be two or three years depending on the year in which the pupil completed the primary school. However, based on the intention of the reform as outlined in the original RRP it is evident that the Slovak authorities did not intend to link the duration of lower secondary vocational education programmes, and thus the combined programme as explained below in this preliminary assessment, to the year in which the pupil "completed" primary school, but rather to the grade in which the pupil "dropped out of" primary school. This is for instance evidenced on p. 243 which states that "the amendment to Act No. 245/2008 Coll. on Education and Training (the Education Act) will regulate the possibility of completing lower secondary education within the fields of lower secondary vocational education (NSOV) in a two- or three-year combined programme (depending on the year in which the pupil dropped out of primary school) by means of a comitology examination." ("*Novela zákona č. 245/2008 Z. z. o výchove a vzdelávaní (školský zákon) upraví možnosť ukončiť nižšie stredné vzdelanie v rámci odborov nižšieho stredného odborného vzdelávania (NSOV) v dvoj- a trojročnom kombinovanom programe (v závislosti od ročníka, v ktorom žiak skončil základnú školu) prostredníctvom komisionálnej skúšky*"). The incorrect translation of the original RRP from Slovak to English is the consequence of the dual meaning of the word "*skončil*" which means both "completed" and "dropped out of". The latter translation is the one considered relevant for the fulfilment of C6.M8.

The Commission considers that there is another clerical error in the text of the Council Implementing Decision as regards the description of milestone C6.M8 and has undertaken the assessment on a revised basis. In this description, it is stated that the criteria of the performance planning system take into account the specificities of the F-type study programme, such as criteria at trade union level. However, based on the intention of the reform as outlined in the original RRP it is evident that the Slovak authorities did not intend to refer to "trade union" but to "educational field". This is for instance evidenced on p. 244 which states that "following the extension of the possibility for young

people with unfinished primary education to acquire a higher level of education, the Ministry of Education will also set up the performance planning system for the F-type educational fields by means of a Decree determining the criteria for determining the highest number of pupils in the first year of secondary school. These will take account of the specific characteristics of the fields concerned, such as criteria at school level (benefits, attendance, primary school completion rates) and at the level of the educational field (labour market outcomes of graduates)" ("*Po rozšírení možnosti pre mladých ľudí s nedokončeným základným vzdelaním získať vyšší stupeň vzdelania nastaví MŠVVaŠ SR aj systém plánovania výkonov pre F-odbory prostredníctvom vyhlášky, ktorou sa určujú kritériá pre určovanie najvyššieho počtu žiakov prvého ročníka stredných škôl. Tie budú zohľadňovať samotné špecifiká daných odborov, ako sú kritériá na úrovni školy (prospech, dochádzka, podiel dokončenia základnej školy) a na úrovni odborov (výsledky absolventov jednotlivých na trhu práce)*"). The incorrect translation of the original RRP from Slovak to English is the consequence of the dual meaning of the Slovak word "*odbory*" which means both "trade union" and "educational field". The latter translation is the one considered relevant for the fulfilment of C6.M8.

Against this background, the justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force of the amendment to Act No 245/2008, Act No 61/2015 and modification of Decree No 292/2019.Z. z.

The entry into force of the amendment to Act No. 245/2008 on education and training is provided by amending Act No. 415/2021 that was adopted on 20 October 2021 and entered into force on 1 January 2022 in accordance with Article 5.

The entry into force of the amendment to Act No. 61/2015 on vocational education and training is provided by amending Act No. 413/2021 that was adopted on 20 October 2021 and entered into force on 1 January 2022 in accordance with Article 2. Moreover, the amendment is complemented by the adoption of Decree No. 287/2022 on the system of fields of education for secondary schools and on the material scope of application to the fields of education that was adopted on 11 August 2022 and entered into force on 1 October 2022 in accordance with Article 7.

The entry into force of the modification of Decree No. 292/2019 Z.z. laying down the criteria for determining the maximum number of pupils in the first year of secondary education is provided in the form of the replacement of Decree No. 292/2019 by Decree No. 202/2022 laying down the criteria for determining the maximum number of pupils in the first year of secondary education that was adopted on 3 June 2022 and entered into force on 7 June 2022 in accordance with Article 12. Decree No. 202/2022 states in Article 11 that Decree No. 292/2019 has been repealed.

The amendment to Act No 245/2008 on education and training (School Act) shall provide for the possibility of completing lower secondary education in lower secondary vocational education

(NSOV) in a two- and three-year combined programme (depending on the year in which the pupil dropped out of the primary school) by means of a comitology examination. The aim is to remove the so-called "dead ends" within the education system and to enable NSOV pupils to complete the lower-secondary education as part of one programme that is more efficient. – From the measure description: **The reform consists of changes to the relevant legislative provisions aimed at increasing the possibility for young people, who dropped out of lower-secondary education, to achieve a higher level of education by providing for the possibility of completing lower secondary education in secondary vocational schools (NSOV) in a two- and three-year combined programme.**

The possibility to complete lower secondary education in lower secondary vocational education in a two- and three-year combined programme is created by the amendment of to Act No. 245/2008, because lower secondary education ("*Nižšie Stredné Vzdelanie*") can due to an amendment to Act No. 245/2008 be obtained in lower secondary vocational education ("*Nižšieho Stredného Odborného Vzdelávania*") by means of successfully completing the comitology examination (the latter is described further down in this preliminary assessment where the usage of the comitology examination is assessed), all lower secondary vocational education programmes last either two or three years, and the state education programmes of all lower secondary vocational education programmes contain the curriculum of lower secondary education such that pupils are prepared for the comitology examination for the obtainment of lower secondary education as part of their lower secondary vocational education studies.

Article 1(41) of amending Act No. 415/2021, that was adopted on 20 October 2021 and entered into force on 1 January 2022, introduced Article 1(16)(3)(b) in Act No. 245/2008 which states that lower secondary education can be obtained by successfully completing the comitology examination for lower secondary education within a lower secondary vocational education programme. The comitology examination is described further down in this preliminary assessment where the usage of the comitology examination is assessed.

Article 1(4) of Decree No. 287/2022, that was adopted on 11 August 2022 and entered into force on 1 October 2022, states that the current fields in which lower secondary vocational education programmes are offered are listed in Annex 3 to the Decree. The latter Annex specifies on p. 3 that there is one field, "Technical Chemistry of Silicates", in which 3-year lower secondary vocational education programmes are offered. These programmes are about the "production of utility glass". The table in the Annex further clarifies that since 1 October 2022 there are nine fields in which in total 17 different types of lower secondary vocational education programmes are offered. Other examples of the types of lower secondary vocational education programmes are metalworking, manufacturing of clothing, and wood processing.

The state education programmes of the nine fields in which lower secondary vocational education programmes are offered, in accordance with the aforementioned Article 1(4) of Decree No. 287/2022, include section 9 named "Education for lower secondary education" which contains the standards for

lower secondary education and as stated in section 9.1.2.c include Slovak language and literature; foreign languages; mathematics; informatics; physics, chemistry and biology; and history, geography, and civic education.

The Council Implementing Decision required the combined programme, that is the combination of the lower secondary education curriculum and lower secondary vocational education curriculum in a single lower secondary vocational education programme, to be two- or three years depending on the year in which the pupil "dropped out of" primary school. The authorities of Slovakia did however not link the duration of the combined programme to the year in which the pupil dropped out of primary school. Pursuant to Article 1(16)(4)(a) of Act No. 245/2008 the certificate for lower secondary vocational education can be obtained by successfully completing the last year of a vocational education programme that lasts at least two and at most three years. However, the reform of Act No. 245/2008 introduced Article 1(16)(3)(b), which states that the comitology examination for obtaining lower secondary education (as explained further down in this preliminary assessment where the usage of the comitology examination is assessed), can be conducted at any time during the lower secondary vocational education programme. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, the reform enabled lower secondary vocational education pupils to progress more quickly to more advanced levels of education through the comitology examination. This means that by the reform newly created combined programme of lower secondary education and lower secondary vocational education does not need to be completed before the pupil can progress to a more advanced level of education as the obtainment of the certificate of lower secondary vocational education is in accordance with Article 1(62) of Act No. 245/2008 not a prerequisite for admission to any of the more advanced education programmes. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Lower secondary education is obtained in lower secondary vocational education by means of a comitology examination, because the completion of the comitology examination is the only possibility to obtain lower secondary education as part of a lower secondary vocational education programme as stated in section 9.1.2.d of the aforementioned nine state education programmes.

Article 1(5)(4)(l) of Act No. 596/2003 as in force on 1 January 2022 states that the school's principal provides permission to pupils to conduct the comitology examination. This permission is provided on an ad-hoc basis and thus pupils do not need to complete the new lower secondary vocational education programmes before they can take, and pass, the comitology examination for lower secondary education. From this follows that pupils can progress to the more advanced levels of education, as listed in Articles 1(62)(1,3,5,6,8) of Act No. 245/2008 as in force on 1 January 2022, as soon as they obtained the level of lower secondary education. The latter Article 1(62) which lists the prerequisites for admission to secondary education, does not list any level of education for which a graduate of lower secondary vocational education is admissible.

The aforementioned Articles 1(62)(1,3,5,6,8) state that upon successful completion of lower secondary education admission can be granted to: gymnasiums ("*gymnáziách*"), bilingual education programmes ("*programu bilingválneho*"), secondary vocational education ("*stredného odborného vzdelávania*"), complete secondary vocational education ("*úplného stredného odborného vzdelávania*") and higher vocational education at conservatories ("*vyššieho odborného vzdelávania v konzervatóriu*").

There is a greater coverage of the system in relation to vulnerable groups. The education offer shall be adapted to labour market needs. – From the measure description: **optimisation of NSOV programmes in response to labour market needs and the offer of NSOV programmes in relation to the educational needs of the target group of pupils.**

There is a greater coverage of vulnerable groups because lower secondary vocational education programmes are inherently targeted at vulnerable groups (i.e. persons who dropped out of primary school) and the enhancement of the attractiveness of these programmes following the reform is expected to lead to higher enrolment rates and thus a greater coverage of vulnerable groups.

Article 1(62)(4) of Act No. 245/2008 as in force on 1 January 2022 states that lower secondary vocational education programmes are targeted at persons who attended primary school for at least nine years but did not successfully complete the primary school programme. Article 1(62)(4) thus indicates that lower secondary vocational education programmes are targeted at persons from vulnerable groups.

Moreover, as explained in the previous section of this preliminary assessment, prior to the reform, lower secondary vocational education programmes did not prepare for the obtainment of lower secondary education by means of the comitology examination hence the reform enhanced the attractiveness of lower secondary vocational education programmes. Enrolment in lower secondary vocational education programmes is therefore expected to increase, and because the pupils stem almost exclusively from vulnerable groups, this means that the reform is expected to lead to a greater coverage of vulnerable groups. In accordance with the qualitative indicator outlined in the Councill Implementing Decision, the milestone solely encompasses legislative amendments therefore conclusive figures on the increase in enrolment are beyond the scope of the assessment.

The offer of lower secondary vocational education programmes (NSOV programmes) has been optimised in relation to the educational needs of the target group of pupils because lower secondary education and lower secondary vocational education have been combined into a single programme which allows to progress to a more advanced level of education upon the obtainment of lower secondary education by means of the comitology examination, irrespective from obtaining lower secondary vocational education (as explained above in this preliminary assessment).

Prior to the reform and as stated on p. 11 of the Referencing Report of the Slovak Qualifications Framework to the European Qualifications Framework issued by the State Institute of Vocational Education ("*štátny inštitút odborného vzdelávania*") in 2017, graduates of lower secondary vocational education needed to complete a one-year bridging programme [to obtain lower secondary education] to continue their studies at a more advanced level. The aforementioned Article 1(62) of Act No. 245/2008 lists the levels of secondary education to which graduates of lower secondary education are admissible and does not list any level of secondary education to which graduates of lower secondary vocational education are admissible.

The education offer is adapted to labour market needs because amendments to Act No. 61/2015 strengthened the ability of trade unions and professional organisations to influence the offer of vocational education, including lower secondary vocational education.

Articles 1(63-64) of amending Act No. 413/2021 that was adopted on 20 October 2021 and entered into force on 1 January 2022, introduced Articles 1(32)(4,7) in Act No. 61/2015 which respectively state that the Employers' Council for Vocational Education and Training no longer coordinates the exercise of the competences of trade unions and professional organisation only in the domain of vocational education which is combined with apprenticeships but for all types of vocational education and training, and that the Ministry of Education may subsidise trade unions and professional organisations to ensure the exercise of their competence in the domain of education.

The term "trade unions and professional organisations" is defined in Article 1(11)(1) of Act No. 61/2015 as in force on 1 January 2022. The latter Article states that "trade unions and professional organisations" encompass employer representatives and the Slovak Chamber of Commerce and Industry, the Slovak Chamber of Crafts, the Slovak Chamber of Agriculture and Food, the Slovak Forestry Chamber, the Slovak Mining Chamber and other legal entities that have a competence in the field of vocational education and training.

The term "Employers' Council for Vocational Education and Training" is defined in Article 1(32)(5) of Act No. 61/2015 as in force on 1 January 2022. The latter Article states that the "Employers' Council for Vocational Education and Training" encompasses a voluntary professional association of representatives of trade unions and professional organisations.

Lower secondary vocational education programmes (NSOV programmes) have been optimised in response to labour market needs because amendments to Act No. 61/2015 strengthened the ability of trade unions and professional organisations to influence the substance of vocational education, including lower secondary vocational education.

Article 1(62) of the aforementioned amending Act No. 413/2021 introduced Article 1(32)(2)(l) in Act No. 61/2015 which states that trade unions and professional organisations active in the field of

vocational education approve the employer's quality strategy for vocational education and training in accordance with labour market needs.

The amendment to Act No 61/2015 on vocational education and training shall extend the obligation to determine secondary school performance plans to lower secondary vocational education. – From the measure description: **Legislative amendments shall optimise F-type study programmes as well, by extending the obligation to determine secondary school performance plans to lower secondary vocational education disciplines.**

The obligation to determine secondary school performance plans is extended to lower secondary education because Article 1(57) of the aforementioned amending Act No. 413/2021 obligated self-governing regions to determine, each school year, the maximum number of admissible first-year pupils at secondary schools as broken down into individual fields of study. Moreover, self-governing regions are in accordance with Act No. 202/2022 required to base their decision on a number of criteria that directly measure school performance, as explained further down in this preliminary assessment where the features of the performance planning system are assessed. This optimised F-type study programmes as the amendment leads to a more efficient distribution of pupils over schools.

The Council Implementing Decision states that secondary school performance plans shall be determined for lower secondary vocational education. The original RRP provides on p. 244 that secondary school performance plans determine the maximum number of pupils that are admissible in the first year at secondary schools: "After extending the possibility for young people with incomplete primary education to obtain a higher level of education, the Ministry of Education and Science of the Slovak Republic will also set up a system of performance planning for F-departments by means of a Decree determining the criteria for determining the highest number of pupils in the first year of secondary schools." ("*Po rozšírení možnosti pre mladých ľudí s nedokončeným základným vzdelaním získať vyšší stupeň vzdelania nastaví MŠVVaŠ SR aj systém plánovania výkonov pre F-odbory prostredníctvom vyhlášky, ktorou sa určujú kritériá pre určovanie najvyššieho počtu žiakov prvého ročníka stredných škôl.*") Article 1(57) of the aforementioned amending Act No. 413/2021 amended Article 1(31)(8) of Act No. 61/2015 such that educational programmes of which completion results in the obtainment of lower secondary vocational education are no longer exempted from Articles 1(31)(2-6) of Act No. 61/2015. The term "secondary school performance plan" is not used in the Articles 1(31)(2-6). Yet, Article 1(31)(2) states that self-governing regions have to determine, each school year, the maximum number of full-time first-year pupils that can be admitted at each secondary school in the jurisdiction of the self-governing region, as broken down into individual fields of study. Moreover, the self-governing region is in accordance with the new Decree No. 202/2022 required to base its decision on a number of criteria that directly measure school performance (as explained further down in this preliminary assessment where the features of the performance planning system for F-type study programmes are assessed). The above shows that in line with the intention of the reform as provided in the RRP, the obligation to determine the maximum number of

admissible first-year pupils has been extended to lower secondary vocational education. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Decree No 292/2019 shall be amended which shall set up the performance planning system for F-type study programme by defining specific criteria. These shall take into account the specificities of F-type study programme, such as criteria at school level (benefits, attendance, rate of completion of primary school) and at the level of educational field – labour market outcomes of "F graduates".

Decree No. 292/2019 needed to be amended to set up the performance planning system for F-type study programmes. The authorities of Slovakia did not amend Decree No. 292/2019 but replaced it by Decree No. 202/2022 that was adopted on 3 June 2022 and entered into force on 7 June 2022. Decree No. 202/2022 states in Article 11 that Decree No. 292/2019 has been repealed. The scope of the required amendment warranted the replacement of the Decree instead of its amendment and the new Decree contains the legislative Articles relevant to the requirements of the Council Implementing Decision.

The performance planning system for F-type study programmes is set up by defining specific criteria, because the number of full-time first-year pupils that can be admitted to each lower secondary vocational school in Slovakia is determined by a methodology which depends on two basic criteria and at least three other criteria which relate to school performance.

Article 8(5) of the aforementioned Decree No. 202/2022 contains the two basic criteria which each have a weight of 35% in the computation that self-governing regions use to score and rank lower secondary vocational schools to determine the maximum number of admissible full-time first-year pupils. The methodology used by self-governing regions states on p. 1 that the basic criteria are assessed by the Ministry of Education.

Article 7(1) of Decree No. 202/2022 contains the other criteria. Articles 8(7-8) of the Decree state that the self-governing region shall choose at least three other criteria which individually shall have a weight of at least 5% and in total of 30% in the computation. The nature of the two basic criteria and the list of other criteria are explained further down in this preliminary assessment where the specific criteria are assessed.

The criteria of the performance planning system take into account the specificities of the F-type study programme, such as criteria at school level (benefits, attendance, rate of completion of primary school) and at the level of the educational field – labour market outcomes of "F graduates", because Decree No. 202/2022 contains seven school level criteria and five criteria at the level of the educational field. The criteria cover all of the criteria required by the Council Implementing Decision and form a mix of basic- and other criteria, as described in detail below.

The school level criteria are provided in Articles 7(1) and 8(5)(b) of the Decree. The school level criteria are the following basic criterion – the share of pupils who left the lower secondary vocational education programme of the school without having obtained lower secondary vocational education and did not continue studies in secondary vocational education ("*stredného odborného vzdelávania*"), complete secondary vocational education ("*úplného stredného odborného vzdelávania*") or gymnasium ("*gymnáziách*") (Article 8(5)(b)) – and the following other criteria: active use of school dormitory (Article 7(1)(c)); the monitoring and evaluation results of the State School Inspectorate (Article 7(1)(d)); exam results of the school-leaving examination (Article 7(1)(e)); results of competitions and Olympiads in proportion to the number of pupils of the school (Article 7(1)(f)); involvement in international- projects and programmes (Article 7(1)(g)); and the share of certified pedagogical and professional staff compared to the total number of pedagogical and professional staff of the school (Article 7(1)(i)).

The criteria at the educational field are provided in Articles 7(1), 8(5)(a) and 8(6) of the Decree. The criteria at the level of the educational field are the following basic criterion – the share of graduates of the respective lower secondary vocational education programme that is employed or self-employed in the self-governing region following the year of graduation, as measured as the arithmetic mean for the months May to July (Article 8(5)(a), and Article 8(6) which states how the employment of graduates is defined) – and the following other criteria: education in the language of a national minority (Article 7(1)(a)); schools with superior material, technical and spatial security (Article 7(1)(b)); proportion of hours taught in the field of study by qualified pedagogical staff to all hours taught in the preceding school year (Article 7(1)(h)); and the availability of the vocational education programme in the territory of the self-governing region (Article 7(1)(j)).

The criterion on benefits has been reflected in Article 7(1)(e) of the Decree, the school level criterion which captures the pupils' results of the school-leaving examination for lower secondary vocational education and as such provides an indication of the benefit that pupils derived from participating in the lower secondary vocational education programme of the respective school.

The criterion on attendance has been reflected in Article 7(1)(d) of the Decree, the school level criterion which captures the monitoring and evaluation results of the State School Inspectorate.

The criterion on the rate of completion of primary school has been reflected in Article 8(5)(b) of the Decree, the school level criterion which captures the share of pupils who left the lower secondary vocational education programme of the school without having obtained lower secondary vocational education and did not continue studies in secondary vocational education ("*stredného odborného vzdelávania*"), complete secondary vocational education ("*úplného stredného odborného vzdelávania*") or gymnasium ("*gymnáziách*").

This follows from the aforementioned Article 1(16)(3)(b) of Act No. 245/2008 which states that lower secondary education is equivalent to primary education, the aforementioned Article 1(4) of Decree

No. 287/2022 (and the aforementioned nine state education programmes) which states that all lower secondary vocational education programmes are combined with lower secondary education, and the aforementioned Articles 1(62)(1,5,6) of Act No. 245/2008 which state that a pupil can only leave a lower secondary vocational education programme without graduating from it whilst continuing education at secondary vocational education ("*stredného odborného vzdelávania*"), complete secondary vocational education ("*úplného stredného odborného vzdelávania*") or gymnasium ("*gymnáziách*") if the pupil obtained lower secondary education.

The criterion on the labour market outcomes of F graduates has been reflected in Article 8(5)(a) of the Decree, the criterion at the level of the educational field which captures the share of graduates of the respective lower secondary vocational education programme that is employed or self-employed in the self-governing region following the year of graduation, as measured as the arithmetic mean for the months May to July.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C7.M1	**Related measure:** SK-C[C7]–R[R1]: Education for the 21st century – Reform 1: Education content and form reform – Curricular and textbook reform
Name of the Milestone: New curriculum for all primary schools organized in the multiannual education cycles	
Qualitative Indicators: Approval of the new state primary education programme by the Minister of Education.	**Time**: Q1 2023

Context:

The objective of the reform is to create new learning curricula in primary and lower-secondary level of education, which will become compulsory in all primary schools. The implementation of the reform will be supported by the creation of 40 regional centres, that will ensure support for schools in mentoring, counselling, and consultation activities. As part of the reform implementation, it is envisaged to create an e-testing platform that should make the digitalisation of the education process more efficient and enable the central testing of pupils.

Milestone C7.M1 requires the introduction of a new curriculum for all primary schools (ISCED 1 and ISCED 2), organised in multiannual education cycles and the approval of the new state primary education programme by the Minister of Education. The implementation of the new curriculum should start from September 2023 with an obligation to transfer all primary schools to a new curriculum by September 2026.

Milestone C7.1 is the first step in the implementation of the reform and is followed by targets C7.T2, C7.T3 and C7.T4. Target C7.T2 envisages the creation of a network of 40 regional centres of support. Target C7.T3 foresees at least 30% of public primary schools implementing the new curriculum and the provision of new textbooks. The final element in the implementation of the reform is target C7.T4 which requires the introduction of an e-Test 2.0 (final exam for graduates from upper secondary school).

The reform has a final expected date for implementation by 31 December 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
ii. **Copy of the Decision on the State Education Programme for Primary Education of 31 March 2023** under No. 2023/831:7-A2140 (Annex 1)

iii. **Copy of the Plan for the implementation phase of the curricular reform from the implementation phase from September 2023 until the introduction of the curricula in all primary schools in September 2026** (Annex 2)
iv. **Copy of the Report on the content and organisation of renewed cycles, approved on 31 March 2023 under No. 2023/831:7-A2140 by the Minister of Education, available here:** www.minedu.sk/statny-vzdelavaci-program-pre-zakladne-vzdelavanie-2023/ (Annex 3)
v. **Copy of the State Education Programme with Annexes** (Annex 4)

The authorities also provided:

vi. **Copy of Appendix 1 to the State Education Programme** (Annex 5)
vii. **Copy of Annex 1 go Appendix 1: Minimum learning outcomes from learning standards** to the State education Programme for Primary Education (Annex 5.1)

Analysis:

The justification and substantiating evidence provided by the Slovakia's authorities covers all constitutive elements of the milestone.

Approval of the new state primary education programme by the Minister of Education.

The new State Education Programme (SEP) for Primary Education, which introduced the new curriculum, was approved with Decision No. 2023/831:7 - A2140 of the Minister of Education, Science, Research and Sport of the Slovak Republic on 31 March 2023 as evidenced by Annex 1, p. 1.

The approved and complete version of the State Education Programme for which experimental verification agreement can be concluded with participating primary schools as of the school year 2023/2024 is provided as Annex 4 of the supporting evidence.

An integrated curriculum for primary schools (ISCED 1 and ISCED 2) shall be implemented within cycles.

The new SEP defines the learning objectives, framework curricula and educational standards for primary education. The State Education Programme is binding for the development of a school education programmes for the relevant level of education as stipulated in Article 6(6) of Act No. 245/2008 Coll. on education and training (the Education Act). A school education programme is the basic document according to which education and training in schools takes place.

In the new SEP, the content and objectives of primary education are organisationally divided into three learning cycles (as evidenced by Annex 4, Chapter 3 Characteristics of the training field, p. 7 and Chapter 4 Education levels, p. 8). The learning cycles have a longer duration than one school year and are organised as follows:

- First cycle – literacy introduction – three years (first - third year of primary school)

In the first cycle, the pupil acquires the basis of literacy, including numerical skills, science knowledge, and socio-scientific literacy.

- Second cycle – mastering the basics of literacy – two years (fourth - fifth year of the primary school)

In the second cycle, the aim is to strengthen the core skills acquired in the first cycle.

- Third cycle – literacy development – four years (sixth – ninth year of lower secondary school)

In the third cycle, the focus is on further specialisation, coupled with a vision of further education in secondary schools.

Upon successful completion of the second cycle, the pupil completes primary education (ISCED 1). Upon successful completion of the third cycle, the pupil receives lower secondary education (ISCED2) (as evidenced in Annex 4, Chapter 4 Education Levels, p. 7).

An integrated curriculum is then created through the structuring of learning objectives and content into the three consecutive and complementary cycles. On the basis of learning objectives, detailed educational standards are defined per cycle and per educational area (Annex 4, Chapter 6 Education Areas, p. 9). An integrated curriculum implies that the boundaries between the primary education (1st and 2nd cycle) and the lower secondary education (3rd cycle) are aimed to be less prominent, with the cycles gradually building up teaching content within an integrated framework. The content of education within individual subjects in educational areas has a unified concept for the entire period of primary school. Before the implementation of the reform there were no cycles and only two levels of education within primary school, i.e. the first level (1st-4th grade) and the second level (5th-9th grade). Previously there was not one integrated curriculum, which covered the entire period of primary school, but two content-different curricula (i.e. state education programs) for each level. i**The cycles shall define basic learning objectives for areas rather than detailed content, thus creating flexibility to develop curricula at school level. Furthermore, in line with the reform description, instead of delivering ready-made information, teachers shall create situations in which pupils may interpret the information in confrontation with real life.**iThe SEP groups individual subjects into educational areas (Annex 4, Chapter 6, p. 11). Basic learning objectives, accompanied by more detailed educational standards are defined for each educational area and for each cycle (Annex 4, Chapter 6 Education Areas, p. 9 and as of page 59 for each educational area).

The defined educational standards represent the level of competences, i.e. knowledge, skills and attitudes that pupils are expected to have acquired at the end of each cycle in each of the educational areas (Annex 4, Chapter 7 Educational Standards, p. 11). The standards are defined at the level of the learning cycles and not individual grades and each school can decide how to divide them within the grades as part of the integrated curriculum.

The educational standards of each cycle determine the learning content and expected learning outcomes at the end of each cycle (Annex 4, Chapter 3 Characteristics of the training field, p. 7). Educational standards are divided into content standards (what pupils know) and performance standards (how pupils use what they know, their attitude and how they reflect on their learning process). Each school divides the learning content (content standard) of each learning area into courses and grades within the cycles, in accordance with the school curriculum (Annex 4, Chapter 7, p. 12).

The flexibility to develop curricula at school level is also ensured by setting up a framework curriculum in the SEP, which defines the time allowances for the learning areas or courses within the three cycles and not per grade (as evidenced in Annex 4, Chapter 8 Framework Curriculum, p.14). It is up to the school to draw up its curriculum on the basis of the allocated time allowance of the learning areas within a given cycle and for the specific grades and courses. The objective is to allow flexibility in adapting the curricula to the individual needs, potential and talents of pupils and the specificity of the school. In addition, *the Chapter Definition of Literacy* (Annex 4, p. 39) includes definitions of the required literacy level per educational area and at the end of each of the three cycles.

The SEP defines the skills and competences which a pupil should acquire after completing primary education. Those include, among others, the following: use of digital technologies and media, participate in civil and social life on the basis of knowledge on current affairs, actively address problems and take decisions, make informed decisions about future education, apply critical thinking, etc. (Annex 4, Chapter Graduate Profile, p.5). The SEP states that the focus of the new curriculum is on the promotion of critical thinking, the development of morality and a creative approach to life, inclusion, education for environmental responsibility, ethical principles, health and digital transformation (Annex 4, Chapter the Role of the SEP, p. 35). In addition, in the definition of educational standards in the SEP, there is an increased emphasis on student´s actions. As part of the content and performance standards for each educational area, the SEP defines activities, carried out by teachers, which describe various real-life situations in which students evaluate and interpret the acquired information.

The implementation phase shall start from September 2023 with an obligation to transfer all primary schools to a new curriculum by September 2026. Furthermore, in line with the description of the reform, the reform commences with the introduction of the curricula in primary and lower-secondary level of education (on voluntary basis) as of the school year 2023 and end by obligation to adopt the new curriculum in all primary schools in 2026.

The decision of the Minister for Education, Science, Research and Sport of the Slovak Republic from 31 March 2023 (Annex 1 of supporting evidence, p.1) establishes that the new curricula can be taught in schools as of the first grade:

- from the school year 2023/2024 in those primary schools with which an agreement on experimental verification is concluded,

- from the school year 2024/2025 or 2025/2026 in primary schools based on the registration of the school in the departmental information system.

All primary schools are obliged to follow the new curricular in the first grade from the school year 2026/2027 (as evidenced by Annex 1, p. 1).

The implementation phase of the reform started as of September 2023 in 39 pilot schools. The list of the 39 pilot schools is published on the website of the curricular reform.

The Slovak authorities provided the *Timeline of implementation* of the reform (Annex 2 of the supporting evidence), which gives an overview of the implementation of the reform until its completion, in line with the foreseen obligation for all primary schools to implement the new curriculum as of the school year 2026/2027.

Commission Preliminary Assessment: Satisfactorily fulfilled.

Number: C7.M5	**Related Measure:** SK-C[C7]-R[R2]: Preparing and developing teachers for new content and forms of teaching
Name of the Milestone: Entry into force the legislative changes to strengthen the quality of skills of teaching and professional staff and motivate them for lifelong professional development	
Qualitative Indicator: Entry into force the amendments to Act No 138/2019 on pedagogical and professional employees, Act No 597/2003 Coll., Act No 131/2002 on higher education, and the Decrees No 244/2019 and No 1/2020 of the Ministry of Education, Science, Research and Sport of the Slovak Republic on the system of study unions of the Slovak Republic.	**Time:** Q1 2023

Context:

The measure aims to strengthen the quality of skills of teaching and professional staff and motivate them for lifelong professional development. The reform envisages the introduction of a financial allowance to upgrade teachers' skills, with focus on new curricula, inclusive education and the acquisition of digital skills. At the same time, the reform prescribes the establishment of a grant programme for universities to support the emergence of new teaching curricula, with a focus on inclusive education, the education of pupils with different mother tongues from Slovak and the development of digital competences among student teachers.

Milestone C7.M5 concerns the introduction of the following legislative changes: i) new study programmes preparing future teachers; ii) an allowance to motivate teaching and professional staff to pursue professional development; iii) the regulation of the competences and the range of providers of attestation; iv) functional and qualification education in the education sector; and v) a new model of accreditation of professional development training programmes.

Milestone C7.M5 is the first step of the implementation of the reform and will be followed by target C7.M6, related to the percentage of pedagogical and professional staff trained, especially in preparation for the new curriculum, inclusive education, and digital skills. The implementation of the reform shall be completed by 31 December 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Copy of Act No 137/2022, amending Act No 131/2002 Coll., on higher education and amending certain acts.** The Act was adopted on 23 March 2022 and became effective as of 25 April 2022. The law is published in the Official Journal on https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/137/20220425.

ii. **Copy of Act No. 414/2021 Coll. amending Act No. 138/2019 Coll. on pedagogical employees and professional employees and amending certain acts**. The Act was adopted on 20 October 2021 and became effective as of 1 January 2022. The law is published in the Official Journal at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/414/20220101.

iii. **Copy of Act 415/2021 Coll, amending Act No 597/2003 Coll. on the financing of primary schools, secondary schools and school facilities**. The Act was adopted on 20 October 2021 and became effective as of 2 January 2022. The law is published the Official Journal on https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2021/415/20230530.

iv. **Copy of Decree No 26/2023 amending Decree No 244/2019 Coll. of the Ministry of Education, Science, Research and Sport of the Slovak Republic on the system of study fields of the Slovak Republic**. The Decree was adopted on 12 January 2023 and became effective as of 1 February 2023. The order is published in the Official Journal at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/26/20230201.

v. **Copy of Decree No 173/2023 Coll. of the Ministry of Education, Science, Research and Sport of the Slovak Republic on qualification requirements for teaching and professional staff**. The Decree was adopted on 28 April 2023 and became effective as of 1 September 2023. The Decree is published in the Official Journal at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/173/20230901.

The authorities also provided:

vi. **Copy of Act No. 131/2002 on higher education and amending certain acts,** effective from 25 April 2022 to 31 May 2022. The Decree is published in the Official Journal at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/131/20230101.

vii. **Copy of Act No 138/2019 on pedagogical and professional employees and amending certain acts,** effective as of 1 January 2022. The Decree is published in the Official Journal at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/138/20230901.

viii. **Copy of Act No 597/2003 on the financing of primary schools, secondary schools and school facilities**, effective as of 2 January 2022 to 28 November 2022. The Decree is published in the Official Journal at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2003/597/20231223.

ix. **Copy of Decree No 244/2019 of the Ministry of Education, Science, Research and Sport of the Slovak Republic on the system of study fields of the Slovak Republic** effective from 1 February 2023. The Decree is published in the Official Journal at: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2019/244/20230201.

x. **Copy of the grant programme for universities to support new teacher courses,** (grant call code 07R02-20-V01)**.** The call was launched on 1 December 2023 and published at: https://www.minedu.sk/grantovy-program-pre-univerzity-na-podporu-novych-ucitelskych-studijnych-programov/.

xi. **Copy of the Methodological guideline No 1 on the absorption of the Recovery and Resilience Facility of the Slovak Republic provided for updating education in the 2022/2023 school year**.

The methodological guidance No 1 was published on 19 December 2022 at: https://www.minedu.sk/metodicke-usmernenie-c1/.

xii. **Copy of the Methodological guideline No 2 on the absorption of the Recovery and Resilience Facility of the Slovak Republic provided for individual professional development of teaching staff and specialist staff of schools and school facilities in 2023**. The methodological guidance No 2 was published on 14 July 2023 at: https://www.minedu.sk/metodicke-usmernenie-c2/.

xiii. **Copy of the Methodological guideline No 3 on the absorption of the Recovery and Resilience Facility of the Slovak Republic provided for individual professional development of pedagogical and professional staff of schools and school facilities in 2024**. The methodological guidance No 3 was published on 3 January 2024 at: https://www.minedu.sk/metodicke-usmernenie-c3/.

xiv. **Copy of the request for payment to Methodological Guideline No. 1**. This document shows that the allowance for teaching and specialist staff under Methodological Guideline No 1 was granted to schools at the beginning of 2023 (in the form of advance payments).

Analysis:

The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force the amendments to Act No 138/2019 on pedagogical and professional employees, Act No 597/2003 Coll., Act No 131/2002 on higher education, and the Decrees No 244/2019 and No 1/2020 of the Ministry of Education, Science, Research and Sport of the Slovak Republic on the system of study unions of the Slovak Republic.

The amendment to Act No. 138/2019, as amended by Act No. 414/2021, entered into force on 1 January 2022. Amendment to Act No. 597/2003, as amended by Act No. 415/2021, entered into force on 2 January 2022. Amendment to Act No. 131/2002, as amended by Act 137/2022, entered into force on 25 April 2022. Amendment to Decree No. 244/2019, as amended Decree No. 26/2023, entered into force on 1 February 2023. Decree No. 1/2020, that is now repealed, has been updated into Act No. 173/2023, which entered into force on 1 September 2023.

The Council Implementing Decision required the entry into force of an amendment to Decree No. 1/2020 on the system of study unions of the Slovak Republic. However, the content of Decree No. 1/2020 has been replaced and is now part of Decree No. 173/2023 with entry into force on 1 September 2023. The creation of this new Decree was envisaged to accommodate all the changes to Decree No. 1/2020.

The legislative changes shall bring: the introduction of the new study programmes preparing future teachers.

The amendment to Article 53a of Act No 131/2022 on Higher Education, that entered into force on 25 April 2022, provides for the creation of new teaching programmes that integrate training for the teaching of broader educational areas defined in the curriculum. Specifically:

- Teacher's study programmes can be carried out as bachelor's programs, master's programmes or studies combining the first and second degrees. Also, teacher's study programmes can be conducted as a professionally oriented study program (53(a)(1)). The study programmes focus on mastering the use of theoretical and didactic knowledge in the performance of teaching and pedagogical activities. Therefore, the amendment increases the share of teaching practise in the new teaching programmes, in line with requirements for professionally oriented study programmes.
- The approval of a teacher's study program refers to the acquisition of the competence to teach relevant educational areas or subjects at defined levels of education, according to the State Educational Programs for pre-primary education and basic (primary and lower-secondary) education. For secondary education, the approval can include general education subjects or professional teaching subjects, according to the State Education Program for secondary education (53(a)(2)). The amendment allows university courses to be organised in line with the changes in the curriculum, with the aim of preparing teachers for the cycles of the respective national education programmes (see C7.R1.M1 on the introduction of the new curriculum).
- The approval of the teacher's study program can be obtained for all educational areas for pre-primary and primary education; one educational area, or one or two subjects for lower secondary education, lower secondary vocational education, secondary vocational education, complete secondary general education, or complete secondary vocational education (53(a)(3)). This amendment makes it possible to integrate university study programmes preparing teachers to teach wider educational areas in addition to a previous system whereby universities could offer study programmes combining maximum two subjects for which the future teachers would be trained.

The Council Implementing Decision states that the legislative changes shall introduce new study programmes preparing future teachers. However, the Recovery and Resilience Plan states that the study programmes will be designed to follow the structure of the new curricula organised into cycles (page 9 of Component 7). In this respect, through the amendment of Article 53a of Act No 131/2002 by means of Act No. 137/2022, Slovakia organises university courses preparing teachers based on the changes in the curriculum and makes it possible to integrate university study programmes to teach wider educational areas, in line with the curriculum. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

In the amendment of Decree No. 244/2019, by means of Decree No. 26/2023, the following changes were made:

- The description of the field of study "teaching and teaching science" has been amended in line with the amended version of Act No 131/2002 on higher education and other amendments (Article

38). Core main topics also include areas of knowledge related to social and pedagogical inclusion and the development of digital skills.

- According to the amended description of the teaching and teaching sciences (Annex 1 to Decree No 244/2019, part 38, point 3) an opinion of the Ministry of Education is required, allowing the Ministry to monitor the conformity of the teaching programmes with the State Education Programme. If the Ministerial opinion is not included, the study program cannot be accredited. The Ministry, in cooperation with the universities concerned, will also prepare and issue criteria for assessing the practical application of graduates.
- The amendment to the Decree also includes a transitional provision (Art. 1a) according to which, by 31 August 2025, the higher education institution shall align the content of the courses provided with the changes brought by this amendment.

Decree No. 173/2023 brought about an adjustment of the qualification requirements for pedagogical and professional staff and the procedure for assessing the fulfilment of qualifications for the performance of the occupational activity in the different categories and subcategories of teaching staff and professional staff (Annex 1-18 to Decree No. 173/2023). Namely, Article 1(1)(a) lists the qualification prerequisites for teachers for the performance of work, contained in Annex 1. Annex 18 sets out the evidence of compliance with the qualification requirements.

The legislative change shall bring an allowance to motivate teaching and professional staff to pursue lifelong professional development.

With the entry into force of the amendment to Act No. 138/2019 on 1 January 2022, the costs of training in professional development can be covered from the state budget or from European Union resources (Article 63(5)).

Additionally, the amendment to Article 63a of Act No. 138/2019 introduces the following changes:

- The Ministry of education can provide a grant aimed at supporting the professional development activities of teaching and professional staff of schools, school facilities or social assistance facilities.
- Subsidies for activities can be provided to the applicant, which is a provider of an approved professional development education program, a provider who is authorised to organise innovative education, a certification organisation, a school, school facility or social assistance facility, and founder of a school, school facility or social assistance facility.
- The Ministry publishes on its website a call for submission of subsidy applications, at least 30 days before the deadline. The call for submission contains, in particular, the basic goal and selection criteria, the application form, the range of eligible applications, the amount of funds intended for the published call.

These provisions delegate to the Ministry of Education the competence to select the field of activity to be supported by the subsidy and at the same time lay down the obligation to publish in a transparent manner on its website the list of areas of activity for granting the subsidy.

At the same time, Article 4af of Act No. 597/2003, as amended by Act No. 415/2021, with entry into force on 1 January 2022, allows the Ministry of Education to award a contribution to the founder of the school or school establishment in the course of a calendar year for two separate reasons, namely: the reimbursement of costs which could not have been foreseen or, alternatively, for costs of a specific nature.

Furthermore, in line with the description of the measure, **financial allowance shall be introduced to upgrade the teacher's skills. The focus shall be made on the new curricula, inclusive education and the acquisition of digital skills.**

The Ministry of Education has issued three methodological guidelines on the above-mentioned financial allowance to upgrade teacher's skills.

The first methodological guideline was published on 19 December 2022 on the website of the Ministry of Education. It establishes that trainings can take place between 2 September 2022 and ending no earlier than 31 January and no later than 30 June 2023. As mentioned in the guidance, the allowance received under this call is aimed at supporting refresher/updating education of at least 20 hours and up to 24 hours, content-filling activities for inclusive education and digital skills. The methodological guidance is in line with Article 90(d)(12) of Act No 138/2019, according to which in the school year 2022/2023, schools organise refresher/updating education, by 30 June 2023 at the latest, focused on changes to the school curriculum, inclusive education or digitalisation of education and training.

The second methodological guidance, published on 14 July 2023 on the website of the Ministry of Education, established that the contribution intends to cover partially the costs of innovative trainings for teaching and professional staff organised from 1 January 2022 to 15 October 2023. The trainings under this call are aimed at promoting innovative education in accordance with Article 55 of Act 138/2019. Based on Article 55(1), the goal of innovative education includes the application of the latest knowledge or experience from practice to education. This would thus include new knowledge from the areas of changing the school curriculum, inclusive education or the development of digital skills.

A third methodological guidance was published on 3 January 2024, which also supports other trainings in professional development, including trainings in qualification, functional and specialised education.

The legislative change shall regulate the competences and the range of providers of attestation, functional and qualification education in the education sector.

Through the amendment to Act No. 138/2019, by means of Act No. 414/2021, the scope of eligible providers of functional education and qualification education was extended to include other legal persons directly authorised by the Ministry of Education to organise qualification education (Article 43(2)(d)) and functional education (Article 47(2)(e)). Through the amendment, additional providers thus gained new competences to provide qualification education.

According to Article 43(2), the provider of qualification education is:

- a university that conducts a study program that provides education for the performance of work activities in the relevant category or in the relevant subcategory of pedagogical employee or in the relevant category of professional employee,
- a university that conducts a study program in a field of study, which in terms of content is connected to one of the fields of education,
- an organization established by the Ministry of Education or
- another legal entity directly authorized by the Ministry of Education to organize qualification education.

Article 47(1) defines the objective of functional training as that of acquiring professional competences to perform the duties of a senior pedagogical staff member or a senior professional staff member. According to Article 47(2), the following are recognised as providers of functional education:

- a university carrying out a study program focused on the management of education and training, or a teacher's study program and a study program focused on the management of education and training,
- an organization established by the Ministry of Education,
- Catholic pedagogical and catechetical centre
- a registered church or religious society that is the founder,
- another legal entity whose subject is education focused on the management of education and training.

Article 47(4) outlines the set of evidence necessary to demonstrate the acquisition of professional competences required in the performance of the duties of head of pedagogical or professional staff. The evidence includes proof of further training; a document providing the procedures for the performance of the duties of senior teaching staff member or senior specialist staff member, or a certification of use of the professional competences required, acquired through self-training or professional activity, issued by the employer of the head teaching staff member or senior professional staff member.

The scope of attestation organisations has been extended to include higher and secondary schools and professional organisations which have been granted authorisation, and therefore gained competences, to carry out the examination to verify professional aptitude, and another legal entity directly authorised by the Ministry of Education to organise attestations (Article 59(2)(b) to (d) and (h)).

The legislative change shall bring a new model of accreditation of professional development training programmes.

With the entry into force of the amendment to Act No. 138/2019 on 1 January 2022, the procedure for approving and accrediting a programme of qualification education, functional training, specialisation and pre-attest training and the issuing of an authorisation to organise innovative education was amended by the Ministry of Education on the basis of a professional opinion of the Professional Development Commission. In Article 66(5) of the Act, the words "taking into account the expert opinion" are replaced by the words "on the basis of the expert opinion", and a sentence is added at the end whereby if the Ministry of Education decides to depart from the expert opinion of the committee, it should give reasons in writing to the applicant. According to the Article, if the application for approval of an education programme or module meets all the requirements, the Ministry of Education, on the basis of the opinion, will issue the applicant a confirmation of approval within 60 days of receiving the application. This amendment, that establishes a new model of accreditation of professional development, increases public scrutiny and transparency of the process, given that the professional opinion of the Professional Development Commission will be published by the Ministry of Education on its website (Article 66(5)).

As part of the amendment, legal provisions 4 and 5 are also added to Article 49 (Specialised education). The approval and accreditation of specialised education programmes is granted by the university's rector, unless otherwise specified by the university's internal regulations. All other specialist educational providers should receive the approval of the Ministry of Education to organise specialist education programs (legal provision 5). Similarly, for innovative education, provisions 4 and 5 are inserted into Article 55. According to them, the university organising innovative education programmes should receive an authorisation issued by the rector of the university. At the same time, all other providers but the University are required to receive the authorisation of the Ministry of Education to organise innovative education programmes.

In line with the description of the measure, **there shall be a grant programme for universities provided to support the emergence of new teaching curricula. This shall include funding for changes in programmes that support the introduction of inclusive education, the education of pupils with different mother tongues from Slovak and the development of digital competences among student teachers.**

On 1 December 2023, the call for application of the grant programme for universities to support new teaching courses was launched. From this date onwards (1 December 2023), public universities can apply for funding of projects aimed at creating new teacher study programmes. The call will be closed on 30 June 2025. As stressed on page 1, the objective of the call for applications for the grant programme is to encourage the emergence of new teaching programmes and introduce changes to these curricula. Section "other parameters for new teacher curricula" on page 11 prescribes that all newly established teaching programmes must support the ability of graduates to provide children with inclusive education, including for children and pupils with different mother tongues, to develop digital competences among student teachers and to enhance equality between men and women.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C11.M6	**Related Measure**: SK-C[C11]-R[R4]-M[C11.6]: Amendment to the law on Optimal emergency care network and new definition of emergency care
Name of the Milestone: Amendment to the law on Optimal emergency care network and new definition of emergency care	
Qualitative Indicator: The legislation on the new optimal emergency care network enters into force.	**Time:** Q1 2023

Context:

The objective of the reform is to improve the efficiency and availability of emergency care by amending the relevant acts and subsequently optimising the emergency care network.

Milestone C11.M6 requires Slovakia to introduce an amendment to the law on Optimal emergency care network, which will set up a new network of ambulance stations. Criteria such as demand for interventions according to diagnosis and regions, fair geographical distribution, availability of suitable hospital facilities and the road network are to be considered when modelling the optimal design of the new network. The milestone also requires Slovakia to introduce a new definition of emergency care, with a view to clarifying the criteria for responding to requests for the use of emergency care services.

Milestone C11.M6 is the only step in the implementation of this reform.

The reform is linked to investment 4 under the same component 11 (Modern and accessible healthcare), whose objective is to fund the reconstruction or construction of premises for 55 small scale ambulance stations in line with optimised emergency care network adopted under this reform. The implementation of the investment shall be completed by 30 June 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **A summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled
ii. **Annex 2 - Copy of Act No. 578/2004 Coll**. on healthcare providers, health workers, professional organisations in the health sector, as amended by Act No. 285/2023 Coll. adopted on 20 June 2023, entered into force on 1 August 2023, respectively 1 September 2023 in line with Article 7. Furthermore, Article 7 specifies that provisions in Article 1 (9,

12 and 19), which relate to the issuance of licenses for new ambulance stations in line with the new network, enter into force on 1 September 2025.

The authorities also provided:

iii. **Annex 1 - Copy of Act No. 576/2004 Coll.** on health care, services related to the provision of health care and on the amendment of certain laws, as amended by 267/2022 Coll. adopted on 29 June 2022, entered into force on 1 August 2022 in line with Article 7.

iv. **Annex 3 – Copy of Act No. 579/2004 Coll. on emergency care and on amendments to certain acts, and its amendment Act No. 285/2023 Coll.** (available at https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/285/20230901), published in the Official, with entry into force on 1 August 2023 in line with Article 7.

v. **Annex 4 – Study prepared by the University of Žilina**, at the request of the Operational Centre of the Rescue Health Service of the Slovak Republic, on the optimisation of the network of ambulance stations. The study was published on 16 November 2023.

vi. **Annex 5 – Measure of the Ministry of Health of the Slovak Republic** of 7 June 2019 **No. 07252-2019-OL** establishing the headquarters of ambulance stations.

vii. **Annex 6 - Measure of the Ministry of Health of the Slovak Republic** of 30 November 2023 **No. S27669-2023-OL** establishing the headquarters of ambulance stations, following the implementation of the network optimisation study provided by the Žilina University of Žilina (Annex 4). The full list of stations in the network is available online at https://www.health.gov.sk/?vestniky-mz-sr in section 55-56.

Analysis:

The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the description of reform determining the authorised users of emergency services and has undertaken the assessment on a revised basis. In such description, it is stated that the new definition of emergency care shall be introduced to identify the "number of authorised users"of ambulance services. However, the original Resilience and Recovery Plan on page 396 states that the objective of the reform is to "determine the range (or circle when directly translated) of eligible users of emergency medical services". This latter requirement to determine the range of eligible users is the one considered relevant for the fulfilment of milestone C11.M6.

Against this background, the justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone.

The legislation on the new optimal emergency care network enters into force.

Act No. 267/2022 Coll. (Annex 1), amending Act No. 576/2004 Coll. "*on health care, healthcare-related services and amending and supplementing certain acts*", which introduces a new definition

of emergency medical care, entered into force on 29 June 2022, as per Article 4 of Act No. 267/2022 Coll.

The legal procedures for introducing the new network of ambulance stations are covered in Amendment No. 285/2023 Coll. to Act No. 578/2004 Coll. (Annex 2). One part of this act entered into force on 1 August 2023, and the other on 1 September 2023 as per Article 7 of Amendment No. 285/2023 Coll. Provisions 9, 12 and 19 of Article 1, which relate to the issuance of licenses for new ambulance stations in line with the new network enter into force on 1 September 2025 as per Article 7 of Amendment No. 285/2023 Coll.

Provisions 9, 12 and 19 of Article 1 are not directly covered by the scope of the Council Implementing Decision. These provisions relate to the licensing period for the operation of existing headquarters of ambulance stations, which is regularly renewed every six years in line with the network in force at the time of renewal. The licenses currently in force until 1 September 2025 are based on the "old" network under Measure No. S07252-2019-OL (Annex 5). In the new licensing period as of 1 September 2025, licenses for the operation of ambulance stations will be issued based on the "new" network No. S27669-2023-OL (Annex 6) adopted under this milestone. This implies that while the new network is already in force in line with the requirement of the Council Implementing Decision, it will result in physical changes to the placement of headquarter ambulance stations as of 1 September 2025 when the currently valid licenses for ambulance stations expire.

Measure No. S27669-2023-OL of the Ministry of Health of the Slovak Republic establishing the headquarters of ambulance stations (Annex 6) entered into force on 30 November 2023, as per Article 2 of the measure.

The legislative amendments shall introduce a new network of ambulance stations […] The new network shall guarantee the availability of emergency services within 15 minutes for 90 % of the population. It shall be geographically and procedurally linked to the new hospital network.

The new network of ambulance stations is introduced by Measure No. S27669-2023-OL of the Ministry of Health of the Slovak Republic establishing the headquarters of ambulance stations (Annex 6). This new network updates the previous network, established on 7 June 2019 (see Annex 5), on the basis of the results of a mathematical modelling study prepared by the University of Žilina, at the request of the Operational Centre of the Rescue Health Service of the Slovak Republic, on the optimal placement of ambulance stations (Annex 4). The legal procedures for introducing the new network of ambulance stations are introduced by Amendment No. 285/2023 Coll. to Act No. 578/2004 Coll. (Annex 2). Concretely, Article 4(1) of Amendment No. 285/2023 Coll. specifies that the new network is published on the website of the Ministry of Healthcare and should be based on the analysis prepared by the Operational Centre of the Rescue Health Service of the Slovak Republic.

The new network is available online at https://www.health.gov.sk/?vestniky-mz-sr in section 55-56.

The Council Implementing Decision required that the new network shall guarantee the availability of emergency services within 15 minutes for 90 % of the population. The requirement to guarantee the availability of emergency services within 15 minutes for 90% of the population is fulfilled according to evidence on page 28, table 27 of the study published by the University of Žilina on 16 November 2023 (Annex 4). This table shows that the theoretical availability of emergency services within 15 minutes is guaranteed for 92.28% of the population. The study was prepared at the request of the Operational Centre of the Rescue Health Service of the Slovak Republic, and one of its models has been chosen as the basis for the legal changes needed to increase the universal availability of ambulances within 15 minutes to more than the required 90 % of the country's population. The new network adopted through Amendment No. 285/2023 Coll. to Act No. 578/2004 Coll. is based on model 3 of the study, which has led to the optimalisation of the location of headquarters of 216 out of 321 ambulance stations in the new network. Model no. 3 of the study is therefore directly linked to the new emergency care networks.

Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, Slovakia has provided sufficient analytical evidence that the universal availability of ambulance within 15 minutes for more than 90% of the country´s population will be reached based on the new network adopted through legislative amendments that was developed based on Model no.3 of the study. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The Council Implementing Decision required that the new network of ambulance stations shall be geographically and procedurally linked to the new hospital network. The geographical and procedural links between the new emergency care network and the optimised hospital network is based on the abovementioned study of the Žilina University. Concretely, the optimised hospital network, including the level and type of their provided medical services, have been used as input variables when elaborating the study. The study has therefore taken into consideration the location of emergency departments of hospitals included in the optimised hospital network. The procedural link is based on the distance to the patient from the hospital with emergency care. If the access to such a hospital is more time demanding (e.g. 20 minutes), the emergency care station on the network was set-up to include "emergency medical aid (*rýchla lekárska pomoc*)" rather than merely "emergency health aid (*rýchla zdravotnícka pomoc*)". The difference between the two is that that a station with "emergency medical aid" includes a qualified doctor. Hence, the new network not only optimises the emergency care network, but also adjusts their categorisation based on the

distance to hospitals within the optimised hospital network. The fairness of the network is therefore enhanced by the geographical and procedural links, which provide for a higher quality of ambulance service to patients who are not within the 15 minutes perimeter of ambulance availability.

Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision in that the geographical and procedural links are not explicitly embedded in the legislation, the legislative amendments were developed based on the study of the Žilina University, which covered the geographical and procedural links of the new network of ambulance stations and the new hospital network. Slovakia has provided sufficient evidence that such links exist in the legislative amendments based on the level of service ambulance service provided to patients, with a higher quality service (so called emergency medical aid) provided to patients with a longer arrival time due, taking into account the location of emergency departments of hospitals included in the optimised hospital network. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Furthermore, in line with the description of the measure, **the emergency care network shall be based on the (i) demand for interventions according to diagnosis and regions, (ii) the geographical distribution of ambulance stations, (iii) taking into account the road network and infrastructure, (iv) the availability of suitable types of hospital facilities, while using (v) mathematical modelling and simulations from real data (such as p-median model).**

The Measure No. S27669-2023-OL establishing the headquarters of ambulance stations issued by the Ministry of Health of the Slovak Republic is based on a study conducted by Zilina University. As set out in in Article 4(1) of Amendment No. 285/2023 Coll., the new network published by the Ministry of Healthcare should be based on the analysis prepared by the Operational Centre of the Rescue Health Service of the Slovak Republic. In turn, the Operational Centre of the Rescue Health Service of the Republic has contracted the University of Žilina to prepare such an analysis in the form of a mathematical (Annex 4). The recommendations of the model no.3 of the study for the optimalisation of the network have led to changes to the network placement of headquarters of 216 ambulance stations.

Tables 2, 4 and 5, as well as section 3.3 of the study demonstrate that the demand for interventions according to (i) diagnosis and regions has been taken into consideration as dependent input variables of the mathematical models. The (ii) geographical distribution of ambulance stations served as a key independent variable of the study, as its objective was to optimise the geographical distribution of existing ambulance stations. The (iii) road network and infrastructure have been taken into account in section 3.4 of the study, namely tables 13, 14, 15 and 16. The use of real data (v) for the GPS locations of current ambulance station headquarters is demonstrated in section 3.7 of the study. The (iv) availability of suitable types of hospital facilities was taken into consideration

as a dependent input variable of the model in section 3.6 of the study. Specifically, real GPS data points (v) of existing hospitals were used, as well as the hospital´s limitations in terms of their ability to accept patients with certain types of diagnoses. The outcomes and the recommendations of the four different (v) simulations based on 4 different models are presented in section 4 of the study.

Furthermore, in line with the description of the measure, **the amendment of the law provides for the fair geographical distribution of ambulance stations.**

Fair geographical distribution of the new emergency care network (Annex 6) has been demonstrated by model no. 3 of the study from Žilina University (Annex 4), which was eventually chosen by the Ministry of Health as the basis for the new network. The requirement for a fair geographical distribution of ambulance stations has been met based on the objectives common to all models analysed in the study to ensure the availability of emergency care for at least 90% of population within 15 minutes. For example, pages 27 and 28 regarding model 3 show that following the optimalisation, 8 out of 9 regional capital cities will have the theoretical availability of emergency care within 15 minutes for more than 90% of inhabitants. All regional capitals demonstrate this availability within 20 minutes. The criterion of fairness is further addressed by the fact that people who will not have access within 15 minutes will benefit from a higher category of emergency care stations, which will include emergency medical care (*rýchla lekáska pomoc*) instead of emergency health care (*rýchla zdravotná pomoc*). The difference between the two is that the former includes a qualified medic.

Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, Slovakia has provided sufficient analytical evidence that in the legislation on the new network of ambulance stations a fair geographical distribution has been provided. The amended legislation was developed based on the study from Žilina University, which shows that the availability of emergency care for at least 90% of population within 15 minutes has been reached, and that people who do not benefit from the availability of within 15 minutes, should benefit from a higher quality medical service once the ambulance reaches them. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The legislative amendments shall introduce […] a new definition of emergency care. The new definition of emergency care shall determine the eligibility criteria of authorized users of ambulance services and how to respond to the request of those users.

Act No. 267/2022 Coll. (Annex 1), amending Act No. 576/2004 Coll. "*on health care, healthcare-related services and amending and supplementing certain acts*" introduces a new definition of emergency care.

A provision in Article 2, section 3 of amended Act No. 267/2022 Coll. introduces the new definition of emergency medical care, which entered into force on 1 August 2022 as per Article 6. The first part of the definition determines the range of authorised users (as per the clerical error outlined at the beginning of the analysis) based on health status conditions at the time of request for emergency care. The introduction of such 'eligibility' criteria for all authorised users of ambulance services (i.e. all residents of the Slovak Republic) is intended to disincentivise the mis-use of ambulance services, and thereby increase the efficiency of the network in serving persons with imminent health risks: *"emergency health care (hereinafter referred to as "emergency care") means healthcare which is provided to a person in the event of a sudden change in his state of health which poses an imminent danger to his life or to one of his or her essential vital functions, without rapid provision of healthcare, may seriously endanger his health, cause sudden and intolerable pain, the immediate failure of which could lead to a danger to his or her life or health, or causes sudden changes in behavior and conduct under the influence of which the person immediately endangers himself or his or her surroundings. Emergency care shall also be those provided during childbirth and in the examination, diagnosis and treatment of rapidly spreading and life-threatening infections, where there are reasonable grounds to suspect that a person may be the source of such rapidly spreading and life-threatening infection".*

The definition in Article 2, section 3 of Act No. 576/2004 also determines how to respond to the request of users for such ambulance services: *"Urgent care includes the immediate transport of a person to a health institution where that person's state of health requires the provision of urgent care during transport to or between a health institution, an urgent transport of a human organ donor or a recipient of a human organ, where their state of health requires the provision of urgent care during transport, the urgent transport of health workers carrying out human organ procurement activities, where the postponement of their transport could endanger the life or health of the human organ recipient or could lead to irreversible damage to the human organ intended for transplantation; and the immediate transport of a human organ intended for transplantation where the postponement of the transport of that human organ could endanger the life or health of the human organ recipient or could lead to irreversible damage to that human organ. Urgent transportation shall be carried out by ambulance providers*".

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C13.M1	**Related measure:** SK-C[C13]-R[R1]: Accessible and high-quality long-term socio-health care – Reform 1: Integration and financing of long-term social and health care
Name of the Milestone: New legislative framework for long-term health and palliative care	
Qualitative Indicators: Entry into force of a new law on long-term and palliative care and of the regulation of financing of palliative and nursing care	**Time**: Q1 2023

Context:

The objective of the reform is to restructure long-term social and health care, to improve the coordination between types of care and to make financing more effective. The reform aims to establish a coherent framework comprising both social and health care. It foresees the introduction of a personal budget for persons with care needs, updating the current fragmented financing of care providers. The reformed funding scheme shall also enhance efforts to de-institutionalise care by improving incentives for home-based and community-based care.

Milestone C13.M1 requires the development of a new legislative framework for long-term health and palliative care. It foresees the entry into force of a new law on long-term and palliative care and of the regulation of financing of palliative and nursing care.

The milestone C13.M1 is the first step in the implementation of reform 1 and is followed by milestones C13.M2 and C13.M3. The second milestone of this reform, C13.M2, requires a new concept for the financing for social services to be developed by the Government and proposed for a consultation with stakeholders. The third and last milestone in reform 1, C13.M3, foresees the entry into force of the act on the financing of social services and the introduction of a personal budget.

The reform has a final expected date for implementation by 31 December 2025.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
ii. **Copy of Act No. 267/2022 Coll., amending and supplementing Act No. 576/2004 Coll. on health care, healthcare-related services and amending certain acts.** The Act was adopted on 29 June 2022 and entered into force on 1 August 2022 (Annex 1 of the supporting

evidence). The Act was published on the website of the Official Journal at: www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/267/20220801.html .

iii. **Copy of Measure No. 2/2023 of the Ministry of Health of the Slovak Republic, amending Measure No 07045/2003 of 30 December 2003, establishing the scope of price regulation in the health sector.** The measure was adopted on 25 January 2023 and entered into force on 1 February 2023 (Annex 2 of the supporting evidence). The measure was published on the website of the Official Journal at www.slov-lex.sk/chronologicky-register-opatreni/SK/OP/2023/2/20230201.html .

iv. **Copy of Act No. 581/2004 Coll., on health insurance companies, supervision of healthcare as amended by Act No. 267/2022**. The Act was adopted on 21 October 2004 and the relevant amendments entered into force on 1 August 2022 (Annex 7 of the supporting evidence). The amended Act was published on the website of the Official Journal at www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/581/20220801.html .

The authorities also provided:

v. **Copy of Measure No. 3/2023 of the Ministry of Health of the Slovak Republic of 16 January 2023 No. S08743-2023-OL, amending the Decree of the Ministry of Health of the Slovak Republic No. 09812/2008-OL of 10 September 2008 on the minimum requirements for staffing and equipment for different types of healthcare facilities.** The measure entered into force on 1 March 2023 (Annex 3 of the supporting evidence). The measure is published on the website of the of Official Journal at https://www.slov-lex.sk/static/pdf/SK/OP/2023/3/OP_2023_3_20230301.pdf

vi. **Copy of the Decree of the Ministry of Health of the Ministry of Health of the Slovak Republic No. 90/2023 of 15 March 2023 supplementing Decree No. 92/2018 Coll. establishing indicative criteria for provision of nursing care in the facility of social services and in the facility of social-legal protection of children and social guardianship, and establishing a model proposal of the responsible person for indication of the provision of nursing care in the facility of social services and in the facility of social-legal protection of children and social guardianship**. The Decree entered into force on 31 March 2023 (Annex 4 of the supporting evidence). The Decree was published on the website of the of Official Journal at https://www.slov-lex.sk/static/pdf/2018/92/ZZ_2018_92_20230331.pdf .

vii. **Copy of Decree of the Ministry of Health of the Slovak Republic No. 89/2023 of 15 March 2023 amending Decree of the Ministry of Health of the Slovak Republic No. 84/2016** laying down the constituent elements of the individual types of healthcare institutions. The Decree entered into force on 31 March 2023 (Annex 5). The Decree was published on the website of the Official Journal at https://www.slov-lex.sk/static/pdf/2016/84/ZZ_2016_84_20230331.pdf .

viii. **Copy of Slovak Government Regulation No. 640/2008 Coll. of 31 December 2008 on the public minimum network of healthcare providers.** Government Regulation 105/2023 amending Regulation No. 640/2008 Coll. on the Public Minimum Network of Healthcare

Providers. The Government Regulation entered into force on 31 March 2023 (Annex 6). The Regulation was published on the website of the Official Journal at https://www.slov-lex.sk/static/pdf/2008/640/ZZ_2008_640_20230331.pdf .

Analysis:

The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force of a new law on long-term and palliative care.

A new legislative framework on long-term and palliative care has been developed with amendments to the existing Act No. 576/2004 on health care, services related to the provision of health care and amending and supplementing certain acts (i.e., the Healthcare Act, Annex I of the supporting evidence, hereinafter Act No. 576/2004).

The amendments to Act No. 576/2004 are introduced with Act No. 267/2022 of 29 June 2022, entering into force from 1 August 2022 (Article VI, Annex 1 of the supporting evidence, hereinafter Act 267/2022). The amendments to Article 2 of this Act include the new definitions on long-term care (37), aftercare (38) and palliative care (39) in the existing scope of healthcare and healthcare related services within the general framework for healthcare regulation as regulated by Act No. 576/2004 (i.e. the Healthcare Act).

In addition, the new Article 10a(1) complements the types of care that can be provided in social service facilities, by adding long-term, nursing and aftercare. The new Articles 10c (on after care), 10d (on long-term nursing care) and 10e (on palliative health care) define for each type of care the specifics of its provision (e.g. inpatient or outpatient, nursing care in a social service facility, institutional care, basic or specialised), the scope of the service, the respective type of facility or healthcare establishment where it is provided and its duration. The new Articles 10c (aftercare), 10d (long-term nursing care), 10e (palliative care) define how each of these types of care can be also provided as part of nursing care.

Instead of the adoption and entry into force of a new law on long-term and palliative care, the amendments to the existing Act No. 576/2004 (i.e. the Healthcare Act) are implemented in order to avoid the fragmentation of the legal framework on healthcare. The amendments fulfil the requirements on substance by introducing a definition of long-term nursing and palliative care and defining the scope and provision of the different types of care. The amendments have the same legal value and binding force as the development of a new law.

Entry into force of the regulation of financing of palliative and nursing care. The first phase of the implementation of the reform consists of regulating the reimbursement by health insurance

companies of nursing care in social services facilities, the arrangements for the contract of nursing care by insurance companies and the adjustment of reimbursements by health insurance companies for palliative and outpatient and inpatient care.

The first phase of implementation was carried out with the amendments of Act No. 576/2004, which introduced long-term, palliative and aftercare, including nursing care in the existing concept of healthcare regulation, as described in the previous section.

The implementation of the first phase was supported with the amendments to Act No. 581/2004 Coll. of 21 October 2004 on health insurance companies, health care supervision and amending certain acts (Annex 7 of the supporting evidence, hereinafter Act No. 581/2004) and with the new Measure 2/2023 of the Ministry of Health of the Slovak Republic, adopted on 25 January 2023 and entering into force on 1 February 2023 (hereinafter Measure 2/2023), amending Measure No. 07045/2003 of 30 December 2003 and laying down the scope of price regulation in the field of health. Measure 2/2023 is an implementing measure to Act No. 581/2004 and is legally binding.

Act No. 267/2022 amends Act No. 581/2004, the amendments were adopted on 29 June 2022 and entered into force as of 1 August 2022 (as evidenced in Annex I of the supporting evidence, Article VI). The provisions of Act No. 581/2004 become applicable as of this date for the reimbursement of nursing care in social service facilities by health insurance companies, the arrangement of the contract of nursing care by insurance companies and the adjustment of reimbursement by health insurance companies for palliative and outpatient and inpatient care, which were introduced as part of Act No. 576/2004 (i.e. the Healthcare Act) as described in the previous section.

The amendment of Act No. 581/2004 introduces a new Article 86zl(1), which defines transitional provisions effective from 1 August 2022 to 30 June 2024 and specifies the type of social service facilities (home nursing agency, hospice or mobile hospice) for which health insurance companies provide reimbursement for nursing and palliative care (outpatient and inpatient). Article 86zl(1) directly refers to the price regulation stipulated in the new Measure 2/2023 which determines the specific amounts of reimbursement provided by health insurance companies to the social service facility (home nursing agency, hospice or a mobile hospice) providing nursing or palliative care (outpatient and inpatient) on the basis of concluded contracts.

As of 1 July 2024, the reimbursement and contracting for the provision of long-term, palliative and after care, including nursing care, is transferred to the standard regime for individual types of health care on the basis of the respective and currently valid price regulation. Prior to the implementation of the legislative changes that are part of the reform, specifically before the inclusion of long-term, palliative and after care, including nursing care, in the general healthcare framework (with the amendments in Act No. 576/2004, the Healthcare Act, effective from 1 August 2022, as described in the previous section), the standard regime for the reimbursement did not apply to these types of care.

The standard regime stipulates the provisions which become applicable after 1 August 2022 for the conclusion of contracts between health insurance funds and the relevant social service facilities and for the reimbursement of long-term, palliative and aftercare, including nursing care. Act No. 581/2004 Article 7(1) stipulates the obligation of insurance companies to conclude contracts for the provision of health care, Article 7a stipulates the obligation of health insurance companies to conclude contracts for the provision of nursing care in a social assistance institution, Article 7(9) defines the elements which the concluded contract between a health insurance company and a healthcare provider are required to include, Article 8(1) stipulates that health insurance companies reimburse the health care provided on the basis of contracts concluded pursuant Article 7 of the same Act. After the amendments to Article 2 and the new Articles 10a, 10c, 10d, and 10e of Act No. 576/2004 the provisions of the standard regime become applicable to long-term, palliative and after care, including nursing care, as defined in the previous section.

The adjustment of the fixed amounts for the reimbursement by health insurance companies for palliative and nursing (both inpatient and outpatient care) is defined in Measure 2/2023. The reimbursement of palliative and nursing care (both inpatient and outpatient) provided by social service facility, specifically home nursing agency, hospice or a mobile hospice (the same facilities referred to in Article 86zl(1) of Act No. 581/2004), on the basis of concluded contracts with a health insurance company is stipulated in the new Article 3c: for palliative outpatient care provided in a mobile hospice in Article 3c(1)), for palliative inpatient care in a hospice in Article 3c(6), and for nursing care and after-care in a nursing home in Article 3c(10).

Article 3c of Measure 2/2023 stipulates the fixed prices of the amount of reimbursement on the basis of concluded contracts between health insurance companies and healthcare providers for the specified types of care as transitional provisions, effective from 1 February 2023 to 31 December 2024. The duration of the transitional period in Article 3c of Measure 2/2023 is restricted due to the necessity for an expert discussion and data collection for fixing the amount of reimbursement prices which will reflect the real costs of health care providers.

The adoption of this legislative amendment is foreseen by Q1 2022.

Act No. 267/2022 Coll. introducing the relevant amendments to Act No. 581/2004 Coll. was adopted on 29 June 2022 and the Measure 2/2023 introducing the relevant amendments to Measure No. 07045/2003 was adopted on 25 January 2023.

The Council Implementing Decision required the adoption of the above-mentioned legislative amendments by Q1 2022. The relevant amendments to Act No. 581/2004 Coll. were adopted on 29 June 2022 and to Measure No. 07045/2003 on 25 January 2023. The amendments entered into force respectively, on 1 August 2022 and on 1 February 2023. Whilst the delayed adoption of the amendments constitutes a minimal deviation from the requirement of the Council Implementing Decision, the entry into force of the new provisions took place prior to the preliminary assessment and independently of the implementation of the additional elements of the milestone, and of the

reform. The delay occurred due to the high level of complexity of the amendments to the relevant existing legislation. The alignment of the amendments to Measure No. 07045/2003 and Act No. 581/2004 with the relevant amendments to Act No. 576/2004, which were initially foreseen as a new law, required a longer period, which resulted in the later adoption of the amendments. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The next phase of implementation consists of the development and approval of new legislation. A new health law shall define the scope of long-term health and palliative care and define after care and its linkage with other types of care.

The amendment to Act No. 576/2004 Coll., is implemented with amending Act No. 267/2022 of 29 June 2022 Coll., which entered into force as of 1 August 2022 in line with its Article VI (Annex I), which adds the new Article 2 (37), (38) and (39). The new Article 2 provides the new definitions on long-term care (, 37), on after care (38) and palliative care (39). The link between after care and long-term care is defined in Article 2(37) and (38).

The new Article 10a (nursing care in a social service facility), 10c (on after care), 10d (on long-term nursing care) and 10e (on palliative health care) define the types (e.g. inpatient or outpatient) and scope of care, the respective type of facility or healthcare establishment where it is provided and its duration.

This law shall be adopted by Q1 2023. The legislative amendments shall regulate the areas currently defined by Act No. 576/2004 on health care and services related to the provision of healthcare.

The amendments to Act No. 576/2004 Coll., introduced with Act No. 267/2022 Coll. are effective from 1 August 2022 in line with its Article VI (Annex I of the supporting evidence).

Prior to the amendments to Act No. 576/2004, effective from 1 August 2022, there were no definitions of long-term, palliative or after care in the general healthcare framework. Act No. 267/2022 introduces amendments to Act No. 576/2004 (the Healthcare Act) adding the definition of long-term care, palliative and after care, including nursing care, into the existing scope of healthcare and healthcare related services. The amendments stipulated in Act No. 267/2022 Coll. address the same areas and subject matters as those outlined in Act No. 576/2004 on health care and services related to the provision of healthcare, providing updated or additional provisions in these areas.

As described in the previous section, Act No. 267/2022 amends Act No. 576/2004 and adds the definitions on long-term, palliative and after care and defines their scope and provision in the new Article 2 (37), (38) and (39). In addition, the new Articles 10a, 10c, 10d, and 10e further define the

types (e.g. inpatient or outpatient) and scope of care, the respective facility or healthcare establishment where it is provided and its duration.

Moreover, in line with the measure description, **in particular the reform shall establish a coherent framework comprising both social and health care.**

Act No. 267/2022 Coll. amending Act No. 576/2004 Coll., entering into force on 1 August 2022, envisages better coordination between types of care by providing clear definitions on different types of healthcare, their scope and provision in the new Article 2 (37), (38) and (39) (as described in the previous section). In addition, the new Articles 10a, 10c, 10d, and 10e further define the types (nursing, inpatient or outpatient) and scope of care, the respective facility or healthcare establishment where it is provided and its duration (as defined in the previous section).

The link between long-term healthcare and social care is created with the following new provisions, introduced with the amendment of Act No. 576/2004 Coll., effective as of 1 August 2022. The amendment foresees the following new elements:

i. A concept of doctor's support team, which can provide social assistance to a person in institutional care, with the purpose of mitigating the social consequences of the health situation of that person in connection to his hospitalisation or discharge from institutional care, introduced with the new Article 2(36).

ii. A multidisciplinary approach towards the patient involving the use of knowledge and practices, in particular in the field of social work other scientific disciplines and spiritual services, introduced with the new Article 4(9).

iii. Instruction of the person to whom the need for palliative health care has been determined on the possibility of social assistance or spiritual service in the provision of institutional care, introduced with a new Article 6ba.

iv. The obligation to take into account the linguistic specificities of national minorities, introduced with a new Article 6(2).

v. Introducing the possibility of providing artificial pulmonary ventilation in the form of outpatient healthcare in the patient's home environment, and in facilities for the social protection of children and social guardianship, if conditions are created for this in this environment. This provision is introduced with a new Article 8(12).

vi. Introducing a framework within which a social assistance institution may provide nursing care, introduced with a new Article 10a.

Commission Preliminary Assessment: Satisfactorily fulfilled.

Number: C14.M1	**Related Measure**: SK-C[C14]-R[R1]-M[C14.1]: introduction of the new regulatory burden reduction tools:—Implementation of the "1in-2out" rule – Introduction of ex-post evaluation of existing regulations (legislative and non-legislative materials) – Introduction of protection against unjustified goldplating
Name of the Milestone: Introduction of the new regulatory burden reduction tools: — Implementation of the "1in-2out" rule – Introduction of ex-post evaluation of existing regulations (legislative and non-legislative materials) – Introduction of protection against unjustified goldplating	
Qualitative Indicator: Entry into force of resolutions updating the Unified Methodology for the Assessment of Selected Impacts	**Time:** Q1 2023

Context:

The measure aims to reduce the regulatory burden for businesses, which negatively affects investments and innovation in the Slovak economy.

Milestone C14.M1 consists of the (i) entry into force of a government resolution updating the Unified Methodology for the Assessment of Selected Impacts and introducing new tools to reduce regulatory burden, namely the (ii) ex-post evaluations of the effectiveness and justification of already introduced regulation; (iii) the 1-in-2-out rule that ensures new legislation does not increase administrative costs for businesses; (iv) the introduction of protection against unjustified gold-plating.

This milestone is the first step of the implementation of the reform and will be followed by C14.M2 related to the introduction of administrative changes that will strengthen the capacities for implementing the introduced tools under this reform, and milestone C14.M3 introducing three packages of 100 measures reducing administrative burden for businesses.

The reform has a final completion date by 31 December 2024.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **A summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
ii. **Annex 1 – The Uniform Methodology for assessing selected impacts** adopted by the Slovak Government on 27 September 2023 based on the Resolution of the Slovak Government No.479/2023. This version of the Uniform Methodology has become effective as from 1 October 2023.

iii. **Annex 2 - Resolution of the Slovak Government No. 234/2021** on the proposal to update the Unified Methodology on 5 May 2021, and whose provisions relevant to this milestone entered into force on 1 June 2021. Available at https://rokovania.gov.sk/RVL/Material/25950/1

iv. **Annex 3 – Resolution of the Slovak Government No. 383/2022** on the proposal for amendments to the Unified Methodology from 8 June 2022. Its relevant provisions entered into force on 30 June 2022 (B.2), 31. July 2022 (B.3), 10 June 2022 (B.4) and 30 November 2022 (B.5).

v. **Annex 4 – Resolution of the Slovak Government No. 479/2023** on the proposal for amendments to the Uniform Methodology, adopted on 27 September 2023, whose relevant provisions entered into force on the same date.

The authorities also provided:

vi. Annex 5 – The revised templated form on the selected impacts to the Uniform Methodology effective from 1 October 2023.

vii. Annex 6 - **Annex 3a to the Unified Methodology**, which constitutes a revised templated form for the mandatory assessment of impacts on the business environment.

viii. Annex 7 – **Annex 3b to the Unified Methodology** which introduces a templated excel sheet in the form of a business environment cost calculator of legislative measures.

ix. Annex 8 – **Annex 9a to the Unified Methodology**, which constitutes a templated form for ex-post evaluation of regulations impacting the business environment.

x. Annex 9 – **Annex 9b to the Uniform Methodology**, which constitutes a business environment cost calculator for ex post evaluations.

xi. Annex 10 – **Updated correlation table** as Annex 3 to the Slovak Government Legislative rules (defined in Law 400/2015 Coll.) adopted by the Resolution of the Slovak Government No. 787/2022 from 14 December 2022. As determined in provision B.1 of the resolution, the updated correlation table has become applicable on 31 December 2022.

xii. Annex 11 - **Decree of Slovak Government No. 787/2022** adopted on 14 December 2022 regarding the amendment to the Legislative Rules of the Slovak Government of the Republic available at https://www.vlada.gov.sk/share/RVLP/lpv_sr-14122022.pdf?csrt=411327310783031006.

xiii. **Recapitulative working statement listing** all the state employees salaried by the Slovak recovery and resilience plan to implement the assessment conducted under the measures adopted by the reform. The list was issued by the Ministry of Economy, Department for Improving Business Environment on 19 February 2024.

Analysis:

The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force of government resolutions updating the Unified Methodology for the Assessment of Selected Impacts and introducing new tools to reduce regulatory burden.

The Unified Methodology for the Assessment of Selected Impacts (*hereafter: "Unified Methodology"*) is amended through government resolutions. Government Resolution No. 234/2021 (Annex 2) updated the Unified Methodology (see Annex 1; *hereafter: "Unified Methodology"*) by introducing the '1-in-2out' rule as a tool to reduce regulatory burden. The Government Resolution has entered into force on 5 May 2021, and mandated the entry into force of the Unified Methodology on 1 June 2021 as per point B.2. The Unified Methodology has entered into force on 1 June 2021 as per Article 4 (2) of the Unified Methodology on page 26.

Government Resolution No. 383/2022 (Annex 3), which entered into force on 8 June 2022, updated the Unified Methodology by introducing the ex-post evaluation of existing regulations and measures against unjustified gold-plating. As defined in Article 4 (3-5) of the Unified Methodology, and in point B.4. of the Government Resolution, the ex-post evaluations have entered into force as of 10 June 2022 for legislative proposals and as of 31 March 2023 for non-legislative materials.

Government Resolution No. 479/2023 (Annex 4), which updated the Unified Methodology, introduced measures against unjustified gold-plating as a new tool to reduce regulatory burden. These measures have entered into force on 31 December 2022, as defined in point B.1. of the Decree of the Slovak Government No. 787/2022 from 14 December 2022.

Introduction of the "1-in-2out" rule into 1Q/2022. Furthermore, in line with the description of the measure, **this reform shall reduce the administrative burden to businesses by introducing the following tools: The 1-in-2-out rule that ensures that new legislation does not increase administrative cost for businesses.**

The '1-in-2-out' rule has entered into force on 1 January 2022, as defined in part 1, point 6.13 and Article 2, point 2 of the updated Unified Methodology (Annex 1). The Unified Methodology has been updated with these points by Government Resolution No. 234/2021 of 5 May 2021 (Annex 2).

The mechanism that ensures that "new legislation does not increase administrative costs for businesses", is laid out under point 6 of the updated Unified Methodology. It introduces the requirement for the petitioner (author of a legislative proposal) of a legislative proposal to the Government of the Slovak Republic, or to the Standing Working Commission of the Legislative Council of the Slovak Republic, to reduce the administrative costs for businesses by at least two times compared to the new costs introduced by the new legislative proposal in question. Point 6.2 of the updated Unified Methodology specifies that the authority proposing new legislation is obliged to introduce such cost reducing measures for businesses as soon as it discovers that its legislative

proposal increases the regulatory burden. If possible, and as defined by point 6.3, it is recommended to introduce such measures already at the time of the new legislative proposal.

As specified in points 6.6 and 6.9, the quantification of the impacts of each introduced, amended and deleted rule and the aggregated impacts of these rules on the business environment has become a mandatory part of the business impact assessment. For the development of such analysis, the petitioner is required to use the templated forms set out in Annexes 3a (see Annex 6) and 3b (see Annex 7) of the Unified Methodology. The Ministry of the Economy checks the correctness of the completion of these annexes during the interservice consultation process and introduces comments in case of missing costs or quantifications. Point 6.10 of the Unified Methodology outlines that in order to monitor the evolution of such regulatory costs, the Ministry of Economy sets up a 'virtual regulatory cost account' for each petitioner, which is publicly available on website of the Ministry.

Point 6.5 introduces exemptions to the "1-in-2out" rule for legislative proposals that are related to the (i) transposition of European or international legally binding acts, (ii) changes in taxes, social contributions or government fees, (iii) introduction of new fees which aim to reduce negative externalities of business activities, (iv) the state of emergency, where some measures that increase regulatory costs without adequate compensation may apply for a maximum period of 12 months, (v) non-legislative materials.

The "1-in-2-out" rule contributes to increased transparency regarding the legislative process, costs, and obligations for businesses introduced during the adoption of legislative regulations. All petitioners are now required, based on points 6, 6.1, 6.6 and 6.9 of the Unified Methodology to consider the impact of legislative proposals on the business environment during the consultation period. Furthermore, according to point 6.10, 'virtual regulatory cost accounts' introduce a systemic requirement for petitioners to reduce the overall administrative costs for businesses.

Introduction of ex-post evaluation of existing regulations (legislative materials up to 1Q/2022 and non-legislative materials up to 1Q/2023) as regards their effectiveness and justification.

Regular ex-post evaluations of existing regulations for both legislative and non-legislative proposals regarding their effectiveness and justification have been introduced by Government Resolution No. 383/2022, adopted on 8 June 2022 (Annex 3), which updated the Unified Methodology (see Annex 1). As specified in Article 4, points 3-5 of the Unified Methodology (page 26), the ex-post evaluations have become applicable as of 10 June 2022 for legislative materials, and as of 31 March 2023 for non-legislative materials. Although in the case of legislative materials, this constitutes a minimal deviation from the requirement of the Council Implementing Decision of Q1 2022, the delay between the actual application of the ex-post evaluations to legislative materials is considered both limited and proportional, notably due to the fact that the applicability occurs only one quarter later and had taken effect by the time of the assessment. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone

represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

While part IV, points 3-5 of Government Resolution No. 383/2022 (Annex 3) also specifies that points 8,9,10,12,21,26, 27,34, 36, 39 of the updated Unified Methodology apply only as of 31 March 2023, these points relate to the introduction of the instrument against gold-plating, and thus they are not directly relevant to the ex-post evaluation of existing regulations.

Point 10 of the updated Unified Methodology (Annex 1 on page 14) introduces the ex-post evaluation of existing regulations regarding their impacts on the business environment. Furthermore, two new templated forms of the Unified Methodology have been introduced: annex 9a on ex-post evaluation of regulations affecting the business environment (see Annex 8) and annex 9b as a cost calculator for the business environment for ex-post evaluations (see Annex 9).

The purpose of the ex-post evaluations is to assess the effectiveness of existing legislative or non-legislative measures regarding their purpose, suitability for the achievement of policy goals, actual impacts and their relevance in view of new or unforeseen circumstances or effects. As defined by point 10.2 of the Unified Methodology, this assessment is conducted by the Ministry of Economy in cooperation with the government entity in charge of the implementation of the evaluated measure. As outlined in point 10.5, the Ministry of Economy has set-up a publicly available 'Ex-post Register', which will include the information regarding the outcomes of the ex-post assessments. The obligation to conduct an ex-post assessment applies to all measures included in the "Ex-post Register". The inclusion of measures in the "Ex-post Register" is determined by the Ministry of Economy on the basis of consultation with representatives of employers and the Ministries in charge of the measures to be assessed. Furthermore, point 10.3 introduces the conditions that automatically trigger the requirement to conduct such an ex-post assessment.

Introduction of protection against unjustified goldplating by 4Q/2022. Furthermore, in line with the description of the measure, **this reform shall reduce the administrative burden to businesses by introducing the following tools: the ex ante evaluation of planned transposition legislation to prevent unjustified gold plating.**

The protection against unjustified gold-plating was first introduced by Government Resolution No. 383 on 8 June 2022 (Annex 3) as per point B.1 of the Resolution which mandates the publication of the amended Unified Methodology. The rules against unjustified gold-plating were further amended by Government Resolution No. 479/2023 adopted on 27 September 2023 (see Annex 4) by amendments to the Unified Methodology. These amendments have specified the operationalisation in points 3.5, 3.6 and by adding point 3.7 of the Unified Methodology, and also led to the introduction of Annexes 3a and 3b regarding the assessment of administrative costs for businesses. Whilst this constitutes a minimal temporal deviation from the requirement of the Council Implementing Decision for the rules to enter into force by 4Q 2022, the delay between the initial adoption on 8 June 2022,

and the amendments to the rules adopted on 27 September 2023 is considered both limited and proportional, notably due to the objective of the amendment to build on lessons learned during initial application of the rules. This latest, consolidated version of the Unified Methodology entered into force on 31 December 2022,

The implementation of this reform is fulfilled by the amendment to the Legislative Rules of the Government of the Slovak Republic defined in Act No. 400/2015 Coll., and in particular through (i) the update of the correlation table which has become applicable on 31 December 2022, as well as by the (ii) provisions laid out under Article 3(4) of the Unified Methodology (see Annex 1). The updated correlation table which includes the gold-plating assessment is available on page 52 of the Legislative Rules of the Government of the Slovak Republic. These updated Legislative Rules of the Government of the Slovak Republic have become applicable as per point B.1. of Government Resolution No. 787/2022 (Annex 11). This Resolution entered into force on 14 December 2022.

The Unified Methodology, and its Article 1, points 3.3. define the competences of the Ministry of the Economy of the Slovak Republic and the Office of the Slovak Republic in the area of gold-plating. Points 3.5, 3.6 and 3.7 determine the operationalisation of this measure in the context of interservice and public consultation procedure for legislative proposals (*pripomienkové konanie*). The definition of gold-plating, and of the situations in which it may arise, is introduced in Article 3, point 4 of the Unified Methodology. The aim of the measure is to avoid undue dissemination of requirements in national legislation beyond the minimum requirements of EU legislation, to reduce the administrative burden to businesses.

For these purposes of identifying and quantifying unjustified gold-plating ex-ante, the correlation table (see Annex 10) has been modified, with columns 9 and 10 being added. As per point 3.6 of the Unified Methodology, a distinction between provisions which are a result of the transposition of EU law (which are considered as justified), and the provisions which constitute gold-plating should be prepared during the interservice and public consultation procedure. As part of this process, the correlation table is checked by the Ministry of the Economy with a view to verifying the correct identification of gold-plating with an impact on the business environment and its justification (point 3.5 of the Unified Methodology). If gold-plating is not sufficiently justified, the Commission of the Ministry of the Economy (point 3.2 of the Unified Methodology) assessing the legislative proposals regarding their budgetary and regulatory burden impacts requests as part of the consultations process additional justification from the petitioner and may make (point 8.8 of the Unified Methodology) substantive comments and recommendations to the government to prevent unjustified gold-plating.

Implementation of investments to implement measures to reduce the regulatory burden on business.

In the list of evidence (xiii), Slovakia has submitted a recapitulative working statement listing all the state employees salaried by the Slovak recovery and resilience plan to implement the 1-in2- out, anti-gold-plating, ex-post assessments and anti-bureaucratic packages covered under this component.

The details that in January 2024, a total of 25 employees work full time on the implementation of the measures to reduce regulatory burden on businesses. All the employees work directly at the “department for improving the business environment”. The list was signed in 19 February 2024 by the State Secretary of the Ministry of Economy of the Slovak Republic.
Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C14.M4	**Related Measure:** SK-C[C14]-R[R2]: Harmonising and digitalising insolvency procedures
Name of the Milestone: Reform of the insolvency framework	
Qualitative Indicator: Entry into force of a set of laws governing insolvency proceedings	**Time:** Q1 2023

Context:

The measure aims to establish unified and digitalised insolvency and restructuring procedures that improve their transparency, time, and cost. The objective is to put in place an improved and harmonised insolvency framework, including early warning tools and insolvency specialisation in business courts.

Milestone C14.M4 concerns the entry into force of laws to establish the legal framework for the unification and full digitalisation of the liquidation, bankruptcy, restructuring and discharge of debt and, where appropriate, the resolution of impending bankruptcy, as well as the modification of the legal and procedural frameworks for the digitalisation of forced liquidation processes. The milestone also includes the introduction of early warning tools and creates an insolvency specialisation at the level of business courts.

Milestone C14.M4 is the only milestone or target of this reform.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Copy of Act No. 111/2022 Coll. on resolving impending insolvency and amending certain acts.** Act No. 111/2022 amends Act No. 7/2005 on bankruptcy and restructuring and Act No. 8/2005 on administrators. The amendments to these Acts entered into force on 17 July 2022. The Act was published in the Official Journal and is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/111/20230801.

ii. **Copy of Act No. 309/2023 Coll. on conversion of companies and cooperatives and amending certain acts**. The Act amends Act No. 7/2005 on bankruptcy and restructuring. The amendments to this Act entered into force on 1 August 2023. The Act was published on the Official Journal and is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/309/20240101.

iii. **Copy of Act No. 150/2022 Coll. on the amendment of certain laws in connection with new seats and court districts**. Act No. 150/2022 Coll. amended Act No. 371/2004 Coll. on the seats and districts of the courts of the Slovak Republic, Act No. 757/2004 Coll. on courts and Act No. 7/2005 on bankruptcy and restructuring. The amendments to these Acts

entered into force on 1 June 2023. The Act was published on the Official Journal and is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/150/20230601.

iv. **Copy of Act No. 151/2022 on the establishment of administrative courts and the amendment of some laws**. Act No. 151/2022 Coll. amended Act No. 757/2004 Coll. on courts and Act No. 371/2004 on the seats and districts of the courts. The amendments to these Acts entered into force on 1 June 2023. The Act was published on the Official Journal and is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/151/20230601.

The authorities also provided:

v. **Copy of Act No. 7/2005 Coll. on bankruptcy and restructuring and amending certain acts**. The Act first entered into force on 1 July 2005. The Act is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/7/20230801.

vi. **Copy of Act No. 8/2005 Coll. on administrators and amending certain acts, published in the Official Journal**. The Act first entered into force on 1 July 2005. The Act is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2005/8/20220717.

vii. **Copy of Act No. 757/2004 on courts and on amendments to certain laws, published in the Official Journal**. The Act first entered into force on 1 January 2005. The Act is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/757/20230801.

viii. **Copy of Act No. 371/2004 on the seats and districts of the courts of the Slovak Republic, published on the Official Journal**. The Act first entered into force on 1 January 2005. The Act is also available here: https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2004/371/20230601.

ix. **Copy of the Analysis of Impacts on the business environment**. The analysis presents the estimated cost savings for participants in insolvency proceedings brought about by the legislative arrangements for the digitalisation of insolvency proceedings. It was part of the documentation for interdepartmental comment procedure, which started on 2 December 2022 and finished on 12 December 2022.

x. **Copy of the Cost Benefit Analysis** (.xls) on the benefits and economic returns of adopting the Insolvency Register, developed by the Ministry of Justice and published on 9 August 2023.

Analysis:

The Commission considers that there is a clerical error in the text of the Council Implementing Decision as regards the description of the milestone and reform and has undertaken the assessment on a revised basis. Specifically, both the milestone and the reform descriptions state that the Act No. 328/1991 on bankruptcy and composition should be amended. However, Act No. 328/1991 was fully replaced by Act No. 7/2005 on bankruptcy and restructuring and amending certain acts.

Against this background, the justification and substantiating evidence provided by the Slovakia authorities covers all constitutive elements of the milestone.

Entry into force of a set of laws governing insolvency proceedings. The legislation concerning early warning mechanisms shall enter into force by 31 January 2022. The respective legislative amendments of Act No 7/2005 on bankruptcy and restructuring, Act No 328/1991 on bankruptcy and composition, Act No 8/2005 on trustees, Act No 757/2004 on courts and Act No 371/2004 on the seats and districts of the courts of the Slovak Republic shall enter into force by 31 March 2023.

The Council Implementing Decision required that the legislation concerning early warning mechanisms would enter into force by 31 January 2022 and that the legislative amendments to Act No. 7/2005, Act No. 8/2005, Act No. 757/2004 and Act No. 371/2004 would enter into force by 31 March 2023. However, Act No. 111/2022, which concerns early warning tools, entered into force on 17 July 2022 instead of 31 January 2022. At the same time, Act No. 309/2023, which amends Act No. 7/2005, entered into force on 1 August 2023, instead of 31 March 2023. Act No. 150/2022, which amends Act No. 371/2004, Act No. 757/2004 and Act No. 7/2005, entered into force on 1 of June 2023, instead of 31 March 2023. Similarly, Act No. 151/2022, which amends Act No. 757/2004, and Act No. 371/2022, entered into force on 1 June 2023, instead of 31 March 2023. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, all legal amendments have entered into force at the time of the preliminary assessment and have legal effect. For example, Act No. 309/2023 entered into force with a delay because the original draft law, submitted to the National Council of the Slovak Republic, was not approved. Given this, a new draft law was finally adopted on 28 June 2023. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Entry into force of laws which shall establish the legal framework for the (i) unification and full digitalisation of the liquidation, (ii) bankruptcy, (iii) restructuring and discharge of debt […] as well as the (iv) modification of the legal and procedural frameworks for the digitalisation of forced liquidation processes.

To amend the Act No. 7/2005 Coll. on bankruptcy and cooperatives and amending certain acts, the Slovak National Council adopted Act No. 309/2023 on the conversion of commercial companies and cooperatives and amending certain acts on 28 June 2023. As effective from 1 August 2023, Act No. 309/2023 introduces Article 203b, which presents the insolvency register as a public administration system containing data according to the present Act and which is managed and operated by the Ministry of Justice. The register is available on the website of the Ministry.

According to Article 203b(2), the register records data on (ii) bankruptcy, (iii) restructuring and discharge procedures, public preventive restructuring and liquidation proceedings, from initiation to completion. Provision (e) of Article 203b(2) stipulates that the register includes data on (i) liquidation procedures from the date of the court resolution appointing the liquidator until its termination. The new insolvency register will serve as a single centralised electronic system, whose

purpose is the unified and uniform management of insolvency proceedings. Before the insolvency register, there was no centralised electronic system for insolvency proceedings.

Pursuant to Article 203b(4), the electronic documents of parties, and other persons, in bankruptcy proceedings are published in the insolvency register, if events arising from or in connection with them are registered in the insolvency register, or if the electronic document contains data registered in the insolvency register. An electronic document which is delivered to the court as a competent authority in insolvency proceedings is registered and published in the insolvency register by the court, otherwise it is registered and published in the insolvency register by the administrator or liquidator.

At the same time, the register will be intended not only for the registration of the above-mentioned data and events, but also for the digitalisation of processes related to the delivery and publication of digited documents. The legal and procedural framework for the digitalisation of forced liquidation processes has also been modified. Pursuant to 203b(6), the decision of other electronic document of the court, the administrator or the liquidator shall be published in the insolvency register at the latest on the next morning day after the court, administrator or liquidator has become aware of the fact to which the publication is related (see point iv above).

In compliance with Article 206p, effective from 1 August 2023, data and events under this Act are required to be recorded and published in the Insolvency Register as of 1 January 2025. According to Article 206q(2), the insolvency register also includes data that have been published in the register of bankruptcies and in the Commercial Gazette in accordance with the rules in force until 31 December 2024. Finally, another amendment deleted Article 10a on the Register of Bankrupts, whereby the Insolvency Register fully replaces the Register of Bankrupts.

Furthermore, in line with the description of the reform, **it shall put in place an improved and harmonised insolvency framework.**

The new insolvency register, pursuant to Article 203b introduced by Act No. 309/2023, serves as a centralized electronic system, the purpose of which is the unified management of insolvency processes, in particular bankruptcy proceedings including small bankruptcy, restructuring proceedings, proceedings on discharge of debt and disqualifications, as well as public preventive restructuring as a pre-insolvency proceedings (registered) and liquidation ordered by the court as well as additional liquidation in which a liquidator was appointed by the court. By fully replacing the Register of Bankrupts, the Insolvency Register provides for an improved and harmonised insolvency framework.

Entry into force of laws which shall establish the legal framework for […] and, **where appropriate, the resolution of impending bankruptcy. - A new law on non-public financial restructuring and public preventive restructuring.**

Articles 4(1) and 4(2) of Act No. 7/2005 were amended by Act No. 111/2022. These Articles provide the definition of impending bankruptcy (or insolvency), whereby the debtor is at risk of bankruptcy if it is reasonable to assume that bankruptcy will occur within 12 calendar months. Article 4(3) mandates that the debtor is obliged to prevent bankruptcy. If the debtor is at risk of bankruptcy, he is required to take appropriate and proportionate measures to avert it without undue delay. If the debtor is at risk of bankruptcy, he/she may deal with the risk of bankruptcy by means of preventive proceedings pursuant to Act No. 111/2022.

Act No. 111/2022 on resolving impending insolvency and amending certain acts entered into force on 17 July 2022. The objective of the Act is to give debtors sufficient space for effective, efficient, rapid, and transparent preventing restructuring at an early stage when there is a risk of bankruptcy, thus preventing the debtor's insolvency, and maximising the overall value for creditors, as well as preventing the build-up of non-performing loans. Act No. 111/2022 transposed Directive (EU) 2019/1023 of the European Parliament and of the Council of 20 June 2019 on preventive restructuring frameworks, on discharge of debt and disqualifications, and on measures to increase the efficiency of procedures concerning restructuring, insolvency and discharge of debt, and amending Directive (EU) 2017/1132 on restructuring and insolvency. Act No. 111/2022 introduced a preventive procedure to resolve situations where an entrepreneur is at risk of bankruptcy, through public preventive restructuring (Articles 7 to 49) or non-public, or private, preventive restructuring (Articles 50 to 54).

Concerning public preventive restructuring, the debtor is entitled to submit an application for public preventive restructuring (Article7(1)), which must include a declaration by the debtor that all the conditions for authorising a public preventive restructuring are met. The debtor must attach to the application the draft plan and the proposal annexes (Article 7(2)). According to Article 36, the descriptive part of the public plan should contain detailed characteristics of the debtor's principal business and a detailed description of the debtor's economic situation, in particular why there is a risk of bankruptcy, when the risk of bankruptcy occurred, including an indication of the extent of the difficulties. According to Article 10(1), the preventive restructuring needs to be authorised by the court if the debtor is in an imminent insolvency situation and there is no other obstacle provided for by this Act. Pursuant to Article 11(1), the court is required to authorise public preventive restructuring within ten days of receipt of the application. Article 15 establishes the reasons behind the termination of public preventive restructuring. Articles 41-49 regulate the approval, the confirmation, the binding nature and the cancellation of the public plan.

Concerning non-public preventive restructuring, Article 50 stipulates that a debtor who is threatened with insolvency and who is not affected by the declaration of bankruptcy, or the opening of restructuring proceedings may agree a non-public plan in a non-public preventive restructuring with one or more creditors. This is subject to supervision by the National Bank of Slovakia. As stipulated by Article 51, the debtor is required to notify the competent court of the opening of the

non-public preventing restructuring proceedings if the creditors agree to do so in accordance with Article 50.

Act No. 111/2022 also protects debtors through the concept of temporary protection (Articles 17-22), which provides time for effective restructuring and the achievement of the objective pursued by public preventive restructuring.

[The legal framework] includes the introduction of early warning tools.

Early warning tools are regulated by Act No. 7/2005, which was amended by Act No. 111/2022 and entered into force as of 17 July 2022. Pursuant to Article 4a(1), the debtor is obliged to continuously monitor his financial position as well as the condition of his assets and liabilities in a way that enables him to become aware in good time of the imminent insolvency and to take appropriate and proportionate measures to prevent it without undue delay. Moreover, if a debtor is included in the list of debtors, according to special regulations, this might signal that the debtor may be at risk of bankruptcy and the debtor is obliged to assess whether he is at risk of bankruptcy (Article 4a(2)). According to Article4a(3), if the debtor's statutory body does not have sufficient expertise or professional knowledge, it is obliged to seek the assistance of an expert to assess whether the debtor is at risk of bankruptcy and what measures need to be taken to resolve the impending bankruptcy. Article 4a(4) stipulates that the statutory body of a debtor who has become aware or, having regard to all the circumstances, who could have known that the debtor is in danger of bankruptcy, is required to do everything that another person exercising reasonable care in a similar situation would have done to overcome it. Finally, in compliance with Article 4a(5), during an impending bankruptcy, the statutory body of the debtor is required to consider the common interests of creditors, including employees and their representatives, partners, and other persons likely to be affected by the situation.

Article 63 of Act No. 111/2022, following consultation between the Ministries of Finance and Justice as part of the transposition of the Restructuring and Insolvency Directive (EU) 2019/1023, introduced an obligation for the Ministry of Finance. Specifically, the Ministry is required to publish on its website practical guidelines for drawing up a public plan to deal with the impending decline of small- and medium-sized enterprises and details of consultancy services and how they can be used by entrepreneurs in case of impending bankruptcy. These guidelines are available on this website: https://www.mhsr.sk/podnikatelske-prostredie/podpora-podniakania/hroziaci-upadok-malych-a-strednych-podnikov. The website, updated on 29 November 2023, also includes details about consulting services and a handbook for entrepreneurs to make use of consulting services in the context of preventive restructuring.

And creates an insolvency specialisation at the level of business courts.

Act No. 111/2022 creates an insolvency specialisation at the level of business courts. Specifically, Article 56 of Act No. 111/2022 establishes that the three following district courts should normally be competent for insolvency proceedings:

a) Košice I District Court for the districts of the Košice Regional Court and the Prešov Regional Court;
b) Žilina District Court for the districts of the Žilina Regional Court, the Banská Bystrica Regional Court and the Trenčín Regional Court;
c) Nitra District Court for the Districts of the Nitra Regional Court, the Trnava Regional Court and Regional Court in Bratislava.

Article 2 of Act No. 111/2022 provides that the local competent court for proceedings under this Act is the court in whose district the debtor has their registered office. Pursuant to Article 3, the jurisdiction of the court to hear proceedings under this Act against a debtor registered in the Commercial Register is to be determined according to the debtor's registered office at the time of the submission of the application or notification of the opening of non-public preventive restructuring proceedings. According to Article 4, the court before which the proceedings under this Act are conducted is also competent for disputes arising from the special nature of those proceedings.

Furthermore, Article 196a(1) of Act No. 7/2005, amended by Act No. 150/2022 (Article 10), outlines a list of courts competent for cases under Act No. 7/2005 and Article 196a(2) outlines the courts for bankruptcy and restructuring proceedings in which an administrator is to be appointed from the section of special administrators.

Furthermore, in line with the description of the measure: **This reform shall establish unified and digitalised insolvency and restructuring procedures that improve their transparency, time and cost.**

Act No. 309/2023, amending Act No. 7/2005, introduced transparency and accessibility provisions in the Insolvency Register, by providing a centralised repository for relevant data under the applicable legislation. The Register is also expected to reduce the time and costs required for insolvency proceedings, improving the collection of data and the quality of data needed to evaluate the processes concerned. Simplification and acceleration of these processes are also expected to contribute to reducing administrative barriers.

The Ministry of Justice carried out an analysis, provided as evidence, of the effects of changing the legislative and introducing the Insolvency Register on the business environment. The analysis estimates cost savings of EUR 5.8 million per year as a result of the modified legislation (page 1). The analysis is also part of the documentation supporting the amendment to Act No. 7/2005, retrievable at this link (analyza_podnik_prostr): https://www.slov-lex.sk/legislativne-procesy/-/SK/dokumenty/LP-2022-826.

Additionally, in the context of the project on the digitalisation of insolvency proceedings, a cost benefit analysis (CBA) was carried out by the Ministry of Justice to show computations of the costs, benefits and economic return of the insolvency register. Notably, the CBA estimates that the insolvency register has the potential to reduce the average time saved by the party to the proceeding (citizen, entrepreneur) in preparing and delivering a submission from 4 to 1 hour (*tab: parametre – Agendové IS)*.

The government and parliament approve a set of laws:
Amendment to Act No 7/2005 on Bankruptcy and Restructuring,

Act No. 7/2005 has been amended by the following relevant legislative pieces:

- Act No. 111/2022 on resolving impending insolvency and amending certain acts. This Act amends Act No. 7/2005 in Article 9, with entry into force on 17 July 2022.
- Act No. 309/2023 on conversions of companies and cooperatives and amending certain acts. This Act amends Act No. 7/2005 in Article 21, with entry into force on 1 August 2023. Notably, Article 203b on the Insolvency Register was added into the Act.
- Act No. 150/2022 on amending certain acts as regards new registered offices and Court districts. This Act amends Act No. 7/2005 in Article 10, with entry into force on 1 June 2023.

Amendment to Act No 8/2005 on Administrators.

Act No. 8/2005, as amended by Act No. 111/2022, introduces, in Article 16a, a special management test for administrators to assess the experience and the professional legal and economic knowledge of the applicant, which is necessary for the proper performance of the management activity of an administrator. According to Article 2, the special administration examination, which is public, should be held before a five-member examination board, whose members and two alternates are appointed and removed by the Minister. Additionally, the chairman of the board is appointed by the Minister from the members of the board and dismissed. Additionally, in paragraph 23a, the amendment introduces prerequisites for entry in the Special Administrators section. Notably, a natural person may be included in the Special Administrators section if he/she meets the conditions for inclusion in the Trustee List, and he/she has successfully passed a special management examination. A juridical person or a foreign legal person may be included in the section of special administrators if it meets the conditions for inclusion in the Trustee List; and if at least one of its management bodies has passed the special management examination.'

Amendment to Act No 328/1991 on bankruptcy and arrangement.

The clerical error is mentioned at the beginning of the analysis. Act No. 328/1991 was only valid until 31 December 2005, being abolished and fully replaced by Act No. 7/2005.

Amendment to Act No 757/2004 on Courts

Act No. 757/2004 on courts and amending certain acts was amended by Act No. 150/2022 on amending certain acts as regards new registered offices and Court districts (Article IX). The most important elements of the amendment are two. On one side, the amendment inserts Article 3(4)(5), that provides for the specialisation of judges in the main judicial agendas, namely the civil, commercial, criminal, family and administrative justice agendas. Furthermore, the amendment inserts Article 51b, which supplements the rules for establishing the work schedules of judges in district courts and their place of work. The amendment of Act No. 757/2004 by means of Act No. 150/2022 entered into force on 1 June 2023.

Act No. 757/2004 was amended by Act No. 151/2022 on the establishment of administrative courts and amending certain acts (Article 10). The amendment of Act No. 757/2004 by means of Act No. 151/2022 entered into force on 1 June 2023.

Amendment to Act No 371/2004 on the seats and districts of the courts of the Slovak Republic

Act No. 371/2004 on the seats and districts of the courts of the Slovak Republic was amended by Act No. 150/2022 (Article 8). The main elements of the amendment include:

- the definition of seats and registered offices for district courts (Article 2),
- the definition of seats and registered offices for regional courts (Article 3),
- transitional provision on the modification of the seats and districts of the district courts (Article 18l),
- transitional provision on the establishment of the Košice Municipal Court (Article 18m),
- transitional provision on the establishment of the City Courts in Bratislava (Article 18n)

The amendment of Act No. 371/2004 by means of Act No. 150/2022 entered into force on 1 June 2023.

Act No. 371/2004 was also amended by Act No. 151/2022 (Article 9). The amendment notably adds Article 3a, on the offices and districts of the administrative courts. The amendment entered into force on 1 June 2023.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C14.M7	**Related Measure:** SK-C[C14]-R[R3]: Public procurement procedures
Name of the Milestone: Digitalisation of public procurement processes through a single electronic platform.	
Qualitative Indicator: The single electronic platform is fully operational as regards the 6 new functionalities	**Time:** Q2 2023

Context:

The objective of the measure is to simplify and accelerate public procurement procedures while ensuring proper safeguards, in compliance with EU law, and improve control by digitalising and automating the award and evaluation of contracts. The reform aims to increase transparency by setting up a single public electronic platform for the procurement process, including for below-threshold and low-value contracts. Another objective of the measure is to enhance further professionalisation of public procurement by building capacities of the Public Procurement Office.

Milestone C14.M7 concerns the digitalisation of public procurement processes, including interoperability with the information system of Central Reference Data Management (IS CSRU). Specifically, the milestone concerns the development of a single electronic platform containing 6 new functionalities.

Milestone C14. M7 is the second and the last milestone of the reform of public procurement, and it follows the completion of milestone C14. M6, related to the Reform of the Public Procurement Act.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Copy of the certificate signed by a competent authority** certifying that the IT system, including its 6 functionalities, has been completed and is operational. The certificate has been signed by the competent authority (Tempest) on 29 September 2023.
ii. **Copy of the functional requirements** for the IT system development (.xls), created by the Government Office of the Slovak Republic and part of the project documentation for the development of the single electronic platform project.

The authorities also provided:

iii. **Copy of the Acceptance protocol** which confirms the integration of the Electronic Procurement Information System (EPVO IS) into the production environment of the Central Reference Data Management Information System (CSRU IS). The Acceptance Protocol

confirms the establishment of a connection between the two platforms and ensures that the integration is functional. The integration concerns the automated acquisition of data.

iv. **Copy of a Manual** on how to navigate EPVO IS. The manual includes instructions on the following functionalities: market research for low value contracts, bids for subliminal works, supplies and services (and not only those normally available on the market), award of a contract with a criterion other than price, creation of an automatic ranking function, disclosure of low value contracts, and integration with the Central Reference Data Management Information System (IS CSRU).

v. **Copy of Act No. 343/2015** Coll. on public procurement and on amendments to certain laws, adopted on 18 November 2015 and published in the Official Journal on 3 December 2015. The amendment to the Act, as amended by Act. No. 395/2021, entered into force on 31 March 2022.

Analysis:

The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Digitalisation of public procurement processes shall be tested and fully operational […]. The single electronic platform is fully operational as regards the 6 new functionalities. Furthermore, in line with the description of the measure, **the single electronic platform shall be operational by 30 June 2023.**

The single electronic platform for public procurement (EPVO) has been developed by extending the existing eProcurement (IS EVO) and Electronic Marketplace (IS ET) systems into a single electronic platform. Article 13(1) of Act No. 343/2015 provides the legal underpinning of the development of the EPVO platform. The article defines the platform as a public administration information system that serves to ensure the placing of contracts for the supply of goods, for the execution of construction works and for the provision of services, for the registration of these contracts, as well as for the provision of related activities. As of the 31 March 2022, the platform is administered by the Government Office (Article 187k(1) of Act No. 343/2015).

While, according to Article 187k of Act No. 343/2015, the platform was established on 31 March 2022, it became operational with the 6 functionalities only on the 29 September 2023, when such functionalities were deployed to the Oracle cloud production environment, which is part of the government Cloud. The Council Implementing Decision required that the single electronic platform be fully operational as regards the 6 new functionalities by 30 June 2023. However, only by 29 September 2023 all functionalities had been deployed to the platform, rendering the platform fully operational. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the delay between the actual deployment of the 6 functionalities (29 September 2023), and the date by which the platform should have been operational (30 June 2023), is considered both limited and proportional. The single electronic platform itself, without the 6

specific functionalities was operational before 30 June 2023, yet the functionalities were deployed to the cloud environment only gradually. The slight delay in the deployment date of functionalities to the Oracle cloud production environment did not affect the achievement of a functional electronic platform for public procurement. Because of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The platform has been verified by the Acceptance Protocol from a competent authority certifying that the IT system, including its 6 functionalities, has been completed and is operational. The platform is publicly accessible on the website of the government office through a single access point at this link: https://www.isepvo.sk/.

While the six functionalities, including the interoperability with the information systems Central Reference Data Management, were described in a manual (part of the accompanying evidence), the European Commission performed an online on-the-spot check on the 31 January 2024 to test the platform. This was done to obtain sufficient assurance that the platform is operational and that all constitutive elements of the milestone, especially as regards the various functionalities, are fulfilled. The on-the-spot check was finalised successfully without any issue found.

[…] including interoperability with the information system of the Central reference data management (IS CSRÚ) pursuant to Act No 305/2013 Coll. allowing for automatic completion of contracting entity data,

Act No. 305/2013, on the electronic form of exercise of the powers of public authorities and on the amendment and supplementation of certain laws (e-Government Act), regulates certain information systems for the exercise of the powers of public authorities (Article 1(a)). Article 10(2) stipulates that, in the use of reference data and basic dials, public authorities are obliged to use the process integration and data integration module in mutual electronic communication, including electronic communication in the exercise of public authority electronically. The Central Reference Data Management Information System (IS CSRÚ) is part of the process integration and data integration module. It provides automated access to data for the performance of official activities of public administration institutions and enables the sharing and exchange of data in the public administration between different organisations. The Acceptance Protocol, part of the accompanying evidence, demonstrates the integration between EPVO and IS CSRU and that it has been tested and is fully operational. The integration of EPVO into the IS CSRU allows to accelerate the entry and verification of new economic operators, and reduce the error rate when registering in the EPVO IS. When registering, the user simply needs to enter an organisation identification number (IČO) or company name, and the system will search and pre-fill all other data (for example, type of person, registered office/place of business – street, number, municipality, postal code,

country). This is shown by the Manual on pages 22-24, and was also demonstrated during the on-the-spot check with the Slovak authorities on January 31.

[…] the extension of the scope to all goods and services.

The EPVO streamlines and standardises procurement processes for all types of goods and services across all contracts. On the platform, the contracting authority has the possibility to launch the procurement process for all goods and services, therefore including for above-threshold, below-threshold and low value contracts. Article 13(1) of Act No. 343/2015 establishes that the Electronic Platform is designed to ensure the procedure for the award of a public contract of goods, execution of construction works and the provision of services. Additionally, according to Article 13(2)(b), the platform is divided into sections related to the offers of goods, construction works and services.

Features

- **Submission of below-threshold works, supplies and services not only those normally available on the market.**

The single electronic platform for public procurement allows for the award of contracts for all goods, services and construction works, regardless of the contract threshold, and not only for those normally available on the market.

Under the simplified procedure for orders for commonly available goods and services (Articles 109-111a), offers for commonly available goods and services can be published on the electronic platform by registered bidders (Art. 109(2)). On the other hand, according to Article 113(1) of Act No. 343/2015, which outlines the normal procedure for below-threshold contracts, the public contracting authority must publish a call for tenders on the electronic platform. Additionally, according to Article 113(5), the public contracting authority prepares the tender documents and sends them for publication through the platform. Offers for bidders are also submitted using the electronic platform (Article 114(3)). Also, notices of results for below-threshold contracts are prepared by the contracting authority through the electronic platform.

The platform also allows tenders for below-threshold contracts for works, supplies and services not normally available on the market. Article 111a (simplified procedure for orders for social and other special services) prescribes that the contracting authority announces the awarding of the contract by publishing a call for tenders pursuant to Article 117(7) through the electronic platform. The list of services that Article 111a caters to is included in Annex 1 of the Act, which includes social services and other special services.

The functionality of submission of below-threshold works is detailed in the Manual for navigating EPVO IS (page 4), which was submitted as evidence and has been demonstrated during the on-the-spot check on January 31.

- **Award of a contract with a criterion other than price** and **automated ranking of tenders.**

The single electronic platform for public procurement makes it possible to evaluate the contract not only on the basis of the lowest price, but also on the basis of other criteria, for example, delivery time and warranty, as shown in the on-the-spot control. The contracting authority needs to include the name of the criterion, a brief description of it, whether the criterion is price or not, the value of the criterion, and the measurement unit. The platform allows the contracting authority to set up the contract in a way that the tender also includes a proposal to fulfil the criteria. The EPVO system allows to generate a protocol evaluating the ranking of tenders when awarding price but also non-price (qualitative) award criteria. The platform then creates a PDF file ranking all offers received based on the criteria chosen and the weights the contracting authority has assigned to them. Due to this functionality, which brings about greater transparency, improved cost-effectiveness and efficiency gains, the contracting authority does not need to manually determine the ranking of submitted tenders.

The award of a contract with a criterion other than price and the automated ranking of tenders were presented together during the on-the-spot check on the 31 of January. At the same time, these two functionalities are described in the Manual (page 10).

- **Market research for low value contracts.**

The market research functionality in the electronic platform allows the contracting authority and contractor to carry out the market investigation electronically. The market research functionality allows contracting entities and potential suppliers of goods and services to communicate, making it possible for the contracting entity to reach an unlimited number of economic operators. On the basis of the market research carried out, the contracting authority may decide whether and how to award the contract. The contracting authority can select the economic operators through the platform and send a request for a market investigation. It can do so by entering the ID of the economic operator or their name. In turn, the economic operator will then receive a request from the contracting authority. The market research functionality aims to increase transparency given that all communication is officially recorded and improve supervision of how market research is conducted. This functionality also reduces the administrative burden for the contracting authorities, as they do not have to contact economic operators separately to request a market investigation.

The market investigation created through the electronic platform can also determine the preliminary value of the contract. This can include all types of contracts, therefore also low-value contracts.

This functionality is detailed in the Manual for navigating EPVO IS (page 1) and was also demonstrated during the on-the-spot control with the Slovak authorities on the 31 of January.

- **Publication of low value contracts.**

This functionality is ensured by the integration between the electronic platform and the Public Procurement gazette, managed by the Public Procurement Office. The Public Procurement Bulletin is the single place where contracts announced by all contracting authorities are published. Low value contracts are published in the Public Procurement gazette and on the electronic procurement platform. In practice, the public contracting authority would set up the procurement contract and submit tender documents through the platform. The authority would then provide in a form all necessary information regarding the contract, indicating that it is a call for tenders for a low-value contract, if this is the case. The form is then sent for publication in the gazette. After the publication, the electronic platform reads the date of publication in the gazette and changes the status of the contract in the electronic platform as "active". At this stage, the economic operators can search and filter for all kinds of notices, therefore including low-value contracts.

According to Article 117(1) of Act No. 343/2015, in the context of low-value contracts, if the contracting authority invites multiple economics entities to submit offers, then the contracting authority must use the electronic platform and ensure equal treatment and non-discrimination. At the same time, pursuant to Article 117(6), the public contracting authority is obliged to send a call for proposals, carry out communication and award the contract through the electronic platform for contracts as long as the estimated value meets, or exceeds, certain thresholds for construction works and goods and services.

This functionality is detailed in the Manual (page 19) and has been demonstrated during the on-the-spot checks with the Slovak authorities.

- **Integration with the information system of the Central reference data management (IS CSRÚ) pursuant to Act No 305/2013 Coll**

The integration with the information system of the Central Reference Data Management (IS CSRU) has already been assessed earlier in the preliminary assessment fiche, under the part of the requirement: "*including interoperability with the information system of the Central reference data management (IS CSRÚ) pursuant to Act No 305/2013 Coll. allowing for automatic completion of contracting entity data".*

The functionality is explained in detail in the Manual (page 23) and has been demonstrated during the on-the-spot checks with the Slovak authorities.

Furthermore, in line with the measure's description, **public procurement procedures shall be simplified and shortened, control procedures improved.**

The electronic public procurement platform has not only automated the process of awarding and evaluating contracts for various goods and services but has also introduced smart forms for contract allocation. These forms consider, for example, qualitative criteria and automatically ranking tenders based on these parameters (see, for example, "award of a contract with a criterion other than price" and "automated ranking of tenders" above). In the automation process, contracting authorities have the option to establish the potential submission of tenders in structured proposals to meet specific criteria (such as the lowest price or other qualitative factors), facilitating the automated ranking of tenders during contract establishment.

Also, through this electronic platform, the contracting authority can award any contract through the platform, therefore it is not limited to a certain type of contract as for commercial systems. Having only one account on the single platform brings less administrative and electronic burden to the contracting authority. This has simplified, accelerated and streamlined the procurement process. Additionally, unlike other commercial platforms, the single electronic platform for public procurement is free of charge for all users.

Furthermore, the platform has enhanced scrutiny by enabling market research and by ensuring the possibility to carry out the entire procurement procedure through the same platform (see *Market research for low value contracts*). The platform also supports the implementation of control measures by regulatory bodies allowing them to oversee all communications directly through the platform. In the context of the initiation of proceedings for the review of actions of inspected entities, Article 173(1) prescribes that the party under control is obliged to submit complete documentation to the Office for Public Procurement. If documents are sent electronically, they are considered delivered when they are accessible to the office through the electronic system within the specified timeframe (Article 173(2)). Such electronic documents should include audit records (or logs) of all actions taken. Therefore, through the electronic platform, transparency and control procedures are improved. By keeping a log of all communications during the procurement process, the platform allows control authorities to have full access to contracts and all relevant documentation.

The on-the-spot check has verified that the public procurement procedures have been simplified and shortened and that control procured have improved.

Furthermore, in line with the description of the measure**, transparency [is] increased in particular by setting up a single, public electronic platform for the entire procurement process, including for below-threshold and low-value contracts.**

Through the single electronic platform, the user has access to all their electronically stored documents, including the minutes of the opening of tenders, the minutes of the evaluation of the contract, the contract award notice or the drawing up of a reference. All documents and communications between the contracting authority and candidates/tenderers are archived within the legal time limits, with a minimum retention period of 10 years. At the same time, objections, requests for redress or contradictions are open in the context of the review procedures, leading to a high level of transparency.

Furthermore, increased transparency has also been achieved through the implementation of functionalities for the publication of low value contracts and the automatic ranking of tenders (see requirements above: *publication of low value contracts* and *automated ranking of tenders*).

Improving the transparency of the public procurement process through a single electronic platform is also ensured by logging (i.e. the creation of a secure protocol on the steps taken by the user, available for possible future audit of the procedure) of all communications during the procurement process and by allowing control authorities to have full access to contracts and all documents relating to contracts.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: **C15.M2**	**Related Measure**: SK-C[C15]-R[R1]: Reorganising the judicial map
Name of the Milestone: The introduction of the new court network	
Qualitative Indicator: The reorganized court network is operational	T**ime**: Q1 2023

Context:

The reform aims to improve the efficiency and quality of the judiciary by reorganising and streamlining the system of courts, thereby allowing for a greater specialisation of judges in criminal, civil, commercial, or family justice. The new, reorganised network comprises first instance administrative and ordinary (district) courts (including municipal courts), appeal (regional) courts, and a Supreme Administrative Court. The overall objective is to improve the effectiveness of the judicial system.

Milestone C15.M2 requires that the transition of the administration of justice to a smaller number of courts is completed and judges are designated to a specialisation (among civil, family, criminal and commercial law) in at least three court agendas in each new judicial district. The new network of first instance ordinary and administrative courts, the ordinary courts of appeal and the Supreme Administrative Court of the Slovak Republic are required to be established and operational by Q1 2023.

Milestone C15.M2 is the second and final milestone under this reform. The milestone follows C15.M1, which was assessed under the first payment request, and that covered the entry into force of legislation defining the new system of courts.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.
ii. **Annex 1 – Indicative overview of the number of specialised judges** per court agenda in each new judicial district/court under the new court network (drawn up on 27 October 2023, presenting the specific situation on 1 October 2023). Based on this overview table, authorities provided further primary evidence, notably the work schedules included in Annex 3.
iii. **Annex 2 – Certificate of the Minister of Justice** of 18 October 2023 stating that the new network is operational, in line with the requirements laid out in the description of milestone M15.2.
iv. **Annex 4 – Copy of Act No. 398/2022** of 10 November 2022 amending Act No. 150/2022 (amending certain laws in relation to new court seats and districts and amending certain other laws), published in the Official Journal on 29 November 2022 (https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2022/398/).

The authorities also provided:

v. **Annex 3 – Overview document** of the Ministry of Justice of 14 June 2024 on the new network of ordinary and administrative courts, including links to the web pages of the individual courts with the work schedules and court decisions.

vi. **Annex 5b – explanatory document** of 11 June 2024 with further explanations on the work schedules.

vii. **Annex 5c – Copy of Decree No. 543/2005** of 11 November 2005 of the Ministry of Justice on the Code of Administrative and Office for District Courts, Regional Courts, Special Courts and Military Courts.

viii. **Annex 6 – Explanatory document** of 11 June 2024 on the specialisation judges

ix. **Annex 5a – Explanatory document** of 27 February 2024 on the legislation regulating the operationalisation of the court network and the specialisation.

x. **Annex 7 – Further explanatory document** of 14 June 2024 on the specialisation of judges.

xi. **Annex 8 – Statistical document** of 14 June 2024 on the specialisation of judges.

xii. **Copy of Instruction No. 19/2022** of the Ministry of Justice of the Slovak Republic of 26 August 2022 on the implementation of the reform of the judicial map.

xiii. **Copy of Instruction No. 27/2022** of the Ministry of Justice of the Slovak Republic of 16 November 2022, **amending Instruction No. 19/2022** on the implementation of the reform of the judicial map.

xiv. **Copy of Letter of the Slovak Minister of Justice**, determining a binding breakdown of the number of posts in administrative courts in the Administrative Court in Bratislava as of 1 June 2023.

xv. **Copy of Letter of the Slovak Minister of Justice**, determining a binding breakdown of the number of posts in administrative courts in the Administrative Court of Banská Bystrica as of 1 June 2023.

xvi. **Copy of Letter of the Slovak Minister of Justice**, determining a binding breakdown of the number of posts in administrative courts in the Administrative Court in Košice as of 1 June 2023.

xvii. **Copy of appointment letter** by the Slovak Minister of Justice of 9 May 2023 for the president of the newly established Administrative Court in Bratislava.

xviii. **Copy of appointment letter** by the Slovak Minister of Justice of 8 December 2022 for the president of the newly established Administrative Court of Banská Bystrica.

xix. **Copy of appointment letter** by the Slovak Minister of Justice of 6 March 2023 for the president of the newly established Administrative Court in Košice.

Analysis:

The justification and substantiating evidence provided by the Slovakia authorities covers all constitutive elements of the milestone.

Reorganized court network is operational. The transition of the administration of justice to a smaller number of courts is completed […]. Furthermore, in line with the description of the measure, the transition of the judiciary system to a smaller number of courts and with specialised judges shall be completed […].

The transition of the administration of justice to a smaller number of courts began under milestone SK-C[C15]-R[R1]-M[C15.1] through the definition of the new judicial map under the first payment request, linked to the same reform. The Slovak authorities provided web pages of each of the courts in Annex 3, which contain the contact information and office hours of the court registry, the list of judges and work schedules with the main specialisation of judges and organisational aspects, as well as information regarding court presidents and vice-presidents, and hearings and decisions by the courts. The information on the web pages confirms that the courts have been operational as of 1 June 2023. In addition, Annex 3 consists of a detailed overview of the new functional network of ordinary and administrative courts under the new network, with their locations and the statutory body or president of the respective courts. Drawn up on 14 June 2024, the overview represents the situation on 1 June 2023. The websites of the courts with the operational information confirms the information provided in the overview.

In line with the requirements, the judiciary system has transitioned to a smaller number of courts and with specialised judges. The previous system consisted of 54 district courts and 8 regional courts, with the latter functioning both as first instance courts for administrative cases and as appeal courts for the other court agendas. The new system consists of 36 district or municipal courts, 8 regional courts, and 3 administrative courts, all with more clearly defined tasks (e.g. delineation between first instance and appeal courts, or competences in specific areas of cases such as tax, public procurement, labour disputes, etc.) and increased specialisation of judges (see further below). Both under the previous and the new system, this is complemented with the Supreme Administrative Court, which functions as the appeal court (and which was also set up as part of milestone SK-C[C15]-R[R1]-M[C15.1]), and the Specialised Criminal Court (which already existed).

The three newly established *administrative courts* of Bratislava, Banská Bystrica and Košice started to carry out the decision-making activity as of 1 June 2023. To confirm that they were in fact operational by that date, Slovakia provided i) formal appointment letters of the Minister of Justice of the presidents of the courts, and ii) formal letters determining a binding breakdown of the number of the employee posts in the courts as of 1 June 2023. In addition, this is also demonstrated by the information provided on the web pages of the courts, including specific information with the hearings of and the decisions taken by the courts, as well as the work schedules (see also further below). The network of administrative courts is overall governed by Act No. 151/2022 on the establishment of administrative courts and amending certain acts, which was assessed under SK-C[C15]-R[R1]-M[C15.1].

The courts of the new ordinary network (*the first instance district and municipal courts, as well as the regional courts*) started carrying out their decision-making activity as of 1 June 2023. This is demonstrated by the information provided on the web pages of the courts, including specific information with the hearings of and the decisions taken by the courts, as well as the work schedules (see also further below). The *Supreme Administrative Court* started its activities on 1 August 2021, which is demonstrated by the information available on its web page, including the work schedules that lead back to 2021 as well as the decisions taken by the court, starting in 2021.

The overview of the new court network (Annex 3) further clarifies the new setup. The declaration of the Minister of Justice (certificate of the competent authority, Annex 2) explains that the new court network was established by Act No. 150/2022 and Act No. 151/2022. The entry into force of these Acts was assessed under milestone SK-C[C15]-R[R1]-M[C15.1] under the first payment request. This declaration also states that the new court network has become fully operational on 1 June 2023.

To further confirm and demonstrate the setup of the new system, the Slovak authorities also provided Instruction No. 19/2022 of the Ministry of Justice of 26 August 2022 on the implementation of the reform of the judicial map, modified by Instruction No. 27/2022 of 16 November 2022. These Instructions lay down transitional measures for the transfer of the administration of justice and cases to the new court network and specify the competent courts for the various court agendas and cases during the transitional period until 1 June 2023.

The Council Implementing Decision requires that the transition of the judiciary system to a smaller number of courts and with specialised judges shall be completed by 31 March 2023. The completion of the transition of the judiciary system took place on 1 June 2023. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the delay in completion of the transition of the judiciary system to a smaller number of courts and with specialised judges from 1 January 2023 (which was the envisaged date according to the initial legislation linked to the reform) to 1 June 2023 has been explained by the Slovak authorities as the result of staff shortages and technical complexity of the transition. It has been remedied by amending the relevant legislation to postpone the start of the operations of the new network and various technical measures, including abovementioned Instruction No. 19/2022 and Instruction No. 27/2022. The delay between the envisaged deadline and the actual full operationalisation of the new network is analysed further below. The reform was completed at the time of the assessment, and adequate transitional measures were taken to address the situation. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Judges have been designated to a specialisation (among civil, family, criminal and commercial law) in at least 3 court agendas in each new judicial district (Q1/2023).

The reform description explains that under the previous system, judges were unable to specialise to a sufficient degree, hampering efficiency and quality of court decisions. Moreover, the system's heterogeneity resulted in a lack of transparency.

For this purpose, Article 9(9) of Act No. 150/2022 on amending certain laws in relation to new seats and districts of courts, which was submitted as evidence for the legislative reform under the first payment request, introduced a new Section 50(3) to Act No. 757/2004 Coll. on courts and amending acts, stipulating that "the work schedules must respect the principle of specialisation of judges in a main court agenda".

To demonstrate the actual assignment of the judges in each district to a specific court agenda, meaning a specific area or sub-area of the law (e.g. under civil, commercial, family or criminal law), the Slovak authorities have provided the hyperlinks to the binding work schedules for each judicial district (as listed in Annex 3, see also https://www.justice.gov.sk/sudy-a-rozhodnutia/sudy?pageNum=1&size=10&sortProperty=typSudu_sk_string&sortDirection=ASC). In line with Act No. 757/2004 Coll. on courts and amending acts, these work schedules, which are regularly updated by the courts' presidents, designate each judge to a specific court agenda and

distribute the cases among the judges, taking into account, among other things, changes in staffing or the workload per agenda.

On the basis of the work schedules provided from 2023 (post-reform) and/or 2024, the Commission services verified, for each judicial district, that these work schedules list the active judges and the main judicial agendas (among civil, commercial, family, criminal law) designated to each judge. In larger courts, judges were designated to a main specialisation in one of the four judicial agendas. In smaller courts, judges are typically designated to either the civil and/or family law agenda (sometimes combined with commercial law matters, or only the criminal law agenda (sometimes combined with civil or family law matters). Specific examples were also provided to demonstrate, different from the state of play prior to the reform, that the judges in district courts were designated to one court agenda and that no new cases were assigned outside their designated specialisation (see in particular Annex 5a – Explanatory document of 27 February 2024 on the legislation regulating the operationalisation of the court network and the specialisation; and Annex 6 – Explanatory document of 11 June 2024 on the specialisation of judges). The fact that the specialisation in one court agenda is not exclusive in some cases, especially in smaller courts, is justified in particular by the need to ensure the legal principle of random allocation of cases while also preserving the day to day business continuity (to cater for e.g. absence of judges, emergency situations, or for the organisational changes in the court network in view of the transfer of cases from dissolved courts).

As explained in the assessment of milestone SK-C[C15]-R[R1]-M[C15.1] under the first payment request, for Bratislava, a special arrangement was chosen, namely that the four municipal courts all cover the same territory, but with each of them dealing with a specific court agenda (commercial, family, civil and criminal law, respectively), thereby ensuring the achievement of the specialisation objectives and/or sub-specialisation.

The Council Implementing Decision required that judges have been designated to a specialisation (among civil, family, criminal and commercial law) in at least 3 court agendas in each new judicial district (Q1/2023). The work schedules described above indicate that, beyond the specific situation of the Bratislava municipal courts, a main specialisation in at least three out of the four court agendas has been designated to judges in 30 out of the 31 judicial districts under the new court network. Only in one small judicial district (Stará Lúbovňa), a so-called ‘mixed’ specialisation was designated to the judges. Whilst this constitutes a minimal substantive deviation from the requirement of the Council Implementing Decision, this is considered both limited and proportional. The Slovak authorities have effectively addressed the situation and the objective of the reform is still achieved. The main reasons for the 'mixed’ specialisation in this district are the limited size of the district (six judges) and the need to preserve the legal principle of random allocation of cases (for judicial integrity, avoiding that only one judge is competent in a certain court agenda in a certain court district), while also preserving the day-to-day business continuity to ensure efficiency and quality of the system (see also Annex 6 and Annex 7 – Further explanatory document of 14 June 2024 on the specialisation of judges). To remedy the situation, the statutory condition of random selection (in line with Section 51(2) of Act No. 757/2004 Coll. on courts and amending acts), which applies to judicial districts and courts that cannot achieve the intended specialisation, is also applied to the Stará Lúbovňa judicial district. This means that the case can be assigned to one of at least two chambers, judges, or judicial officers. The ‘mixed specialisation’ allows that cases can still be allocated randomly; it allows for provision of emergency services in handling other cases on top of the main specialisation; and it also compensates for situations when judges are e.g. on long-term or other leave, or other staffing constraints. In the case of Stará Lúbovňa with a limited number of cases, the ‘mixed’ specialisation of the judges helps

increase the efficiency of the work process. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The new network of first instance ordinary and administrative courts, the ordinary courts of appeal and the Supreme Administrative Court of the Slovak Republic (Q1/2023) is established and operational.

The Council Implementing Decision required that the transition of the administration of justice to a smaller number of courts is completed and judges have been designated to a specialisation […] in each new judicial district by 31 March 2023, and that the new network of first instance ordinary and administrative courts, the ordinary courts of appeal and the Supreme Administrative Court of the Slovak Republic (Q1/2023) is established and operational by 31 March 2023.

All courts as part of the new network have been established and operational as of 1 June 2023, instead of 1 January 2023, which was the originally envisaged date by Slovakia. Whilst this constitutes a minimal deviation, the delay between the envisaged deadline and the actual full operationalisation of the new network is considered both limited and proportional. Moreover, the reform was completed at the time of the assessment, and adequate transitional measures were taken to address the situation.

The fact that the courts were established and operational is confirmed, among other things, by the formal appointment letters of the Minister of Justice of the presidents of the Administrative Courts and the formal letters determining a binding breakdown of the number of posts in courts as of 1 June 2023, as well as the specific information (work schedules, court decisions, etc.) available on the web pages of the individual judicial districts and the Supreme Administrative Court, as explained above.

To explain the delay in operationalisation of the revised court network and the measures taken to facilitate a smooth transition, upon request, the Slovak authorities provided as evidence Act No. 398/2022 Coll. of 10 November 2022 amending Act No. 150/2022 Coll. (amending certain laws in relation to new court seats and districts and amending certain other laws) and entering into force on 1 December 2022 (Annex 4). Act No. 398/2022 contains several Articles amending both Act No. 150/2022 Coll. and Act No. 151/2022 on the establishment of administrative courts and amending certain acts, by changing the date of entry into force for various relevant provisions to 1 June 2023. In addition, Act No. 398/2022 Coll. Contains various transitional provisions. Further technical measures were taken by the authorities to facilitate the transition, including abovementioned Instruction No. 19/2022 of the Ministry of Justice of the Slovak Republic of 26 August 2022 on the implementation of the reform of the judicial map and Instruction No. 27/ 2022 of 16 November 2022, amending Instruction No. 19/2022. Instruction No. 19/2022 lays down transitional measures, in particular the principles and procedure for the transfer of the administration of justice, the redistribution of cases, and the transfer of the court administration's casework.

By means of these Instructions as well as other measures, the Ministry created additional posts for judges and judicial staff to account for the needs of the various judicial institutions. It also ensured budgetary coverage for the activities and capacity of the institutions. To allow for more sufficient

staffing notably of the three administrative courts, it put in place statutory selection procedures that ensure this process is completed within one or two years. The Ministry also took administrative decisions with a view to regulating the workflow during the transition of the administration of justice. The authorities have explained that the new network is operational in accordance with the new composition of the network, as established in the relevant legislation, that court cases are randomly allocated in line with the new work schedules and specialisations; that courts are sufficiently staffed; and that the courts are materially and technically equipped in terms of space, budget management and operational requirements.

The Slovak authorities have explained that the delay of five months followed an internal audit of the Justice Department on the implementation of the reform. This warranted that a sufficient number of judges was in place in all courts in each specialised agenda. The internal audit of October 2022 showed that the staff situation in the administrative courts and its expected evolution would not create the appropriate conditions for the work of the administrative courts under the new network, due among others to the fact that nearly 10,000 pending court cases would be transferred from regional courts to administrative courts. Without adequate staffing, there would not be sufficient capacity on 1 January 2023. Secondly, organisational and technical arrangements for the establishment of the four city courts in Bratislava also required a longer period for proper implementation.

The declaration of the Minister of Justice (certificate of the competent authority, Annex 2) explains that the courts of the new ordinary judicial network and the administrative courts established as of 1 June 2022 start the decision-making activity from 1 June 2023. Upon request, the Commission received Act No. 398/2022 Coll. of 10 November 2022 amending Act No. 150/2022 Coll. (amending certain laws in relation to new court seats and districts and amending certain other laws) and entering into force on 1 December 2022 (Annex 4). This Act changed the date of entry into force of the various relevant Acts to 1 June 2023. Specific arrangements to change the start of operations of the Administrative Courts, as well as transitional measures, are also laid down in Instruction No. 19/2022 of the Ministry of Justice of the Slovak Republic of 26 August 2022 on the implementation of the reform of the judicial map and Instruction No. 27/ 2022 of 16 November 2022, amending Instruction No. 19/2022. Instruction No. 27/ 2022 modifies the date when the changes laid down in Instruction No. 19/2022 are to take effect from 1 January 2023 to 1 June 2023, to accommodate for the delay in implementation. Together, this allowed that the changes under the judicial reform would take effect on 1 June 2023 instead of 1 January 2023, while all other qualitative parameters of the reform were maintained.

The situation was remedied by the amending legislation allowing for the delay in the start of the operations, as well as the technical measures described above. These allowed for more adequate functioning of the revised court network, safeguards for the continuity of justice, and a smoother implementation and start of operations. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C16.M10	**Related measure:** SK-C[C16]-R[R3]: Optimizing crisis management
Name of the Milestone: Entry into force of the optimized crisis management	
Qualitative Indicator: Entry into force of the amended act 129/2002 on the integrated rescue system	**Time:** Q1 2023

Context:

The measure aims to optimize crisis management and respective capacities and the efficient coordination of rescue services. It includes a clear definition of the roles and cooperative arrangements of the emergency response services of the integrated rescue system, the establishment of common procedures for crisis reaction, and a joint coordination mechanism. It lays out a network of Integrated Security Centres.

Milestone C16.M10 consists in the amendment and entry into force of the amended act 129/2002 on the integrated rescue system, in view of clearly defining the relationships between the emergency response services of the integrated rescue system, establishing common procedures for dealing with crisis situations, providing for joint coordination between the components, taking into account both the strategic and operational levels of crisis management, and propose a network of integrated security centres.

Milestone C16.M10 is the only milestone or target of this reform.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled.

ii. **Copy of Act No. 54/2023 Coll., amending Act No. 129/2002 on the integrated rescue system, adopted by the National Council of the Slovak Republic on 2 February 2023, partly effective from 1 April 2023, and fully effective from 1 January 2024, published** in the Official Journal (https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2023/54/20240101.html)

iii. **Copy of Act No. 129/2002 Coll., on the integrated rescue system, as amended by the Act No. 54/2023, partly effective from 1 April 2023, and fully effective from 1 January 2024,** published in the Official Journal (https://www.slov-lex.sk/pravne-predpisy/SK/ZZ/2002/129/20230401.html).

The authorities also provided:

iv. **Copy of Resolution No. 285/2023 of the Government of the Slovak Republic of 7 June 2023 adopting a Blueprint for the Organisation and Development of an Integrated Rescue system by 2027**, published on the website of the Ministry of interior (https://rokovania.gov.sk/RVL/Resolution/20908/1).

v. **Copy of the Blueprint for the Organisation and Development of an Integrated Rescue system by 2027,** published on the website of the Ministry of interior https://rokovania.gov.sk/RVL/Material/28134/1)

vi. **Copy of the common procedures/operation plans for recurrent types of crisis,** adopted by the basic rescue services and the crisis management section of the Ministry of interior on 28 July 2023, related to: large-scale traffic accidents (1), chemical hazardous substance evasion (2), high profile incident (3), snow calamity (4), suspected danger to life and health through use biological agents (5), wind storm (6), flood (7), lack of drinking water (8), landslide (9).

Analysis:

The justification and substantiating evidence provided by the Slovak authorities cover all constitutive elements of the milestone.

Entry into force of amended Act 129/2002 on the integrated rescue system by Q1 2023.

The Act No. 129/2002 on the Integrated Rescue System (ISS) was amended through Act No. 54/2023 (evidence document No ii, hereunder named as "the Act"). The ISS is a key tool for the State to provide assistance in distress and to deal with emergencies, through a coordinated intervention of the rescue services, which include the Ministries, the local authorities, and legal persons and natural persons dealing with emergencies and incidents.

The Council Implementing Decision required that the amended Act 129/2002 on the integrated rescue system should enter into force by Q1 2023. As set out in its Article II, the amended Act No. 129/2002 Coll. entered into force on 1 April 2023, with the exception of Article I(13) which enters into force on 1 January 2024. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the Act entered into force on 1st April 2023, reportedly due to the fact that the adoption procedure was longer than expected. Article I(13) entered into force on 1 January 2024. It provides that the ambulance operators will not work anymore under the authority of coordination centre of the integrated rescue system attached to the Ministry of Health, but will be transferred to the ambulance operational centers under the authority of the Ministry of interior, working under a uniform methodological guidance. The later entry into force of this provision is justified by the necessary recruitment and training of new operators in the coordination of integrated rescue system, to ensure that the new ambulance is operational and the provision of Article I(13) is actually enforced. As of this, this minimal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

The concept of optimizing crisis management shall clearly define the relationships between the emergency response services of the integrated rescue system.

The Act clarifies and centralises the competences as regards the crisis management.

The Ministry of the Interior holds a strengthened strategic and coordination role with new responsibilities (Article 1(4)(l) to (n) of Act No. 54/2023). Specifically, one of its department becomes a unique central body of the State administration, tasked with: 1) the setting of the technical requirements and operational conditions for the integrated security centres (see point 3 below); 2) the drawing up of joint action plans for the crisis management in cooperation with the Ministry of Health, other state administration bodies and the rescue services of the integrated rescue system and the approval of assistance plans; 3) the preparation of common procedures of the rescue services; 4) the carrying out of training for the rescue services and their certification, as well as the awareness raising activities.

Article 1(5) of the Act strengthens the role of the Ministry of Health in the preparation and preparation phase of the joint plans, and in the procedures for joint management of emergencies, such as the road accidents.

The police forces are included among the essential rescue services (Article 1(19) of the Act), with interventions included in the operational command system to deal with the consequences of incidents such as, in particular, natural disasters, spills of dangerous substances, explosions, high profile incidents and breaches of security and public order.

The local government and self-government authorities and other rescue services are included in the joint coordination (Article 1(8) of the Act), at strategic and operational levels of crisis management.

The Slovak Environmental Inspectorate is identified under the "other rescue services" of the integrated rescue system (Article 1(22) of the Act), to strengthen the protection of the environment in the integrated rescue system and the implementation of joint action plans.

Finally, a new mechanism is established by the Ministry of interior for the accreditation of other entities (legal and natural persons) who have the object of protecting life, health, property or the environment and emergency assistance (voluntary and civil society organisations, volunteer firefighters, mountain rescuers…), as a condition to be integrated to the emergency response services (Article 1(40)(16b) to(16d) of the Act). This new accreditation system is meant to ensure their level of preparedness and quality of the services provided and ensure uniform criteria for joint intervention.

A joint coordination between the components is provided, taking into account both the strategic and operational levels of crisis management. Furthermore, in line with the description of the measure, **this reform shall optimise crisis management and respective capacities and the efficient coordination of rescue services.**

The amendment to the Act codified for the first time a coordination of the rescue services at three levels of governance (Article 1(2) of the Act): the strategic, operating and tactical ones, respectively under the management of the Ministry of the Interior, the relevant focal point or Integrated Security Centre where the focal point is deployed, and the intervention commander.

The strategic level (Article 4 of the Act No. 129/2002 Coll.,) is applied in case of major emergencies or large-scale crisis (such as floods in two districts, etc.). The actors involved are the crisis management bodies in the Ministries and their district offices (in particular the Ministries of Interior and Environment), and the rescue services at State and municipalities' levels. The coordination of emergency response services takes place in the form of meetings of the crisis crews of a municipality, a district or a region or a district security council. In the case of particularly large emergencies in which it is necessary to coordinate, the Crisis Management Section of the Ministry of the Interior and its secretariat commits and coordinates the individual ministries for the rescue works, the supplies of forces and assets, and the deployment of the rescue services of the integrated rescue system.

Emergency situations are addressed at operating and tactical levels:

1) The operational level (Article 5 of the Act No. 129/2002 Coll.,) is applied following a receipt and evaluation of a report on the state of emergency or incident; the forces and assets are mobilized at district or country level as appropriate. The construction and operationalization of integrated security centers will provide major operational means at operational level (see related section below).

The tactical level (Article 12 of the Act No. 129/2002 Coll.) refers to the direct resolution of a state of emergency or incident on site. The Act (Section 12(1)) introduces for the first time an intervention command by the police. An 'intervention commander' coordinates and directs the intervention of the other rescue services, without interfering in their own competences.

A network of integrated security centers is proposed.

The Act sets up the network of Integrated Security Centers (Article 1(1), Article 1(14) of the Act No. 54/2023 Coll. which comprises a set of regional service hubs with focal points, for the territorial prevention, preparedness and management in the event of threats, emergencies and crisis situations.

The centers interconnect the regional directorates of the services of crisis management (crisis staff and security councils) and of the civil protection (police, firefighters, medical personnel etc), at operational and tactical levels. For each centre, spatial and technical arrangements will be established for the joint interventions in the event of threats, incidents, expert deliberations or training. They constitute crisis management areas at operational and tactical level, and will provide premises and information-executive security for crisis headquarters and regional security councils. The centres will work in cooperation with self-governments and local actors.

The network of integrated security centres is defined in the Action Plan (evidence document No v, pages 1-2). The centers will be deployed in each of the regional city of Slovakia. The first three centers will be based in Banská Bystrica, Košice and Nitra, two of them with the support of the RRF (as per the following target C16.T11 due by 2Q 2026).

Common procedures for dealing with crisis situations are established. Furthermore, in line with the description of the measure, **this reform shall optimise crisis management and respective capacities and the efficient coordination of rescue services.**

The common procedures of the rescue services of the integrated rescue system are reformed by the Act, which sets out provisions as regards their development, harmonisation and mutual approval between rescue services in joint procedures plans (Article 2(2)(h), 4(j) and 4a(c) of the Act No. 129/2002 Coll.).

They are developed and agreed upon by rescue services to deal with the most common crisis situations. They consist in operational plans specifying the actions to be developed at the strategic, operational and tactical levels of governance and codifying the procedures for joint operations by the rescue service for frequent incidents and emergency situations, such as: large-scale traffic accident, landslides, lack of drinking water, flood, wind storm, snow calamity, suspected danger to life and health from biological agents, high profile incidents and chemical hazardous substance invasions etc (evidence document No vi).

Commission Preliminary Assessment: Satisfactorily fulfilled

Number: C18.M1	**Related Measure:** SK-C[C18]-R[R1]: Improving the sustainability of the pension system
Name of the Milestone: Pension system reform	
Qualitative Indicator: Entry into force of the package of amendments (No 461/2003 Coll. on social insurance and No 43/2004 Coll. on old-age pension savings)	**Time:** Q1 2023

Context:

The objective of the reform is to improve the long-term fiscal sustainability of pension system by linking the retirement age to life expectancy, while ensuring entitlement to an actuarially neutral benefit after a minimum number of years worked. The efficiency of savings in the second pillar should be increased by introducing a new life-cycle based savings strategy in the second pension pillar, with an opt-out option. Transparency of the pension system should be increased by providing more regular information to people.

Milestone C18.M1 requires entry into force of the package (Social Insurance Act and Old-Age Pension Savings Act) by the end of Q4 2022 with effect from Q1 2023, which aims at improving the long-term financial sustainability of the pension system. The milestone consists of i) linking increases in retirement age to increasing life expectancy, ii) introducing an entitlement to actuarially neutral benefits from the first pay-as-you-go pension pillar for persons after a statutory minimum number of years of service, iii) introducing a default savings strategy based on the lifecycle principle for new and progressively existing savers in Pillar II (with the possibility of rejecting this default strategy).

Milestone C18.M1 is the only milestone of the reform C18.R1.

Evidence provided:

In line with the verification mechanism set out in the Operational Arrangements, the following evidence was provided:

i. **Summary document** duly justifying how the milestone (including all the constitutive elements) was satisfactorily fulfilled;
ii. **Copy of the Act No. 461/2003 Coll. on social insurance (consolidated version, as valid on 15 May 2024), following consecutive amendments to this law**:
    - **Link to online version of Act no. 352/2022 Coll. amending the Act no. 461/2003 Coll., as adopted on 5 October 2022**, documenting the changes made to the law, namely (i) the link between the retirement age and the increase in life expectancy and (ii) the introduction of an actuarially neutral benefit after 40 years of service. As per Article 5 of the Act, the related legislative provisions entered into force by 1 January 2023.

- **Link to online version of the Act no. 87/2024 Coll. amending the Act no. 461/2003 Coll. adopted on 18 April 2024.** As per Article 8 of the Act, the related legislative provisions entered into force on 15 May 2024.
- **Link to online version of the Act no. 210/2023 Coll. amending the Act no. 461/2003, adopted on 23 May 2023**, establishing the obligation for the Social Insurance Agency to send the pension forecast to persons for the first time in year 2026. The related legislative provisions entered into force on 1 January 2024.

iii. **Copy of the** Act No. **399/2022 Coll. amending the Act No 43/2004 Coll. on old-age pension savings, adopted on 8 November 2022, introducing a default life-cycle investment strategy** for new and selected groups of existing savers in Pillar II (with the possibility of rejecting this default strategy). The key amendments of legislative articles related to the pension reform (introducing a life-cycle investment strategy), in line with the Council Implementing Decision, entered into force on 1 January 2023 (articles no. 92, 123(be), 123(bf), 123(bg), 123(bh)).

The authorities also provided:

iv. **The initial impact assessment study prepared by the Ministry of Finance of the Slovak Republic, provided on 24 October 2023,** measuring the impacts of approved changes within the pension reform on the long-term sustainability of public finances adopted by the National Council of the Slovak Republic up to and including 30 June 2023.

v. **Document "Summary of legislative amendments",** providing an overview of legislative changes approved by the National Council of the Slovak Republic, document from 7 May 2024.

vi. **Updated impact assessment study prepared by the Ministry of Finance of the Slovak Republic, provided to the Commission services on 7 May 2024,** including the impacts of changes to the pension system adopted by the National Council of the Slovak Republic between 30 June 2023 and 18 April 2024. These changes namely include: the (i) permanent reduction of the contribution rate towards 2nd (private) pension pillar from 5.5% to 4.0% from 2024 (Act no. 530/2023 adopted by the National Council of the Slovak Republic on 19 December 2023, and in force as from 1 January 2024); (ii) introduction of permanent 13th pension in the amount of the average individual's monthly pension payment for the previous calendar year (the Act no. 87/2024 adopted by the National Council of the Slovak Republic on 18 April 2024, in force as from 1 July 2024). The updated impact assessment includes also legislative amendments adopted to counterbalance the negative effects of some earlier measures ("compensation measures", in particular the introduction of permanent 13th pension) on the long-term sustainability of public finances, namely (iii) linking the threshold for entitlement to early retirement to life expectancy (Act no. 87/2024 adopted by the National Council of the Slovak Republic on 18 April 2024, with relevant provisions in force as from 15 May 2024).; (iv) harmonisation of a reduction rate for early retirements at a more prudent level of 0.5% (the Act no. 87/2024 adopted by the National Council of the Slovak Republic on 18 April 2024, with relevant provisions in force as from 15 May 2024).

Analysis:
The justification and substantiating evidence provided by the Slovak authorities covers all constitutive elements of the milestone.

Entry into force of the package of amendments (No 461/2003 Coll. on social insurance) by the end of Q4 2022 with effect from Q1 2023 […]

In line with the Council Implementing Decision, the National Council of the Slovak Republic adopted two amendments to the Act No. 461/2003 Coll. on social insurance (hereinafter referred to as "Social Insurance Act´"), on 5 October 2022 (Act No. 352/2022) and 18 April 2024 (Act No. 87/2024), respectively.

A significant part of the pension reform requirements was delivered by adoption of the Act No. 352/2022 amending the Act No. 461/2003 Coll., with relevant provisions entering into force on 1 January 2023 (establishing the link between the retirement age and the increase in life expectancy and the introduction of an actuarially neutral benefit after 40 years of service). As per Article 5 of the Act 352/2022, the Article 293(fz) entered into force on 1 February 2023, including transitional provisions in the area of penalties for delayed social insurance payments.

The Act No. 87/2024 Coll. adopted on 18 April 2024 further amended the Social Insurance Act No 461/2003 Coll. It introduced measures compensating the negative impact of the new 13th pension on the long-term sustainability of public finances. As per Article 9 of the Act No. 87/2024 Coll., the relevant provisions, in line with CID annex, (Articles 60(10), 67 (1b) (2b) (9) (10), 68 (1) (4) (7), 69a, 75 (3), 77 (3) and 293gf) entered into force on 15 May 2024. Furthermore, new provisions of the Act no. 461/2003, as amended by the Act No 210/2023 Coll. (adopted on 23 May 2023) on the pension forecast and that established the obligation for the Social Insurance Agency to send the pension forecast to persons for the first time in year 2026 (in particular articles 293(gd), 226(b), 233(18)), entered into force on 1 January 2024.

The Council Implementing Decision required the entry into force of the package of amendments (No 461/2003 Coll. on social insurance) by the end of Q4 2022 with effect from Q1 2023. Following the entry into effect of Act No. 87/2024 on 15 May 2024, the final part of the package of amendments had entered into effect. Whilst this constitutes a minimal deviation from the requirement of the Council Implementing Decision, the adoption procedure was delayed, in particular as the Slovak authorities were introducing in Q2 2024 the measures compensating the negative impact of the new permanent 13th pension on the long-term sustainability of public finances. Following this, the whole package of amendments has entered into effect. As of this, this minimal temporal deviation does not change the nature of the measure and does not affect the progress towards achieving the reform that the milestone represents. On this basis, it is considered that this constitutive element of the milestone is satisfactorily fulfilled.

Entry into force of the package of amendments (No 43/2004 Coll. on old-age pension savings) by the end of Q4 2022 with effect from Q1 2023 […]

In line with the Council Implementing Decision, on 8 November 2022, the National Council of the Slovak Republic approved Act No. 399/2022 amending Act No. 43/2004 Coll. on old-age pension savings. According to the Article 4 of the Act No. 399/2022, the key amendments of legislative provisions relevant for the pension reform, in line with the Council Implementing Decision, entered into force on 1 January 2023 (Articles no. 123(be), 123(bf), 123(bg), 123(bh)).

[…] which is expected to improve the long-term financial sustainability of the pension system, namely by 1) linking increases in retirement age to increasing life expectancy. In line with the measure description, **it shall also abolish retirement age caps.**

The Act no. 352/2022 Coll., amending the Act no. 461/2003 Coll. on social insurance, links the retirement age to life expectancy and abolishes the retirement "age caps".

- Article 65 of the amended Social Insurance Act constitutes a change to the basic legal framework for determining retirement age. The unadjusted general statutory retirement age for persons born in 1967 and after is determined for the relevant year according to the formula given in Annex 3c, which links the general retirement age to life expectancy.

- According to Article 65 of the Social Insurance Act, the retirement age of an individual shall be set as a general retirement age, which is reduced when having raised a child. In this context, for women who have raised a child, the retirement age will continue to be reduced by 6 months for each child, but by a maximum of 18 months (that applies to women who have raised three or more children). If the child's upbringing period cannot be taken into account for a woman when determining the retirement age, the upbringing period of a person who raised the child will be taken into account to the same extent. The statutory retirement age is established 6 years in advance. For the first time, the retirement age for persons born in 1967 will be established in 2025.

- The Article 293(fw) of the amended Social Insurance Act links the retirement age of individuals to life expectancy for persons born in 1967 and after. The retirement age of persons born before 1967 shall continue to be determined in accordance with data included in the table in Annexes 3a and 3b to the Social Insurance Act. Persons born in the same year will have the same general statutory retirement age, as indicated in the Annex 3a to the Social Insurance Act.

Furthermore, in line with the measure description, **the pension reform shall improve the long-term financial sustainability of the pension system**.

The improvement in the long-term financial sustainability of the pension system, legislated according to abovementioned provisions (amendment of the Social Insurance Act through the Act no. 352/2022 Coll.), have been assessed in the ***initial Impact Assessment Study*** submitted to the Commission on 24 October 2023 (evidence iv) . The initial Impact Assessment Study prepared by the Ministry of Finance of the Slovak Republic is based on the OECD methodology and applies 3 different assumptions to verify the robustness of the results. The projections are based on the approved demographic and macroeconomic assumptions of the European Commission used in the 2024 Aging Report and presented at the Aging Working Group meeting on 27 September 2023 as part of a peer review. The initial Impact Assessment Study concludes that the pension reform including the abovementioned measures (adopted by 30 June 2023) under pension system improve the long-term sustainability of public finances by 1.7% of GDP (measured by S2 long-term sustainability indicator, which is a standard tool for assessing the long-term sustainability). The main driver of the improvement was the linking of the retirement age to the life expectancy.

After 30 June 2023, the National Council of the Slovak Republic adopted amendments to the Social Insurance Act with additional measures impacting the long-term sustainability of public finances in Slovakia, which were not included in the initial Impact Assessment Study from 24 October 2023 (evidence iv). The new measures, namely i) permanent reduction of the contribution rate towards second (private) pension pillar from 5.5% to 4% (Article 131(2) of the Act No. 530/2023, in effect as from 1 January 2024); ii) introduction of the "permanent" 13th pension (Part 8 of the Act 87/2024, in effect as from 1 July 2024), both contributed to the deterioration of long-term sustainability of the Slovak public finances. For this reason, the National Council of the Slovak Republic adopted on 18 April 2024 (with entry into force on 15 May 2024, see evidence ii) the legislative amendment to the Social Insurance Act within the pension system to counterbalance the negative effects to the long-term sustainability of public finances. These included the (iii) linkage of the threshold for entitlement to early retirement to life expectancy instead of a fixed value of 40 years and (iv) a harmonisation of the monthly reduction rate for early retirement to a more prudent level of 0.5%.

The ***updated Impact Assessment Study,*** taking into account the pension reform, including abovementioned measures, was submitted by the Ministry of Finance to Commission services on 7 May 2024 (evidence provided vi). The results of the updated Impact Assessment Study confirm that the measures (i, ii, iii and iv, see above) improve the long-term sustainability of public finances by 0.1% of GDP (measured by S2 long-term sustainability indicator). The study therefore concludes that the amendments to the Social Insurance Act (legislated between 5 October 2022 and 18 April 2024) improve, overall, the long-term sustainability of public finances by 1.8% of GDP (measured by S2 long-term sustainability indicator).

[…] by 2) introducing an entitlement to actuarially neutral benefits from the first pay-as-you-go pension pillar for persons after a statutory minimum number of years of service.

The amendments to the Act No 461/2003 Coll. on social insurance (through Act no. 352/2022 Coll.), which entered into force on 1 January 2023, lay down an entitlement to actuarially neutral payments from the first pay-as-you-go pension pillar for persons after 40 years in service (pension insurance system).

The amendments of articles 67(1)(b) and 67(2)(b) in force from 1 January 2023 extends the previously valid possibility of entitlement to an early retirement pension at time of two years before reaching retirement age, by a new possibility of entitlement to an early retirement pension after 40 years of service or 40 years of pension insurance. Furthermore, the final adopted version of the Social Insurance Act (amended through Act no. 87/2024 Coll. from 18 April 2024 and which entered into force on 15 May 2024), evidence provided ii) links the entitlement to early retirement after 40 years of pension insurance to the change in life expectancy (similarly, as in the case of the statutory retirement age). The legislation aims, overall, at guaranteeing actuarially neutral benefits from the first pension pillar to persons who have participated in the labour market for most of their lives and have gained the statutory number of years of service. This legislation gives a right to early retirement (after 40 years of service) also for persons who did not deliver their work performance for objective reasons. The provisions (articles 67(1)(c) and 67(2)(c), as amended through Act no. 352/2022 Coll.) also increase the requirement for the minimum amount of early retirement pension, which must be higher than 1.6 times the subsistence minimum (instead of the previously required value of 1.2 times of the subsistence minimum).

In cases where the retirement age of an individual with 40 years of service (respecting also the change in life expectancy) remains undetermined six years prior to the official determination, the calculation of the early old-age pension is established as follows: the retirement age is adjusted to account for child-rearing responsibilities and is further augmented by two months for each calendar year elapsed between the individual's birth year and the most recent year of retirement age determination.

Article 68 of the Social Insurance Act (amendment through Act no. 352/2022 Coll.) establishes that the amount of the early retirement pension for persons achieving 40 years of service is reduced by 0.3% for each 30 days of early retirement pension commenced before reaching the statutory retirement age (while the reduction was set at 0.5% for persons not achieving 40 years of service). The final amendment of the Social Insurance Act from 18 April 2024 and in force as from 15 May 2024 (Act no. 87/2024 Coll., evidence provided ii) increases the reduction rate for all persons (achieving 40 years of service) from 0.3% to 0.5% for each 30 days of early retirement pension commenced before reaching the statutory retirement age. The legislation retains a possibility of an early retirement for all persons two years before reaching the statutory retirement age, with a reduction of 0.5% for each 30 days of early retirement before reaching the statutory retirement age (while respecting the requirement for the minimum amount of early retirement pension at 1.6 times of the subsistence minimum). Additionally, Article 75(3) ensures actuarial neutrality for pensions provided to widows and widowers, while an amendment to Article 77(3) has provisions for orphans.

The entitlement to actuarially neutral benefits from the first pension pillar for persons after a statutory minimum number of years of services, legislated according to abovementioned provisions, have been analysed in **the Impact Assessment Study**, in accordance with verification mechanism set out in the Operational Arrangement. The initial Impact Assessment Study (evidence provided iv) conducted by the Ministry of Finance of the Slovak Republic assessed the impact of measures adopted before 30 June 2023. The study concludes that the statutory pension reduction rate of 0.3% is at the lower bound of the rate that would ensure actuarially neutral benefits from the first pay-as-you-go pension pillar, while the actuarially neutral pension reduction rate ranges from 0.3 to 0.51%, depending on the used methodology. The updated Impact Assessment Study (evidence provided vi) assessed the impact of all the measures (including those adopted between 30 June 2023 and 18 April 2024). The updated Impact Assessment Study concludes that the statutory pension reduction rate of 0.5% is at the upper bound of the rate that would ensure actuarially neutral benefits from the first pay-as-you-go pension pillar. The study concludes that a more prudent reduction rate of 0.5%, adopted on 18 April 2024 by the legislative amendment No. 87/2024 Coll. of the Act no. 461/2003 on social insurance, can be viewed as actuarially neutral and is in line with the earlier recommendation of the Ministry of Finance and other independent institutions (National Bank of Slovakia and Council for Budgetary Responsibility of the Slovak Republic).

[…] by 3) introducing a default savings strategy based on the lifecycle principle for new and progressively existing savers in Pillar II (with the possibility of rejecting this default strategy) investing less in low-yield bonds especially for younger savers. In line with the reform description, **it shall also include an opt-out option, to increase the efficiency of savings in the second pillar.**

The milestone requirement of introducing a default life-cycle-based pension savings strategy has been addressed by the key provisions of Articles 92, 123(be), 123(bf), 123(bg), and 123(bh) of the Act No. 399/2022 Coll. amending Act No 43/2004 Coll. on old-age pension saving. The amendments impose a default savings strategy based on the lifecycle principle for new and progressively existing savers in second pillar.

According to Article 92 (of the Act No. 399/2022 Coll. amending Act No 43/2004 Coll.), the assets of new savers will be under the default investment strategy allocated in the first phase of saving in an indexed non-guaranteed pension fund exclusively, which is riskier, but has the potential to bring the person a higher expected return in the long term. After the saver reaches the established age in the default investment strategy, the share of his/her assets in the indexed non-guaranteed pension fund is reduced by four percentage points every year in favour of the bond, guaranteed fund. The established age in 2023 is 50 years and increases by one year from the year in which the retirement age (not reduced for raising a child) is reached for the first time. Separately, as from 1 January 2024, the rate of contribution to the second pension pillar has been lowered in the legislation from 5.5% to 4% of the gross wage, narrowing opportunities for savers to finance their pensions in the future (article 131(2) of the law no. 530/2023, amending the law no. 461/2003).

According to Article 92, all new savers will be automatically included in the default investment strategy. At the same time, existing savers who express their consent of the gradual transfer of assets to the default investment strategy will also be included in the default investment strategy – in line with Articles 123(be), 123(bf), 123(bg), and 123(bh). This transfer will be carried out by the pension management company gradually from July 2023 until the end of 2025 in accordance with the transfer schedule published on its website.

According to Article 92 (of the Act No. 399/2022 Coll. amending Act No 43/2004 Coll.), the default investment strategy is not mandatory, and the saver has the choice to opt-out from this strategy.

In line with the measure description, **it shall also increase transparency by regularly informing people about their expected pensions.**

Act No. 210/2023 Coll. amended several acts (including the law no. 461/2003) with the aim to improve transparency of the pension system by regularly informing people about their expected pensions. Article 226(1)(a) of the Act No 461/2003 Coll. on social insurance (see evidence ii) sets the legal framework for improving transparency and information about future pension payments from the mandatory pension system (first and second pillars). In particular, the Act No 461/2003 Coll. on social insurance was newly supplemented by the provisions on the pension forecast (Article 226(b), Article 233(18), Article 293(gd)). The amended Act No 43/2004 Coll. on old-age pension saving also unified the time of sending the pension statement as per Articles 108(1) and 66(a)(1).

Article 293(gd) of the Act no. 461/2003 (as amended by the Act No 210/2023 Coll.) establishes the obligation for the Social Insurance Agency to send the pension forecast to persons for the first time in year 2026. The pension forecast will reflect the person's pension security status for the first time in 2025. At the same time, Article 226(b)(6) of the Act no. 461/2003 establishes the obligation for the Ministry of Labour, Social Affairs and Family of the Slovak Republic to issue a generally binding legal regulation (decree), with the aim of establishing a model pension forecast, details of its content and impact of inflation on the old age pensions.

Commission Preliminary Assessment: Satisfactorily fulfilled